Attachment 1 – Updated Rule, Objective and Policies Assessment (Volume B, Appendix A and Volume B, Appendix B)

Rule Assessments

Te Kowhai East Industrial Development

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Waikato District Plan – Operative in Part

District Plan Rule Assessment			
Rule Number	**Rule Provision**	**Compliance/ Activity Status**	**Comments**
SUB – Subdivision			
SUB-R40 Prohibited Subdivision	**(1) Prohibited:** Activity Specific Standards: (a) Subdivision of land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title being located on any high class soil. (b) Exceptions to SUB-R40(1)(a) are where an additional allotment is created by any of the following rules: (i) Reserve lot subdivision (Rule SUB-R50); (ii) Access allotment or utility allotment using the rules in EIT - Energy, infrastructure and transport; (iii) Subdivision of Maaori Freehold Land (Rule SUB-R45); A boundary relocation (Rules SUB-R46 - SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rules SUB-R48 - SUB-R49), where the subdivision creates any additional allotments on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.	Prohibited	The Site comprises both pre- and post-6 December 1997 Records of Title. The proposed subdivision creates additional allotments on areas of high class soil and does not fall within the specified exceptions. SUB-R40 and/or SUB-R41 therefore apply depending on the date the relevant underlying Record of Title was issued, **resulting in a Prohibited Activity stat**us.
SUB-R41 Prohibited Subdivision	**(1) Prohibited:** Activity Specific Standards: (a) Subdivision of land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional allotment being located on any high class soil. (b) Exceptions to SUB-41(1)(a) are where an additional lot allotment is created by any of the following: (i) Reserve lot subdivision (Rule SUB-R50); (ii) Access allotment or utility allotment using the rules in EIT - Energy, infrastructure and transport (iii) Subdivision of Maori Freehold land (Rule SUB-R45);	Prohibited	

	(iv) A boundary relocation (Rules SUB-R46 - SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rules SUB-R48 - SUB-R49), where the subdivision creates any additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision. (c) Rule SUB-41(1)(a) does not apply to the following: (i) A boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rules SUB-R46 - SUB-R47); or A process other than subdivision under the Resource Management Act 1991		
SUB-R43 General Subdivision	**(1) Restricted Discretionary** Activity specific standards: (a) Subdivision must comply with all of the following standards: (i) The Record of Title to the allotment to be subdivided must have issued prior to 6 December 1997; (ii) The Record of Title to be subdivided is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 40 hectares in area; (iii) The proposed subdivision must create no more than one additional allotment, excluding an access allotment or utility allotment for every complying record of title; (iv) The additional allotment must have a proposed area of between 8,000m^2 and 1.6 ha; (v) Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment. **(2) Activity status where compliance not achieved:** Non-Complying	Non-complying	The proposed subdivision does not comply with the activity-specific standards relating to the number of additional allotments and minimum and maximum allotment areas. The Project instead provides for a comprehensive staged industrial subdivision with lot sizes and configuration governed by the proposed Development Framework. **The activity is therefore a Non-Complying Activity**.
SUB-R50 Subdivision to create a reserve	**(1) Restricted Discretionary Activity** Activity specific Standards:	Non-complying	The proposed subdivision does not comply with the activity-specific standards relating to the number of additional allotments, the prescribed minimum and maximum allotment areas, and the limitation on high



and incentive lot	(a) Subdivision to create a reserve must comply with all of the following standards: (i) The land being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional allotment in addition to the balance allotment is created, excluding any land vested in Council; (iv) The proposed additional allotment, excluding the reserve, has a minimum size of 8,000m^2. **(2) Activity status where compliance not achieved:** Non-complying		class soils within additional allotments. The Project provides for a comprehensive staged industrial subdivision, with the proposed layout creating substantially more than one additional allotment and with lot sizes and boundaries able to be refined through the consented subdivision flexibility provisions. Some proposed allotments will also contain more than 15% high class soils. **The activity is therefore a Non-Complying Activity under this rule**.
SUB-R52 Subdivision Road Frontage	**(1) Restricted Discretionary** Activity specific standards: (a) Every proposed allotment as part of the subdivision with a road boundary, other than proposed allotment containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m. **Activity status where compliance not achieved:** DIS	Discretionary	Some proposed allotments may have less than the required 60 m width along a road boundary. The subdivision therefore does not comply with this standard and **is a Discretionary Activity under this rule**.
SUB-R55 Esplanade reserves and esplanade strips	**(1) Restricted Discretionary** Activity specific standards: (a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in APP7 - Esplanade priority areas) is required to be created and vested in Council from every subdivision where the land being subdivided is: (i) Less than 4ha and located within 20m of any: (1) Mean high water springs; (2) The bank of any river whose bed has an average width of 3m or more; (3) A lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: (1) Mean high water springs; (2) A water body identified in APP7 - Esplanade priority areas. **(2) Activity status where compliance not achieved:** DIS	Not applicable	Although the Mangaheka Stream does not meet the 3 m bed-width threshold that triggers this rule, an esplanade strip is proposed along the stream corridor. Its provision is coordinated with stormwater management and maintenance access requirements.
SUB-R56 Subdivision –	**(1) Restricted Discretionary** Activity specific standards:	Discretionary	These subdivision standards are directed toward rural residential development outcomes and are not directly



building platform	(a) Subdivision, other than an access or utility allotment, must provide a building platform on every proposed allotment that meets all of the following standards: (i) A shape factor being either: (1) An area of 1,000m^2 exclusive of boundary setbacks; or (2) A circle with a diameter of at least 30m, exclusive of boundary setbacks; and (3) Containing a building platform being a circle with a diameter of at least 18m. (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform; (iv) Has vehicular access in accordance with Rule TRPT-R1 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) A residential unit could be built on as a permitted activity in accordance with Land use - building standards in the GRUZ - General rural zone. **(2) Activity status where compliance not achieved:** DIS		relevant to the proposed industrial subdivision. The Project is not intended to comply with all underlying General Rural Zone subdivision standards; instead, the subdivision layout has been designed to provide development-ready industrial lots supported by appropriate geotechnical, access, servicing and flood-management outcomes. Accordingly, compliance with all elements of this rule is not achieved and **the subdivision is a Discretionary Activity**.
GRUZ – General Rural Zone			
GRUZ-R11 Residential Activity	**(1) Permitted:** Residential Activity, unless specified below. This includes occupation of a single residential unit for short term rental.	Permitted	The proposed development framework provides for ancillary residential activities. While this rule is not directly relevant to the proposal, it is noted that residential activities are anticipated in the rural zone.
GRUZ-R12 Conservation Activity	Conservation Activity: **(1) Permitted**	Permitted	Various 'conservation activities' will be carried out as part of the Project. These activities are assessed as being permitted, pursuant to this rule.
GRUZ-R13 Childcare facility	Childcare facility: **(1) Permitted** Activity specific standards: (a) Have no more than four non-resident children. **(2) Restricted Discretionary** Where: (a) A child care facility for five or more non-resident children, which is not in an Urban Expansion Area.	Restricted Discretionary	The development framework provides for a childcare facility, however not directly reflective of the small scale childcare centres provided for in the Rural Zone as per this rule. Based on the existing zoning, a childcare facility as proposed would require consent as a **Restricted Discretionary Activity within the zone.**
GRUZ-R23 Construction, demolition,	**(1) Permitted** Construction, demolition, addition and alteration of a building or structure	Permitted	Demolition of the existing farm buildings and dwellings on the site is permitted.

addition, and alteration of a building or structure			
GRUZ-R37 Community facility	**(1) Restricted Discretionary** a) Community facility	Restricted Discretionary	The development framework provides for community facilities, **which are classified as a Restricted Discretionary Activity as per this rule**.
GRUZ-R48 Transport depot	**(1) Discretionary** Transport depot	Discretionary	The development framework provides for transport depot activities as per the definition in the Waikato District Plan, **which are classified as a Discretionary Activity as per this rule**.
GRUZ-R50 Dog and cat boarding	**(1) Discretionary** A dog or cat boarding, daycare, breeding or animal training establishment	Discretionary	The development framework provides for dog and cat boarding etc, which would be a **Discretionary Activity** within the Rural Zone.
GRUZ-R59 Industrial Activity	**(1) Non-complying** Industrial activity, excluding a rural industrial activity	Non-complying	The industrial development framework sought in this application is a **non-complying activity** within the Rural Zone.
GRUZ-R60 Commercial Activity	**(1) Non-complying** Commercial activity, excluding a produce stall or rural commercial activity	Non-complying	Commercial activities are provided for in the development framework, which would be **a non complying activity** in the Rural Zone.
GRUZ-R61 Other activities	**(1) Non-complying** Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity	Non-complying	Any other activities proposed that are not specifically listed, would be classified as a **non-complying activity** as per this rule.
GRUZ-S1 Number of Residential Units	**(1) Permitted** Where: (a) One residential unit within a Record of Title containing an area less than 40ha; (b) Within a lot and/or Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units; (c) One seasonal worker accommodation shall be located within a Record of Title containing an area of 1ha or more (this is in addition to the residential unit in GRUZ-S1(1)(a); and in addition to a Minor Residential Unit in GRUZ-S2(1)(a) provided the Record of Title is more than 5ha);	Non-complying	No residential units are proposed to be established initially, however the development framework provides for ancillary residential activities that may exceed the requirements of the rule, **and would therefore be classified as a non-complying activity.**

	(d) Any residential unit(s) under GRUZ-S1(1)(a) and (b), or seasonal worker accommodation under GRUZ-S1(1)(a)(c) must not be located within any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; or (iv) High Natural Character Area.		
GRUZ-S3 Building Height	**(1) Permitted** Where: (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 15m, except: (i) The maximum height is 10m where located within 50m of a road or internal boundary; (ii) For hose drying towers associated with emergency service facilities the maximum height is 15m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure, except where located within 50m of a road or internal boundary where the maximum height is 12m.	Restricted Discretionary	The development framework provides for a maximum height of 20m, therefore future buildings may not comply with this rule. In relation to the known built outcome set out in the application: - The retaining walls along the northern boundary of the site, adjoining the neighbouring Onion Road rural residential properties, are up to 6m high, therefore comply with this rule. - The water reservoirs are currently anticipated to be approximately 9m tall, therefore complies with this rule.
GRUZ-S8 Height in relation to boundary	**(1) Permitted** Where (a) A building or structure (excluding Artificial Crop Protection Structures, poles or aerials) must not protrude through the height in relation to boundary rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.	Restricted Discretionary	The development framework proposes height in relation to boundary controls which differ to these rules. Specifically, height in relation to boundary measurements are only required to be complied with on boundaries adjoining a vested reserve. The proposed future built form will therefore not strictly comply with this rule.
GRUZ-S9 Building Coverage	**(1) Permitted** Where: (a) The total building coverage must not exceed: i. 2% of the site area or 500m^2 (whichever is larger) for sites smaller than 10ha; ii. 5000m2 for sites larger than 10ha. (b) GRUZ-S9(1)(a) does not apply: i. To a structure that is not a building; or ii. Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.	Restricted Discretionary	The development framework provides for 75% site coverage, consistent with industrial development controls. The proposed built form outcome will therefore not strictly comply with this rule.

	(c) No site coverage applies to Artificial Crop Protection Structures that meet the following standards: i. Green, black or white cloth shall be used on horizontal surfaces.		
GRUZ-S12 Building Setbacks – all boundaries	**(1) Permitted** Where: (a) A habitable building located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha; (b) A non-habitable building or structure located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (c) Standard GRUZ-S12(1)(b) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials. (d) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary. (e) A non-habitable building or structure located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (f) Standard GRUZ-S12(1)(e) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials;	Restricted Discretionary	The Development Framework provides for building setbacks consistent with industrial development controls. The proposed built form outcome will therefore not strictly comply with the Rural Zone setback requirements.
GRUZ-S13 Building Setbacks – Sensitive land use	**(1) Permitted** Where: (a) Any building for a sensitive land use must be set back a minimum of: (i) 15m from a regional arterial road; (ii) 200m from an Aggregate Extraction Area or Aggregate Resource Area containing a sand resource;	Restricted Discretionary	As per above.

	(iii) 500m from an Aggregate Extraction Area or Aggregate Resource Area containing a rock resource; (iv) 500m from a Coal Extraction Area or Coal Resource Area; (v) 100m from a site in the Tamahere Commercial Areas A and C; (vi) 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity; (vii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (viii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; (ix) Not be located within the Te Uku wind farm setback shown on the planning maps; (x) 6m from the Gas network setback shown on the planning maps; and (xi) 100m from the boundary of another site containing a Factory Wastewater Irrigation Farm. (b) Any new building or alteration to an existing building for a sensitive land use must be located outside of the Gas network setback shown on the planning maps.		
AINF – All Infrastructure			
AINF-R1 New Infrastructure	**(1) Activity status: PER** **Activity-specific standards:** (a) Any new infrastructure activity and associated structures listed as a permitted activity within this AINF - All infrastructure section must meet all of the following standards: (i) Comply with the height in relation to boundary limits for the zone in which it is located; (ii) Comply with the height in relation to boundary limits for the adjoining zone, if located in road or unformed road; (iii) Not exceed the relevant noise limits that are applicable to that zone, and any adjacent zone; and (iv) Any other relevant standards applying to that activity listed within the EIT - Energy, infrastructure and transport section. (b) The standards in Rule ANIF-R1(1)(a) do not apply to: (i) Activities with specific standards relating to location and noise listed elsewhere within the EIT - Energy, infrastructure and transport section	Permitted	The Project includes new infrastructure, including the internal road network and associated transport infrastructure, stormwater infrastructure, wastewater infrastructure, water supply infrastructure and utility services. Roads and other lineal transport networks, including associated road network activities such as lighting and signage, are excluded from the standards in Rule AINF-R1(1)(a) by Rule AINF-R1(1)(b). Other infrastructure will be designed to comply with the applicable height in relation to boundary, noise and other relevant EIT standards, except where a more specific infrastructure rule applies. Accordingly, the new infrastructure is provided for as a Permitted Activity under AINF-R1,



	(ii) Roads or other lineal transport networks; (iii) Road network activities, which include lighting and signage structures; and (iv) Activities subject to National Environmental Standards Telecommunication Facilities 2016; and (v) Support poles associated with service connections. **(2) Activity status where compliance not achieved: Restricted Discretionary.**		subject to compliance with the relevant activity-specific rules assessed below.
AINF-R2 Construction Noise	**(1) Activity status: PER** **Activity-specific standards:** (a) Construction, maintenance, repair, replacement, upgrading or removal of infrastructure or the installation of new infrastructure must comply with NZS 6803:1999 Acoustics - Construction noise. **(2) Activity status where compliance not achieved: Restricted Discretionary**	Permitted	Construction of the proposed infrastructure will generate construction noise. Construction noise will be managed to comply with NZS 6803:1999 Acoustics – Construction Noise, as required by Rule AINF-R2. Compliance with the standard is secured through the proposed consent conditions and the Construction Noise and Vibration Management Plan. Accordingly, construction of the infrastructure is assessed as a Permitted Activity under this rule.
AINF-R5 Operation, maintenance, repair and removal of existing infrastructure	**(1) Activity status: PER** **Activity-specific standards:** Nil.	Permitted	The Project may involve the operation, maintenance, repair or removal of existing infrastructure within the Site. These activities are permitted under Rule AINF-R5, with no activity-specific standards applying.
AINF-R7 Temporary Infrastructure	**(1) Activity status: PER** **Activity-specific standards:** (a) Installation and operation of temporary infrastructure that meets all of the following standards: (b) Any buildings and/or structures must be removed from the site on completion of the works; (c) The ground must be reinstated on completion of works; and (d) The activity, including the requirements of Rule AINF-R7(1)(a) and (b), must not exceed 12 months in total. **(2) Activity status where compliance not achieved: Discretionary**	N/A	"Temporary infrastructure" is defined as structures and activities undertaken by a network utility operator. The Project includes interim water supply and wastewater servicing arrangements, however these form part of the staged servicing strategy and are not necessarily temporary infrastructure for the purposes of this definition. In particular, infrastructure established by the Consent Holder and subsequently vested in a network utility operator would not appear to fall within this definition solely because it provides an interim servicing function. No temporary infrastructure undertaken by a network utility operator is specifically proposed or relied upon as part of the application. Accordingly, Rule AINF-R7 is not considered applicable.



AINF-R8 Earthworks activities associated with infrastructure	**(1) Activity status: PER** **Activity specific standards:** (a) Any earthworks associated with infrastructure, including formation and maintenance of access tracks, must comply with all of the following standards: (i) Do not exceed a volume of more than 2,500m³ for any single activity; (ii) Do not exceed an area of more than 2,500m² for any single activity; (iii) Within 10m of a watercourse (excluding artificial watercourses) or 20m of Mean High Water Springs do not exceed a volume of more than 5m³ and an area of more than 5m² for any single activity, excluding existing rail infrastructure; (iv) Erosion and sediment controls are implemented and maintained to retain sediment on the site of the earthworks activity; (v) All fill material used must be clean fill; (vi) Areas exposed by earthworks activities are to be recontoured and replanted within 6 months of the commencement of the earthworks; (vii) Earthworks shall not obstruct or divert any stormwater overland flow path or in such a way as to result in changed stormwater drainage patterns on another site; and (viii) Earthworks are not located within: 1. any Historic Heritage sites identified within SCHED1 - Historic heritage items; 2. any Sites or Areas of Significance to Maaori within SCHED3 - Sites and areas of significant to Maaori; 3. the dripline of any Notable Tree within SCHED2 - Notable trees; 4. any Heritage precinct; or 5. any Significant Natural Area. b. Rule AINF-R8(1)(a)(vi) does not apply to earthworks required to establish a foundation or surface that will ultimately be sealed or constructed upon. c. Earthworks associated with infrastructure in Landscape and Natural Character Areas must not:	Restricted Discretionary	The Project includes substantial earthworks associated with the construction of new infrastructure, including the internal road network, stormwater wetlands and conveyance infrastructure, water and wastewater infrastructure, and works associated with the Mangaheka Stream corridor. The scale and extent of these works will exceed the permitted thresholds of 2,500 m³ and 2,500 m² for individual infrastructure activities under Rule AINF-R8(1)(a)(i) and (ii). Infrastructure earthworks are also proposed within 10 m of watercourses and will exceed the corresponding 5 m³ and 5 m² thresholds in Rule AINF-R8(1)(a)(iii). Accordingly, the infrastructure-related earthworks are assessed as a Restricted Discretionary Activity under Rule AINF-R8. Erosion and sediment controls, stabilisation and other construction management measures are addressed through the Earthworks Management Plan and proposed consent conditions.

	(ii) Exceed 1.5m in height in relation to the cut or fill batter face; and (iii) Use imported soil, other than the placement of aggregate/metal on any access track or in association with laying underground infrastructure or for land transport network infrastructure; and (iv) Disturb or move more than $50m^3$ or exceed an area of $250m^2$ in a High or Outstanding Natural Character area of the coastal environment over any consecutive 12-month time period; and (v) Disturb or move more than $50m^3$ or exceed an area of $250m^2$ in an Outstanding Natural Feature or Outstanding Natural Landscapes over any consecutive 12 month time period. (vi) Rule AINF-R8(1)(c)(iv) shall not apply to earthworks associated with land transport network infrastructure. **(2) Activity status where compliance not achieved: Restricted Discretionary**		
AINF-R9 Trimming, maintenance or removal of vegetation or trees associated with infrastructure	**(1) Activity status: PER** **Activity-specific standards:** a. Trimming and pruning of trees and vegetation, necessary to protect all overhead electric lines or telecommunication lines; and any trimming, maintenance or removal of vegetation or trees associated with infrastructure, including access tracks, that meet all of the following standards: (i) No tree identified in SCHED2 - Notable trees is removed; (ii) Any required trimming of a tree identified in SCHED2 - Notable trees is either: (1) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (2) The maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed over any consecutive 12 month time period. (iii) Any indigenous vegetation alteration or removal within a Significant Natural Area must not: (1) Include any trees over 6m in height or 600mm in girth at a height of 1.4m; and (2) Exceed $50m^2$ per site over any consecutive 12 month time period. b. Any trimming, maintenance or removal of vegetation, where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.	Permitted	Vegetation clearance and trimming will be required in association with the construction and ongoing operation of infrastructure across the Site. No trees identified in SCHED2 – Notable Trees are proposed to be removed, and the infrastructure works do not require removal of indigenous vegetation within a Significant Natural Area. Accordingly, the relevant standards of Rule AINF-R9 can be complied with and the activity is assessed as Permitted.



	(ii) Advice Note: Trimming, maintenance or removal of vegetation or non-notable trees in and around electrical assets shall be managed in accordance with the Electricity (Hazards from Trees) Regulations 2003. **(2) Activity status where compliance not achieved: Restricted Discretionary**		
AINF-R12 Service connections	**(1) Activity status: PER** **Activity-specific standards:** (a) There is no connection to an area, façade or item specifically listed in SCHED1 - Historic heritage items. **(2) Activity status where compliance not achieved: Controlled**	Permitted	The Project includes new service connections associated with the proposed infrastructure networks. No areas, façades or items within the Site are identified in SCHED1 – Historic Heritage Items. The proposed service connections therefore comply with Rule AINF-R12 and are a Permitted Activity.
AINF-R16 Service connections for subdivision	**(1) Activity status: PER** **Activity-specific standards:** (a) All new lots created as part of a subdivision other than a utility allotment, access allotment or reserve allotment, must be designed and located so that provision is made for access and service connections up to the boundary of the lot for: (i) Wastewater; (ii) Water supply; (iii) Stormwater (a management system that complies with Rule WWS-R1); (iv) Electricity supply; (v) Telecommunications that is hard-wired or wireless; and (vi) Vehicle access that complies with Rule TRPT-R1. (b) Within all zones, except the GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone and SETZ - Settlement zone where there is no reticulated water supply, the water supply required under Rule AINF-R16(1)(a)(ii) must be adequate for fire-fighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Compliance with this Code of Practice can typically be achieved through connection to a Council reticulated water supply. (c) Within the GRUZ - General rural zone, RLZ - Rural lifestyle zone and non-reticulated LLRZ - Large lot residential zone and SETZ - Settlement zone, where a subdivision is for the purposes of an additional house or workplace building, provision shall be made for an adequate supply of water and access to water supplies for	Permitted	All proposed developable lots will be provided with access and service connections to the lot boundary for wastewater, water supply, stormwater, electricity and telecommunications. Vehicle access will be provided from the proposed internal road network. The water supply network will also provide the required firefighting capacity. Accordingly, the proposed subdivision complies with the applicable requirements of Rule AINF-R16 and is a Permitted Activity.

	firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Services Code of Practice SNZ PAS 4509:2008. (d) Rule AINF-R16(1)(a)(i), (ii) and (iii) do not apply to any GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone or SETZ - Settlement zone or site. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity**		
AINF-R17 Subdivision to create a utility allotment for accommodating infrastructure	**(1) Activity status: CON** **Activity-specific standards:** (a) Is undertaken by a network utility operator as defined by the Resource Management Act 1991 **(2) Activity status where compliance not achieved: Discretionary Activity**	Discretionary	The proposed subdivision includes utility allotments to accommodate infrastructure associated with the development. These allotments will be created by the Consent Holder rather than by a network utility operator as required by Rule AINF-R17(1)(a). Accordingly, the activity does not qualify as a Controlled Activity and is assessed as a Discretionary Activity under Rule AINF-R17(2).
TRPT – Transport			
TRPT-R1 Vehicle access for all activities	**(1) Activity status: PER** **Activity-specific standards:** (a) All activities must comply with the following vehicle access standards: (i) The site has legal physical access to a formed road that is maintained by a road controlling authority; (ii) The site has a vehicle access that is constructed to comply with the relevant requirements of Table 1 - Separation distances, Figure 6 - Separation distances, Table 2 - Minimum sight distances and Figure 8 - Minimum sight distances, Tables 12 and 13 except: (iii) Rule TRPT-R1(1)(a)(ii) does not apply where the separation distance requirements of Table 1 - Separation distances and Figure 6 - Separation distances cannot be achieved on a site's road frontage due to existing vehicle accesses on adjacent sites; (iv) No access, access leg or right-of-way shall run parallel to any road within 30m of the road, except: (v) Rule TRPT-R1(1)(a)(iv) does not apply to farm races, or unsealed internal rural accesses in sites within the Rangitahi Peninsula Structure Plan Area and Opotoru Road; (vi) On a site with legal access to two roads, the activity only accesses the road with the lower classification in	Restricted Discretionary	The proposal does not comply with all of the vehicle access standards in Rule TRPT-R1. The Site will obtain access to the wider road network from both SH39 and Onion Road. As SH39 is classified as a Regional Arterial Road and Onion Road as a Local Road, the provision of access to both roads does not comply with Rule TRPT-R1(1)(a)(vi), which requires a site with legal access to two roads to access only the road with the lower classification in the road hierarchy. The indicative subdivision lot access arrangement also results in departures from the separation and sight-distance requirements referenced in Rule TRPT-R1(1)(a)(ii). The ITA confirms that the required minimum separation between adjoining vehicle crossings can be achieved; however, a number of indicative crossings are unable to achieve the required 20–30 m separation from intersections, and some crossings on local roads do not achieve the District Plan sight-distance standard. These departures have been assessed in the ITA and are considered capable of providing appropriate transportation outcomes. Final vehicle crossing locations

	the road hierarchy in Table 4 - Functions of roads within the Road Hierarchy and Table 5 - Road Hierarchy list (where the roads have the same classification, access is only to the road with the lower average daily traffic movements) except in the KLZ - Kimihia Lakes zone where this rule does not apply; (vii) No new vehicle access shall be created within 30 metres of a railway level crossing; (viii) All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in Table 14 - Required restart sight distances for Figure 18. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity**		will be confirmed through detailed design and lot development. Accordingly, the proposal is a Restricted Discretionary Activity under Rule TRPT-R1.
TRPT-R2 On-site parking and loading	**(1) Activity status: PER** **Activity-specific standards:** (b) All activities must comply with the following on-site parking and loading standards: (i) The loading space requirements, manoeuvring and parking space dimensions in Table 6 - Required loading bays, and Table 9 - Car manoeuvring and parking space dimensions, noting: • When calculating the requirements for loading on the basis of the prescribed floor area, the area for parking, loading and manoeuvring shall be excluded; • If the calculation results in a fraction, then that figure shall be rounded to the nearest whole number; • 90 percentile car dimensions in Figure 9 - 90th Percentile car tracking curve minimum radius apply; • The requirements of Table 6 - Required loading bays do not apply to residential and rural activities; • Accessible parking spaces must comply with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility - Buildings and Associated Facilities (NZS: 4121-2001) and Table 7 - Accessible parking spaces; and (ii) On-site bicycle space requirements in Table 8 - Required bicycle spaces, except: • The requirements of Table 8 - Required bicycle spaces do not apply to residential and rural activities;	Permitted	The proposed subdivision provides sufficient lot areas to accommodate the on-site parking, bicycle parking, loading and associated access requirements applicable to future activities. The precise parking and loading requirements will depend on the nature and scale of the activity ultimately established on each lot and will be confirmed as part of lot development. On-site parking and loading areas can be designed to comply with the dimensional, formation and operational requirements of Rule TRPT-R2. Accordingly, the proposal complies with this rule.

	(iii) On-site car parking spaces (where provided) and loading bays comply with the requirements of Table 9 - Car manoeuvring and parking space dimensions and Figure 9 - 90th Percentile car tracking curve minimum radius and be located on the same site as the activity; (iv) On-site car parking spaces and loading bays are to be sealed if five or more parking spaces are provided; (v) On-site car parking spaces and loading bays are to be permanently marked if five or more parking spaces are provided; (vi) On-site car parking spaces and loading bays are not to be located on any shared access or residential living court; (vii) (viii) Vehicles occupying any on-site car parking or loading spaces must have ready access to the road (or relevant access or right of way) at all times, without needing to move any other vehicle occupying other on-site car parking or loading spaces. **(2) Activity status where compliance not achieved: Restricted Discretionary**		
TRPT-R3 On-site manoeuvring and queuing	**(1) Activity status: PER** **Activity-specific standards:** (a) All activities must comply with the following on-site manoeuvring and queuing standards: (ii) On-site manoeuvring space shall be provided to ensure that no vehicle is required to reverse onto from or to a road except; • Rule TRPT-R3(1)(a)(i) does not apply to Local Roads within the GRZ - General residential zone, MRZ1 - Medium density residential zone 1, MRZ2- Medium density residential zone 2, LLRZ - Large lot residential zone and SETZ - Settlement zone with a posted speed limit of less than 60 km/h; (iii) A 90th percentile car, as defined in Figure 9 - 90th Percentile car tracking curve minimum radius, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling; (iv) On-site manoeuvring space for any heavy vehicle shall comply with the tracking curve (relevant for the type of activities to be carried out on the site and the largest combination standard configuration heavy vehicle permitted on the road(s) to which the site has frontage trucks to be used)	Permitted	The proposed subdivision provides lots of sufficient size and configuration to accommodate the on-site manoeuvring and queuing requirements associated with future industrial and other activities. Detailed on-site layouts, including vehicle manoeuvring, heavy vehicle tracking and queuing areas, will be determined as part of future lot development having regard to the nature and scale of the activity established. These areas can be designed to comply with the requirements of Rule TRPT-R3. Accordingly, the proposal complies with this rule.



	(v) On-site manoeuvring space shall be formed; (vi) On-site queuing space shall be provided in accordance with Table 10 - Queuing space for vehicles entering and exiting any on-site car parking, loading or manoeuvring space, where: • Length is measured from the road boundary where vehicles first enter the site; and • On-site queuing above must not encroach into the required on-site manoeuvring area. **(2) Activity status where compliance not achieve: Restricted Discretionary Activity.**		
TRPT-R4 Traffic generation	**(1) Activity status: PER** **Activity-specific standards:** (a) Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50 Equivalent Car Movements (ECM) per day. (b) Any other site must comply with the following traffic generation conditions standards: (iv) Within the GRUZ - General rural zone: • There is maximum 200 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; • For activities directly associated with horticulture harvesting, a maximum of 300 vehicle movements per site per day for up to a month, once in a 12-month period and no more than 33% of these vehicle movements are heavy vehicle movements; or • Within the Agricultural Research Centres identified on the planning maps as a specific control there is maximum 3000 vehicle movements per site per day. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity.**	Restricted Discretionary	The scale, distribution and effects of the traffic generated by the Project, together with the proposed transport infrastructure and mitigation, are assessed in the ITA. The Project will generate traffic movements substantially in excess of the permitted thresholds in Rule TRPT-R4. In particular, the Site will obtain access from SH39, a Regional Arterial Road, and the traffic generated by the proposed industrial development will exceed the maximum 50 Equivalent Car Movements per day provided for where access is obtained from an arterial or regional arterial road. The development will also exceed the General Rural Zone threshold of 200 vehicle movements per site per day. Accordingly, the Project is a Restricted Discretionary Activity under Rule TRPT-R4.
TRPT-R5 Operation, maintenance and minor upgrading of existing public roads, State highways and	**(1) Activity status: PER** **Activity-specific standards:** (a) Operation, maintenance and minor upgrading of existing public roads, State Highways, rail corridors and associated rail network and road network activities must comply with the following standards: (i) The works occur within the road reserve or railway corridor;	Restricted Discretionary	The Project includes substantial upgrading works within the existing SH39 and Onion Road corridors, including a new roundabout on SH39, a new intersection and right-turn bay on Onion Road, and upgrades to the Onion Road/Holmes Road intersection. These works are not considered to constitute minor upgrading and therefore do not comply with the permitted activity provisions of

associated road network activities	(ii) Works within the road or railway corridor must be for the purpose of: (1) Maintaining or improving effectiveness or efficiency consistent with the function of the existing public road or railway corridor; or (2) Maintaining or improving safety for road users or adjacent properties; and (iii) Lighting shall be designed and located to comply with the Australia New Zealand Roading Lighting Standard 1158, (series) - Lighting for Roads and Public Spaces: 2005; (iv) Any earthworks must comply with Rule AINF-R8; and (v) New trees must be planted at least 1.5m from underground services, or 1m with a root protection barrier approved by the relevant network utility operator. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity**		Rule TRPT-R5. Accordingly, the works are a Restricted Discretionary Activity under this rule.
TRPT-R6 New public roads	**(1) Activity status: PER** **Activity-specific standards:** (a) New public roads, including where the road has been identified on the planning maps as an indicative road, and associated road network activities must comply with the following standards: (i) The public road is located within road or unformed road as shown on the planning maps; (ii) The public road is not located within an Identified Area; (iii) The design requirements of Tables 12 or 13 based on their function within the Road Hierarchy as set out in Table 4 - Functions of roads within the Road Hierarchy, except: (b) Any National routes or Regional arterial roads shall be subject to Rule TRPT-R6(2); (i) The specified minimum Road/right of way reserve widths in Tables 12 or 13 do not include any additional width required for a turning head; (ii) Any private access, right of way or access allotment over 70m in length must be constructed to be in accordance with the highest dimensions required for an access allotment in Tables 12 or 13; (iii) The requirements of Tables 12 or 13 shall not apply to taxiways within the TKAZ - Te Kowhai airpark zone; and (iv) Roads located within PREC36 – Te Kowhai West Precinct, the relevant road typology requirements as detailed on the Te	Restricted Discretionary	The Project includes the construction of new public collector and local roads. The proposed road cross-sections generally comply with the applicable design requirements of Table 12; however, the collector roads provide 2.1 m wide on-street parking bays rather than 2.5 m and 1.5 m wide footpaths rather than 1.8 m. The local roads also provide 1.5 m wide footpaths rather than 1.8 m. Accordingly, the new public roads do not fully comply with Rule TRPT-R6 and are a Restricted Discretionary Activity. These departures are assessed in the ITA.

	Kowhai West Structure Plan take priority over the standards in Table 12 in the event of any conflict. (i) Comply with the minimum widths specified in Figure 12; and (ii) Have swale drains on both sides of the carriageway capable of collecting all road runoff and overland flow towards the road or right of way from a 20% Annual Exceedance Probability event; and (iii) In areas of poorly-drained soils, either the stormwater is to be directed to areas with higher infiltration, or infiltration systems are to be constructed. (iv) All roads and vehicle accesses shall be constructed in accordance with Table 12 and Figures 14, 15 and 16; and (xiii) Stormwater collection must be through grassed swales prior to reaching reticulated systems; (xiv) Any earthworks must comply with Rule AINF-R8; and (xv) New trees must be planted at least 1.5m from underground services, or 1m with a root protection barrier approved by the relevant network utility operator. **(2) Activity status where compliance not achieved Restricted Discretionary Activity.**		
TRPT-R8 Off road pedestrian walkways and cycleways	**(1) Activity status: PER** **Activity-specific standards:** (a) Off-road pedestrian walkways and/or cycleways, that comply with all of the following standards: (i) Have a minimum 2.0m width or 2.5m where alongside an arterial road or forming a shared path; (ii) Are formed; (iii) Any earthworks must comply with Rule AINF-R8; and (iv) Are not located within an Identified Area **(2) Activity Status where compliance not achieved: Restricted Discretionary.**	Restricted Discretionary	The Project includes a network of off-road pedestrian and cycle facilities. The collector roads provide separate 1.5 m footpaths and 2.0 m off-road cycle paths on both sides, while the local roads provide 1.5 m footpaths with cyclists sharing the carriageway. The proposed 1.5 m footpaths do not achieve the 2.0 m minimum width required by Rule TRPT-R8. Shared paths are also proposed along SH39 and Onion Road. These paths are proposed to be approximately 3.0–3.5m wide therefore comply with the widths required by this rule. The final widths will be confirmed in coordination with the relevant road controlling authority at detailed design stage. It is likely that the construction of walkways/cycleways will not comply with the earthworks standards in AINF-R8.

			Accordingly, the Project does not fully comply with Rule TRPT-R8 and is a Restricted Discretionary Activity.
WWS – Water, Wastewater, Stormwater			
WWS-R1 – Stormwater systems for new development or subdivision	(1) **Activity status: PER** **Activity-specific standards:** a) Subject to clause (b) below, new development or subdivision must have a stormwater system that complies with all of the following standards: (i) Operates by gravity; (ii) Manages stormwater through a Stormwater Management Plan in the following manner: (1) Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge off-site is at or below pre-development rates; and (2) Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or (3) A controlled discharge to a waterbody or reticulated network that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed. (4) Where no designed flow path exists, measures are in place to disperse flow to ensure no scour or erosion. (iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development; (iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.3°C; (RCP6); (v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy: (1) Retention of rainwater/stormwater for reuse; (2) Soakage disposal (if within a known soakage area) with an infiltration rate of a minimum of 30mm/hour;	Permitted	The Project is supported by a comprehensive SWMP, which forms part of the substantive application and establishes the framework for stormwater treatment, attenuation, conveyance, flood management and staged infrastructure delivery across the development. The SWMP provides for attenuation of post-development peak flows for the 2-, 10- and 100-year ARI events, management of secondary flows through the road and stormwater reserve network, stormwater quality treatment through a treatment-train approach, and measures to maintain downstream drainage performance and manage residual runoff-volume effects. Development will be undertaken in accordance with the approved SWMP, as secured through the proposed consent conditions. Accordingly, in the event the consents sought are approved, the exemption in Rule WWS-R1(1)(i) applies and the specific standards in Rule WWS-R1(1)(a) do not apply. The proposal is therefore a Permitted Activity under Rule WWS-R1.

	(3) Treatment, detention and gradual release to a watercourse in a manner that on downstream sites; a. does not increase erosion or scour; b. does not increase the area of inundation; and c. otherwise avoids, remedies, or mitigates as far as practicable the adverse effects or alterations to volume, frequency, or duration of flow on downstream sites; (4) Treatment, detention and gradual release to a piped stormwater system. (5) Stormwater management shall address water quality; downstream erosion and scour effects; the area of inundation; and cumulative volume effects. (vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties; (vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required. b) WWS-R1 (a) does not apply: i) Where a stormwater management plan has been approved by or as part of a district council resource consent; and ii) The subdivision development is in accordance with that approved stormwater management plan. Advice notes: Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline. A stormwater discharge consent may also be required from the Waikato Regional Council.		

	(2) Activity status where compliance not achieved: Restricted Discretionary Activity		
WWS-R2 Wastewater servicing fore new development or subdivision	(1) **Activity status: PER** **Activity-specific standards:** (a) New development or subdivision must have a wastewater system that complies with the following standards: (i) Is connected to public, reticulated wastewater network; or (ii) Is connected to a community-scale wastewater system; or (iii) Is provided with a site-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity**	Permitted	The Project will be serviced by a new reticulated wastewater network. Wastewater from each stage will be collected through an internal gravity network and conveyed to a new wastewater pump station, with discharge to the public wastewater network. An interim connection to the Far Western Interceptor is proposed, with the ultimate servicing solution comprising connection to the Northern Interceptor. Accordingly, the proposed development will be connected to a public reticulated wastewater network and complies with Rule WWS-R2(1)(a)(i).
WWS-R3 Below ground pipelines for the conveyance of water, wastewater and stormwater	(1) **Activity status: PER** **Activity-specific standards:** (a) Pipelines for the conveyance of water, wastewater and stormwater that comply with all of the following: (i) Any aboveground section of a pipeline must comply with the following: • Not exceed 25m in length, and • Not exceed 300mm in diameter. • Is not located within an Identified Area and . b) The maximum dimensions in Rule WWS-R3(1)(a)(i) do not apply to any above-ground section of pipeline which is attached to or contained within the superstructure of a bridge. **(2) Activity status where compliance not achieved: restricted Discretionary Activity**	Permitted	The Project includes new water supply, wastewater and stormwater reticulation networks, which will primarily comprise below-ground pipelines located within road corridors, service corridors and reserves. There are no above-ground pipelines proposed. Accordingly, the proposal is a Permitted Activity under Rule WWS-R3.
WWS-R5 Pump stations for the conveyance of water, wastewater and stormwater	(1) **Activity status: PER** **Activity-specific standards:** (a) Pump stations for the conveyance of water, wastewater and stormwater that complies with the following standards : (i) Is not located within an Identified Area. (ii) Not exceed $10m^2$ in area above-ground; and (iii) Not exceed 3m in height measured from the natural ground level immediately below the structure.	Restricted Discretionary	The Project includes a new wastewater pump station to be established as part of Stage 1. The pump station will include below-ground wet well and emergency storage infrastructure, together with associated above-ground equipment that may include control, power supply, ventilation/odour control and telemetry infrastructure. The final configuration of the above-ground components will be confirmed through detailed design. As these structures may exceed the 10 m^2 maximum area permitted by Rule WWS-R5, compliance with that standard is not relied upon. Accordingly, the pump

	(2) Activity status where compliance not achieved: Restricted Discretionary Activity		station is conservatively assessed as a Restricted Discretionary Activity under this rule.
WWS-R6 Stormwater treatment, detention and retention facilities or devices	(1) **Activity status: PER** **Activity-specific standards:** (a) Stormwater treatment, detention and retention facilities or devices, excluding stormwater wetlands or ponds. (2) Activity status when not achieved: n/a	Permitted	The Project includes a range of stormwater treatment, detention and retention facilities and devices, including raingardens, open conveyance channels and associated stormwater infrastructure. These activities are permitted under Rule WWS-R6. The proposed stormwater wetlands are excluded from this rule and are assessed separately under Rule WWS-R7.
WWS-R7 Stormwater ponds or wetlands	(1) **Activity status: PER** **Activity-specific standards:** (a) Stormwater ponds or wetlands that comply with the following: (i) The area of the pond or wetland does not exceed the equivalent site building coverage standards applicable to the zone. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity.**	Restricted Discretionary	The Project includes a number of stormwater wetlands as part of the site-wide stormwater management system. Given their scale, the wetlands will not comply with the applicable maximum 2% building coverage standard within the Rural Zone. Accordingly, the activity is a Restricted Discretionary Activity under this rule.
WWS-R8 Ventilation facilities, drop shafts and manholes	(1) **Activity status: PER** **Activity-specific standards:** (a) Ventilation facilities, drop shafts and manholes that comply with the following: (i) Are not located within an Identified Area. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity.**	Permitted	The Project includes manholes and may include associated ventilation facilities and other structures as part of the proposed wastewater and three-waters networks. The site is not within an Identified Area. Accordingly, the proposal complies with Rule WWS-R8 and is a Permitted Activity.
WWS-R10 Water supply servicing for new development or subdivision	(1) **Activity status: PER** **Activity-specific standards:** (a) New development or subdivision must have a water supply system that complies with the following standards: (i) For the GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone and SETZ - Settlement zone, potable water supply must be provided; (b) For all other zones: (i) Be connected to any available public, reticulated water supply system nearby; and (ii) In addition to connection to reticulated supply for potable water, may also use rainwater harvesting (installation of	Permitted	The Project will be provided with a potable water supply through a new internal reticulated network connected to the public water supply system. An interim connection to the existing network at Ruffell Road/Arthur Porter Drive is proposed, with the ultimate servicing solution comprising a strategic reservoir and bulk watermain connection. The infrastructure will be delivered progressively to service each stage of development. Accordingly, the proposal complies with Rule WWS-R10(1)(a)(i).

	rain storage tanks for water conservation) to supplement water supply, but not for potable uses. **(2) Activity status where compliance not achieved: Restricted Discretionary Activity.**		
WWS-R20 Above ground reservoirs	All Zones	Discretionary	The Project includes a strategic above-ground water reservoir comprising two storage tanks as part of the ultimate water supply servicing solution. Above-ground reservoirs are a Discretionary Activity under Rule WWS-R20.
Earthworks			
EW-R19 Earthworks to form a building platform	**(1) Activity status: PER** **Where:** (a) Earthworks required to form a building platform that will be subject to a building consent where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. **(2) Activity status where compliance not achieved: Restricted Discretionary**	Restricted Discretionary	The bulk earthworks required to establish the primary development landform are assessed separately under the general earthworks rules. Further lot-specific earthworks may be undertaken as part of future building development, including building platform formation, foundation preparation and associated grading. These works will be subject to detailed geotechnical design and building consent requirements. As the Project earthworks specifications adopt NZS 4431:2022 rather than the NZS 4431:1989 standard expressly referenced by Rule EW-R19, compliance with the permitted activity standard is not relied upon. Accordingly, any earthworks falling within the scope of Rule EW-R19 are conservatively assessed as a Restricted Discretionary Activity.
EW-R21 Earthworks general	**(1) Activity status: PER** **Where:** (a) With the exception of earthworks for the activities listed in EW-R17 – EW-R20 earthworks within a site must meet all of the following standards: (i) Do not exceed a volume of more than 1000m^3 and an area of more than 2000m^2 over in any single consecutive 12 month period; (ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level; (iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);	Restricted Discretionary	The Project involves large-scale bulk earthworks across approximately 185.9 ha of the Site to establish industrial development platforms, road corridors, stormwater management areas, stream corridor works and associated infrastructure. The works comprise approximately 1.15 million m^3 of cut and 1.00 million m^3 of fill, with cuts and fills greater than 3 m in depth in some locations. Accordingly, the proposed earthworks substantially exceed the permitted thresholds in Rule EW-R21 and are a Restricted Discretionary Activity.

	(iv) Earthworks are setback a minimum of 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised on completion and any remaining bare ground revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; and (vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths. **(2) Activity status where compliance not achieved: Restricted Discretionary**		
EW-R22 Earthworks general	**(1) Activity Status: PER** **Where:** (a) With the exception of earthworks for the activities listed in EW-R17 - EW-R20 using imported cleanfill material, concrete or brick must meet all of the following standards; (i) Do not exceed a total volume of 500m³ in any single consecutive 12 month period; (ii) Do not exceed a depth of 1m above natural ground level; (iii) The slope of the resulting filled area in stable ground does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback a minimum of 1.5m from all boundaries; (v) Areas exposed by filling are re-vegetated to achieve 80% ground cover within 2 months of the completion of the filling; and (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths. **(2) Activity status where compliance not achieved: Restricted Discretionary**	Restricted Discretionary	The Project earthworks have been designed to achieve a substantial cut-to-fill balance through reuse of suitable site-won material. However, imported cleanfill and/or engineered fill may be required during construction where necessary to meet geotechnical, pavement or infrastructure requirements. The Project does not rely on compliance with the 500 m³ imported fill threshold in Rule EW-R22. Accordingly, the activity is assessed as a Restricted Discretionary Activity under this rule.
NOISE – Noise			
NOISE-R4 – Noise Construction	**(1) Activity status: PER** **Where:** (a) Noise from any construction, maintenance, or demolition activity that is measured, assessed and managed in accordance with the requirements of NZS6803:1999 'Acoustics - Construction Noise'. **(2) Activity Status where compliance not achieved: Restricted Discretionary**	Permitted	Construction noise associated with the Project will be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. Compliance with NZS 6803:1999 is proposed to be secured through the consent conditions, with construction noise to be managed in accordance with the Construction Noise and Vibration Management Plan. Accordingly, the Project complies with Rule NOISE-R4.

NOISE-R8 – Noise general	**(1) Activity status: PER** **Where:** (a) Noise measured at the notional boundary on any other site in the GRUZ - General Rural Zone must not exceed: (i) 50dB L_{Aeq}, 7am to 7pm every day; (ii) 45dB L_{Aeq}, 7pm to 10pm every day; (iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day. (b) Noise measured within any site in any zone, other than the GRUZ - General rural zone, must meet the permitted noise levels for that zone. (c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics - Measurement of Environmental Sound". (d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic - Environmental noise". **(2) Activity status where compliance not achieved: Discretionary**	Permitted	The operational noise limits proposed for the Project reflect the General Rural Zone limits in Rule NOISE-R8, when measured at the notional boundary on any other site. These limits, together with the requirement for noise to be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008, are proposed to be secured through the land use consent conditions. Accordingly, the Project complies with this rule.



Waikato District Plan – Operative District Plan: Waikato Section

The Waikato District Plan is currently Operative in Part, with a number of provisions remaining subject to unresolved appeals. As a result, where the relevant provisions are not yet fully operative, the proposal must also be assessed against the corresponding rules of the Operative Waikato District Plan. This ensures the assessment appropriately reflects the current statutory planning framework. The relevant rules are assessed below.

Operative District Plan – Waikato Section Rule Assessment			
Rule Number	**Rule Provision**	**Compliance/ Activity Status**	**Comments**
Chapter 25 – General Rural			
25.5 Prohibited Activity Subdivision	(d) Subdivision of land resulting in more than 2 additional allotments (excluding a utility allotment, access allotment or conservation house allotment) containing high quality soils from any allotment with a Certificate of Title issued prior to 6 December 1997, unless the landforms part of the Hampton Downs Motorsport Park as shown on the Planning Maps and is development in accordance with Schedule 25D. (e) Subdivision of land resulting in any additional allotments (excluding a utility allotment or conservation house allotment) containing high quality soils from a certificate of title issued after 6 December 1997, except where the allotment being subdivided. (i) Was created by a process other than subdivision under the Resource Management Act 1991, or (ii) Was created by a boundary adjustment between land parcels contained in certificates of title issued prior to 6 December 1997, or (iii) Was created by subdivision consent granted between 28 April 2001 and September 2004, solely for a boundary relocation under the former district plan, or (iv) Is land that forms part of the Hampton Downs Motorsport Park as shown on the Planning Map and is developed in accordance with Schedule 25D. (f) The following apply only in the Urban Expansion Policy Area (i) Disposal or storage of solid waste (excluding contaminated land remediation under Rule 25.30).	**Prohibited**	The site contains both pre- and post-6 December 1997 Records of Title. The proposed subdivision would create additional allotments containing high quality soils. The proposal does not meet any of the exemptions listed in Rule 25.5(d) for titles issued prior to 6 December 1997, nor any of the exemptions in Rule 25.5(e)(i) to (iv) for titles issued after 6 December 1997. As the proposal constitutes an activity described by Rule 25.5(d) and Rule 25.5(e), it is a **Prohibited Activity**.



	(ii) Hazardous waste storage, reprocessing or disposal (excluding contaminated land remediation under Rule 25.30) (iii) Educational, training or correctional facilities involving more than 10 people. (iv) Extractive industries (v) Commercial activities (excluding a produce stall) (vi) Industrial activities (vii) Traveller's accommodation for more than 5 people (viii) Motorised recreation facilities (ix) New roads, except in compliance with indicative roads on the planning maps, and excluding upgrading and widening of established roads (x) Buildings over 2,000m^2 gross floor area (xi) Subdivision of allotments less than 5000m^2, or an allotment average below 1.3ha.		
25.70A Subdivision Generally	**25.70A.1** Subdivision is a restricted discretionary activity if: (a) The subdivision creates no more than one additional certificate of title from each existing viable certificate of title that existed prior to subdivision, other than utility and access allotments, and (b) The land being subdivided comprises land with each certificate of title issued (i) Prior to 6 December 1997, or (ii) After 6 December 1997 if it was created by: • A process other than subdivision under the Resource Management Act 1991, or • A boundary adjustment where the land was contained in a viable certificate of title issued prior to 6 December 1997, or • Despite rule 25.5.(e), a subdivision which created a utility allotment exclusively for the purposes of a network utility from land contained in a certificate of title issued prior to 6 December 1997. **25.70A.2 – 25.70A.3 Subdivision that does not comply with this rule is a Non-Complying Activity.**	**Non-Complying Activity**	The proposed subdivision creates multiple additional allotments and does not meet the criteria of Rule 25.70A.1. The proposal instead provides for a comprehensive staged industrial subdivision with lot sizes and configurations guided by the proposed Development Framework. As the subdivision does not comply with Rule 25.70A.1, it is a **Non-Complying Activity** under Rules 25.70A.2 and 25.70A.3.
25.73B	**25.73B.1**	**Discretionary**	The proposed subdivision provides for a comprehensive staged industrial subdivision and does not satisfy the requirements of Rule 25.73B.1. In particular, the proposal

Reserve Allotment	Despite rules 25.5(e), 25.70A.1, and 25.74.1 subdivision is a restricted discretionary activity if: (a) The land being subdivided contains an area that is identified in a Council strategy document to be required for permanent public access or for reserve purposes, and (b) The area referred in (a) is vested in Council or public access is permanently secured by way of easement, and (c) No more than one additional certificate of title, excluding any land vested in Council, is created. **25.73B.2 subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.**		does not involve land identified in a Council strategy document for reserve or public access purposes, does not provide for vesting in Council or permanent public access easements, and would create substantially more than one additional certificate of title. As the proposal does not comply with Rule 25.73B.1, it is a **Discretionary Activity** under Rule 25.73B.2.
25.77 Building platform	**25.77.1** Subdivision is a restricted discretionary activity if every allotment, other than a utility or access allotment, is capable of containing: (a) Deleted (b) A shape factor, being either (i) A circle with a diameter of at least 30m exclusive of boundary setbacks, or (ii) A rectangle of at least 1000m^2, exclusive of boundary setbacks, of which each dimension is at least 25m, and (ba) a building platform where a dwelling could be built as a permitted activity, being a circle with a diameter of at least 18m, located within the shape factor, and (c) A building platform with an average gradient not steeper than 1:8, and (d) A building platform that, within the Landscape or Ridgeline Policy Area, is not visible from a road or other public place, and (e) A building platform not subject to inundation in a 2% probability storm or flood event. 25.77.2 Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity if: (a) within the Landscape or Ridgeline Policy Area, the platform is not visible from a road or other public place, and (b) Every allotment has an area of at least 1000m^2 not subject to inundation in a 2% probability storm or flood event. **25.77.3 Subdivision that does not comply with a condition for a discretionary activity is a non-complying activity**	**Discretionary**	These subdivision standards are directed toward rural residential development outcomes and are not directly relevant to the proposed industrial subdivision. The Project is not intended to comply with all underlying General Rural Zone subdivision standards; instead, the subdivision layout has been designed to provide development ready industrial lots supported by appropriate geotechnical, access, servicing and flood management outcomes. Accordingly, compliance with all elements of this rule is not achieved and **the subdivision is a Discretionary Activity**.

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

NES-CS Assessment			
Regulation	**Rule Provision**	**Compliance/ Activity Status**	**Comments**
5 – Application			
5(1) – Application	(1) These regulations— (c) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8): (d) do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9).	N/A	The NES-CS applies because the Project involves activities described in Regulations 5(4)–(6), including soil disturbance, subdivision and change of land use, on parts of the Site that meet the definition of a "piece of land" under Regulation 5(7). The PSI/DSI identifies discrete areas of the Site where HAIL activities have occurred and confirms that those areas are subject to the NES-CS.
5(4), 5(5) and 5(6) – Activities	(4) An activity is disturbing the soil of the piece of land, which— (a) means disturbing the soil of the piece of land for a particular purpose: (b) does not include disturbing the soil of the piece of land, whatever the purpose, if the land is land to which regulation 33(9) or 36 of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 applies. (5) An activity is subdividing land, which means subdividing land— (a) that has boundaries that are identical with the boundaries of the piece of land; or (b) that has all the piece of land within its boundaries; or (c) that has part of the piece of land within its boundaries.	N/A	The Project involves soil disturbance and subdivision within identified pieces of land. While the Project also involves a change from rural to industrial land use, the PSI/DSI concludes that contaminant concentrations are below the applicable commercial/industrial human-health criteria and the change of use is not considered reasonably likely to harm human health.
5(7) – Land covered	(6) The piece of land is a piece of land that is described by 1 of the following: (a) an activity or industry described in the HAIL is being undertaken on it: (b) an activity or industry described in the HAIL has been undertaken on it: (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.	N/A	The PSI/DSI identifies discrete areas of the Site where HAIL activities E1, F8 and I have occurred. These areas therefore meet the definition of a "piece of land" under Regulation 5(7).

5(9) Land not covered	These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.	N/A	Does not apply, as contaminants within some identified pieces of land exceed background concentrations.
8 – Permitted Activities			
8(3) Disturbing soil	(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met (a) controls to minimise the exposure of humans to mobilised contaminants must— (i) be in place when the activity begins: (ii) be effective while the activity is done: (iii) be effective until the soil is reinstated to an erosion-resistant state: (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done: (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m^3 per 500 m^2: (d) soil must not be taken away in the course of the activity, except that,— (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples: (ii) for all other purposes combined, a maximum of 5 m^3 per 500 m^2 of soil may be taken away per year: (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind: (f) the duration of the activity must be no longer than 2 months: (g) the integrity of a structure designed to contain contaminated soil, or other contaminated materials must not be compromised.	Does not comply	The Project will involve soil disturbance on "pieces of land", as defined in Regulation 5(7). The proposed disturbance within these areas will far exceed the permitted threshold of 25 m^3 per 500 m^2, and the Project does not rely on compliance with the 5 m^3 per 500 m^2 annual off-site soil removal limit, the two-month maximum duration, or the requirement to reinstate the soil to an erosion-resistant state within one month. Accordingly, the permitted activity requirements of Regulation 8(3) are not met.
8(4) Subdividing or changing use	(4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met: (a) a preliminary site investigation of the land or piece of land must exist: (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land: (c) the report must be accompanied by a relevant site plan to which the report is referenced:	Complies	The Project includes subdivision of land that contains identified "pieces of land" under Regulation 5(7). A combined PSI/DSI has been undertaken and concludes that contaminant concentrations are below the applicable human-health standards for the proposed commercial/industrial land use and that the soils are highly unlikely to pose a risk to human health. The PSI/DSI is accompanied by relevant site plans identifying the investigated areas and sampling

	(d) the consent authority must have the report and the plan.		locations and forms part of the substantive application. Accordingly, the subdivision complies with the permitted activity requirements of Regulation 8(4). The proposed change from rural to industrial land use is also not considered reasonably likely to harm human health on the basis of the PSI/DSI findings.
8(5) & 8(6) Consequence if requirement not met	(5) If a requirement described in any of subclauses (1) to (3) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(1). (6) If a requirement described in subclause (4) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(3).	Does Not Comply	Due to non-compliance with regulation 8(3), a Controlled Activity consent will be required and is assessed below.
9 – Controlled Activities			
9(1) & 9(2) – Removing or replacing fuel storage system, sampling soil, or disturbing soil	(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: (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. (2) The matters over which control is reserved are as follows: (a) the adequacy of the detailed site investigation, including— (i) site sampling: (ii) laboratory analysis: (iii) risk assessment: (b) how the activity must be— (i) managed, which may include the requirement of a site management plan: (ii) monitored: (iii) reported on: (c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:	Controlled	The proposed soil disturbance within identified pieces of land does not comply with the permitted activity requirements of Regulation 8(3). A DSI has been undertaken and confirms that soil contaminant concentrations do not exceed the applicable human health standards in Regulation 7. The DSI is provided to the consent authority as part of this substantive application. A Contaminated Site Management Plan has also been prepared to address the management, monitoring, handling and disposal of soil during the works. **Accordingly, the soil disturbance is a Controlled Activity under Regulation 9(1).**

	(d) the timing and nature of the review of the conditions in the resource consent: (e) the duration of the resource consent.		
9(5) No public notification of application for resource consent.	(3) The consent authority must not give public notification of an application for a resource consent to do any of the activities.	Does Comply	The Project requires a Controlled Activity consent under Regulation 9 for soil disturbance within identified pieces of land. In accordance with Regulation 9(3), the consent authority must not publicly notify the application for that consent.

Table No. 1

Waikato Regional Plan – Water Module			
Rule Number	**Rule Provision**	**Compliance/ Activity Status**	**Comments**
3.3 – Water Takes			
3.3.4.12 Permitted Activity Rule – Supplementary Groundwater Takes	In addition to the taking of groundwater as allowed by s14(3)(b) of the RMA 1. The taking of up to 1.5 cubic metres per day on sites equal to or less than one hectare; or 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 3. The taking of up to 15 cubic metres of groundwater per day on all other sites By means of a well is a permitted activity subject to the following conditions: 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. d. The total of all takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.	Does not comply	The proposed groundwater take will exceed the permitted volume of $15m^3$ per day. The proposal therefore does not comply with this rule.
3.3.4.13 Permitted Activity Rule – Supplementary Surface Water Takes	In addition to the taking of surface water as allowed by s14(3)(b) of the RMA 1. The taking of up to 1.5 cubic metres per day of water (calculated on a net take basis) from sites equal to or less than one hectare; or 2. The taking of up to 30 cubic metres per day of water (calculated on a net take basis) from the main stem of the Waipa River downstream of Otorohanga (SH 31 bridge at Otorohanga) or from the main stem of the Waikato River downstream of Lake Taupo from sites that adjoin either of those rivers; or	Does not comply	Temporary dewatering associated with construction may result in groundwater being intercepted within excavations and trenches and subsequently pumped from those excavations. Once intercepted and present above ground, that water is treated as surface water for the purposes of the Waikato Regional Plan. The proposed surface water take may

	3. The taking of up to 15 cubic metres per day of water (calculated on a net take basis) from all other sites. <u>Exception</u> This rule does not apply to: • The taking of geothermal energy and water; or to • Takes from wetlands or lakes (excluding artificial lakes and Lake Taupo). • The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.		exceed 15 m^3 per day and therefore does not comply with this rule.
3.3.4.14 Permitted Activity Rule – Temporary Takes	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: 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 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. e. Written notice of the location, time and duration of take shall be provided to the Waikato Regional Council 10 working days before works commence. <u>Exceptions</u> This rule does not apply to: • the taking of geothermal energy and water; or to • takes from wetlands or lakes (excluding artificial lakes and Lake Taupo). • The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.	Does not comply	The proposed water take will exceed five days per annum. The proposal therefore does not comply with this rule.

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. d. All applications to take water under this rule shall be assessed on a net take basis.	Controlled	Temporary dewatering associated with construction may result in surface water being pumped from excavations at rates exceeding the permitted activity thresholds in Rules 3.3.4.13 and 3.3.4.14. The take is not for domestic or municipal supply, and the abstracted water will not be consumptively used. Water will be returned within the same catchment such that the activity is a net zero take. Accordingly, the proposed take will remain within 70% of the primary allocable flow specified in Table 3-5 and requires **resource consent as a Controlled Activity under Rule 3.3.4.16**.
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: 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) <u>Exception</u> This rule does not apply to the taking of geothermal energy and water.	Discretionary	Proposed groundwater takes are temporary, and do not comply with Rules 3.3.4.12 or 3.3.4.14. As such, the proposed dewatering **requires resource consent as a Discretionary Activity**.
3.5 – Discharges			
3.5.4.5 Discretionary Activity Rule – Discharges	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	Not applicable	The operational stormwater discharges are specifically provided for under the stormwater discharge provisions in Section 3.5.11 and are therefore assessed under Rules 3.5.11.4 and 3.5.11.8 accordingly. This rule is therefore not applicable.

	activity rule in this Plan, is a discretionary activity (requiring resource consent).		
3.5.11.4 Permitted Activity Rule – Discharge of Stormwater to Water	The discharge of stormwater to surface water (including geothermal water) is a permitted activity subject to the following conditions: 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. For the purposes of conditions a) and g) levels of hazardous substances in stormwater or sediments that comply with the following guidelines and standards, in relation to the substances that they address will be deemed to be complying with the conditions: i. Licences under the Hazardous Substances and New Organisms Act 1996 for the use of the substance in New Zealand specifying discharge and receiving water standards for the substance.	Does not comply	The Project will discharge stormwater from the proposed industrial development to the Mangaheka Stream and Te Rapa Stream. The contributing urban stormwater catchments exceed the maximum catchment area of 1 ha specified by Condition 3. Accordingly, the discharges are not permitted under this rule.

	ii. Health and Environmental Guidelines for Selected Timber Treatment Chemicals (Ministry for the Environment, Ministry of Health, 1997). iii. Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998). iv. Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (Ministry for the Environment, August 1997). v. Australian/New Zealand Water Quality Guidelines For Fresh And Marine Waters, (Australian & New Zealand Environment & Conservation Council, 2001). For the purposes of this Rule, 'urban area' includes the inner city or town and built up environments, irrespective of local body administrative boundaries, that are serviced by roads where the speed limit is 80 kilometres an hour or less.		
3.5.11.5 Permitted Activity Rule – Discharge of Stormwater Onto or Into Land	The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions: a. The discharge shall not originate from a catchment that includes any high risk facility[26] or contaminated land* unless there is and interceptor system* in place. 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 Exceedance Probability design storm or greater. Any exceedance shall go into designated overland flow paths. c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. 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. For the purposes of conditions a) and e) of this rule, the levels of hazardous substances in stormwater or sediments that comply with the following	Permitted	The Project provides for stormwater soakage/infiltration to land where practicable, including through future on-lot measures and potentially public stormwater devices where feasible. Any such discharges will be designed so that they do not cause flooding outside the designated soakage area, uncontrolled overland flow to surface water, except in 10% AEP stormwater events whereby overland flow will be conveyed via designated flow paths to surface water and will not cause surface water effects. Any future discharge to land would not result in erosion, or adverse effects from hazardous substances. Accordingly, future stormwater discharges to land are expected to comply with the permitted activity conditions of this rule. Refer to the Stormwater Management Plan for further details for design standards.

	guidelines and standards, in relation to the substances that they address will be deemed to be complying with the condition: i. Licences under the Hazardous Substances and New Organisms Act 1996 for the use of the substance in New Zealand specifying discharge and receiving water standards for the substance. ii. Health and Environmental Guidelines for Selected Timber Treatment Chemicals (Ministry for the Environment, Ministry of Health,1997). iii. Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998). iv. Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (Ministry for the Environment, August 1997). v. Australian/New Zealand Water Quality Guidelines For Fresh And Marine Water, (Australian & New Zealand Environment & Conservation Council, 2001).		
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.	Discretionary	As the proposed stormwater discharges to water do not comply with Rule 3.5.11.4, **they require resource consent as a discretionary activity under this rule**. Stormwater will be treated prior to discharge through a treatment train comprising source controls, conveyance treatment, raingardens and constructed wetlands, as detailed in the SWMP.
3.6 – Damming and Diverting			
3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water	1. 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 2. The use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream, where: i. the catchment area is less than one square kilometre (100 hectares), and ii. the maximum retained water depth in the pond is less than three metres, and iii. the dam retains not more than 20,000 cubic metres of water except that:	Not applicable	Temporary damming and diversion is proposed within the Mangaheka Stream and Te Otamanui Stream, however these watercourses are not off-stream areas, ephemeral rivers or streams, or artificial watercourses and therefore the proposed activities are not provided for as permitted activities under this rule



	a. the damming shall not affect Significant Geothermal Features b. the dam shall not occur in a cave system; is a permitted activity subject to the following conditions: a. The dammed water is not a Natural State Water Body as identified in the Water Management Class Maps. 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.		
3.6.4.8 Permitted Activity Rule – Diversions and Discharges in Artificial Watercourses	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: a. The catchment area above the diversion shall not exceed two square kilometres.	Does not comply	The Project will progressively divert flows within the existing artificial farm-drain network as drains are infilled, piped, modified or replaced by the proposed stormwater conveyance system. The diversions will remain within the existing receiving catchments and will be undertaken in accordance with the Stream Works Management Plan, including erosion and



and Drainage Systems	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. 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.		sediment controls, maintenance of drainage function and applicable fish management requirements. However, the catchment area upstream of the relevant diversion exceeds 2km² (200 ha) and therefore does not comply with Condition 1 of this rule. The diversion is therefore assessed as a Discretionary Activity under Rule 3.6.4.13.
3.6.4.13 Discretionary Activity Rule – Stop banks, diversions and any associated discharges of water	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: 1. Damming or diversion of water by way of a stop bank, 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: i. is undertaken after the date of notification of this Plan, or ii. affects a Significant Geothermal Feature iii. does not occur in a cave system; is a discretionary activity (requiring resource consent).	Discretionary	Temporary damming and diversion of surface water will be required to facilitate works within the Mangaheka Stream, Te Otamanui Stream and existing artificial farm-drain network. The Project will also result in permanent groundwater diversion through interception by the constructed stormwater wetlands, vegetated swales and deepened Mangaheka Stream. As these activities do not comply with the applicable permitted activity rules, **they require resource consent as a Discretionary Activity under Rule 3.6.4.13.**



3.8 – Drilling			
3.8.4.3 Permitted Activity Rules – Discharge of drilling fluids	The discharge of water and drilling fluids from holes or wells onto or into land, or into ground water, is a permitted activity subject to the following conditions: a. There shall be no discharge to surface water, or discharge to land where contaminants may enter surface water. b. Drilling fluids shall be freshwater-based or air-based. c. Bentonite, and cement may be used. Other products, including polymers and surfactants, may be used provided that the product is not a hazardous substance in terms of the Hazardous Substances and New Organisms Act 1996. d. The discharge shall not be located within 20 metres of any Significant Geothermal Feature*.	Permitted	Any drilling associated with the Project will be undertaken in accordance with the applicable permitted activity requirements and drilling standards. Where drilling fluids are required, they will comply with the requirements of this rule, including the use of freshwater- or air-based fluids and appropriate management of any discharge.
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 top the following conditions: 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 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 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. g. Within any geothermal system, the depth of any holes drilled shall not be greater than 250 metres vertically down from the well head. <u>Exclusion:</u>	Does not comply	Temporary dewatering wells/bores will be drilled below the groundwater table to enable construction of wastewater infrastructure and stormwater wetlands. As the wells/bores will remain in place for the duration of the relevant dewatering works and will therefore not be sealed and abandoned within two days of completion of drilling, the activity does not comply with Condition (a) of this rule.



	The drilling of blast holes, seismic shot holes or similar, where the hole will be destroyed upon construction, and where the adverse effects on ground water are addressed through resource consents, are exempted from conditions a), b), c) and d) of this Rule.		
3.8.4.7 Controlled Activity Rule – Drilling below the Water Table	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: 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. 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. c. All holes/wells shall be managed and maintained such that leakage of water or contaminants to or from the ground surface is prevented. 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. e. Wells used for potable water supply shall be located at least 30 metres from any on-site sewage disposal system. 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*. 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: 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.	Controlled	Drilling is proposed below the water table to install a bore for the purposes of dewatering to allow for construction of wastewater and stormwater infrastructure. Given the holes drilled will not be sealed and abandoned within two days of the completion of drilling, the proposal does not comply with the permitted standards of Rule 3.8.4.6 and requires **resource consent as a Controlled Activity.**

	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. 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.		
3.8.4.10 Permitted Activity Rule – Discharge of Water from drilling	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: 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 3º 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. f. There shall be no discharge to any Significant Geothermal Feature.	Permitted	Any discharge of water arising from drilling activities will be managed in accordance with the conditions of this rule, including the applicable volume, water quality, flooding and erosion requirements.

Table No. 2

Waikato Regional Plan – River and Lake Bed Module			
Rule Number	**Rule Provision**	**Compliance**	**Comments**
3.2 – River and Lake Bed Structures			
4.2.4.4 Discretionary Activity Rule – Structures In, On, Under or	The use, erection, reconstruction, placement, extension, alteration or demolition or removal of any structure in, on, under or over the bed of any lake or river that is not specifically provided for by any rule, or does not comply with the conditions of a permitted or controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).	Discretionary	Stormwater discharge structures into the Mangaheka Stream. As the outlet structures exceed the dimensional limits of Rule 4.2.10.1, **they require resource consent as a Discretionary Activity under this rule.**

Over the Beds of Rivers and Lakes			
4.2.8.1 Permitted Activity Rule – Bridges	1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any single span bridge not exceeding 10 metres in length, and necessary bed disturbance, in, on, under or over the bed of any river, and 2. Any discharge of sediment associated with construction activities; and 3. Any deposition of necessary construction materials are permitted activities subject to the following conditions: a. Any such bridge 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 soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest. c. The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent. d. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. e. The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris. f. The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood. g. The structure shall be maintained in a structurally sound condition at all times. h. All materials and equipment used shall be removed from the river or lake bed and floodway and the floodplain on the completion of that activity. 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. j. 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 where that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority.	Does not comply	The proposed bridge structures across the Mangaheka Stream have spans of approximately 20 m and therefore exceed the maximum 10 m bridge length provided for by this permitted activity rule. The bridges are assessed under Rule 4.2.8.2.

	k. 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. l. In the event of any waahi tapu that is not subject to condition k) being identified while undertaking the use, erection, reconstruction, placement, alteration or extension 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. m. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. n. 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.		
4.2.8.2 Controlled Activity Rule – Bridges	1. Any activity unable to comply with Rule 4.2.8.1, or 2. Unless controlled by Rule 4.2.5.1, the use, erection, reconstruction, placement, alteration or extension of any bridge exceeding a length of 10 metres that has no pier(s) and any necessary bed disturbance, in, on, under or over the bed of any river, and 3. Any discharge of sediment associated with construction activities 4. Any deposition of necessary construction materials are controlled activities (requiring resource consent) subject to the following standards and terms: a. Any such bridge 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 soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest. c. The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent. d. The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris. e. The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood.	Controlled	The bridges will be designed to maintain flood conveyance and avoid adverse upstream flooding effects in accordance with the standards and terms of this rule. **Accordingly, resource consent is required as a Controlled Activity.**

	f. The structure shall be maintained in a structurally sound condition at all times. g. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. h. 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. i. 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. j. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. k. The structure shall not be located in, on, under or over the bed of a river or lake that is identified as a Significant Geothermal Feature.		
4.2.9.2 Permitted Activity Rule – Culverts for Catchment Not Exceeding 100 hectares	Unless controlled by Rule 4.2.9.1 and Rule 4.2.5.1 the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of a river or lake for a catchment area not exceeding one square kilometre (100 hectares) upstream of the culvert, and 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 are permitted activities subject to the following conditions: 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.	Permitted	The upstream catchment area for the proposed Te Otamanui Stream Culvert O.1 is approximately 6.50 ha and therefore does not exceed the 100 ha threshold specified by this rule. The culvert will be designed and constructed to comply with the listed permitted activity conditions, including requirements relating to flood conveyance and overtopping, fish passage, debris management, culvert embedment, suspended solids, construction materials, contaminants and erosion. Waikato Regional Council will also be notified at least 10 working days prior to construction. Accordingly, the Te Otamanui Stream culvert is a permitted activity under this rule.

	f. The structure shall not cause; 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. 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. 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. 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. 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. 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. n. Any erosion occurring as a result of the structure or diversion and discharge of water shall be remedied as soon as practicable. o. No discharge shall be made outside of the natural catchment. 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.		
4.2.9.3 Controlled Activity Rule – Culverts for catchment	Any activity unable to comply with Rules 4.2.9.1 or 4.2.9.2 or unless controlled by Rule 4.2.5.1, the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of	Controlled	The upstream catchment areas for the proposed Mangaheka Stream culverts are approximately 476 ha for Culvert M.1 and 361 ha for Culvert M.2, and therefore fall within the 100–500 ha catchment range provided for by this rule. The culverts will be

areas not exceeding 500 hectares	a river or lake for a catchment area exceeding 100 hectares but not exceeding 500 hectares upstream of the culvert, and 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 are controlled activities (requiring resource consent) subject to the following standards and terms: 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 in water bodies classified as Significant Indigenous Fisheries and Fish Habitats c. There shall be no obstruction of debris that causes flooding on neighbouring properties. d. This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan. e. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. f. 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. 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. Any erosion occurring as a result of the structure and diversion and discharge shall be remedied as soon as practicable. i. No discharge shall be made outside of the natural catchment. j. 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.		designed to comply with the listed standards and terms, including requirements relating to flood conveyance, fish passage, debris management, erosion, construction materials and discharges. **Accordingly, resource consent is required as a Controlled Activity for culverts M1 and M2.** The Te Otamanui Stream culvert has an upstream catchment of approximately 6.5 ha and is therefore technically not subject to this rule.
4.2.10.1 Permitted Activity – Rule Discharge and	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	Does not comply	The Project includes a number of stormwater discharge structures that discharge to the Mangaheka Stream. The proposed outlet structures will exceed the 300mm dimensional limits specified



Intake Structures	2. Any discharge of sediment associated with construction activities; are permitted activities subject to the following conditions: a. Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres. b. 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. c. The structure shall be kept free of debris. d. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. e. The structure shall be maintained in a structurally sound condition at all times. f. 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. g. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. h. 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. i. 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. 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. k. The structure shall provide for the safe passage of fish both upstream and downstream. l. Any erosion occurring as a result of the structures shall be remedied as soon as practicable. 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. n. The structure shall be consistent with the provisions specified in the Water Management Classes in Section 3.2.4. of this Plan.		by this permitted activity rule. Accordingly, the discharge structures do not comply with Rule 4.2.10.1 and require resource consent under Rule 4.2.4.4. Final outlet configuration and dimensions will be confirmed through detailed design. The proposal does not comply with the permitted activity rule, therefore deferring assessment to Rule 4.2.4.4 above.



4.2.15.1 Permitted Activity Rule – Erosion Control Structures	Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities. in, on or over the bed of a lake or river, for the purposes of erosion control are permitted activities subject to the following conditions: a. The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of debris. b. The structure shall not decrease the cross sectional area of the river. c. For any stretch of river or lake bank measuring up to one bank kilometre in length, the combined length or erosion control structures shall not exceed 50 metres in length. d. The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete, placed such that there is no visible steel in the finished work. e. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. f. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. g. 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. h. Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river. i. The structure shall be maintained in a structurally sound condition at all times. j. The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 works days prior to work commencing. k. The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps. 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.	Does not comply	The Project includes erosion-control structures within the Mangaheka Stream associated with the seven stormwater wetland outlets and Culverts M.1 and M.2. Based on the current concept design, approximately 105 m of rip-rap is anticipated at the wetland outlets and approximately 80 m associated with the culvert inlet and outlet locations. This equates to approximately 102 m of erosion-control structures per kilometre of stream bank. The proposed erosion-control structures therefore exceed the permitted activity limit of 50 m per kilometre specified in Condition (c) of this rule. The activity is assessed under Rule 4.2.15.2.



	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. n. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. o. 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. The structure shall provide for the safe passage of fish both upstream and downstream. q. The structure shall be constructed against the eroding stream or lake bank and be physically attached to it.		
4.2.15.2 Controlled Activity Rule – Erosion Control Structures	Unless controlled by Rule 4.2.5.1 and Rule 4.2.15.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure not exceeding 200 metres combined length per kilometre, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities in, on or over the bed of a lake or river, for the purposes of erosion control are controlled activities (requiring resource consents) subject to the following standards and terms: a. The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of obstructions. b. The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete placed such that there is no visible steel in the finished work. c. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. d. 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. e. Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river. f. The structure shall be maintained in a structurally sound condition at all times.	Controlled	Based on the current concept design, approximately 185 m of rip-rap erosion protection is anticipated along the Mangaheka Stream, comprising protection associated with the seven stormwater wetland outlets and Culverts M.1 and M.2. This equates to approximately 102 m of erosion-control structures per kilometre of stream bank and is therefore within the maximum combined length of 200 m per kilometre provided for by this rule. The final extent, location and design of erosion-control structures will be confirmed through detailed design and will be required to remain within the 200 m per kilometre threshold and comply with the applicable standards and terms of Rule 4.2.15.2. Accordingly, resource consent is required as a Controlled Activity under Rule 4.2.15.2.

	g. The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps of this Plan. 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. i. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. j. 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.		
4.2.18.1 Discretionary Activity – Maintaining access for maintenance purposes	Any of the following activities within 10 metres of an artificial watercourse, modified watercourse or river bed, that is managed by the Waikato Regional Council or a territorial authority, (except in the Hauraki District Council and Aka Aka Otua Drainage areas where a 15 metre distance shall apply,) within drainage districts and those parts of the rivers or streams that are the full responsibility of Waikato Regional Council or territorial authorities for maintenance purposes, as listed in Table 4-1. 1. The planting of trees, shrubs, and the construction of any structure, or 2. The placement of fences perpendicular to a watercourse without a gate, or 3. The placement of fences greater than 1,200 millimetres high parallel to watercourses (except in the Hauraki District Council area where a 750 millimetre fence height shall apply) , or 4. The placement of fences parallel to watercourses that prevents access for maintenance, or 5. The placement and maintenance of an artificial watercourse without a culvert perpendicular to a watercourse; are discretionary activities (requiring resource consent). Exclusion to Rule 4.2.18.1: This rule shall not apply where the activities are undertaken by Waikato Regional Council or territorial authorities within drainage districts or river control scheme area managed by those authorities.	Discretionary	The Mangaheka Stream/McBeth Drain forms part of the WRC-managed drainage network, and the Project includes planting and structures within 10 m of the watercourse as part of the proposed stream enhancement and stormwater corridor works. Accordingly, the activities are subject to Rule 4.2.18.1 **and require resource consent as a Discretionary Activity**. The Project design provides for ongoing maintenance access to the watercourse.
4.2.20.2 Permitted Activity Rule – Removal or	1. The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and 2. Any discharge of sediment associated with removal or demolition;	Permitted	The Project includes the removal of existing culverts and associated structures within the Mangaheka Stream to facilitate the proposed stream works and stormwater design. The structures and associated



Demolition of Structures	are permitted activities subject to the following conditions: a. There shall be no use of explosives in the water except by a person who holds a current certificate of competence as a construction blaster, (issued by Occupational Safety and Health, under the Health and Safety Regulations 1995) that would allow demolition of a structure in, on, under or over the bed of a river or lake where the Waikato Regional Council is notified at least 10 days prior to the activity commencing and 24 hours in the case of an emergency. b. The structure, or part thereof, being removed or demolished shall be removed from the river or lake bed, and/or any material or temporary structures required to undertake the activity shall be removed. c. The activity shall not result in the removal of, or damage to, any lawfully established flood protection or erosion control structures, or linear bank protection structures or plantings undertaken for flood or erosion control. d. The activity shall not reduce the ability of the channel to convey flood flows or floating debris. e. The removal or demolition works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. f. This Rule shall not apply to any structure records on the Historic Places register (in accordance with s22 of the Historic Places Act 1993). g. No submerged piles or parts of structures shall be left in the river or lake bed which might catch debris or obstruct navigation. h. The Waikato Regional Council shall be notified in writing of the removal or demolition at least 10 working days prior to commencement of the activity. i. 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. 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 removal or demolition, 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. k. 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.		construction materials will be completely removed from the river bed, and subsequent works within the stream will be undertaken in accordance with the Stream Works Management Plan and applicable erosion and sediment controls. The removal works are expected to comply with the conditions of this permitted activity rule.



4.2.21 Suspended Solids Discharge Standards for Permitted Activity Rules in Chapters 4.2 and 4.3	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. 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). 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: 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. The point at which compliance with standards a) and b) shall be measured is: 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. ii. For lakes (other than Hyrdo Electricity Reservoirs): at a distance of 15 metres from the location of the discharge or the activity.	Complies	Rule 4.2.21 specifies the suspended solids discharge standards applying to permitted activities within Chapters 4.2 and 4.3. Of the activities assessed above, compliance with these standards is expressly required under Rules 4.2.8.1 (bridges), 4.2.10.1 (discharge and intake structures), 4.2.15.1 (erosion control structures) and 4.2.20.2 (removal or demolition of structures). In-stream works will be undertaken in accordance with the Stream Works Management Plan and associated erosion and sediment controls to manage sediment discharges. The proposal has been assessed as not being able to comply with the permitted activity rules 4.2.8.1, 4.2.10.1 and 4.2.15.1 and consents are therefore sought as outlined above. Compliance is expected to be achieved with Rule 4.2.20.2, given the relevant, including compliance with the applicable standards in this rule. The project therefore complies with the rules.
4.3 – River and Lake Bed Disturbances			
4.3.8.1 Permitted Activity Rule – Introduction and Planting of Plants	1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering* of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and 2. The associated deposition of construction material, and 3. The associated discharge of sediment, and 4. The associated bed disturbance is a permitted activity subject to the following conditions:	Permitted	The Project includes extensive indigenous riparian and streambank planting associated with the restoration and enhancement of the Mangaheka Stream. Planting will comprise appropriate native species within the streambanks, batter slopes and riparian margins for streamside enhancement, habitat improvement and bank stabilisation. The planting will be undertaken in accordance with the Mangaheka Stream Enhancement Plan and is provided for as a permitted activity under this rule.



	a. The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed. b. All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. c. 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. d. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, 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. e. 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. f. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. g. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. h. Any erosion occurring as a result of the activity shall be remedied as soon as practicable. i. Plants shall not replace indigenous flora or have the potential to smother indigenous flora.		
4.3.8.2 Prohibited Activity Rule – Introduction and Planting of Plant Pests	The introduction or planting of any, or part of any, of the following plant species in, on or under the bed of any river or lake in the Waikato Region is a prohibited activity: 1. Alligator weed (Alternanthera philoxeroides) 2. Bladderwort (Utricularia gibba) 3. Bogbean (Menyanthes trifoliata) 4. Clasped pondweed (Sagittaria graminea ssp. platyphylla) 5. Eel grass (Vallisneria gigantea) 6. Egeria oxygen weed (Egeria densa) 7. Floating sweetgrass (Glyceria maxima) 8. Freshwater eel grass (Vallisineria spp.)	Not applicable	Planting will not include any species listed in this prohibited activity rule.

	9. Fringed water lily (Nymphoides peltata) 10. Hornwort (Ceratophyllum demersum) 11. Hydrilla (Hydrilla verticallata) 12. Lagarosiphon (Lagarosiphon major) 13. Manchurian wild rice (Zizania latifola) 14. Marshwort (Nymphoides geminata) 15. Nardoo (Marsilea mutica) 16. Parrot's feather (Myriophyllum aquaticum) 17. Phragmites (Phragmites australis) 18. Sagittara (Sagittara graminea spp. Platyphylla) 19. Senegal tea (Gymnocoronis spilanthoides) 20. Salvina (Salvinia molesta) 21. Spartina (Spartina ssp.) 22. Water poppy (Hydrocleys nymphoides) 23. Water primrose (Ludwigia peploides ssp. Montevidensis) 24. Yellow flag (Iris pseudacorus) 25. Yellow water lily (Nuphar lutea) 26. Water hyacinth (Eichhornia crassipes) 27. Pussy willow (Salix x reichardtii) 28. Grey willow (Salix cinerea)		
4.3.9.2 Permitted Activity Rule – Vegetation Clearance	Except as provided for in Rule 4.3.9.3 the clearance of vegetation in, on or under the beds of rivers and lakes is a permitted activity subject to the following conditions: a. Floating debris and plant material shall be prevented from drifting away causing obstructions to the river or lake bed, spreading plant pests (as listed in Rule 4.3.8.2) or creating a navigation hazard. b. The activity shall not cause any increase in flooding on neighbouring properties. c. The activity shall not take place in Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Trout Fisheries and Trout Spawning Habitat class waters during May to September inclusive. d. All materials from the vegetation clearance activity and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. 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	Permitted	Vegetation clearance will be required within and adjacent to the Mangaheka Stream and Te Otamanui Stream to facilitate the proposed works. Clearance will be undertaken in accordance with the Stream Works Management Plan and applicable erosion and sediment controls, and in such a way that will comply with the standards of this rule.

	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 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, 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. g. 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. h. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. i. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. j. Any erosion occurring as a result of the activity shall be remedied as soon as practicable. k. The activity shall not be located in, on, or under the bed of a river or lake that is identified as a Significant Geothermal Feature.		

Table No. 3

Waikato Regional Plan – Land and Soil Module			
Rule Number	**Rule Provision**	**Compliance**	**Comments**
5.1 – Accelerated Erosion			
5.1.4.11 Permitted Activity Rule – Soil Disturbance, roading and tracking and vegetation clearance	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, 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; 2. Any roading and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres 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;	Does not comply	The Project involves large-scale soil disturbance, roading, tracking and vegetation clearance associated with bulk earthworks and stream works. While erosion and sediment controls will be implemented in accordance with the Earthworks Management Plan, the works will not be able to comply at all times with the suspended solids standards in Section 5.1.5. Accordingly, the activity does not comply with this permitted activity rule and is assessed under Rule 5.1.4.13

	3. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative; 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: a. Provided that replanting of planted production forest does not occur within: i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and ii. ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares iii. five metres 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.		
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, roading 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).	Discretionary	The proposed soil disturbance, roading, tracking and vegetation clearance do not comply with Rule 5.1.4.11, including because the suspended solids standards in Section 5.1.5 cannot be achieved at all times during construction. **Accordingly, resource consent is required as a Discretionary Activity under this rule**. Erosion and sediment effects will be managed through the Earthworks Management Plan and associated erosion and sediment controls.
5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance,	Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: 1. Roading and tracking activities between 100 and 2,000 metres in length, or 2. Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or 3. Soil disturbance activities between 0.2 and 2.0 hectares in area, or	Does not comply	Earthworks within the Mangaheka Stream corridor may occur within areas classified as high risk erosion areas. The scale of soil disturbance associated with the proposed stream modification works exceeds the thresholds provided for as a Controlled Activity under this rule and is therefore assessed under Rule 5.1.4.15.

Riparian Vegetation Clearance in High Risk Erosion Areas	4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance between 30 and 120 metres in length, or 5. Vegetation Clearance of between one and five hectares with the exclusion of planted production forests, plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State water body as shown on the Water Management Class Maps 6. Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy. 7. Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of: a. Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or b. Vegetation associated with riparian enhancement programmes. 8. Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres 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 are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.		
5.1.4.15 Discretionary Activity Rule	Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: 1. Roading and tracking activities exceeding 2,000 metres in length 2. Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure) 3. Soil disturbance activities exceeding two hectares in area	Discretionary Activity	The proposed Mangaheka Stream modification works involve substantial soil disturbance within areas that may be classified as high risk erosion areas. The scale of these works exceeds the applicable volume and/or area thresholds in this rule and **therefore requires resource consent as a Discretionary Activity**.



	4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance exceeding 120 metres in length 5. Vegetation clearance exceeding five hectares with the exclusion of planted production forests (except those restricted by Rule 5.1.4.16), and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 6. Riparian vegetation clearance which is within five metres on either side of the banks of a perennial water body which exceeds 100 metres in length per kilometre, with the exclusion of planted production forests, riparian enhancement programmes and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 7. Any riparian vegetation clearance within five metres of a Natural State water body as shown on the Water Management Class Maps except: i. that which is required as part of the construction of a walking track no greater than two metres width, and ii. the control of plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 8. Any activity specified in Rules 5.1.4.14 and 5.1.4.16, that does not comply with the conditions and standards and terms in Section 5.1.5; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities.		
5.2 – Discharges onto or into land			
5.2.5.4 Permitted Activity Rule – Small Scale Cleanfill Disposal Outside of High Risk Locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air when occurring outside of: 1. A high risk erosion area 2. A floodplain of a river 3. The catchment of, or within 10 metres of, whichever is the lesser, a sink hole* or cave entrance 4. Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna 5. A significant geothermal feature* and where the total volume of cleanfill does not exceed 2,500 cubic metres per annum, is a permitted activity subject to the following conditions:	Does not comply	The Project may involve the importation and placement of more than 2,500m³ of cleanfill per annum. Accordingly, the volume threshold for permitted cleanfill disposal under this rule will be exceeded and the activity is assessed under the applicable controlled or discretionary activity rule.

	a. 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. b. Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received. c. The cleanfill has no acid producing potential.43 d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan (28 September 1998), 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. 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. Where the site is to receive a total volume of more than 1,000 cubic metres of cleanfill (loose measure) the operator shall notify the Waikato Regional Council in writing of the accurate location of the site seven working days prior to commencing operation. g. The placement of the material shall be undertaken and maintained in a manner so as to ensure its long-term stability. h. The activity shall not cause any increase in flooding on neighbouring properties. i. The concentration of suspended sediment in any discharge to a water body arising from this activity shall comply with the suspended sediment criteria as set out in Section 3.2.4.6.		
5.2.5.5 Controlled Activity Rule – Large Scale Cleanfill Disposal outside High Risk Locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air that does not comply with Rule 5.2.5.4 when occurring outside of: 1. A high risk erosion area 2. A floodplain of a river 3. The catchment of, or within 10 metres of, whichever is the lesser, a sink hole* or cave entrance	Controlled	The Project may involve the placement of more than 2,500 m^3 of cleanfill in areas outside the identified high risk locations. As the permitted volume threshold in Rule 5.2.5.4 may be exceeded, cleanfill placement in those areas **requires resource consent as a Controlled Activity under this rule.**

	4. Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna 5. A significant geothermal feature* is a controlled activity (requiring resource consent) subject to the following standards and terms: a. 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. b. Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received. c. The cleanfill has no acid producing potential. d. The placement of the material shall be undertaken and maintained in manner so as to ensure its long-term stability. e. The activity shall not cause any increase in flooding on neighbouring properties.		
5.2.5.6 Discretionary Activity Rule – Cleanfill disposal in high risk locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air in a manner that does not comply with Rules 5.2.5.4 and 5.2.5.5 is a discretionary activity. Exclusions to Rule 5.2.5.6: a. This Rule does not apply to discharges of contaminants into land that will affect significant Geothermal Features. b. This Rule does not apply to soil disturbance activities where cleanfill is reused, such as land contouring, and roading and tracking which are addressed by methods and rules in Section 5.1.4.	Discretionary	Cleanfill placement may occur within high risk locations, including high risk erosion areas associated with the Mangaheka Stream corridor. **Accordingly, the activity requires resource consent as a Discretionary Activity under this rule**.
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: a. If the dust suppressant is a hazardous substance of 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). 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.	Permitted	Water will be used as the primary dust suppressant during construction. If any alternative dust suppressant is required, it will be selected and applied in accordance with the conditions of this rule, including requirements relating to hazardous substances, runoff to surface water and discharges to air.

	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.		
5.3 – Contaminated Land			
5.3.4.6 Permitted Activity Rule – Discharges from remediation of contaminated land	Any discharge arising from remediation of contaminated land is a permitted activity, subject to the following conditions: a. 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. b. No contaminants from the remediation of the contaminated land shall be discharged into water or onto land unless discharged to a landfill authorised in Section 5.2.7. c. The Waikato Regional Council shall be provided with the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) prior to commencement of land remediation: i. detailed site investigation report ii. site remedial action plan d. After remediation is completed, copies of the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) must be provided to the Waikato Regional Council: i. site validation report ii. ongoing monitoring and management plan. e. Any updates of these reports shall be provided to the Waikato Regional Council if a change in investigation, remediation and monitoring strategy occurs.	Permitted	A Controlled Activity consent is being sought under the NES-CS for soil disturbance and disposal within identified HAIL areas. However, the PSI/DSI confirms that contaminant concentrations do not exceed the applicable NES-CS Soil Contaminant Standards and the Site does not meet the Waikato Regional Plan definition of contaminated land. Accordingly, the contaminated land discharge rules in Section 5.3 do not apply.

National Environmental Standards for Freshwater

National Environmental Standards for Freshwater – Part 3 Standards for Other Activity that relate to Freshwater			
Rule Provision	**Rule Provision**	**Compliance**	**Comments**
Subpart 2 – Reclamation of Rivers			
56A – Meaning in this subpart of applying effects management hierarchy	In this subpart, a requirement to apply the effects management hierarchy includes a requirement to apply clause 3.24(3) of the National Policy Statement for Freshwater Management as if a reference in that clause to a regional council were a reference to the consent authority.	N/A	N/A
57 – Discretionary Activities	(1) Reclamation of the bed of any river is a discretionary activity. (2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first- (a) Satisfied itself that there is a functional need for the reclamation of the riverbed in that location; and (b) Applied the effects management hierarchy.	Discretionary	The Project will permanently reclaim approximately 212 m of Watercourse M13, which falls within the definition of a river for the purposes of the NES-F. **Resource consent is therefore required under Regulation 57 as a Discretionary Activity**. The functional need for the reclamation and application of the effects management hierarchy are addressed in the EcIA and Substantive Application Report.
Subpart 3 – Passage of fish affected by structures			
62 – Requirements for all activities: information about structures and passage of fish	(1) This regulation applies to any activity that – (a) Is the placement, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river to connected area: (i) A culvert: (ii) A weir: (iii) A flap gate (iv) A dam (v) A ford; and (b) Is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished, -	Complies	The proposed culverts will be designed and constructed in accordance with the applicable NES-F fish passage requirements. The information required by Regulation 62 will be collected and provided to Waikato Regional Council following completion of the works, as reflected in the proposed consent conditions.

	(a) For a permitted activity; or (b) As a condition of a resource consent granted for the activity, for another class of activity. (3) The information is- (a) The type of structure: (b) The geographical co-ordinates of the structure: (c) The flow of the river or connected area (whether none, low, normal, or high): (d) Whether the water is tidal at the structure's location: (e) At the structure's location, - (i) The width of the river or connected area at the water's surface; and (ii) The width of the bed of the river or connected area: (f) Whether there are improvements to the structure to mitigate any effects the structure may have on the passage of fish: (g) Whether the structure protects particular species, or prevents access by particular species to protect other species: (h) The likelihood that the structure will impede the passage of fish: (i) Visual evidence (for example photographs) that shows both ends of the structure, viewed upstream and downstream.		
63 – Requirement for culvert activities: information about culverts	(1) This regulation applies to any activity that – (a) Is the placement, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area; and (b) Is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) The information specified ain this regulation must be collected and proceed to the relevant regional council, together with the time and date of its collection, within 20 working day after the activity is finished, - (a) For a permitted activity; or	Complies	The proposed culverts will be designed and constructed in accordance with the applicable NES-F requirements. The culvert-specific information required by Regulation 63 will be collected and provided to Waikato Regional Council following completion of the works, as required by the proposed consent conditions.

	(b) As a condition of a resource consent granted for the activity, for another class of activity. (3) The information is – (a) The culvert's asset identification number, if known: (b) Whether the culvert's ownership is – (i) Held by the Crown, a regional council, a territorial authority, the New Zealand Transport Agency, or KiwiRail Holdings Limited; or (ii) Held publicly by another person or organisation; or (iii) Held privately; or (iv) Unknown (c) The number of barrels that make up the culvert: (d) The culverts shape (e) The culverts length (f) The culverts diameter or its width and height (g) The height of the drop (if any) from the culvert's outlet (h) The length of the undercut of erosion (if any) from the culverts outlet (i) The material from which the culvert is made: (j) The mean depth of the water through the culvert: (k) The mean water velocity in the culvert (l) Whether there are low-velocity in the culvert (m) The type of bed substrate that is in most of the culvert (n) Whether there are any remediation features in the culvert (o) Whether the culvert has wetted margins (p) The slope of the culvert (q) The alignment of the culvert (r) The numbers of each other type of structure to which this subpart to which this subpart applies, or of wingwalls or screens, on the culvert (s) If there is any apron or ramp on the culvert, the information required by regulation 68 for each of them.		



68 – Requirement for certain structure activities: information about aprons and ramps	Apron (1) The following information relating to an apron is required: (a) The apron's length (b) The height of the drop (if any) from the apron's downstream end: (c) The material from which the apron is made: (d) The mean depth of the water across the apron: (e) The mean water velocity across the apron (f) The type of bed substrate that is across most of the apron Ramp (2) The following information relating to a ramp is required: (a) The ramp's length (b) The slope of the ramp (c) The type of surface that the ramp has (d) Whether the ramp has wetted margins	N/A	Aprons will be provided at stormwater outfall structures within the Mangaheka Stream. The information required by Regulation 68, including apron dimensions, materials, hydraulic characteristics and bed substrate, will be confirmed through detailed design and provided to Waikato Regional Council in accordance with the proposed consent conditions.
69 – Condition of resource consent for activities: monitoring and maintenance	(1) This regulation applies to any activity that— (a) is the placement, use, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area: (i) a culvert: (ii) a weir: (iii) a flap gate (whether passive or non-passive): (iv) a dam: (v) a ford; and (b) is a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) A resource consent granted for the activity must impose conditions that— (a) require monitoring and maintenance of the structure that is sufficient to ensure that its provision for the passage of fish does not reduce over its lifetime; and (b) require a plan for that monitoring and maintenance that includes— (i) how the monitoring and maintenance will be done; and	N/A	Although the proposed culverts are permitted under Regulation 70 of the NES-F, resource consent is required for the culvert works under the Waikato Regional Plan. Regulation 69 therefore applies, and the proposed consent conditions include requirements for ongoing monitoring and maintenance to ensure fish passage is maintained over the life of the structures, together with the associated monitoring, reporting and review requirements.

	(ii) The steps to be taken to avoid any adverse effects on the passage of fish; and (iii) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and (iv) how often, as specified by the consent authority, the information must be provided under paragraph (c) (for the purposes of reassessing the structure's effect on the passage of fish); and (v) a process for providing that information; and (c) require an updated version of the information relating to the structure that was required for the original resource consent to be provided to the consent authority at the following times: (i) at the intervals required by the plan; and (ii) each time a significant natural hazard affects the structure.		
70 – Culverts Permitted activities	(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity it is complies with the conditions. *Conditions* (2) The conditions are that – (a) The culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and (b) The culvert must be laid parallel to the slope of the bed of the river or connected area; and (c) The mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and (d) The culvert's width where it intersects with the bed of the river or connected area(s) and the width of the bed at that location (w), both measured in metres, must compare as follows: (i) Where w <3, s>1.3 x w:	Complies	The proposed culverts will be designed and constructed to comply with the fish passage and design requirements of Regulation 70, including requirements relating to culvert alignment, water velocity, sizing, embedment, bed substrate and continuity of geomorphic processes. Accordingly, the culvert works are a permitted activity under the NES-F.

	(ii) Where w >3, s> (1.2 x w) + 0.6; and (e) The culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and (f) The bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and (g) The culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris). *Information requirements.* (3) See also regulations 62 and 63 for information requirements that apply to the permitted activity (unless the activity is use).		

Objectives and Policy Assessment

Te Kowhai East Industrial Development

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Te Ture Whaimana o te Awa o Waikato – Vision and Strategy for the Waikato River

Vision and Strategy for the Waikato River Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objectives	
The restoration and protection of the health and wellbeing of the Waikato River	The Project aligns with the restoration and protection direction of Te Ture Whaimana through the restoration and enhancement of the Mangaheka Stream corridor, riparian planting, ecological restoration, black mudfish habitat creation, improved fish passage and an integrated stormwater management framework. These measures are intended to improve water quality, freshwater habitat, ecological function and the health and resilience of the wider catchment. Importantly, the Project does not rely on the degraded condition of the existing Mangaheka Stream and drainage network as justification for further degradation, but instead seeks improved freshwater outcomes over time. Overall, the Project is considered generally consistent with this objective.
The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships	The Project has been informed by engagement with tangata whenua through the TWWG, hui, technical engagement and preparation of the CIA. Freshwater values, the Mangaheka Stream, stormwater management, ecological restoration and Te Ture Whaimana have been central matters in that engagement. The proposed Tangata Whenua Management Plan will provide for ongoing mana whenua involvement during implementation, including cultural monitoring, cultural protocols and input into ecological restoration and environmental management. The Project also seeks to improve the environmental condition of freshwater environments that form part of the wider Waikato River catchment, supporting the ongoing relationship of tangata whenua and communities with those environments. The Project is therefore considered generally consistent with these objectives.
The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.	
The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.	
The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.	The Project adopts an integrated approach to land use, freshwater, groundwater, stormwater, flooding, ecology, infrastructure and cultural values. The stormwater framework has been developed at a catchment scale across the Mangaheka, Te Rapa and Te Otamanui catchments and considers downstream receiving environments. Ecological restoration, flood

	management, infrastructure and cultural outcomes have also been incorporated into the development outcome rather than addressed independently. The Project is therefore considered consistent with the integrated and holistic management direction of this objective.
The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.	The Project recognises that the Waikato River and its tributaries are already degraded and should not be required to absorb further degradation. The stormwater and freshwater framework therefore incorporates source controls, treatment trains, attenuation, erosion control, stream restoration and ecological enhancement intended to manage development-related effects and improve freshwater outcomes over time. The assessment has also considered effects at a catchment scale, including downstream flood, water-quality and ecological effects. Where uncertainty remains, monitoring, management plans and adaptive responses are proposed. These measures are considered to respond appropriately to the precautionary and cumulative-effects direction of Te Ture Whaimana.
The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.	
The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.	
The protection and enhancement of significant sites, fisheries, flora and fauna.	The Project will affect parts of the existing freshwater environment, including artificial drains supporting black mudfish and one watercourse that will be reclaimed. Those effects are proposed to be managed through fish salvage and relocation, dedicated black mudfish habitat creation, stream creation and restoration, riparian planting and improved fish passage. The Mangaheka Stream corridor will also be substantially enhanced to improve habitat diversity and ecological connectivity. The Project is therefore considered generally consistent with the objective to protect and enhance fisheries, flora and fauna.
The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.	The Project recognises that social and economic development within the Waikato River catchment must occur within a framework that prioritises restoration and protection of the health and wellbeing of the River. The Project will provide substantial industrial development capacity, employment and infrastructure investment, while also incorporating a significant programme of freshwater restoration, stormwater treatment and ecological enhancement. The Project is therefore considered generally consistent with this objective.
The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.	The Project incorporates an integrated stormwater treatment train including source controls, raingardens, vegetated conveyance systems, constructed wetlands and controls for higher-risk industrial activities. These measures, together with riparian restoration and enhancement of the Mangaheka Stream corridor, are intended to improve the quality of stormwater entering the freshwater receiving environment and contribute to improved water quality within the wider catchment.



	The Project is considered consistent with the restoration direction of this objective.
The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.	The Project does not directly affect public access to the Waikato River and this objective is not directly engaged. The Project will, however, create an enhanced Mangaheka Stream and open-space corridor within the Site, including walking and cycling connections that improve access to and appreciation of freshwater environments at a local level.
The application to the above of both maatauranga Maaori and latest available scientific methods.	The Project has been informed by both mātauranga Māori and contemporary scientific and technical assessment. Mana whenua input through the TWWG, hui and CIA has informed the understanding of cultural values, freshwater outcomes and ecological restoration priorities. That input has been considered alongside technical investigations and assessments relating to freshwater ecology, stormwater, hydrology, hydrogeology, geotechnical matters and environmental effects. The Project therefore reflects an integrated approach that draws on both mātauranga Māori and the latest available scientific methods, consistent with this objective.

Overall, the Project is considered generally consistent with Te Ture Whaimana. The Project will modify parts of the existing freshwater environment, but it incorporates a significant programme of stormwater treatment, stream restoration, riparian enhancement, habitat creation and fish-passage improvement. The Project has also been developed through active engagement with tangata whenua and provides for ongoing mana whenua involvement during implementation.

Importantly, the Project does not rely on the existing degraded condition of the Mangaheka Stream and associated drainage network as justification for further degradation. Rather, the proposed freshwater and stormwater framework seeks to improve the health, ecological function and resilience of those environments over time.

National

National Policy Statement for Urban Development 2020

NPS-UD Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objectives	
Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*	The Project will contribute to a well-functioning urban environment by providing approximately 123 ha of net developable industrial land immediately adjoining the established Te Rapa industrial area. The Economic Assessment identifies industrial land demand in Hamilton at approximately 17–25 ha per annum and concludes that the Project represents approximately 7–11 years of future industrial land demand. It also identifies a spatial imbalance in remaining industrial land supply, with a substantial proportion of vacant land located at Ruakura while north-west Hamilton is more reliant on the more constrained Te Rapa industrial node. TKE will materially increase industrial land supply in the north-west, adjacent to Hamilton's largest industrial employment concentration and close to significant planned residential growth. The Project is comprehensively masterplanned and integrates transport, stormwater, water supply, wastewater, ecological enhancement and open space with future industrial development. The Project is therefore considered to support a well-functioning urban environment consistent with Objective 1.
Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.*	The Project will result in a substantial change to the existing rural character and amenity of the Site through its development as a large-scale industrial area. That change occurs in a locality that is already transitioning, with the established Te Rapa industrial area immediately adjoining the Site and further urban and industrial growth occurring across north-west Hamilton. The Project has been masterplanned to manage the interface between the new industrial environment and adjoining land through landscape buffers, stormwater and ecological corridors, setbacks, streetscape treatment and controls on the location of non-industrial activities. The change in character associated with the Project is therefore consistent with the NPS-UD's recognition that urban environments and their amenity values evolve over time in response to growth and changing community needs.
Objective 6 *Local authority decisions on urban development that affect urban environments are:* • *integrated with infrastructure planning and funding decisions;*	The Project represents a significant addition to industrial development capacity within the Hamilton Tier 1 urban environment, providing approximately 123 ha of net developable industrial land. The Project has been comprehensively masterplanned and is supported by an integrated and staged infrastructure framework addressing transport, stormwater, water supply, wastewater and utilities. Infrastructure delivery is linked to development staging and capacity, ensuring that industrial development is coordinated with the infrastructure required to service it.

• *strategic over the medium term and long term; and* • *responsive, particularly in relation to proposals that would supply significant development capacity.*	The Project also responds to identified medium- and long-term industrial land demand. The Economic Assessment identifies demand at approximately 17–25 ha per annum and concludes that TKE represents approximately 7–11 years of future demand. Accordingly, the Project is considered consistent with Objective 6 because it represents a strategic and infrastructure-integrated response to a significant business land development opportunity.
Policies	
Policy 1: *Planning decisions contribute to well-functioning urban environments.*	The Project responds particularly to Policy 1(b), (c) and (d). TKE will provide a variety of industrial sites suitable for different business sectors in terms of both location and size. The proposed subdivision includes a range of lot sizes and provides flexibility for lots to be combined to accommodate larger industrial occupiers. The Project is located adjacent to the Te Rapa industrial area and close to major planned residential growth at Rotokauri/Te Kowhai and other northern growth areas. This improves the relationship between employment land and future population growth while maintaining access to the strategic transport network. The Economic Assessment also identifies that remaining vacant industrial land is concentrated in a limited number of locations and ownerships. TKE will provide a substantial additional source of industrial land in the north-west and therefore support the competitive operation of the industrial land and development market. The Project is therefore considered consistent with the relevant components of Policy 1.
Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*	The Economic Assessment identifies approximately 452 ha of vacant industrial land within Hamilton and estimates industrial land demand at approximately 17–25 ha per annum. This equates to approximately 18–26 years of existing supply, with a long-term shortfall anticipated and a significant proportion of remaining vacant land concentrated in a small number of ownerships. Those findings are broadly consistent with the HCC Industrial Land Projections 2025, which identifies long-term industrial demand of approximately 20–25 ha per annum under the medium and high growth scenarios. TKE will provide approximately 123 ha of additional net developable industrial land and therefore make a material contribution towards meeting expected long-term business land demand within the Hamilton urban environment. The Project is considered consistent with the direction of Policy 2.
Policy 6: *When making planning decisions that affect urban environments, decision-makers must have particular regard to:* • *the planned urban built form;* • *the fact that urban development may result in significant changes to amenity values;*	The Project will result in significant change to the existing rural character and amenity of the Site. However, the NPS-UD expressly recognises that urban development may change amenity values and that such change is not, of itself, an adverse effect. The Project will provide substantial benefits associated with a well-functioning urban environment, including approximately 123 ha of additional industrial development capacity, a range of industrial sites suitable for different business sectors, improved spatial distribution of employment land and closer alignment between employment and future population growth.

• *the benefits of urban development consistent with well-functioning urban environments;* • *any contribution to providing or realising development capacity; and* • *climate-change effects.*	The Project also makes a material contribution to long-term industrial development capacity in Hamilton, with the Economic Assessment concluding that it represents approximately 7–11 years of future industrial land demand. The Project has nevertheless been designed to manage the interface with surrounding land through landscape buffers, ecological and stormwater corridors, setbacks and development controls. Accordingly, the Project is considered consistent with the relevant direction in Policy 6.
Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:* *(a) Unanticipated by RMA planning documents; or* *(b) Out-of-sequence with planned land release.*	Policy 8 requires local authority decisions affecting urban environments to be responsive to plan changes that add significant development capacity and contribute to well-functioning urban environments, including where that capacity is unanticipated or out of sequence. Clause 3.8 confirms that this policy is specifically implemented through plan changes. The Project is not a plan change and Policy 8 therefore does not directly govern the substantive application. Its direction is nevertheless relevant context because TKE represents a significant industrial development opportunity that is not presently enabled by the General Rural zoning of the Site. The Project will add approximately 123 ha of net industrial land, represents approximately 7–11 years of future Hamilton industrial demand, is well connected to the strategic transport network and adjoins the established Te Rapa industrial area. Accordingly, while Policy 8 is not directly relied upon, the Project is consistent with the broader responsive-planning direction reflected in that policy.

Overall, the Project is considered consistent with the Objective and relevant policies of the NPS-UD. It will provide a substantial addition to industrial development capacity within the Hamilton urban environment, in a location immediately adjoining the established Te Rapa industrial area and strategic transport network.

The Project responds to identified medium- and long-term demand for industrial land, improves the spatial distribution of industrial capacity within north-west Hamilton, and provides a range of sites capable of accommodating different business sectors and occupiers. It has also been comprehensively masterplanned and integrated with the transport, three-waters and other infrastructure required to service the Development.

The Project will result in significant change to the existing rural character and amenity of the Site. However, that change occurs within a locality that is already transitioning and is consistent with the NPS-UD's recognition that urban environments and their amenity values develop and change over time.

While Policy 8 is not directly engaged because the Project is not a plan change, its broader responsive-planning direction is relevant. TKE represents a significant development opportunity that is not presently anticipated by the General Rural zoning of the Site but would make a material contribution to a well-functioning urban environment and to meeting future industrial land demand.

Accordingly, the Project strongly supports the strategic direction of the NPS-UD for well-functioning urban environments, sufficient development capacity, integrated infrastructure planning and responsiveness to significant development opportunities.

National Policy Statement for Freshwater Management 2020

NPS-FM Objective/Policy Assessment	
Obj/Pol Provision	**Comments**
Objective	
The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that priorities: *(a) First the health and well-being of water bodies and freshwater ecosystems* *(b) Second, the health needs of people (such as drinking water)* *(c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and into the future*	The NPS-FM provides national direction for the management of freshwater, including rivers, streams, groundwater and associated receiving environments. It is underpinned by Te Mana o te Wai, which establishes a hierarchy of obligations that prioritises first the health and wellbeing of water bodies and freshwater ecosystems, second the health needs of people, and third the ability of people and communities to provide for their social, economic and cultural wellbeing. The NPS-FM is directly relevant because the Project involves substantial land-use change, stormwater discharges, earthworks, stream modification, culverts, groundwater management and associated effects on freshwater environments within the Mangaheka, Te Rapa and Te Otamanui catchments. Freshwater values have been a significant influence on the Project design. The Mangaheka Stream corridor has been retained as a central element of the Masterplan and will be reconstructed and enhanced through a widened flood corridor, a meandering baseflow channel, riparian planting and habitat enhancement. The Te Otamanui Stream will also be retained and enhanced. The Project adopts an integrated catchment-based approach to freshwater and stormwater management. Stormwater will be managed through a treatment train incorporating source controls, raingardens, vegetated conveyance systems, constructed wetlands, attenuation and stream enhancement. The stormwater strategy has been developed having regard to the Mangaheka, Te Rapa and Te Otamanui catchments and their downstream receiving environments. This is consistent with Policy 3, which requires freshwater to be managed on a whole-of-catchment basis, including effects on receiving environments. The Project will modify existing freshwater environments. In particular, approximately 212 m of Watercourse M13 will be reclaimed. Clause 3.24 of the NPS-FM requires the loss of river extent and values to be avoided unless there is a functional need for the activity in that location and the effects are managed through the effects management hierarchy. The EcIA applies that framework and proposes stream creation and enhancement within the Mangaheka Stream corridor to address the loss of M13, resulting in a net gain in stream length and habitat area. The Project will also affect freshwater habitat through modification of the Mangaheka Stream and parts of the wider drainage network. Those effects are proposed to be managed through stream restoration, riparian planting, fish salvage and relocation, black mudfish habitat creation and fish-passage measures. Existing culverts within the Site are generally of poor condition and some restrict fish passage. Replacement culverts will be designed to provide for fish passage in accordance with the NES-F and relevant fish-passage guidance.

	No natural inland wetlands have been identified within the Project Area for the purposes of the NPS-FM. The EcIA records that the small areas of damp pasture and pooled water do not meet the RMA definition of wetland and therefore the natural inland wetland provisions in clause 3.22 are not directly engaged. The Project also incorporates climate-change allowances into its stormwater and flood-management framework and provides for ongoing mana whenua involvement in freshwater management through the TWWG, CIA and proposed Tangata Whenua Management Plan. Overall, while the Project will modify parts of the existing freshwater environment, it is assessed as being generally consistent with the relevant objective and policies of the NPS-FM. The Project prioritises freshwater health through integrated catchment management, stream restoration, water-quality treatment, habitat enhancement and fish passage, while managing unavoidable river effects through the effects management hierarchy.
Policies	
Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai*	The Project has been designed having regard to Te Mana o te Wai, with freshwater health and ecological restoration integrated into the Masterplan and stormwater framework. The Mangaheka Stream corridor is retained and substantially enhanced, while stormwater treatment, riparian planting, habitat creation, fish passage and ecological management are intended to maintain and improve freshwater ecosystem health. While some modification of freshwater environments is unavoidable, the Project has sought to avoid or minimise adverse effects where practicable and otherwise manage them through restoration, remediation, habitat creation and other measures applied through the effects management hierarchy. Accordingly, the Project is considered generally consistent with Policy 1.
Policy 2: *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*	Tangata whenua have been actively involved through the TWWG, hui, technical engagement and preparation of the CIA. Freshwater matters have been a central focus of that engagement, including the Mangaheka Stream, stormwater management, ecological restoration, fish habitat and Te Ture Whaimana. The proposed Tangata Whenua Management Plan will provide for ongoing mana whenua involvement during implementation, including cultural monitoring and involvement in ecological restoration and enhancement areas. The Project therefore provides for tangata whenua involvement and recognition of Māori freshwater values consistent with Policy 2.
Policy 3: *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole of catchment basis, including the effects on receiving environments.*	The Project adopts an integrated catchment-based approach to freshwater management, recognising the relationship between land use, stormwater, freshwater ecosystems, groundwater and downstream receiving environments. The stormwater framework has been developed having regard to the Mangaheka, Te Rapa and Te Otamanui catchments and relevant catchment-management planning. It incorporates source treatment, conveyance, constructed stormwater wetlands, attenuation and stream restoration, with the objective of managing water quality, flood effects and ecological outcomes on a catchment-wide basis. The Project is therefore considered consistent with Policy 3.

Policy 4: *Freshwater is managed as part of New Zealand's integrated response to climate change.*	The Project has incorporated climate change considerations into the design of its stormwater management and flood mitigation systems. Climate change-adjusted rainfall projections have been adopted for the design and assessment of the stormwater network, constructed stormwater wetlands and flood management framework to ensure the Development remains resilient to anticipated future rainfall intensity and flood risk.
Policy 5: *Freshwater Is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*	The Project has been designed to improve the condition and functioning of freshwater environments within the Site, particularly the Mangaheka Stream and associated drainage network, which are highly modified and generally have low ecological function. The Project incorporates reconstruction and enhancement of the Mangaheka Stream corridor, riparian planting, constructed stormwater wetlands, fish passage measures, black mudfish habitat creation and other ecological restoration initiatives. These measures are intended to improve stream health, habitat quality, water quality and ecological function over time. While parts of the existing freshwater environment will be modified as a result of the Development, the Project includes a comprehensive package of restoration, enhancement and management measures intended to improve degraded freshwater environments and maintain the health and wellbeing of other freshwater ecosystems. Accordingly, the Project is considered to be consistent with Policy 5.
Policy 6: *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*	Ecological investigations have not identified any natural inland wetlands within the Project Area for the purposes of the NPS-FM. Areas of damp pasture and pooled water identified during ecological investigations are highly modified and do not meet the relevant definition of a natural inland wetland. Accordingly, the Project will not result in the loss of extent or values of any natural inland wetland and Policy 6 is not directly engaged by the Project.
Policy 7: *The loss of river extent and values is avoided to the extent practicable.*	The Project has sought to avoid the loss of river extent and values where practicable through retention and enhancement of the Mangaheka and Te Otamanui Streams. The Project will, however, result in the reclamation of approximately 212 m of Watercourse M13. Clause 3.24 permits river loss only where there is a functional need for the activity in that location and the effects are managed through the effects management hierarchy. The EcIA has applied the effects management hierarchy to the loss of M13 and has undertaken an Environmental Compensation Ratio assessment. Approximately 217 m of additional stream length is required to address the loss of extent and values. The proposed Mangaheka Stream restoration will create approximately 435 m of additional stream length and approximately 870 m² of additional stream habitat, resulting in a net gain in stream extent and ecological value. The Project is therefore considered consistent with Policy 7 and clause 3.24.
Policy 8: *The significant values of outstanding water bodies are protected.*	No freshwater body within the Project Area is identified as an outstanding water body under the relevant planning instruments. Policy 8 is therefore not directly engaged.
Policy 9:	The Project affects freshwater habitat supporting indigenous fish, including habitat within the Mangaheka Stream and artificial drains used by black mudfish.

The habitats of indigenous freshwater species are protected.	The Project incorporates stream restoration, riparian planting, fish salvage and relocation, black mudfish habitat creation, replacement of existing culverts and provision for fish passage. Existing culverts are generally in poor condition and some are perched or otherwise restrict connectivity. Replacement culverts will be designed to provide for fish passage in accordance with the NES-F and relevant fish-passage guidance, resulting in an improvement in connectivity within the Site.
Policy 13: *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*	The Project provides for ongoing monitoring of freshwater, stormwater and ecological outcomes through the proposed consent conditions and management plans. Monitoring will be used to confirm the performance of stream restoration, stormwater treatment, ecological mitigation and other freshwater-management measures, with adaptive responses where required. This approach is consistent with Policy 13.
Policy 15: *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*	The Project will provide substantial social and economic benefits through additional industrial land capacity, employment and infrastructure investment. Those benefits are provided for only after addressing freshwater ecosystem health and the health needs of people through the Project's stormwater, ecological and freshwater-management framework. The Project is therefore considered consistent with Policy 15.

Overall, the Project is considered generally consistent with the Objective and relevant policies of the NPS-FM. Freshwater values have been a significant influence on the Project design, with the Mangaheka Stream corridor retained as a central element of the Masterplan and supported by an integrated stormwater, ecological restoration and habitat-enhancement framework.

The Project will nevertheless modify existing freshwater environments, including reclamation of approximately 212 m of Watercourse M13 and modification of parts of the wider drainage network. Those effects have been assessed and are proposed to be managed through the effects management hierarchy, including stream creation and enhancement, riparian restoration, fish salvage and relocation, black mudfish habitat creation and improved fish passage.

The Project also provides for integrated management of land use, stormwater, groundwater and downstream receiving environments across the Mangaheka, Te Rapa and Te Otamanui catchments. Climate-change effects have been incorporated into the stormwater and flood-management framework, and tangata whenua have been actively involved in freshwater matters through the TWWG, CIA and proposed Tangata Whenua Management Plan.

No natural inland wetlands or outstanding water bodies are affected by the Project. The proposed restoration and enhancement measures are expected to improve the condition and ecological functioning of degraded freshwater environments within the Site over time.

Accordingly, while the Project will result in some unavoidable modification of freshwater environments, it is considered to respond appropriately to the hierarchy of obligations in Te Mana o te Wai and to the relevant direction of the NPS-FM through integrated catchment management, water-quality treatment, restoration, habitat enhancement and fish-passage improvements.



National Policy Statement for Highly Productive Land 2022

NPS-HPL Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objective	
Highly productive land is protected for use in land-based primary production, both now and for future generations.	The Project will result in the permanent conversion of land that falls within the interim definition of highly productive land from land-based primary production to industrial use. Until an operative regional policy statement contains maps of highly productive land, clause 3.5(7) applies. It generally treats General Rural or Rural Production zoned LUC 1, 2 and 3 land as highly productive land, subject to specified exclusions. Following the December 2025 amendments, LUC 3 land that is subject to a resource consent application for subdivision, use or development for an activity other than rural lifestyle, lodged at or after the commencement date, is excluded from the interim definition. Accordingly, the principal NPS-HPL issue for the Project relates to affected LUC 1 and 2 land. The Project does not directly align with the Objective insofar as it permanently removes that land from land-based primary production. This is an acknowledged policy tension. The significance of that tension is, however, informed by the productive characteristics of the Site. An earlier agricultural assessment undertaken by AgFirst (to inform the Referral Application) identified the former project area as being predominantly LUC 2w2 but found that much of the Site comprises very poorly drained organic soils with significant wetness limitations. Those characteristics reduce the versatility of the land and constrain its suitability for higher-value horticultural and arable production. Pastoral farming was identified as the principal practicable productive use across much of the Site. The Project also responds to a demonstrated demand for additional industrial land in a location adjoining Hamilton's principal industrial node. The Economic Assessment identifies demand of approximately 17–25 ha per annum and concludes that the approximately 123 ha of net developable industrial land proposed at TKE represents approximately 7–11 years of future Hamilton industrial demand. Accordingly, while the Project gives rise to a clear tension with the Objective, that tension needs to be considered as part of the overall statutory assessment alongside the productive characteristics of the Site and the significant strategic, economic and urban-development benefits of the Project.
Policies	
Policy 1: *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*	The Project recognises that highly productive land is a finite resource with long-term productive value and that its permanent conversion to industrial use represents a loss of that resource. The productive capacity of the affected land is nevertheless not uniform. AgFirst identified that much of the Site is characterised by very poorly drained organic soils with significant wetness limitations and reliance on artificial drainage. While classified predominantly as LUC 2, those limitations constrain the versatility of much of the land and its suitability for higher-value horticultural and arable production.

	The existing rural use and its economic contribution have also been considered. The Economic Assessment estimates the current dairy farming use across the Site to generate approximately $2.2 million in annual farm revenue, contribute approximately $1.0 million to GDP and support approximately six FTE jobs. The finite characteristics and long-term productive value of the affected land have therefore been recognised as part of the assessment. However, because the Project will permanently remove highly productive land from land-based primary production, it is not directly aligned with the protection direction in Policy 1.
Policy 2: *The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.*	The Project has been developed through an integrated assessment of land productivity, urban-development demand, freshwater management, infrastructure and environmental effects. The Site's productive characteristics have been considered alongside the identified need for additional industrial development capacity within the Hamilton urban environment. The Economic Assessment identifies a long-term demand for industrial land, a spatial imbalance in remaining supply and a particular constraint in the north-west Hamilton / Te Rapa market. At the same time, the Masterplan integrates the proposed industrial land use with stormwater treatment, catchment-based flood management, stream reconstruction and restoration, constructed stormwater wetland establishment and black mudfish habitat creation, riparian planting and ecological enhancement. The Project therefore reflects the integrated consideration of highly productive land, freshwater management and urban development contemplated by Policy 2.
Policy 4: *The use of highly productive land for land-based primary production is prioritised and supported.*	The Project will permanently convert affected highly productive land from land-based primary production to industrial development and therefore does not align directly with the direction in Policy 4. The significance of that tension is informed by the actual productive characteristics of the Site. AgFirst identified significant drainage and wetness constraints across much of the Site and concluded that pastoral farming represents the principal practicable productive use across those areas, with limited opportunity for higher-value horticultural or arable production. The Project also occurs immediately adjoining the established Te Rapa industrial area and represents a consolidated extension of an existing urban employment node rather than dispersed development into an otherwise intact rural environment. The tension with Policy 4 is therefore acknowledged and forms part of the overall assessment of the Project.
Policy 5: *The urban rezoning of highly productive land is avoided, except as provided in the NPS-HPL.*	Policy 5 is not directly engaged because the Project does not involve the rezoning of the Site from General Rural to an urban zone. The Site will remain zoned General Rural under the WDP-OiP, with the proposed industrial subdivision, land use and associated activities authorised through the approvals sought under the FTAA. The urban rezoning pathway in clause 3.6 is therefore not relied upon for the Project. Policy 5 is nevertheless relevant context in demonstrating the wider protective direction of the NPS-HPL.
Policy 7: *The subdivision of highly productive land is avoided, except as provided in the NPS-HPL.*	Policy 7 is directly relevant because the Project includes subdivision of land that falls within the interim definition of highly productive land. Clause 3.8 requires subdivision of highly productive land to be avoided unless one of the specified circumstances applies, including where the proposed lots will retain the overall productive capacity of the land over the long term, subdivision is on specified Māori land, or subdivision is required for specified infrastructure with a functional or

	operational need. The clause also requires cumulative loss of productive capacity and reverse sensitivity effects to be avoided where possible or otherwise mitigated. The industrial subdivision proposed by TKE will not retain the productive capacity of the affected highly productive land. The Project therefore gives rise to a direct tension with Policy 7 and the direction in clause 3.8. Insofar as the subdivision creates lots for future industrial development, it will not retain the productive capacity of the affected highly productive land and does not fall within the exceptions in clause 3.8(1). That component of the Project therefore gives rise to a direct tension with Policy 7 and clause 3.8. Some subdivision required for specified infrastructure may fall separately within clause 3.8(1)(c) where the relevant functional or operational need test is met. That does not, however, alter the position in relation to the subdivision principally undertaken to enable industrial development. That tension is inseparable from the proposed industrial land use itself. The subdivision is the mechanism by which the comprehensively masterplanned industrial development will be implemented and is not proposed as rural lifestyle or fragmented rural subdivision. The Development Framework maintains industrial primacy across the Site and controls sensitive activities, while the perimeter landscape, stormwater and open-space framework assists in managing interfaces with adjoining rural land. The Project is therefore not anticipated to materially constrain the continued operation of surrounding primary production activities. The inconsistency with the protective direction of Policy 7 is nevertheless acknowledged and must be weighed as part of the overall statutory assessment.
Policy 8: *Highly productive land is protected from inappropriate use and development*	The Project will result in permanent industrial development on land that falls within the interim definition of highly productive land. Policy 8 is therefore directly relevant. Clause 3.9 identifies the circumstances in which use or development of highly productive land may be considered appropriate and requires territorial authorities to manage the loss of availability and productive capacity and reverse sensitivity effects associated with such development. The principal industrial land use does not fall within any of the activities identified in clause 3.9(2) as an appropriate use or development of highly productive land. It therefore gives rise to a clear tension with the protective direction of Policy 8 and clause 3.9. Some individual components of the Project may separately fall within clause 3.9(2), including works associated with specified infrastructure or the protection, restoration or enhancement of indigenous biodiversity. Those exceptions do not extend to the industrial development of the Site as a whole. In considering the significance of that tension, the characteristics and context of the Site are relevant. Much of the Site is affected by significant drainage and wetness limitations which reduce its productive versatility despite its predominantly LUC 2 classification. Earlier comparative agricultural work undertaken by AgFirst also identified potential alternative expansion areas west of Burbush and southwest of Horotiu as generally containing land of higher productive capacity, including better-drained soils, LUC 1 land, established commercial vegetable production and larger viable dairy operations.



	The Site is also immediately adjacent to the established Te Rapa industrial area and key strategic transport infrastructure. The Economic Assessment identifies it as functionally part of the Hamilton industrial market and a logical extension of Te Rapa. It identifies approximately 17–25 ha per annum of industrial land demand and concludes that TKE will make a material contribution to addressing the identified long-term supply constraint, particularly in north-west Hamilton. The locational relationship between the identified industrial land demand and the Site is also important. The Economic Assessment identifies the north-west Hamilton / Te Rapa area as a distinct part of the industrial market, with comparatively constrained remaining supply and significant existing and projected employment and population growth. The benefits associated with the Project therefore arise not simply from the conversion of rural land to a higher-value use, but from providing additional industrial capacity in a location that is functionally integrated with Hamilton's principal industrial node and strategic transport network. The Project therefore has strong strategic and economic reasons for locating on the Site. Those matters do not remove the inconsistency with the protective direction of Policy 8. They are, however, relevant to the wider statutory assessment under the FTAA, including the weight to be given to the Project's regional benefits relative to the adverse consequence of permanently removing highly productive land from primary production. The scale of the resulting loss of highly productive land, including its cumulative effect on the availability and productive capacity of highly productive land within the district, is also relevant to the assessment.
Policy 9: *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*	The Project has been designed to minimise the potential for reverse sensitivity effects on surrounding rural and primary production activities. The development is predominantly industrial and the Development Framework maintains industrial primacy across the Site. Sensitive activities are either excluded or specifically limited and controlled so that they do not establish a significant sensitive population at the interface with adjoining rural activities. The Masterplan also incorporates landscape, stormwater and open-space treatments around much of the Site perimeter, providing physical separation between industrial development and adjoining rural properties. Accordingly, the Project is unlikely to constrain the continued lawful operation of land-based primary production on surrounding land and is considered consistent with Policy 9.

Overall, the Project will result in the permanent subdivision, use and development of highly productive land for industrial purposes and therefore gives rise to a clear tension with the Objective and Policies 1, 4, 7 and 8 of the NPS-HPL. While some individual infrastructure and ecological components may fall within the exceptions provided by clauses 3.8 and 3.9, the subdivision and development of the Site for industrial purposes does not.

The productive characteristics of the Site, including the significant drainage and wetness constraints identified by AgFirst, are relevant to understanding the significance of the loss of productive land. However, those characteristics do not of themselves establish the exemption in clause 3.10. That clause requires a demonstration that permanent or long-term constraints mean land-based primary production is not able to be economically viable for at least 30 years, that those constraints cannot be addressed through reasonably practicable options that would retain productive capacity, and that the other requirements of clause 3.10 are satisfied.



Accordingly, unless the exemption in clause 3.10 is relied upon and supported by current expert evidence, the Project should be recognised as not fully consistent with the protective direction of the NPS-HPL. That inconsistency is an adverse consideration that must be weighed within the wider FTAA statutory assessment. In that context, the significance of the Project's regional benefits, the demonstrated need for additional industrial development capacity, and the strong functional relationship between that demand and the Site's location adjoining Te Rapa are particularly relevant.

National Policy Statement on Indigenous Biodiversity

NPS-IB Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objective	
The objective of this National Policy Statement is: *(a) To maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement dates; and* *(b) To achieve this:* *(i) Through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and* *(ii) By recognising people and communities, including landowners, as stewards of indigenous biodiversity and* *(iii) By protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and* *(iv) While providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*	The Project is located within a highly modified rural environment dominated by pasture, cropping, exotic shelterbelts, hedgerows and other exotic vegetation. The EcIA identifies generally low terrestrial ecological values across much of the Site and does not identify any SNA within the Project Area. The Project will nevertheless result in the modification and removal of vegetation and potential habitat for indigenous fauna. Those effects have been assessed through the EcIA and have informed the design of the Project and the ecological management measures proposed. The Project incorporates restoration and enhancement measures including indigenous riparian planting, restoration of the Mangaheka Stream corridor, habitat enhancement and establishment of additional indigenous vegetation within the Development. These measures are intended to improve habitat quality, ecological connectivity and indigenous biodiversity values within a landscape that is currently substantially modified. The Project also recognises the mana of tangata whenua as kaitiaki through engagement undertaken through the TWWG and CIA process and through ongoing opportunities for mana whenua involvement in ecological restoration and environmental management. Long-tailed bats are also specifically relevant to the assessment. Although no bats were detected during Project-specific surveys, the Site contains some trees with potential roost features and linear vegetation that may provide potential commuting or foraging habitat. Specific management measures are proposed to address those potential effects. Overall, while the Project will result in some adverse effects on existing biodiversity values, those effects are proposed to be managed and accompanied by substantial restoration and enhancement measures. The Project is therefore considered generally consistent with the Objective of the NPS-IB.
Policies	
Policy 1: *Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.*	The Project has been informed by the decision-making principles of the NPS-IB, including recognition of the role of tangata whenua as kaitiaki and the need to maintain indigenous biodiversity while enabling people and communities to provide for their wellbeing. Tangata whenua have been involved through the TWWG, project hui and preparation of the CIA. The EcIA has identified indigenous biodiversity values within the Project Area and informed measures to avoid and minimise adverse effects where practicable and to restore and enhance biodiversity values. The Project therefore provides an integrated response to ecological and cultural values and is considered generally consistent with Policy 1.
Policy 2:	Tangata whenua have been actively involved in development of the Project through the TWWG, project hui and preparation of the CIA. Biodiversity, freshwater, ecological restoration and cultural values have formed part of that engagement.

Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through: *(a) Managing indigenous biodiversity on their land; and* *(b) Identifying and protecting indigenous species, populations and ecosystems that are taonga; and* *(c) Actively participating in other decision-making about indigenous biodiversity.*	The Project provides for ongoing mana whenua involvement through the proposed Mana Whenua Management Plan, including involvement in ecological restoration and enhancement, cultural protocols and environmental management during implementation of the Project. These measures recognise and provide for the exercise of kaitiakitanga and ongoing participation in decisions affecting indigenous biodiversity. The Project is therefore considered generally consistent with Policy 2.
Policy 3: *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*	The Project has adopted a precautionary approach where uncertainty remains regarding the presence or use of habitat by indigenous fauna. Detailed ecological investigations have been undertaken across the Site, including surveys for vegetation, indigenous birds, lizards and long-tailed bats. Where those investigations have not conclusively excluded the presence or future use of habitat, management measures are nevertheless proposed. In particular, no lizards were identified during manual habitat searches, but suitable habitat remains present and the possibility of copper skink occurring within the Site has not been excluded. The separate Wildlife Approval and Lizard Management Plan therefore provide for precautionary management of vegetation and habitat clearance. Similarly, no long-tailed bats were detected during Project-specific acoustic surveys, but potential roost trees and possible commuting and foraging habitat have been identified. A Bat Management Plan and DOC Bat Roost Tree Protocols are proposed to manage the residual risk associated with vegetation clearance. The Project therefore adopts a precautionary approach to identified ecological uncertainty and is considered consistent with Policy 3.
Policy 4: *Indigenous biodiversity is managed to promote resilience to the effects of climate change.*	The Project incorporates measures that will improve the resilience of indigenous biodiversity within the Site over time, including increased indigenous vegetation cover, restoration and enhancement of the Mangaheka Stream corridor, riparian planting and improved ecological connectivity. The proposed green network will establish larger and more connected areas of habitat than are presently available across the highly modified pastoral landscape. Increased vegetation cover and improved connectivity will assist indigenous flora and fauna to respond to changing environmental conditions. The Project's stormwater and flood-management framework also incorporates climate-change-adjusted design and supports the long-term functioning of the ecological and open-space network. Accordingly, the Project is considered consistent with Policy 4.
Policy 5: *Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.*	The Project has been developed through an integrated approach to land use, ecology, landscape, freshwater, stormwater and infrastructure planning. Ecological restoration and habitat enhancement are integrated with the Mangaheka Stream corridor, stormwater network, open-space system and landscape framework rather than being treated as isolated mitigation measures. This provides opportunities to improve ecological connectivity within the Site and its relationship with habitats beyond the Site.



	The Project has also been developed through engagement with WDC, HCC, WRC, mana whenua and other relevant parties, recognising that ecological systems and fauna movement are not confined by administrative boundaries. Accordingly, the Project is considered generally consistent with Policy 5.
Policy 8: *The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*	No SNA has been identified within the Project Area. However, the Project recognises that indigenous biodiversity outside SNAs remains important and has assessed terrestrial vegetation and potential habitat for indigenous birds, lizards and long-tailed bats accordingly. The Site is predominantly highly modified and terrestrial habitat values are generally low. Nevertheless, some vegetation provides potential fauna habitat, including mature trees with potential bat-roost features, shelterbelts and hedgerows that may provide movement or foraging habitat, and areas potentially suitable for indigenous lizards. Effects on those values are proposed to be managed through vegetation-clearance protocols, fauna-specific management measures, the Lizard Management Plan, Bat Management Plan and ecological restoration and planting. The Project will also establish substantial new indigenous vegetation and improve habitat connectivity through the Mangaheka Stream corridor and wider green network. Accordingly, the Project recognises and provides for the maintenance of indigenous biodiversity outside SNAs and is considered generally consistent with Policy 8.
Policy 10: *Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.*	The Project will provide substantial social and economic benefits through the provision of additional industrial land, employment and investment and support for Hamilton's longer-term growth. Those benefits are accompanied by measures to manage the Project's effects on indigenous biodiversity in accordance with the NPS-IB. The Site is a predominantly modified production landscape and the Project incorporates vegetation-clearance controls, fauna-management measures, ecological restoration, indigenous planting and habitat enhancement. The Project also provides environmental benefits through restoration of the Mangaheka Stream corridor, increased indigenous vegetation cover and improved ecological connectivity, while cultural wellbeing is recognised through mana whenua involvement and the CIA process. Accordingly, the Project provides for social, economic, cultural and environmental wellbeing within the biodiversity-management framework established by the NPS-IB and is considered consistent with Policy 10.
Policy 13: *Restoration of indigenous biodiversity is promoted and provided for.*	The Project provides significant opportunities for restoration of indigenous biodiversity within a landscape that currently contains limited and fragmented indigenous terrestrial vegetation. The Project includes restoration and enhancement of the Mangaheka Stream corridor, extensive indigenous riparian planting, habitat enhancement and establishment of additional indigenous vegetation within the green and open-space network. Those measures will improve habitat quality, ecological connectivity and ecosystem function over time and will establish indigenous vegetation within areas currently dominated by pasture, cropping and exotic vegetation. Freshwater restoration measures will also contribute to wider biodiversity outcomes, although the effects on rivers, aquatic habitat and freshwater species are principally assessed under the NPS-FM. The Project therefore actively promotes and provides for restoration of indigenous biodiversity and is considered consistent with Policy 13.
Policy 14:	The Project will substantially increase indigenous vegetation cover across the Site through riparian restoration, planting of the Mangaheka Stream corridor, habitat enhancement areas and wider indigenous landscape planting.



Increased indigenous vegetation cover is promoted in both urban and non urban environments.	While some existing vegetation will be removed to enable development, much of the affected vegetation is exotic or occurs within highly modified habitats. The proposed planting programme will establish substantial areas of indigenous vegetation within areas presently dominated by pasture, cropping and exotic vegetation. The planting will also improve ecological connectivity and provide additional habitat for indigenous fauna as it establishes. Clause 3.22 of the NPS-IB requires regional councils to assess indigenous vegetation cover within urban and non-urban environments and to set a target of at least 10% indigenous vegetation cover where existing cover is below that level. It also requires local authorities to promote increased indigenous vegetation cover through their planning frameworks. This is a broader strategic obligation rather than a site-specific requirement for the Project. However, the substantial indigenous planting proposed as part of TKE will contribute positively to that direction and is also consistent with wider local biodiversity initiatives, including Hamilton City Council's Nature in the City programme. Accordingly, the Project is considered consistent with Policy 14.
Policy 15: *Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.*	Long-tailed bat (*Chalinolobus tuberculatus*) is a specified highly mobile fauna species and is classified as Threatened – Nationally Critical. Long-tailed bats are known from the wider Hamilton landscape and the EcIA specifically assessed the potential for the Project Area to provide habitat for the species. Project-specific surveys involved deployment of 21 automatic bat monitors across the Project Area for 28 nights between 17 December 2025 and 14 January 2026. No long-tailed bats were detected. The EcIA also refers to predictive modelling which indicates a low probability of bat activity within the Project Area, reflecting the fragmented vegetation pattern and dominance of high-producing exotic grassland. Notwithstanding the absence of recorded activity, the Site contains habitat features that could potentially be used by long-tailed bats, including mature trees with potential roost features, shelterbelts and hedgerows that may provide linear commuting habitat, and open and aquatic areas that may provide foraging opportunities. The EcIA assigns bats and bat habitat an overall Moderate ecological value. While habitat quality and ecological context are relatively low, the conservation status of long-tailed bats substantially increases their ecological value. The principal potential effect arises from the removal of trees containing suitable roost features. Although no bats were detected, those trees could potentially be occupied in the future. The EcIA therefore recommends a Bat Management Plan and implementation of the DOC Bat Roost Tree Protocols, including appropriate assessment and ecologist input before removal of potential roost trees. The Project will also alter some existing potential commuting and foraging habitat. However, the proposed restoration of the Mangaheka Stream corridor, indigenous planting and constructed wetland network will establish and improve potential movement and foraging habitat over time. On that basis, the Project has appropriately identified and assessed areas outside SNAs that may support long-tailed bats and provides specific measures to manage potential effects. The Project is therefore considered generally consistent with Policy 15.
Policy 17: *There is improved information and regular monitoring of indigenous biodiversity.*	The Project is supported by detailed ecological investigations that have improved the information available regarding terrestrial and freshwater biodiversity values within the Site. These investigations include vegetation and habitat mapping and surveys for indigenous birds, lizards, bats and freshwater fauna.

	Further information will be obtained through the ecological management measures proposed for the Project. These include fauna-specific survey and management requirements associated with vegetation clearance, together with monitoring of ecological restoration, planting and habitat enhancement. In particular, the Bat Management Plan and Bat Roost Tree Protocols provide for additional investigation where potential roost habitat is affected, while the Lizard Management Plan includes survey, salvage and monitoring requirements relevant to potential lizard habitat. Monitoring of restoration and habitat establishment will also provide information on the effectiveness of the ecological measures implemented as part of the Project. Accordingly, the Project supports improved ecological information and ongoing monitoring and is considered consistent with Policy 17.

Overall, the Project is considered generally consistent with the Objective and relevant policies of the NPS-IB. The Site is a highly modified rural environment and no SNA has been identified within the Site. The Project will nevertheless affect some vegetation and potential habitat for indigenous fauna, including potential long-tailed bat roosting, commuting and foraging habitat and potential lizard habitat.

Those effects have been assessed and are proposed to be managed through Project design, vegetation-clearance controls, fauna-specific management measures and conditions. The precautionary approach adopted for lizards and long-tailed bats appropriately responds to the residual uncertainty regarding use of the Site by those species.

The Project will also provide substantial positive biodiversity outcomes through restoration of the Mangaheka Stream corridor, increased indigenous vegetation cover, habitat enhancement and improved ecological connectivity across the Site. Tangata whenua involvement in the identification and implementation of ecological outcomes further supports the direction of the NPS-IB.

Accordingly, the Project is considered to maintain indigenous biodiversity while providing for the social, economic and cultural wellbeing contemplated by the NPS-IB.



NPS-NH Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objective	
Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.	Natural hazard risk associated with the Project has been assessed through the Geotechnical Investigation Report, hydraulic modelling, Stormwater Management Plan, Hydrogeological Effects Assessment and supporting infrastructure assessments. These investigations have informed the Masterplan, earthworks strategy, finished ground levels, stormwater and flood management system and geotechnical design requirements. The natural hazards of principal relevance to the Project are flooding, liquefaction and landslip / slope instability. The GIR also considers related geotechnical hazards including lateral spreading, settlement, bearing capacity, cut and fill batter instability and dewatering effects. CMW has undertaken a specific natural hazard risk assessment using the likelihood, consequence and risk matrix derived from Appendix 1 of the NPS-NH. The assessment considers both latent risk associated with the developed Site and residual risk following implementation of the proposed geotechnical controls. The Project also incorporates a comprehensive flood-management response, including attenuation wetlands, conveyance channels, overland flow paths, reconstruction of the Mangaheka Stream corridor and finished development levels that locate industrial development outside the principal flood conveyance areas. Hydraulic modelling has assessed existing and post-development flood behaviour for the 2-, 10- and 100-year ARI events. The Project therefore adopts the risk-based and proportionate approach required by the NPS-NH and is considered consistent with the Objective.
Policies	
Policy 1: *When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.*	The GIR includes a specific natural hazard risk assessment for the proposed subdivision and development using the likelihood, consequence and risk matrix derived from Appendix 1 of the NPS-NH. The assessment identifies both the latent risk and the residual risk following implementation of the proposed geotechnical controls. The assessment identifies, among other matters, liquefaction and lateral spreading as Medium latent risks that reduce to Low residual risk, and cut and fill batter instability and bearing-capacity failure as High latent risks that reduce to Low residual risk following the proposed engineering controls. Landslip / global slope instability remains a Medium residual risk following mitigation. Flood risk has also been assessed through detailed hydraulic modelling of the existing and post-development conditions, including flood extent, depth, velocity, overland flow behaviour and downstream effects. Accordingly, the relevant natural hazard risks have been identified and assessed using the NPS-NH risk framework and the Project is considered consistent with Policy 1.

Policy 2: *Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.*	The Project responds to the assessed level of natural hazard risk through a combination of site layout, earthworks, stormwater and flood management, geotechnical controls and future detailed-design requirements. The CMW risk assessment identifies no Very High residual geotechnical risk. A number of hazards reduce to Low residual risk following the proposed controls, including liquefaction, lateral spreading, cut and fill batter instability and bearing-capacity failure. Landslip / global slope instability and some groundwater-related effects remain Medium residual risks and are proposed to be managed through further geotechnical design, slope stability controls, groundwater management and construction monitoring. Flood risk is addressed through eight attenuation wetlands, dedicated conveyance corridors, overland flow paths, modifications to the Mangaheka Stream corridor and finished platform levels. The stormwater system is designed to safely convey major flood events and attenuate post-development peak flows to or below the relevant pre-development rates. The scale and nature of these measures reflects the level of natural hazard risk identified within the Project Area. Accordingly, the Project is considered consistent with Policy 2.
Policy 3: *Subdivision, use and development must avoid very high natural hazard risk.*	The natural hazard assessments do not identify any Very High residual natural hazard risk associated with the proposed development. The GIR identifies several latent Medium or High geotechnical risks, but those risks are reduced through the proposed engineering controls. Following mitigation, the assessed residual geotechnical risks are Low or Medium. Flood modelling similarly informs the proposed development layout and stormwater system so that future industrial development is located outside the principal flood conveyance areas and flood flows are safely managed through the public road, stormwater and Mangaheka Stream corridors. Accordingly, the Project does not create or expose people or property to Very High natural hazard risk and is considered consistent with Policy 3.
Policy 4: *Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.*	The Project has been specifically designed to avoid creating or increasing significant flood risk on adjoining and downstream land. Te Miro Water has undertaken integrated hydraulic modelling of the Site and downstream receiving environment for existing and post-development conditions. The modelling assesses peak flows, water levels, flood extent, velocities, drainage performance and overland flow behaviour at key locations within the Mangaheka and Te Rapa catchments. The proposed attenuation wetlands mitigate post-development peak flows from the Site to or below pre-development levels for the 2-, 10- and 100-year ARI events. The Mangaheka Stream works and attenuation structures also manage the interaction between improved on-site conveyance and downstream flows. The stormwater framework further requires no increase in flood risk, flood levels or ponding duration upstream or downstream of the Development and seeks to maintain the performance of the WRC-administered drainage network. Geotechnical controls also address the potential for cross-boundary effects associated with slope instability, settlement, groundwater drawdown and lateral spreading. Accordingly, the Project is designed so that significant natural hazard risk is not created or increased on other sites and is considered consistent with Policy 4.

Policy 5: *Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.*	The natural hazard assessment is based on a substantial body of site-specific information, including geotechnical investigations, boreholes and cone penetration testing, groundwater monitoring, liquefaction and slope-stability analysis, detailed hydraulic modelling, flood mapping and hydrogeological assessment. The hydraulic model has been developed using site and catchment topography, surveyed hydraulic structures, NIWA HIRDS rainfall, mapped land use and soil conditions and the proposed development landform and stormwater infrastructure. The model has also undergone independent peer review. The hydrogeological assessment is supported by site-specific groundwater monitoring and hydraulic testing and assesses both construction and long-term groundwater effects associated with the stormwater and wastewater systems. Where uncertainty remains, the technical assessments identify appropriate further investigation, monitoring and detailed design requirements. This includes site-specific geotechnical design for future buildings and structures, settlement monitoring, slope and retaining-wall design, groundwater management and confirmation of detailed stormwater infrastructure. Those matters are typical of detailed design and do not prevent a decision being made on the suitability of the Project or the level of natural hazard risk on the basis of the information presently available. Accordingly, the Project is considered consistent with Policy 5.
Policy 6: *The potential impacts of climate change to at least 100 years into the future must be considered.*	Climate change has been expressly incorporated into the Project's stormwater and flood assessment. The SWMP and hydraulic modelling adopt NIWA HIRDS rainfall adjusted using the SSP5-8.5 climate-change scenario, based on an assumed 4°C increase in temperature by the end of the 21st century. Climate-adjusted rainfall depths are used for post-development stormwater design and assessment of the 2-, 10- and 100-year ARI events. The stormwater management system, including wetlands, conveyance infrastructure, overland flow paths and the Mangaheka Stream corridor, has therefore been designed and assessed having regard to the increased rainfall intensity and flood risk anticipated as a result of climate change. This provides for the long-term resilience and performance of the Development and is considered consistent with Policy 6.

Overall, the Project is considered consistent with the Objective and relevant policies of the NPS-NH. Natural hazard risks have been identified and assessed using the NPS-NH risk framework and a comprehensive suite of geotechnical, hydraulic and hydrogeological investigations.

The assessment identifies no Very High residual natural hazard risk. Where Medium or High latent risks are identified, the Project incorporates design and engineering controls proportionate to those risks, with residual risks generally reduced to Low or Medium levels. Remaining detailed-design requirements do not represent unresolved feasibility constraints and will be addressed through the relevant engineering, management-plan and building-consent processes.

Flood risk has been incorporated into the Masterplan and stormwater design, with the Project designed to avoid increasing significant natural hazard risk on adjoining and downstream sites. Climate change has also been expressly incorporated into the hydraulic assessment and infrastructure design.

Accordingly, the Project is considered to manage natural hazard risk using the risk-based and proportionate approach required by the NPS-NHL



Regional

Waikato Regional Policy Statement

WRPS Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Integrated management – Objectives	
IM-O1 – Integrated management *Natural and physical resources are managed in a way that recognises:* 1. *the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;* 2. *natural processes that inherently occur without human management or interference;* 3. *the complex interactions between air, water, land and all living things;* 4. *the needs of current and future generations;* 5. *the relationships between environmental, social, economic and cultural wellbeing;* 6. *the need to work with agencies, landowners, resource users and communities; and* 7. *the interrelationship* of natural resources with the built environment.	The Project adopts an integrated approach to land use, freshwater, groundwater, stormwater, flooding, ecology, infrastructure and cultural values. The stormwater framework has been developed at a catchment scale across the Mangaheka, Te Rapa and Te Otamanui catchments and considers downstream receiving environments. Ecological restoration, flood management, infrastructure and cultural outcomes have also been incorporated into the development outcomes rather than addressed independently. The Project has been developed through engagement with relevant local authorities, infrastructure providers, tangata whenua, adjoining landowners and other stakeholders, recognising that the environmental and infrastructure systems affected by the Project extend beyond the Site. The Project is therefore considered consistent with the integrated-management direction of Objective IM-O1.
IM-O2 – Resource use and development *Recognise and provide for the rule of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:* 1. *access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;* 2. *the life supporting capacity of soils, water and ecosystems to support primary production activities;*	The Project will provide approximately 123 ha of net developable industrial land immediately adjoining the established Te Rapa industrial area. The Economic Assessment identifies industrial land demand in Hamilton at approximately 17–25 ha per annum and concludes that the Project represents approximately 7–11 years of future industrial land demand. The Project will therefore provide substantial economic and development benefits through additional business land capacity, employment, infrastructure investment and improved spatial distribution of industrial land within north-west Hamilton. Those benefits are provided within an integrated framework addressing transport, three-waters infrastructure, freshwater, ecological restoration, natural hazards and cultural values. Accordingly, the Project is considered consistent with Objective IM-O2.

3. *the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;* 4. *access to the significant mineral resources of the region; and* 5. *the availability of water for municipal and domestic supply to people and communities.*	
IM-O3 – Decision making *Resource management decision making is holistic and consistent and:* 1. *is aligned across legislation and national and regional strategies;* 2. *takes an integrated approach to managing resources that cross regional and functional boundaries;* 3. *adopts an appropriate planning timeframe;* 4. *adopts a precautionary approach, including the use of adaptive management, where appropriate, towards any proposed activity whose effects may be significant or irreversible but are as yet uncertain, unknown or little understood;* 5. *is transparent;* 6. *has regard to the potential for cumulative effects from activities;* 7. *is based on the best available information, including mātauranga Māori;* 8. *allows for flexible solutions for local variations;* 9. *recognises that time may be needed for change to occur;* 10. *includes working with tangata whenua;* 11. *includes working with key stakeholders;* 12. *considers a mix of methods to achieve objectives; and* 13. *results in solutions which include processes to minimise conflicts.*	The Project has been informed by a substantial body of site-specific technical information, including transport assessment, hydraulic modelling, ecological investigations, geotechnical and hydrogeological assessment, landscape and visual assessment, infrastructure design and the CIA. The Project has also been developed through engagement with WDC, HCC, WRC, IAWAI, NZTA, tangata whenua and other relevant stakeholders. That engagement has informed the development outcome, infrastructure staging, consent conditions and management plans. Potential cumulative effects have been considered, including catchment-wide stormwater and flooding effects, freshwater effects, infrastructure capacity and the relationship of the Project with existing and planned urban development. Where detailed design or residual uncertainty remains, this is addressed through conditions, monitoring, management plans and adaptive responses. Those matters do not prevent the effects and suitability of the Project being assessed on the information presently available. The Project therefore responds appropriately to the holistic, precautionary and evidence-based decision-making direction of Objective IM-O3.
IM-O4 – Health and wellbeing of the Waikato River *The health and wellbeing of the Waikato River is restored and protected, and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy of the Waikato River) is achieved.*	The Project lies within the wider Waikato River catchment and will modify parts of the existing freshwater environment. It nevertheless incorporates a significant programme of stormwater treatment, stream restoration, riparian enhancement, habitat creation and fish-passage improvement. Importantly, the Project does not rely on the existing degraded condition of the Mangaheka Stream and associated drainage network as justification for further degradation. Rather, the freshwater and stormwater framework seeks to improve the health, ecological function and resilience of those environments over time.

	The Project has also been developed through active engagement with tangata whenua and provides for ongoing mana whenua involvement during implementation. The Project is therefore considered generally consistent with Objective IM-O4 and the direction of Te Ture Whaimana.
IM-O5 – Climate Change *Land use is managed to:* 1. *avoid the potential adverse effects of climate change induced weather variability and sea level rise on:* a. *amenity* b. *the built environment, including infrastructure* c. *indigenous biodiversity* d. *natural character* e. *public health and safety and* f. *public access* 2. *Support reductions in greenhouse gas emissions within urban environments and ensure urban environments are resilient to the current and future effects of climate change.*	Climate change has been expressly incorporated into the Project's stormwater, flood-management and infrastructure framework. Climate-adjusted rainfall has been adopted for the design and assessment of the stormwater network, attenuation wetlands, overland flow paths and flood-management system. The Project also incorporates restoration of the Mangaheka Stream corridor, riparian planting and ecological enhancement measures that support the resilience of freshwater and biodiversity values. Accordingly, the Project is considered consistent with Objective IM-O5.
IM-06 – Ecosystem services *The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing.*	The Project recognises the ecosystem services provided by freshwater systems, riparian vegetation, constructed stormwater wetlands and indigenous habitat and incorporates those functions into the development outcome. The Mangaheka Stream corridor and stormwater network are designed to provide multiple outcomes, including stormwater treatment, flood attenuation and conveyance, freshwater habitat, ecological connectivity, riparian restoration, amenity and cultural benefits. The Project will modify parts of the existing environment but will also substantially increase indigenous riparian vegetation, restore and enhance stream habitat and create additional freshwater habitat. These measures maintain and enhance ecosystem services within the Site and contribute to wider catchment wellbeing. The Project is therefore considered generally consistent with Objective IM-O6.
IM-O7 – Relationship of tangata whenua with the environment *The relationship of tangata whenua with the environment is recognised and provided for, including:* 1. *The use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and* 2. *The role on tangata whenua as kaitiaki*	Tangata whenua have been actively involved in development of the Project through the TWWG, hui, technical engagement and preparation of the CIA. Freshwater, ecological restoration, cultural values and the Mangaheka Stream have been central matters in that engagement. The proposed Mana Whenua Management Plan will provide for ongoing mana whenua involvement during implementation, including cultural monitoring, cultural protocols and input into ecological restoration and environmental management.



	The Project therefore recognises and provides for the relationship of tangata whenua with the environment and opportunities for the exercise of kaitiakitanga, consistent with Objective IM-O7.
IM-O8 – Sustainable and efficient use of resources *Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.*	The Project has been comprehensively masterplanned to enable efficient use of land and infrastructure and to coordinate development with the transport, three-waters and utility networks required to service it. The Site immediately adjoins the established Te Rapa industrial area and strategic transport network, allowing future industrial development to make use of and integrate with existing and planned infrastructure rather than establishing an isolated employment area. The earthworks strategy seeks to balance cut and fill within the Site so far as practicable, reducing the need for significant off-site import or disposal of material. Infrastructure is also staged to align with development demand and network capacity. The Project therefore promotes the efficient use of land, material and infrastructure resources and is considered generally consistent with Objective IM-O8.
IM-O9 – Amenity 1. *The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced; and* 2. *Where intensification occurs in urban environment, built development results in attractive, healthy, safe and high-quality urban form which response positively to local context whilst recognising that amenity values change over time in response to the changing needs of people, communities and future generations, and such changes are not, of themselves, an adverse effect.*	The Project will result in substantial change to the existing rural character and amenity of the Site through its development as a large-scale industrial area. That change occurs in a locality that is already transitioning, with the established Te Rapa industrial area immediately adjoining the Site and further urban and industrial growth occurring across north-west Hamilton. The Project has been masterplanned to manage the interface with surrounding land through landscape buffers, stormwater and ecological corridors, setbacks, streetscape treatment and development controls. While existing amenity values will change, the resulting industrial environment has been designed to achieve an appropriate level of amenity for its intended use and context. The Project is therefore considered generally consistent with Objective IM-O9.
IM-O10 – Public access *Public access to and along the coastal marine area, lakes and rivers is maintained and enhanced.*	The Project does not affect existing public access to the Waikato River or other major public freshwater environments. The development outcome will, however, provide an integrated open-space, walking and cycling network associated with the Mangaheka Stream corridor, improving public access to and appreciation of the restored freshwater environment within the Site. The Project is therefore considered generally consistent with Objective IM-O10.
Integrated management – Policies	
IM-P1 – Integrated approach *An integrated approach to resource management will be adopted that:* 1. *recognises the inter-connected nature of natural and physical resources (including spatially and temporally) and the benefits of*	The Project adopts an integrated approach to subdivision, industrial land use, transport, three-waters infrastructure, freshwater, ecology, natural hazards, landscape and cultural values.

aligning the decisions of relevant management agencies across boundaries; 2. *maximises the benefits and efficiencies of working together;* 3. *recognises the multiple values of natural and physical resources including ecosystem services;* 4. *responds to the nature and values of the resource and the diversity of effects (including cumulative effects) that can occur;* 5. *maximises opportunities to achieve multiple objectives;* 6. *takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends;* 7. *applies consistent and best practice standards and processes to decision making; and* 8. *establishes, where appropriate, a planning framework which sets clear limits and thresholds for resource use.*	The Project has been planned over the long term and recognises the interconnected nature of the Site, the Mangaheka, Te Rapa and Te Otamanui catchments, downstream receiving environments and the wider Hamilton urban and infrastructure network. The development outcome, infrastructure staging, consent conditions and management plans provide a coordinated framework for managing environmental effects while enabling the social and economic benefits of the Project. The approach also provides opportunities to achieve multiple outcomes through the same infrastructure and environmental network, particularly through the Mangaheka Stream corridor, stormwater wetlands, riparian planting and open-space system. The Project is therefore considered consistent with Policy IM-P1.
IM-P2 – Collaborative approach *Waikato Regional Council will:* ***1.*** *recognise and provide for the unique role that territorial authorities have in the implementation of the provisions of the Waikato Regional Policy Statement; and* ***2.*** *encourage collaboration, participation and information sharing between resource management agencies, tangata whenua and relevant stakeholders, particularly where there are shared or overlapping responsibilities or functions for issues or resources, and including when resources or issues cross boundaries.*	The Project has been developed through an extensive programme of engagement with WDC, HCC, WRC, IAWAI, NZTA, tangata whenua, network utility providers, adjoining landowners and other relevant stakeholders. The Project also requires coordination across local-authority and infrastructure boundaries, particularly in relation to transport, wastewater, water supply, stormwater and the wider freshwater catchment. The Project therefore reflects the collaborative and coordinated approach sought by Policy IM-P2.
IM-P3 – Tangata whenua *Tangata whenua are provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes.*	Tangata whenua have been provided ongoing opportunities to participate in development of the Project through the TWWG, hui, technical engagement, site visits and preparation of the CIA. That engagement has informed the consideration of freshwater values, ecological restoration, cultural values, the Mangaheka Stream, stormwater management and the management of indigenous species. The proposed Mana Whenua Management Plan will provide for continuing involvement during implementation of the Project. The Project is therefore considered consistent with Policy IM-P3.



Land and Freshwater - Objectives	
LF-O1 – Mauri and values of freshwater bodies *Maintain or enhance the mauri and identified values of freshwater bodies including by:* 1. *maintaining or enhancing the overall quality of freshwater within the region;* 2. *safeguarding ecosystem processes and indigenous species habitats;* 3. *safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands;* 4. *safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030;* 5. *establishing objectives, limits and targets, for freshwater bodies that will determine how they will be managed;* 6. *enabling people to provide for their social, economic and cultural wellbeing and for their health and safety;* 7. *recognising that there will be variable management responses required for different catchments of the region; and* 8. *recognising the interrelationship between land use, water quality and water quantity.*	Freshwater values have been a significant influence on the Project design. The Mangaheka Stream corridor has been retained as a central element of the Masterplan and will be reconstructed and enhanced through a widened flood corridor, a meandering baseflow channel, riparian planting and habitat enhancement. The Te Otamanui Stream will also be retained and enhanced. The Project adopts an integrated catchment-based approach to freshwater and stormwater management across the Mangaheka, Te Rapa and Te Otamanui catchments. Stormwater will be managed through a treatment train incorporating source controls, raingardens, vegetated conveyance systems, constructed wetlands, attenuation and stream enhancement. The Project will nevertheless modify parts of the existing freshwater environment, including reclamation of Watercourse M13 and modification of parts of the wider drainage network. Those effects are proposed to be managed through stream restoration and enhancement, riparian planting, fish salvage and relocation, black mudfish habitat creation and fish-passage measures. Overall, the Project is considered generally consistent with Objective LF-O1.
LF-O2 – Allocation and use of freshwater *The allocation and use of fresh water is managed to achieve freshwater objectives (derived from identified values) by:* 1. *avoiding any new over-allocation of ground and surface waters;* 2. *seeking to phase out any existing over-allocation of ground and surface water bodies by 31 December 2030;* 3. *increasing efficiency in the allocation and use of water; and* 4. *recognising the social, economic and cultural benefits of water takes and uses.*	The Project's water-supply strategy is based on a new internal reticulation network connected to an approved external bulk water-supply source. The strategy provides for interim servicing arrangements to enable staged development, with ultimate water-supply infrastructure comprising a strategic reservoir and bulk main connection to service the full Development. The Project also has a relationship with the separate Waikato River water-allocation framework that has been considered through engagement with WRC and the relevant infrastructure providers. The proposed servicing strategy is staged and will be refined through detailed design and hydraulic modelling to ensure that water supply is aligned with development demand and available network capacity. Accordingly, the Project recognises the need for efficient and sustainable use and allocation of freshwater and is considered generally consistent with Objective LF-O2.
LF-O3 – Riparian areas and wetlands *Riparian areas (including coastal dunes) and wetlands are managed to:*	The Project incorporates a comprehensive programme of riparian restoration, stream enhancement, constructed stormwater wetlands, black mudfish habitat creation and



1. *maintain and enhance:* a. *public access; and* b. *amenity values.* 2. *maintain or enhance:* a. *water quality;* b. *indigenous biodiversity;* c. *natural hazard risk reduction;* d. *cultural values;* e. *riparian habitat quality and extent; and* f. *wetland quality and extent.*	ecological enhancement centred on the Mangaheka Stream corridor and associated stormwater network. These measures are intended to improve water quality, indigenous biodiversity, riparian habitat quality, ecological function, flood management and amenity values. The constructed stormwater wetlands form part of the stormwater treatment and attenuation network and are distinct from natural inland wetlands. While the Project will modify parts of the existing highly modified freshwater environment, it incorporates substantial restoration and enhancement measures intended to improve the long-term condition and function of riparian and freshwater habitats. The Project is therefore considered generally consistent with Objective LF-O3.
LF-O5 – High class soils *The value of high class soils for primary production is recognised, and high class soils are protected from inappropriate subdivision, use or development.*	The Project will result in the permanent conversion of land containing high class soils from primary production to industrial use. It therefore does not directly align with the protection direction of Objective LF-O5. The significance of that tension is informed by the actual productive characteristics of the Site. The agricultural assessment identifies that much of the Site is affected by very poor drainage, organic soils and significant wetness limitations, which constrain its versatility and suitability for higher-value horticultural and arable production. The Project also responds to a demonstrated demand for additional industrial land in a location immediately adjoining Hamilton's established Te Rapa industrial area and strategic transport network. The tension with Objective LF-O5 is therefore acknowledged and must be considered as part of the overall statutory assessment alongside the productive characteristics of the Site and the strategic, economic and urban-development benefits of the Project.
Land and Freshwater - Policies	
LF-P1 – Approach to identifying freshwater body values and managing freshwater bodies *Waikato Regional Council will facilitate a process that will involve regional communities, to identify values and establish subsequent freshwater objectives, limits and targets for freshwater bodies. The value setting process will:* 1. *provide for variability in catchment management response;* 2. *assist in ensuring that adverse effects of activities on the identified values of water bodies are managed in an integrated manner;*	The Project has been informed by an integrated assessment of freshwater values within the Mangaheka, Te Rapa and Te Otamanui catchments and their downstream receiving environments. Freshwater values have informed the development outcome, stormwater design, stream restoration, riparian enhancement, flood management and ecological management measures. The Project therefore responds consistently with the integrated freshwater-management direction reflected in Policy LF-P1.

3. *determine any outstanding freshwater bodies and significant values of wetlands; and* 4. *recognise that where a freshwater body is currently used for the purposes of renewable electricity generation or domestic or municipal supply, those uses are recognised as being values associated with that water body.*	
LF-P3 – All freshwater bodies *Manage the effects of activities to maintain or enhance the identified values of freshwater bodies and coastal water including by:* 1. *reducing:* a. *sediment in freshwater bodies and coastal water (including bank instability) that is derived from human based activities;* b. *accelerated sedimentation of estuaries;* c. *microbial and nutrient contamination;* d. *other identified contaminants; and* 2. *Where appropriate, protection and enhancement of:* a. *riparian and wetland habitat;* b. *instream habitat diversity;* c. *indigenous biodiversity; and* 3. *providing for migratory patterns of indigenous freshwater species up and down rivers and streams and to the coastal marine area where practicable; and* 4. *avoiding:* a. *physical modification of freshwater bodies where practicable; and* b. *inappropriate development in flood plains; and* 5. *managing:* a. *groundwater and surface water flow/level regimes, including flow regime variability;* b. *linkages between groundwater and surface water; and* c. *pest and weed species where they contribute to freshwater body and coastal water degradation.*	The Project has sought to avoid or minimise modification of freshwater bodies where practicable through retention and enhancement of the Mangaheka and Te Otamanui Streams. The Project will nevertheless result in reclamation of Watercourse M13 and modification of parts of the wider drainage network, including habitat used by black mudfish. Those effects have been assessed and are proposed to be managed through the effects management hierarchy, including stream creation and enhancement, riparian restoration, fish salvage and relocation, dedicated black mudfish habitat creation and improved fish passage. The Project also incorporates an integrated stormwater treatment train to manage sediment, contaminants and hydrological effects associated with future industrial development. Construction effects will be managed through erosion and sediment controls and relevant management plans. On that basis, the Project is considered generally consistent with the relevant direction of Policy LF-P3.

LF-P4 – Catchment-based intervention *Identify catchments, including Waikato River and Lake Taupō, that require specific intervention to address the adverse effects of activities and land use changes. In identifying catchments that require intervention, and in undertaking that intervention the following will be considered:* 1. *national or legislative direction;* 2. *the identified values of the freshwater bodies;* 3. *tangata whenua values;* 4. *the degree of improvement in water quality able to be attained by changes to land use practices and discharge practices;* 5. *existence and ongoing operation of significant renewable electricity generation activities;* 6. *the degree and purpose of intervention or modification that has already occurred along the freshwater body;* 7. *the availability of water to meet the existing and reasonably justified and foreseeable future domestic and municipal water supply requirements;* 8. *the existence of regionally significant industry;* 9. *the potential to address more than one environmental issue through the intervention;* 10. *the vulnerability and values of the whole catchment and its receiving environment (including the coastal marine area);* 11. *the consequences of inaction and delay; and* 12. *the social and economic benefits and costs to the community.*	The Project adopts a catchment-based approach to freshwater management across the Mangaheka, Te Rapa and Te Otamanui catchments, recognising the interrelationship between land use, water quality, water quantity, freshwater ecology, groundwater, flood management and cultural values. The Project provides an opportunity to address multiple environmental issues through an integrated package of stormwater treatment, stream restoration, riparian enhancement, flood management and ecological restoration. The Project also recognises the downstream relationship between the Site, the Waipā River and the wider Waikato River catchment, while providing substantial social and economic benefits. The Project is therefore considered generally consistent with Policy LF-P4.
LF-P5 – Waikato River catchment *Recognise Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River – as the primary direction-setting document for the Waikato River and develop an integrated, holistic and co-ordinated approach to implementation.*	Te Ture Whaimana is recognised as the primary direction-setting document for the Waikato River catchment. The Project has been developed using an integrated approach to freshwater management that recognises the relationship between the Mangaheka Stream, the Waipā River and the wider Waikato River system. The Project incorporates stormwater treatment, stream restoration, riparian enhancement, habitat creation, fish-passage improvement and ecological restoration intended to improve freshwater outcomes over time. The Project has also been informed by engagement with tangata whenua and the CIA, including consideration of cultural values associated with freshwater and the wider Waikato River catchment.

	The Project is therefore considered generally consistent with Policy LF-P5 and the direction of Te Ture Whaimana.
LF-P11 – High class soils *Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.*	The Project will permanently convert high class soils from primary production to industrial use and therefore gives rise to a clear tension with Policy LF-P11. The productive capacity of the affected land is not uniform. The agricultural assessment identifies significant drainage and wetness constraints across much of the Site, which reduce its productive versatility despite its land-use capability classification. The Site is also immediately adjacent to the established Te Rapa industrial area and key strategic transport infrastructure, and the Economic Assessment identifies a demonstrated long-term demand for additional industrial capacity, particularly in north-west Hamilton. Those matters do not remove the tension with the protective direction of Policy LF-P11. They are, however, relevant to the significance of that tension and to the wider statutory assessment of the Project.
Ecosystem and indigenous biodiversity - Objectives	
ECO-O1 – Ecological integrity and indigenous biodiversity *The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.*	The Site is a highly modified rural environment dominated by pasture, cropping, artificial drains and exotic vegetation. Terrestrial ecological values are generally low and the EcIA does not identify any significant terrestrial indigenous vegetation or habitat within the Project Area. The EcIA does, however, identify artificial drains supporting black mudfish as significant habitat of indigenous fauna under the WRPS APP5 criteria. Black mudfish are classified as At Risk – Declining and parts of the drainage network provide important habitat for the species. The Project will affect parts of that habitat, together with other freshwater and terrestrial ecological values. Those effects have informed the Project design and are proposed to be managed through fish salvage and relocation, dedicated black mudfish habitat creation, restoration and enhancement of the Mangaheka Stream corridor, riparian planting, fauna-specific management measures and wider ecological restoration. The Project will therefore result in some adverse effects on existing indigenous biodiversity values, but also substantial restoration and enhancement outcomes intended to improve ecological function, habitat quality and connectivity over time. Overall, the Project is considered generally consistent with Objective ECO-O1.
Ecosystem and indigenous biodiversity - Policies	
ECO-P1 – Maintain or enhance indigenous biodiversity *Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as*	The Project has sought to maintain and enhance indigenous biodiversity through an integrated package of avoidance, effects management, restoration and habitat creation measures.



necessary to achieve healthy ecological functioning of ecosystems, with a particular focus on: 1. *working towards achieving no net loss of indigenous biodiversity at a regional scale;* 2. *the continued functioning of ecological processes;* 3. *the re-creation and restoration of habitats and connectivity between habitats;* 4. *supporting (buffering and/or linking) ecosystems, habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna;* 5. *providing ecosystem services;* 6. *the health and wellbeing of the Waikato River and its catchment;* 7. *contribution to natural character and amenity values;* 8. *tangata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment;* 9. *managing the density, range and viability of indigenous flora and fauna; and* 10. *the consideration and application of biodiversity offsets.*	The Project will affect significant habitat for black mudfish within parts of the artificial drainage network. Those effects are proposed to be addressed through capture and translocation, creation and establishment of dedicated replacement black mudfish habitat, monitoring and adaptive management. The Project will also restore and enhance the Mangaheka Stream corridor, increase indigenous vegetation cover and improve habitat connectivity across the Site. Those measures contribute positively to ecological processes, freshwater health, natural character and the relationship of tangata whenua with indigenous biodiversity. Terrestrial ecological effects are comparatively limited. No significant terrestrial indigenous vegetation or habitat has been identified within the Project Area, although potential habitat for indigenous fauna including lizards and long-tailed bats is recognised and managed through fauna-specific measures. On balance, the Project is considered generally consistent with the direction of Policy ECO-P1.
ECO – P2 – Protect significant indigenous vegetation and significant habitats of indigenous fauna *Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.*	The EcIA identifies parts of the artificial drainage network supporting black mudfish as significant habitat of indigenous fauna under the WRPS APP5 criteria. ECO-P2 is therefore directly relevant. The Project will result in the loss or modification of some existing significant black mudfish habitat. The effects-management response includes capture and translocation of black mudfish, creation and establishment of dedicated replacement habitat before affected habitat is lost, hydrological and ecological monitoring, and adaptive management. The replacement habitat is intended to provide the hydrological, vegetation, refuge and habitat characteristics necessary to support black mudfish and to establish and maintain a self-sustaining population within the Project Area. While the Project will modify existing significant habitat, the proposed management framework is intended to retain the ecological characteristics and population values that contribute to the significance of that habitat. On that basis, the Project is considered generally consistent with the direction of Policy ECO-P2.



ECO – P3 – Collaborative management *Maintaining and enhancing indigenous biodiversity shall be promoted in an integrated and efficient manner including by working collaboratively with landowners, resource managers, tangata whenua and other stakeholders.*	The Project has been developed through a collaborative approach involving tangata whenua, ecologists, engineers, landscape architects, planners, local authorities and other relevant stakeholders. Ecological outcomes have been developed through the EcIA, CIA and associated management plans and are integrated with freshwater management, stormwater treatment, flood management, landscape and cultural outcomes. The Project also provides for continuing collaboration during implementation through the relevant ecological management plans, monitoring requirements and mana whenua involvement. The Project is therefore considered consistent with Policy ECO-P3.
Hazards and risk - Objectives	
HAZ-O1 – Natural hazards *The effects of natural hazards on people, property and the environment are managed by:* 1. *increasing community resilience to hazard risks;* 2. *reducing the risks from hazards to acceptable or tolerable levels; and* 3. *enabling the effective and efficient response and recovery from natural hazard events.*	Natural hazard risk associated with the Project has been assessed through the Geotechnical Investigation Report, hydraulic modelling, Stormwater Management Plan, Hydrogeological Effects Assessment and supporting infrastructure assessments. The principal natural hazards relevant to the Project include flooding, liquefaction, lateral spreading, settlement and slope instability. The GIR assesses those hazards using the risk framework in the NPS-NH and identifies appropriate engineering and design controls. No Very High residual geotechnical risk is identified, with residual risks generally assessed as Low or Medium following implementation of the proposed controls. Flood risk has also been incorporated into the development outcome, including finished platform levels, attenuation wetlands, dedicated conveyance corridors, overland flow paths and reconstruction of the Mangaheka Stream corridor. Hydraulic modelling has assessed existing and post-development flood behaviour for the 2-, 10- and 100-year ARI events. Remaining site-specific investigation and detailed-design requirements are normal for a development of this scale and do not represent unresolved feasibility constraints. The Project is therefore considered consistent with Objective HAZ-O1.
Hazards and risk - Policies	
HAZ-P1 – Natural hazard risk management approach *Natural hazard risks are managed using an integrated and holistic approach that:* 1. *ensures the risk from natural hazards does not exceed an acceptable level;* 2. *protects health and safety;* 3. *avoids the creation of new intolerable risk;* 4. *Reduces intolerable risk to tolerable or acceptable levels;*	The Project adopts an integrated and risk-based approach to natural hazard management, informed by site-specific geotechnical, hydrogeological and hydraulic investigations. Geotechnical risks associated with liquefaction, lateral spreading, settlement, bearing capacity and slope instability are proposed to be managed through earthworks design, ground improvement where required, retaining and slope-stability measures, settlement monitoring and future site-specific building and foundation design. Flood risk is addressed through attenuation wetlands, conveyance channels, overland flow paths, finished platform levels and reconstruction of the Mangaheka Stream corridor. The



5. *enhances community resilience;* 6. *is aligned with civil defence approaches;* 7. *prefers the use of natural features over man-made structures as defences against natural hazards;* 8. *recognises natural systems and takes a 'whole of system' approach; and* 9. *seeks to use the best available information/best practice.*	flood-management framework also incorporates climate-change-adjusted rainfall and considers effects on adjoining and downstream land. The Project therefore manages natural hazard risk using an integrated and proportionate approach based on the best available information and is considered consistent with Policy HAZ-P1.
HAZ-P2 – Manage activities to reduce the risks from natural hazards *Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:* 1. *ensuring risk is assessed for proposed activities on land subject to natural hazards;* 2. *reducing the risks associated with existing use and development where these risks are intolerable;* 3. *avoiding intolerable risk in any new use or development in areas subject to natural hazards;* 4. *minimising any increase in vulnerability due to residual risk;* 5. *avoiding the need or demand for new structural protection works; and* 6. *discouraging hard protection structures and promoting the use of alternatives to them, including natural defences in the coastal environment.*	The Project has been designed to avoid creating intolerable natural hazard risk and to reduce identified risks to acceptable or tolerable levels. The GIR identifies no Very High residual geotechnical risk following implementation of the proposed engineering controls. Where further site-specific design is required, including for retaining walls, slope stability, settlement and future building foundations, the available investigations establish that feasible engineering solutions are available. Flood modelling has informed the development outcome so that future development platforms are located outside the principal flood-conveyance areas and flood flows are managed through the public road, stormwater and Mangaheka Stream corridors. The proposed stormwater system attenuates post-development peak flows and is designed to avoid a material increase in flood risk on adjoining or downstream properties. The Project is therefore considered consistent with Policy HAZ-P2.
HAZ-P4- Contaminated land *Identify and manage contaminated land to ensure human, plant and animal health, and water, air and soil quality are protected from unacceptable risk.*	The Project has been informed by a combined Preliminary and Detailed Site Investigation, which assessed the potential for contamination associated with historical land uses. The investigation concludes that contaminant concentrations are generally below the applicable commercial/industrial soil contaminant standards and do not present an unacceptable risk to the proposed industrial land use. Potential risks associated with soil disturbance will be managed through the proposed Site Management Plan, including requirements for soil handling, reuse and disposal and procedures for unexpected contamination encountered during earthworks. The Project is therefore considered consistent with Policy HAZ-P4.
Historical and cultural values - Objectives	
HCV-O1 – Historic and cultural heritage *Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the*	The Project has been informed by archaeological assessment and engagement with tangata whenua, including preparation of the CIA.



identity and integrity of the Waikato region's and New Zealand's history and culture.	No recorded archaeological sites or scheduled historic heritage features have been identified within the Project Area that require specific protection. The archaeological assessment nevertheless recognises the potential for previously unidentified subsurface archaeological material to be encountered during earthworks. Cultural values associated with the Site and wider landscape, including freshwater and the Mangaheka Stream catchment, have been identified through engagement with tangata whenua and the CIA and have informed the design and environmental management framework for the Project. Accidental discovery protocols and the archaeological authority framework provide for the management of any previously unidentified archaeological material encountered during construction. The Project is therefore considered generally consistent with Objective HCV-O1.
Historical and cultural values - Policies	
HCV-P2 – Relationship of Māori to taonga *Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.*	Tangata whenua have been actively involved in development of the Project through the TWWG, hui, site visits, technical engagement and preparation of the CIA. That engagement has identified cultural values associated with ancestral land, freshwater, the Mangaheka Stream catchment, indigenous species and the wider Waikato River system and has informed the Project design, freshwater and ecological restoration framework and proposed management measures. The proposed Mana Whenua Management Plan will provide for ongoing mana whenua involvement during implementation, including cultural monitoring, cultural protocols and input into ecological restoration and environmental management. The Project therefore recognises and provides for the relationship of tangata whenua and their culture and traditions with ancestral lands, water and other taonga, consistent with Policy HCV-P2.
HCV-P3 – Effects of development on historic and cultural heritage *Manage subdivision, use and development to give recognition to **historic and cultural heritage** and to integrate it with development where appropriate.*	The Project has been informed by archaeological assessment and the CIA. No recorded archaeological sites or scheduled historic heritage features within the Project Area have been identified as requiring specific avoidance or integration into the subdivision layout. The potential for previously unidentified archaeological material to be encountered during large-scale earthworks is nevertheless recognised. That risk will be managed through the relevant archaeological authority and accidental discovery protocols. Cultural values identified through engagement with tangata whenua are also incorporated through the freshwater and ecological restoration framework, cultural monitoring and the proposed Mana Whenua Management Plan.

	The Project therefore provides an appropriate framework for recognising and managing historic and cultural heritage values during subdivision and development and is considered generally consistent with Policy HCV-P3.
Natural character - Objectives	
NATC-O1 – Natural character *The natural character of the coastal environment, wetlands, and lakes and rivers and their margins are protected from the adverse effects of inappropriate subdivision, use and development.*	The Project will affect the natural character of the Mangaheka Stream, Watercourse M13 and parts of the wider drainage network through stream reconstruction, reclamation, culverts, stormwater infrastructure and associated earthworks. The affected freshwater environments are, however, already highly modified. The Mangaheka Stream and associated drainage network have been substantially influenced by historical pastoral drainage, channel modification, vegetation clearance and surrounding rural land use and do not exhibit pristine or outstanding natural character. The Project has been designed to respond to that existing level of modification while providing substantial opportunities for restoration and enhancement. The Mangaheka Stream corridor will be reconstructed with a meandering baseflow channel, varied instream habitat, riparian planting and a wider vegetated corridor, while the wider stormwater and ecological network will increase indigenous vegetation and improve freshwater habitat and connectivity. Accordingly, while the Project will result in further physical modification of freshwater environments, it also provides for significant restoration and enhancement of natural elements within an already highly modified setting. The Project is therefore considered generally consistent with Objective NATC-O1.
Natural character - Policies	
NATC-P1 – Preserve natural character *Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and:* 1. *where natural character is pristine or outstanding, activities should avoid adverse effects on natural character;* 2. *where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character;* 3. *where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered;*	The freshwater environments affected by the Project are predominantly modified and human-influenced. The Mangaheka Stream and artificial drainage network have been altered through historical drainage, channelisation, vegetation clearance and surrounding pastoral land use, and neither the technical assessments nor the planning framework identify them as having pristine or outstanding natural character. NATC-P1 recognises that where man-made elements and influences are dominant, further adverse effects on natural character may be appropriate, while opportunities to remedy, mitigate, restore and enhance natural character should still be pursued. The Project will result in further modification through reconstruction of the Mangaheka Stream, reclamation of Watercourse M13, culverts and associated stormwater infrastructure. These effects are proposed to be addressed through restoration and enhancement of the Mangaheka Stream corridor, creation of a more naturalised meandering low-flow channel, instream habitat features, extensive indigenous riparian planting and integration of the stream with the wider ecological and open-space network.

4. *promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and* 5. *regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers and their margins where no reasonably practicable alternative locations exist.*	The location and form of stream and stormwater works are also influenced by their functional requirements for flood conveyance, stormwater management, infrastructure servicing and ecological restoration. On balance, the Project is considered generally consistent with Policy NATC-P1 because the affected environments have relatively low existing natural character and the Project incorporates substantial measures to restore and enhance natural elements and ecological function.
Urban form and development - Objectives	
UFD-O1 – Built environment *Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:* 1. *promoting positive indigenous biodiversity outcomes;* 2. *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;* 3. *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;* 4. *integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;* 5. *recognising and protecting the value and long-term benefits of regionally significant infrastructure;* 6. *protecting access to identified significant mineral resources;* 7. *minimising land use conflicts, including minimising potential for reverse sensitivity;* 8. *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;* 9. *providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*	The Project represents a significant addition to industrial development capacity within the Hamilton urban environment, providing approximately 123 ha of net developable industrial land immediately adjoining the established Te Rapa industrial area. The Project has been comprehensively masterplanned and is supported by an integrated and staged infrastructure framework addressing transport, stormwater, water supply, wastewater and utilities. Infrastructure delivery is linked to development staging and capacity. The development outcome also integrates freshwater restoration, ecological enhancement, landscape and open-space outcomes, natural-hazard management and tangata whenua values. The Project therefore represents a strategic and infrastructure-integrated response to an identified business land development opportunity and is considered generally consistent with Objective UFD-O1.



10. *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and* 11. *providing for a range of commercial development to support the social and economic wellbeing of the region.; and* 12. *strategically planning for growth and development to create responsive and well-functioning urban environments, that:* a. *support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change;* b. *improve housing choice, quality, and affordability;* c. *enable a variety of homes that enable Māori to express their cultural traditions and norms;* d. *ensure sufficient development capacity, supported by integrated infrastructure provision, for identified housing and business needs in the short, medium and long term;* e. *improves connectivity within urban areas, particularly by active transport and public transport;* f. *take into account the values and aspirations of hapū and iwi for urban development.*	
Urban form and development - Policies	
UFD-P1 – Planned and co-ordinated subdivision, use and development *Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:* 1. *has regard to the principles in APP11;* 2. *recognises and addresses potential cumulative effects of subdivision, use and development;* 3. *is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and* 4. *has regard to the existing built environment.*	The Project has been informed by a comprehensive suite of technical assessments and management plans which have considered the long-term and cumulative effects of the proposed subdivision and development. Those assessments have informed a coordinated development outcome integrating land use, transport, three-waters infrastructure, freshwater, ecology, landscape, natural hazards and open-space outcomes. The Project also responds to the existing built environment and strategic transport network, including its relationship with Te Rapa, SH1C, SH39 and surrounding planned growth areas. The development outcome reflects the relevant APP11 principles, including coordinated infrastructure provision, management of natural hazards, enhancement of indigenous biodiversity and freshwater values, recognition of tangata whenua values, climate resilience and management of interfaces with surrounding land. The Project is therefore considered consistent with Policy UFD-P1.

UFD-P2 – Co-ordinating growth and infrastructure *Management of the built environment ensures:* 1. *the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:* a. *optimise the efficient and affordable provision of both the development and the infrastructure;* b. *maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;* c. *protect investment in existing infrastructure; and* d. *ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;* 2. *the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated or as required for tier 3 local authorities as set out in UFD-P18 and its associated methods;* 3. *the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and* 4. *a co-ordinated and integrated approach across regional and district boundaries and between agencies; and* 5. *that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.*	The Project is supported by an integrated and staged servicing framework addressing transport, stormwater, water supply, wastewater and utilities. The technical assessments establish that the development is serviceable, with infrastructure delivery linked to development staging, network capacity and identified infrastructure triggers. The Project has also been developed through coordinated engagement with WDC, HCC, WRC, IAWAI and NZTA to address interfaces with existing and planned infrastructure. That engagement has informed the transport connections, three-waters servicing strategy, infrastructure staging and proposed conditions. Development is therefore coordinated with the infrastructure necessary to service it, while maintaining the operational effectiveness of existing and planned infrastructure. The Project is considered consistent with Policy UFD-P2.
UFD-P4 – Energy demand management *Development should minimise transport, energy demand and waste production, encourage beneficial re-use of waste materials, and promote the efficient use of energy.*	The Project is located immediately adjoining the established Te Rapa industrial area and strategic transport network and will provide employment land in proximity to existing and planned urban growth areas. The internal transport network provides for walking, cycling and future public transport, while the Project's location supports efficient access to the strategic freight network. The development outcome also enables coordinated and efficient provision of utilities and infrastructure across the Site.



	These measures contribute to the efficient use of transport and energy resources and are generally consistent with Policy UFD-P4.
UFD-P11 – Adopting Future Proof land use pattern *Within the Future Proof area:* 1. *new urban development shall occur within the Urban and Village Enablement Areas Limits indicated on Map 43 (5.2.10 Future Proof map (indicative only));* 2. *new residential (including rural-residential) development shall be managed in accordance with the timing indicated on Map 43 (5.2.10 Future Proof map (indicative only)) or in accordance with the timing provided for within an operative Future Development Strategy for the Future Proof sub-region in accordance with the National Policy Statement on Urban Development 2020) timing and population for growth areas in Table 34 (APP12);* 3. *new industrial development should predominantly be located in the strategic industrial nodes in Table 35 (APP12) and in accordance with the indicative timings in that table except as set out in clause (7) below;* 4. *other industrial development should only occur within the Urban Limits Enabled Areas indicated on Map 43 (5.2.10 Future Proof map (indicative only)), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 35 (APP12) shall be provided for as appropriate in district plans;* 5. *new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 35 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 35;* 6. *new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the transport system arterial, and on other infrastructure;* 7. *where alternative industrial and residential urban land release patterns are promoted, either out-of-sequence or unanticipated on Map 43 or in Table 35, including proposals outside of the urban or village enablement areas indicated on Map 43, through*	The Site is not presently identified for industrial urban development within the operative Future Proof land-use pattern and remains zoned General Rural under the WDP-OiP. The Project therefore does not directly implement the mapped land-use pattern anticipated by Policy UFD-P11. The broader strategic context is nevertheless relevant. TKE immediately adjoins the established Te Rapa industrial area, is well connected to the strategic transport network and will provide approximately 123 ha of net developable industrial land in a part of the Hamilton industrial market where remaining supply is comparatively constrained. The Economic Assessment identifies industrial land demand of approximately 17–25 ha per annum and concludes that the Project represents approximately 7–11 years of future Hamilton industrial demand. The Project is also supported by an integrated and staged transport and three-waters servicing framework. The WRPS and Future Proof framework contemplate coordinated consideration of alternative or unanticipated urban development where the relevant strategic, infrastructure and environmental considerations are addressed. In that context, TKE responds positively to the broader direction for coordinated, infrastructure-supported growth. The Project nevertheless gives rise to a tension with the mapped Future Proof land-use pattern, and that tension must be considered alongside the Project's strategic location, infrastructure integration, contribution to business land capacity and the identified adverse effects associated with urbanisation, including the loss of high class soils. Accordingly, the Project is considered to respond generally to the strategic direction underlying Policy UFD-P11, while not directly implementing the mapped Future Proof land-use pattern.



district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern and particular regard shall be had to the proposed development capacity only where the local authority determines that the urban development proposal is significant, by assessing the proposal for consistency with the responsive planning criteria in APP13; and 8. *where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 35, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the transport network and other infrastructure are avoided, remedied or mitigated.*	
Relevant Appendices	
APP11- Development Principles *The general development principles for new development are:* a. *support existing urban areas in preference to creating new ones;* b. *occur in a manner that provides clear delineation between urban areas and rural areas;* c. *make use of opportunities for urban intensification and redevelopment, particularly within urban centres and along future rapid transit routes, to minimise the need for urban development in greenfield areas;* d. *not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;* e. *connect well with existing and planned development and infrastructure;* f. *identify water requirements necessary to support development and ensure the availability of the volumes required;* g. *be planned and designed to achieve the efficient use of water;* h. *be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely*	The Project has been assessed against the development principles in APP11. It responds positively to many of those principles through its location adjoining the established Te Rapa industrial area, integration with existing and planned transport and three-waters infrastructure, provision for walking, cycling and future public transport, catchment-based stormwater management, ecological restoration, climate-resilient infrastructure and recognition of tangata whenua values. The Project also provides for efficient use of infrastructure and land through a comprehensively masterplanned industrial development rather than dispersed development. There are, however, identifiable tensions with APP11, particularly the direction to avoid development on high class soils. The Project will permanently convert high class soils to industrial use, and that tension is acknowledged elsewhere in this assessment. The Project also modifies parts of the existing freshwater environment, although those effects are proposed to be managed through restoration, habitat creation, stormwater treatment and ecological enhancement. Overall, while the Project does not align with every APP11 principle, it responds positively to the majority of the relevant development principles and provides an integrated, infrastructure-supported urban development outcome.

renewable energy generation sites and their associated energy resources, regionally significant industry, highly productive land, and primary production activities on highly productive land except in accordance with the National Policy Statement for Highly Productive Land 2022; *i. promote compact urban form, design and location to:* *i. minimise energy and carbon use;* *ii. minimise the need for private motor vehicle use;* *iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;* *iv. encourage walking, cycling and multi-modal transport connections; and* *v. maximise opportunities for people to live, work and play within their local area;* *j. maintain or enhance landscape values and provide for the protection of historic and cultural heritage;* *k. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;* *l. maintain and enhance public access to and along the coastal marine area, lakes, and rivers;* *m. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);* *n. adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;*	

o. *not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;* p. *be appropriate with respect to current and projected future effects of climate change and be designed to allow adaptation to these changes and to support reductions in greenhouse gas emissions within urban environments;* q. *consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;* r. *support the Vision and Strategy for the Waikato River in the Waikato River catchment;* s. *encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and* t. *recognise and maintain or enhance ecosystem services.*	
APP13 – Responsive Planning Criteria	
Criteria A	
A. *That the development would add significantly to meeting a demonstrated need or shortfall for housing or business floor space, as identified in a Housing and Business Development Capacity Assessment or in council monitoring.*	**Met.** The Economic Assessment identifies industrial land demand in Hamilton of approximately 17–25 ha per annum and concludes that the approximately 123 ha of net developable industrial land proposed at TKE represents approximately 7–11 years of future Hamilton industrial demand. The Project will therefore make a significant contribution to meeting identified medium- and long-term business land demand, particularly within the comparatively constrained north-west Hamilton / Te Rapa industrial market.
B. *That the development contributes to a well-functioning urban environment. Proposals are considered to contribute to a well-functioning urban environment if they:* i. *have or enable a variety of homes that: meet the needs, in terms of type, price, and location, of different households; and/or enable Māori to express their cultural traditions and norms; and/or have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*	**Met.** TKE will provide a range of industrial lot sizes capable of accommodating different business sectors and occupiers, including flexibility for lots to be combined for larger industrial activities. The Project is immediately adjacent to the established Te Rapa industrial area and close to significant existing and planned residential growth. It will also provide a substantial additional source of industrial land and therefore support greater choice and competition within the industrial land market.

ii. *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.*	
C. *That the development is consistent with the Future Proof Strategy guiding principles, and growth management directives (as set out in Sections B2, B3, B5, B6, B7, B8, B9, B10 and B11 of the strategy).*	**Generally met.** The Project is not presently identified within the mapped Future Proof urban land-use pattern and therefore does not directly implement that pattern. It nevertheless responds positively to the broader Future Proof direction through consolidation adjacent to an established industrial node, significant additional business land capacity, integrated infrastructure delivery, multimodal transport provision, freshwater restoration and tangata whenua involvement. The tension with the mapped land-use pattern is acknowledged.
D. *That the development has good accessibility for all people between housing, jobs, educational facilities, community services, natural spaces, and open spaces, including by way of public or active transport.*	**Met.** The Project is located adjacent to the established Te Rapa employment area and close to significant existing and planned residential growth in north-west Hamilton. The internal transport network provides walking and cycling connections, links to the external active-mode network and provision for future public transport. The proposed Neighbourhood Centre and open-space network will also provide supporting services and recreational opportunities within the Development.
E. *In cases where development is being brought forward, whether it can be demonstrated that there is commitment to and capacity available for delivering the development within the advanced timeframe.*	**Met.** TKE is being advanced through a substantive Fast-track application and is supported by a comprehensively developed Masterplan, detailed technical assessments, infrastructure design, staging controls, management plans and proposed conditions. The infrastructure framework identifies the servicing required at each stage and provides an established pathway for implementation of the Development.
F. *In cases where the development is proposing to replace a planned land use with an unanticipated land us, whether it can be demonstrated that the proposal will not result in a shortfall in residential, commercial or industrial land, with robust data and evidence underpinning this analysis.*	**Not directly applicable.** The Site is currently zoned General Rural and is not land already allocated within the Future Proof framework for an alternative residential, commercial or industrial urban use. The Project therefore does not displace planned urban development capacity. It will, however, permanently remove rural production land, including high class and highly productive land, which is separately assessed under the relevant WRPS and NPS-HPL provisions.
G. *That the development protects and provides for human health.*	**Met.** Potential effects relevant to human health and safety have been assessed through the contaminated-land, noise, transport, natural-hazard, stormwater, geotechnical and infrastructure assessments. The combined PSI/DSI concludes that soil contaminant concentrations are below the applicable criteria for the proposed industrial land use and are highly unlikely to pose a risk to human health. The Project also incorporates appropriate design measures, management plans and consent conditions to manage construction and operational effects.
H. *That the development would contribute to the affordable housing stock within the sub-region, with robust data and evidence underpinning this analysis.*	**Not applicable.** TKE is predominantly an industrial development and does not provide residential housing capacity.



I. That the development does not compromise the efficiency, affordability or benefits of existing and/or proposed infrastructure, including additional infrastructure, in the sub-region.	**Met, subject to the proposed staging and infrastructure controls.** Transport and three-waters effects have been specifically assessed. The development is staged in accordance with network capacity and identified upgrades, including external transport works and interim and ultimate water and wastewater servicing arrangements. The Infrastructure Report establishes that TKE is serviceable and can be integrated with existing and planned networks without compromising their operation, subject to the identified triggers and upgrades. The upgrades, and TKE's contribution to those upgrades, are to be secured by the Private Development Agreement.
J. That the development can be serviced without undermining committed infrastructure investments made by network utility operators, local authorities or central government (including NZ Transport Agency). Development must be shown to be adequately serviced without undermining committed infrastructure investments made by network utility operators, local authorities or central government to support other growth areas.	**Generally met.** The servicing framework has been developed through coordinated engagement with WDC, HCC, WRC, IAWAI and NZTA and provides for staged interim and ultimate infrastructure solutions. The Project does not rely on infrastructure identified as being committed exclusively to another growth area. However, the final timing and funding of some strategic infrastructure will continue to require coordination with the relevant infrastructure providers.
K. That the development demonstrates efficient use of local authority and central government financial resources, including prudent local authority debt management. This includes demonstration of the extent to which cost neutrality for public finances can be achieved.	**Generally met, subject to final funding arrangements.** The Project is privately initiated and infrastructure required specifically to enable TKE is intended to be delivered through the Development and associated infrastructure and funding arrangements. The application identifies the infrastructure upgrades and staging triggers required to service development. Final funding arrangements will continue to be agreed with the relevant infrastructure providers, and complete cost neutrality should not be assumed unless confirmed through those arrangements.
L. The compatibility of any proposed land use with adjacent land uses including planned land uses.	**Generally met**. The Project immediately adjoins the established Te Rapa industrial area and represents a logical extension of the existing industrial employment area. Interfaces with adjoining rural land are managed through landscape buffers, stormwater and ecological corridors, setbacks and controls on sensitive and non-industrial activities. The Development Framework maintains industrial primacy and is intended to avoid materially constraining the continued operation of adjoining rural activities.
M. That the development would contribute to mode-shift that supports the medium and long-term transport vision for the sub-region being the creation of a rapid and frequent multi-modal transport network and active mode network.	**Met.** The development outcome incorporates a multimodal internal transport network, segregated walking and cycling facilities, connections to the wider active-mode network, a grade-separated crossing of SH39 and provision for future public transport. The transport assessment concludes that the Project is well aligned with broader objectives relating to integrated land use and transport, accessibility and network resilience.
N. That the development would support reductions in greenhouse gas emissions and would be resilient to the likely current and future effects of climate change, with robust evidence underpinning this assessment.	**Generally met.** Climate-change-adjusted rainfall has been incorporated into the stormwater and flood-management framework, including the design of attenuation wetlands, conveyance corridors, overland flow paths and the Mangaheka Stream corridor. The Project also provides active-mode and future public-transport infrastructure and



	locates employment land adjacent to an established industrial node and significant planned residential growth. While an overall reduction in greenhouse-gas emissions has not been separately demonstrated, the Project provides an integrated land-use and transport framework capable of supporting lower-emission travel and is designed to be resilient to future climate-change effects.
O. *That the development provides for the values that make the area wāhi toitū and can avoid or mitigate any adverse effects arising in respect of those values as a result of the proposed development.*	**Not applicable.** No part of the Site appears to be mapped wāhi toitū, this criterion is not directly applicable.
P. *During a review of the Future Proof strategy (including the development of a Future Development Strategy under the National Policy Statement on Urban Development 2020 and its subsequent 3-yearly review), or a comprehensive district plan review, consideration may be given to urban development on areas identified as wāhi toitū. A strong precautionary approach will be taken such that if the land is not needed to fill an identified shortfall of development capacity in the short-medium term, it should not be considered for urban development. Preference will be given to urban development proposals which are not located on areas identified as wāhi toitū.*	**Not applicable.** No part of the Site appears to be mapped as wāhi toitū, this criterion is not directly applicable.
Q. *That a precautionary approach be taken when considering development on areas identified as wāhi toiora, such that if the land is not needed in the short-medium term it should not be considered for urban development.*	**Generally met.** The Project Site is located within a mapped wāhi toiora area and this criterion is therefore directly relevant. The criterion does not preclude urban development within wāhi toiora, but requires a precautionary approach, particularly where the land is not required in the short to medium term. The Economic Assessment identifies current and future demand for additional industrial land within Hamilton, including comparatively constrained industrial land supply within the north-west Hamilton / Te Rapa market. TKE will provide approximately 123 ha of net developable industrial land and represents approximately 7–11 years of future industrial demand. The Project is also being progressed as a substantive Fast-track application supported by detailed technical assessments, a staged infrastructure framework and a clear implementation pathway. Accordingly, there is a demonstrated need for additional industrial capacity within the relevant planning horizon and the Project is considered to respond appropriately to the precautionary direction of Criteria A(q).
Criteria B	
A. *The development will not affect the feasibility, affordability and deliverability of planned growth within Urban or Village Enablement Areas over the short, medium and long term.*	**Generally met.** The Project adds industrial development capacity rather than replacing planned urban capacity. The Economic Assessment identifies an existing medium- and long-term demand for industrial land and a particular constraint within the north-west Hamilton / Te Rapa market. The Project therefore supplements planned business land supply rather

	than displacing it. The staged servicing framework is also intended to ensure that TKE does not compromise the delivery of infrastructure required for other planned growth areas.
B. *Value capture can be implemented and cost neutrality for public finance can be achieved.*	**Generally met, subject to final funding arrangements.** The Project is privately initiated and infrastructure required specifically to enable TKE is intended to be delivered through the Development and associated development and funding arrangements. However, complete value capture and cost neutrality have not been separately demonstrated in the application and will depend on the final infrastructure funding arrangements agreed with the relevant authorities and providers.
C. *The development will not adversely affect the function and vitality of existing rural settlements and/or urban areas.*	**Met.** TKE is predominantly industrial and the Development Framework maintains industrial primacy. The Neighbourhood Centre and other non-industrial activities are limited in scale and intended principally to support the Development and its workforce rather than establish a competing metropolitan or town centre. The Project is therefore not expected to undermine the role or vitality of existing centres or surrounding rural settlements.
D. *The development addresses an identified housing type, tenure or price-point need.*	**Not applicable.** The Project is an industrial development and does not provide housing.

WRP Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Water Module: Water Resources - Objective	
Objective 3.A.1: *Fish Passage The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.*	The Project includes new and replacement structures within the Mangaheka and Te Otamanui Streams, including culvert crossings and associated stream works. Existing culverts within the Site are generally in poor condition and some currently restrict fish passage. The proposed replacement culverts will be designed and installed to maintain fish passage in accordance with the NES-F and relevant fish passage guidance. The EcIA assesses the effect of the proposed culvert replacement on fish passage as positive following mitigation, reflecting the improvement in connectivity compared with the existing environment. The Mangaheka Stream Enhancement Plan similarly requires the proposed Mangaheka culverts to provide for upstream and downstream fish passage, including appropriate embedment, bed substrate and hydraulic conditions. Fish passage and continuity of flow will also be maintained during stream works where practicable, together with fish capture and relocation requirements under the Fish Management Plan and Stream Works Management Plan. Accordingly, the Project is considered consistent with Objective 3.A.1.
Policy 3.A.3 – Rivers *The loss of river extent and values is avoided, unless the Council is satisfied that:* *a. there is a functional need for the activity in that location; and* *b. the effects of the activity are managed by applying the effects management hierarchy.*	The Project has sought to avoid the loss of river extent and values where practicable through retention and enhancement of the Mangaheka and Te Otamanui Streams. The Project will nevertheless result in the reclamation of approximately 212 m of Watercourse M13. The EcIA identifies M13 as a highly modified intermittent watercourse with low ecological values and applies the effects management hierarchy to the proposed loss. The reclamation is required to enable the integrated development layout and associated earthworks and infrastructure. The EcIA identifies that the residual loss of stream extent and ecological values is to be addressed through stream creation and enhancement within the Mangaheka Stream corridor. An Environmental Compensation Ratio assessment identifies approximately 217 m of additional stream length as being required to address the loss, while the proposed Mangaheka Stream works will create approximately 435 m of additional stream length and approximately 870 m² of additional stream habitat.

	The Project will also modify the Mangaheka Stream itself. Those works retain the stream corridor and incorporate a meandering baseflow channel, instream habitat features, riparian planting and a widened flood conveyance corridor. Accordingly, while the Project will result in some unavoidable loss and modification of river extent and values, the effects management hierarchy has been applied and the proposed stream creation and restoration measures are expected to result in a net gain in stream extent and ecological value. The Project is therefore considered generally consistent with Policy 3.A.3.
Objective 3.1.2 *The management of water bodies in a way which ensures:* *a. That people are able to take and use water for their social, economic and cultural wellbeing* *b. Net improvement of water quality across the Region* *c. The avoidance of significant adverse effects on aquatic ecosystems* *d. The characteristics of flow regimes are enhanced where practicable and justified by the ecological benefits.* *e. The range of uses of water reliant on the characteristics of flow regimes are maintained or enhanced* *f. The range of reasonably foreseeable uses of ground water and surface water are protected* *g. Inefficient use of the available ground surface water resources in minimised* *h. An increase in the extent and quality of the Region's wetlands* *i. That significant adverse effects on the relationship tangata whenua as Kaitiaki have with water their identified taonga such as waahi tapu, and native flora and fauna that have customary ad traditional uses in or on the margins of water bodies are remedied or mitigated* *j. The cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water their taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated* *k. The management of non-point source discharges of nutrients, faecal coliforms and sediment to levels that are consistent with the identified purpose and values for which the water body is being managed.* *l. The natural character of the coastal environment, wetlands and lakes and rivers and their margins (including caves), is preserved and protected from inappropriate use and development*	The Project has been developed within an integrated freshwater, stormwater and groundwater management framework that addresses the effects of urbanisation on surface water, groundwater, freshwater ecology and downstream receiving environments. The Development will result in modification of parts of the existing freshwater environment, including reconstruction of the Mangaheka Stream, reclamation of Watercourse M13, modification of the existing drainage network, stormwater discharges and temporary water-management activities associated with construction. These effects have been assessed through the EcIA, SWMP, hydraulic modelling, hydrogeological assessment and supporting management plans. The Project incorporates a comprehensive stormwater treatment and attenuation system comprising source controls, raingardens, vegetated conveyance systems and constructed stormwater wetlands. The stormwater system is designed to manage both water quality and quantity, including attenuation of post-development peak flows and management of erosion effects within downstream receiving environments. The freshwater framework also incorporates substantial restoration and enhancement of the Mangaheka Stream corridor. The existing modified stream will be reconstructed to provide a meandering baseflow channel, increased stream length, instream habitat features, indigenous riparian planting and improved ecological connectivity. The Te Otamanui Stream will be retained and enhanced. The Project will affect habitat used by indigenous freshwater species, including black mudfish habitat within parts of the existing artificial drainage network. Those effects are proposed to be managed through fish capture and relocation, dedicated black mudfish habitat creation, stream restoration, riparian planting and improved fish passage. Groundwater and surface-water interactions associated with construction and development have also been assessed, with monitoring and management measures proposed where required to manage effects on groundwater levels, neighbouring users and connected freshwater environments.



m. *Ground water quality is maintained or enhanced and ground water takes managed to ensure sustainable yield* n. *Shallow ground water takes do not adversely affect values for which any potentially affected surface water body is managed* o. *Concentrations of contaminants leaching from land use activities and non-point source discharges to shallow ground water and surface waters do not reach levels that present significant risks to human health or aquatic ecosystems* p. *That the positive effects of water resource use activities and associated existing lawfully established infrastructure are recognised, whilst avoiding, remedying or mitigating adverse effects on the environment.* q. *Refer to Objective 3.A.1.*	The Project recognises tangata whenua values associated with freshwater through the TWWG, CIA and ongoing mana whenua involvement in implementation and environmental management. While the Project will result in substantial modification of the existing freshwater environment, the proposed stormwater treatment, stream restoration, habitat creation and management measures are intended to avoid significant adverse effects on aquatic ecosystems and improve freshwater outcomes within the Site and wider receiving environment over time. Overall, the Project is considered generally consistent with Objective 3.1.2.
Management of Water Bodies	
Policy 3.2.3 ***Policy 1: Management of Water Bodies*** *Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:* a. *Classifying and mapping water bodies based on the characteristics for which they are valued and implementing the classification through a mixture of regulatory and non-regulatory methods.* b. *Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities.* c. *Enhancing the quality of degraded waterbodies.* d. *Providing for the mitigation and remediation of adverse effects in accordance with Section 1.3.3 of the Waikato Regional Policy Statement.* **e.** *Recognising the positive benefits to people and communities arising from use or development of water resources and by taking account of existing uses of water and the associated lawfully established infrastructure.*	The Project has been designed to enable urban development while managing the resulting effects on surface water quality and freshwater values. The existing freshwater environment within the Site is highly modified, reflecting historic drainage, channel modification and pastoral land use. The proposed stormwater framework incorporates source controls, raingardens, vegetated conveyance systems and constructed stormwater wetlands to manage contaminants generated by future industrial development and avoid cumulative degradation of downstream water quality. The Project also provides for substantial restoration of the Mangaheka Stream corridor, including stream reconstruction, increased stream length, indigenous riparian planting and instream habitat enhancement. These measures, together with black mudfish habitat creation and improved fish passage, are intended to improve the ecological condition and resilience of the freshwater environment over time. Accordingly, the Project enables the use and development of the Site while incorporating measures intended to maintain and improve water quality and freshwater values, and is considered generally consistent with Policy 1.
Policy 2: Managing Degraded Water Bodies	The Mangaheka Stream and wider drainage network within the Site are highly modified by historic drainage, channelisation, vegetation clearance and pastoral land use.



Enhance the quality of degraded water through improved management of activities that affect water bodies so that: *a. For activities controlled by rules in the Plan:* *i. discharges to water will not further degrade water quality with respect to those parameters of the relevant class(es) for that water body that are not currently met* *ii. land-based treatment systems will be promoted where soil type and drainage will allow, and where adverse effects are less than the adverse effects of direct discharges into water* *iii. water allocation takes into account the additional adverse effect of reduced flow in degraded waters on aquatic ecosystems and human uses and values.* *b. For activities covered by non-regulatory methods in the Plan, promote:* *i. land management methods that reduce non-point source discharges* ***ii.*** *riparian management that mitigates the effect of non-point source discharges on water bodies.*	The Project does not rely on that existing condition as justification for further degradation. The stormwater management framework has been designed to manage contaminant loads from future urban development through a treatment-train approach, while the Mangaheka Stream corridor will be restored and enhanced through stream reconstruction, riparian planting and habitat improvement. Construction effects will also be managed through erosion and sediment controls and associated environmental management requirements to minimise sediment and contaminant discharges to receiving waters. These measures are intended to avoid further degradation of water quality and to improve the condition and ecological function of the existing modified freshwater environment over time. The Project is therefore considered generally consistent with Policy 2.
Policy 3: Natural Character *Recognise, and where relevant provide for, the following characteristics when considering the preservation of the natural character of lakes and rivers and their margins and the protection of them from inappropriate use and development:* *a. Diversity and composition of aquatic and riparian habitat.* *b. Topography and physical composition of river and lake beds and the course of the river.* *c. The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.* *d. Any significant natural features of the lakes and rivers and their margins.*	The natural character of the freshwater environments within the Site has been substantially modified through historical drainage, channelisation, vegetation clearance and pastoral land use. The Project will result in further physical modification of parts of that environment, including reconstruction of the Mangaheka Stream, reclamation of Watercourse M13 and installation of culverts and stormwater infrastructure. The design has considered aquatic and riparian habitat, stream form, hydraulic processes and the existing modified character of the waterways. In particular, the Mangaheka Stream will be reconstructed as a more naturalised meandering channel with varied instream habitat, indigenous riparian planting and a wider vegetated corridor, while flood conveyance and sediment transport functions are retained. Accordingly, while physical modification will occur, the Project provides substantial opportunities to restore and enhance natural elements and ecological function within the existing modified freshwater environment and is considered generally consistent with Policy 3.

Policy 4: Waikato Region Surface Water Class *Enable the use of all surface water bodies in the Region, provided that:* *a. Any significant adverse effects on existing aquatic ecosystems are avoided, remedied or mitigated.* *b. Intake structures are designed to minimise fish entrapment.* *c. Any conspicuous change in visual colour or clarity is avoided, remedied or mitigated.* *d. The water body is not tainted or contaminated to the extent that it is unpalatable or unsuitable for consumption by humans after treatment (equivalent to coagulation, filtration and disinfection).* *e. The water body is not tainted or contaminated to the extent that it is unsuitable for irrigation or stock watering.*	The Project incorporates measures to ensure that use and development of surface water bodies does not result in significant adverse effects on aquatic ecosystems or unacceptable deterioration in receiving-water quality. Operational stormwater will be managed through an integrated treatment train comprising source controls, raingardens, vegetated conveyance systems and constructed stormwater wetlands. Controls are also proposed for higher-risk industrial activities to prevent contaminants entering the public stormwater network. Construction discharges will be managed through erosion and sediment controls and associated management plans. The stormwater and stream design also incorporates erosion protection, flow attenuation and monitoring to manage effects on downstream receiving environments. Freshwater ecological effects are addressed through stream restoration, riparian planting, black mudfish habitat creation, fish salvage and relocation and maintenance or improvement of fish passage. On that basis, the Project is considered generally consistent with the purpose of the Waikato Region Surface Water Class and Policy 4.
Water Takes – Objective	
Objective 3.3.2 *a. Giving effect to the overarching purpose of the Vison and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations* *b. The availability of water to meet the existing and the reasonably justified and foreseeable future domestic or municipal supply requirements of individuals and communities and the reasonable needs for an individual's animal drinking water requirements.* *c. The recognition of the significant community benefits that derive from domestic or municipal supply takes.* *d. The efficient allocation and the efficient use of water* *e. No further allocation of water that exceeds the primary allocation in Table 3-5 that reduced the generation of electricity from renewable energy sources.* *f. The recognition that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes, including rural-based activities such as agricultural, perishable food processing and industry* *g. The continued availability of water for cooling of the Huntly Power Station*	The Project requires temporary surface water and groundwater takes for construction dewatering associated with excavations, service trenches and other below-ground works. Groundwater is expected to be encountered at shallow depth across the low-lying parts of the Site, and localised dewatering using sump pumps or wellpoint systems may therefore be required during construction. The proposed takes are temporary and construction-related rather than consumptive water-supply takes. The potential effects of dewatering, including groundwater drawdown, effects on connected surface water environments, neighbouring users and settlement risk, have been assessed through the Hydrogeological Assessment and supporting geotechnical investigations. The proposed consent conditions limit the groundwater take to wellpoint dewatering and the surface water take to water intercepted within trenches and excavations. They also provide for measurement and reporting of water taken and review of the authorised volumes where necessary. The takes will therefore occur only to the extent required to facilitate construction and will be subject to monitoring and management measures intended to avoid significant adverse effects on groundwater and surface water resources. Accordingly, the Project is considered generally consistent with Objective 3.3.2.



h. *Sufficient water is retained instream to safeguard the life supporting capacity of freshwater, including its ecosystem processes and indigenous species and their associated ecosystems.* i. *That decisions regarding the allocation and use of water take account of the need to avoid the further degradation of water quality, having regard to the contaminant assimilative capacity of water bodies* j. *Subject to Objectives a) to h) above, the availability of water to meet other future social, economic and cultural needs of individuals and communities* k. *Refer to Objective 3.A.1.*	
Water Take - Policies	
***Policy 4:** Establish sustainable yields from Groundwater* *Establish, set and review sustainable yields from groundwater resources which are to be used when assessing authorised water takes and resource consent applications from aquifers while having particular regard to the following matters:* a. *Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.* b. *The recognition of the relationship between tangata whenua with groundwater resources and providing for tangata whenua input in determining their values and interests, and reviewing the sustainable yields for those groundwater resources.* c. *The protection of groundwater resource from salt intrusion* d. *The need to ensure that any groundwater discharges into surface waters are not reduced such that there is a resultant significant adverse effect on in-stream uses and values (including wetlands and karst systems) and on other allocated use* e. *The need to ensure groundwater depletion or dewatering of aquifers does not result in significant adverse effects on resource availability* f. *The maintenance of groundwater quality in accordance with the policies in Chapter 3.2 of this Plan* g. *The benefits derived from the take and consumptive use of groundwater for people's social, economic and cultural wellbeing*	The Project requires temporary groundwater dewatering associated with excavations and service trenching in areas of shallow groundwater. The Hydrogeological Assessment has considered the potential effects of that dewatering on groundwater levels, surrounding groundwater users, connected surface water environments and settlement. The groundwater take is proposed to be limited to wellpoint spears used for dewatering and will be monitored through continuous measurement and reporting requirements. The consent framework also provides for review of the authorised volume where required. The temporary and localised nature of the take, together with the proposed monitoring and management framework, is intended to ensure that groundwater dewatering does not result in significant adverse effects on resource availability or connected freshwater values. The Project is therefore considered generally consistent with Policy 4.

h. *The loss of benefits derived from the generation of electricity that can result from groundwater takes above Karapiro* i. *The benefits to be derived from the efficient take and use of groundwater for reasonably foreseeable future consumptive uses, and in particular for domestic or municipal supply and the reasonable needs for an individual's animals drinking water* j. *The maintenance of security of existing, efficient take and use of water and the associated lawfully established infrastructure* k. *Maintenance of tangata whenua uses and values* l. *The effects of climate change on groundwater resources* m. *The avoidance of a reduction in recharge groundwater flows to Geothermal Systems.*	
Policy 10: How groundwater takes will be classified *The Waikato Regional Council shall manage the taking of groundwater resources in a manner that meets the criteria for establishing Sustainable Yields from groundwater resources listed in Policy 4 by:* a. *Classifying takes as being authorised without the need for resource consent if such takes:* i. *Are allowed by s14(3)(b) RMA purposes, except as restricted in part c) of this policy and in any associated rules, or* ii. *Do not exceed 15 cubic metres per day except as provided for in part d) of this policy and in any associated rules, or* iii. *Are temporary takes up to 150 cubic metres per day except as provided for in part d) of this policy and in any associated rules; or* iv. *Are takes for well and aquifer testing up to 2500 cubic metres per day and a pumping duration of less than three days* b. *Classifying as a controlled activity any take existing at 15 October 2008 that was for the purposes of milk cooling or dairy shed wash down provided the effects of the take are avoided, remedied or mitigated.* c. *Classifying as a non-qualifying s14(3)(b) take and a discretionary activity any take which was not existing prior to 15 October 2008*	The proposed groundwater take is required for temporary construction dewatering where excavations extend below the shallow groundwater table. The take will be undertaken using wellpoint spears and will be limited to the volume necessary to enable construction. The potential effects of the take have been assessed through the Hydrogeological Assessment, including effects on groundwater levels, neighbouring groundwater users, connected surface water bodies and ground settlement. The proposed consent conditions require continuous measurement and reporting of groundwater taken and require dewatering systems and associated excavations to be designed and operated so as to avoid damage to buildings, structures and services on the Site and adjoining properties. The Project also provides for management of groundwater effects through detailed design, construction methodologies and monitoring, with additional mitigation or groundwater controls to be incorporated where required by final hydrogeological modelling. Accordingly, the proposed temporary groundwater take is considered generally consistent with Policy 10.

and would otherwise be allowed under s14(3)(b) of the RMA except that when assessed in combination with all other existing authorised water takes within the same aquifer it exceeds the Sustainable Yield in Table 3-6 *d. Classifying as a discretionary activity any supplementary take or temporary take which might otherwise be a permitted activity when the take, assessed in combination with all other existing authorised water takes within the same aquifer, is for a rate greater than 100 percent of the Sustainable Yield identified in Table 3-6.* *e. Using Management Levels to indicate when there is increasing demand from an aquifer.* *f. Classifying as a discretionary activity all applications for domestic or municipal supply takes for groundwater where a water management plan which meets the requirements of Method 8.1.2.2 has been provided.* *g. Classifying all other applications for takes of groundwater in the following manner:* *i. As a discretionary activity, or* *ii. As a non-complying activity if a relevant Sustainable Yield is provided in Table 3-6 and the rate of take in combination with all other existing authorised water takes within the same aquifer is greater than the relevant Sustainable Yield value.* *h. Classifying all new and existing resource consent holders a priority level(s) for the whole or part of the consent to apply when water shortage restrictions occur.* *i. Notwithstanding Policies a) to h), assessing the nature of hydraulic connection (if any) between groundwater takes and surface water bodies and, if there is such a connection as defined by Policy 12w), having regard to relevant parts of Policy 11 and Policy 12 when making decisions on groundwater takes.* *j. Including Sustainable Yields by way of a Plan Change when sufficient information is available and when needed to address significant adverse effects of groundwater takes.* *k. Classifying all applications for groundwater takes for domestic or municipal supply as a non-complying activity where a water*	

management plan which meets the requirements of Method 8.1.2.2 has not been provided.	
Water Module: Discharge - Objectives	
Objective 3.5.2 *a. does not have adverse effects that are inconsistent with the water management objectives in section 3.1.2* *b. does not have adverse effects that are inconsistent with the discharges onto or into land objectives in section 5.2.2* *c. ensure that decisions regarding the discharge of contaminants to water do not reduce the contaminant assimilative capacity of the water body to the extent that allocable flows as provided for in Chapter 3.3 are unable to be utilities for out of stream uses.*	The Project will result in operational stormwater discharges from the developed industrial area, together with temporary construction-related discharges associated with earthworks, dewatering and stream works. The stormwater management system has been designed as an integrated treatment train comprising source controls, raingardens, vegetated conveyance systems and constructed stormwater wetlands. These measures are intended to manage contaminant loads and stormwater volumes before discharge to the Mangaheka Stream and wider receiving environment. The hydraulic and stormwater assessments also address the potential effects of the discharges on downstream flooding, erosion and receiving-water conditions. The system provides attenuation of post-development peak flows, dedicated conveyance corridors and erosion protection measures, together with monitoring and maintenance requirements. Construction discharges will be managed through erosion and sediment controls and associated construction management requirements to minimise sediment and other contaminants entering surface water. The Project therefore provides an integrated framework for managing the quality and quantity effects of discharges so that they do not result in effects inconsistent with the wider water-management objectives of the Regional Plan. The Project is considered generally consistent with Objective 3.5.2.
Water Module: Discharge - Policies	
Policy 3: Alternatives to direct discharge to water *Land-based treatment systems will be promoted where soil types and drainage will allow and where adverse effects are minor or are less than those from a direct discharge to water. If the economic burden of adopting land treatment is unacceptable, provision will be made for a phased introduction of land treatment over an agreed period of time.*	The operational stormwater discharges have been assessed through the SWMP and hydraulic modelling and will be managed through a comprehensive treatment, attenuation and conveyance system. The proposed stormwater system is intended to avoid significant adverse effects on receiving-water quality, flooding, erosion and downstream siltation. Post-development peak flows are attenuated through constructed stormwater wetlands and associated storage, while conveyance channels, overland flow paths and the reconstructed Mangaheka Stream corridor provide for safe conveyance of larger events. Water-quality effects will be managed through a treatment-train approach incorporating source controls, raingardens, vegetated conveyance and constructed stormwater wetlands. Construction-phase sediment discharges will be managed through erosion and sediment control measures and associated management plans.

	The receiving environments are not coastal waters, significant natural wetlands or lakes, and the Project incorporates specific freshwater ecological measures including stream restoration, riparian planting, fish-passage improvements and black mudfish habitat creation. Accordingly, the Project is considered generally consistent with Policy 2.
Policy 5: Ground Water *Minimise the adverse effects of discharges onto or into land on ground water quality by ensuring that they:* *a. do not compromise existing or reasonably foreseeable uses of ground water* *b. avoid adverse effects on surface water bodies that are inconsistent with the policies in Section 3.2.3 of this Plan as far as practicable and otherwise, remedy or mitigate those effects* *c. are not inconsistent with the policies in Section 3.8.3 that manage the effects of drilling and discharges associated with drilling on ground water quality.*	Potential effects on groundwater quality have been considered through the hydrogeological and contaminated-land assessments and the Project's stormwater and construction management framework. Operational stormwater will generally be collected and treated through the public stormwater system rather than discharged uncontrolled to land. Construction activities will also be subject to erosion, sediment and contaminant controls, including requirements for the management of potentially contaminated soils and unexpected contamination. These measures are intended to avoid or minimise contaminant migration to groundwater and effects on connected surface-water environments and foreseeable groundwater uses. The Project is therefore considered generally consistent with Policy 5.
Policy 6: Tangata Whenua uses and values *Ensure that the relationship of tangata whenua as Kaitiaki with water is recognised and provided for to avoid significant adverse effects and remedy or mitigate cumulative adverse effects on:* *a. the mauri of water* *b. waahi tapu sites* *c. other identified taonga*	The relationship of tangata whenua with freshwater has been recognised through engagement undertaken through the TWWG, hui and preparation of the CIA. That engagement has identified cultural values associated with freshwater, the Mangaheka Stream, indigenous species and the wider Waikato River system. These values have informed the stormwater, stream-restoration and ecological framework for the Project. The Project provides for ongoing mana whenua involvement through the proposed Mana Whenua Management Plan, including cultural monitoring and input into environmental management and restoration. The proposed discharge framework therefore recognises tangata whenua values associated with water and provides measures to avoid, remedy or mitigate adverse effects on those values. The Project is considered generally consistent with Policy 6.
Policy 7: Stormwater discharges *Encourage at-source management and treatment of stormwater discharges to reduce water quality and water quantity effects of discharges on receiving waters.*	The Project adopts an at-source and treatment-train approach to stormwater management. Source controls will be applied to higher-risk industrial activities to manage contaminants before they enter the public stormwater system. Stormwater will then be conveyed and

	treated through a combination of raingardens, vegetated conveyance systems and constructed stormwater wetlands before discharge to the receiving environment. The system also addresses stormwater quantity through attenuation storage, dedicated conveyance corridors and overland flow paths, with hydraulic modelling used to assess downstream flood and erosion effects. The stormwater framework therefore responds directly to Policy 7 by managing both water-quality and water-quantity effects at source and prior to discharge to receiving waters. The Project is considered consistent with Policy 7.
Water Module: Damming and Diverting - Objectives	
Objective 3.6.2 *Damming and/or diverting of water undertaken in a manner that:* *a. Does not have adverse effects that are inconsistent with the water management objectives in Section 3.1.2.* *b. Does not have adverse effects that are inconsistent with the river and lake bed structures objectives in Section 4.2.2.* *c. Does not obstruct fish passage where it would otherwise occur in the absence of unnatural barriers, so that trout or indigenous fish can complete their lifecycle.* *d. Results in no increase in the adverse effects of flooding or land instability hazards.* *e. Results in no loss of existing aquatic habitats as a consequence of channelisation of rivers.* *f. Increases the use of off-stream dams for water supply purposes as an alternative to dams in perennial streams.* *g. ensures that decisions regarding the damming and diverting of water take account of the consequent loss of water quality and any associated reduction in contaminant assimilative capacity, minimum flows and allocable flows for out of stream uses as provided by Section 3.3.3 Policy 1 and Table 3-5 of Chapter 3.3.* *h. Refer to Objective 3.A.1.*	The Project involves temporary and permanent diversion of surface water associated with stream reconstruction, culvert installation, stormwater infrastructure and construction works within the Mangaheka and Te Otamanui Stream catchments. The potential effects of those activities have been assessed through the EcIA, SWMP, hydraulic modelling and supporting stream works and fish management plans. The Project has been designed so that damming and diversion activities do not result in unacceptable increases in flooding or erosion on neighbouring or downstream properties and do not compromise the wider water-management outcomes sought by the Regional Plan. Fish passage will be maintained during and following the works where practicable. Permanent culverts will be designed to maintain fish passage, while temporary stream diversions will be managed through the Stream Works Management Plan and Fish Management Plan, including fish salvage and relocation where required. The Project will also modify existing aquatic habitat, particularly through reconstruction of the Mangaheka Stream and reclamation of Watercourse M13. Those effects are proposed to be addressed through stream creation and enhancement, riparian planting, instream habitat creation and dedicated black mudfish habitat. Overall, the proposed damming and diversion activities are considered generally consistent with Objective 3.6.2.
Water Module: Damming and Diverting – Policies	
Policy 2: Damming and Diverting of water in perennial water bodies *Manage the damming and diverting of water in perennial water bodies in a manner that ensures:*	The Project involves damming and diversion activities associated with works in and around the Mangaheka and Te Otamanui Streams, including temporary diversions required to enable stream reconstruction and culvert installation.



a. *Adverse effects on surface water bodies that are inconsistent with the policies in Section 3.2.3 of this Plan are avoided as far as practicable and otherwise remedied or mitigated.* b. *Adverse effects of the use, erection, reconstruction, placement, alteration or extension of structures on the beds of lakes or rivers associated with the activity that are inconsistent with the policies in Section 4.2.3 are avoided as far as practicable and otherwise remedied or mitigated.* c. *That the activity will not obstruct fish passage of trout and/or indigenous fish to complete their lifecycle where it would otherwise occur in the absence of unnatural barriers.* d. *The adverse effects of flooding or erosion on neighbouring properties are avoided, remedied or mitigated.* e. *Changes in the catchment and sediment transport processes have no significant adverse effects on water quality, habitat and flow regimes in perennial streams.* f. *Any significant adverse effect on cave systems are avoided or mitigated.* g. *Any adverse effects on wetlands[28] that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are avoided, remedied or mitigated in accordance with Policies 1 and 2 of Chapter 3.7*	These activities have been designed and will be managed to avoid adverse effects on water quality, aquatic habitat, flow regimes and neighbouring properties as far as practicable, and otherwise to remedy or mitigate those effects. Temporary diversions will be constructed and operated in accordance with the Stream Works Management Plan, including requirements for maintaining flow, erosion and sediment control, stabilisation and reinstatement. Fish salvage and relocation will be undertaken where required before affected reaches are isolated or dewatered. Permanent stream crossings and culverts will be designed to maintain fish passage. The wider stream design also incorporates naturalised channel form, instream habitat and riparian planting to improve freshwater connectivity and ecological function. Hydraulic modelling has assessed the effects of the proposed drainage and stream modifications on flood levels, flow paths and velocities, and the design incorporates attenuation and conveyance measures intended to avoid or mitigate adverse flooding and erosion effects on adjoining and downstream properties. The Project is therefore considered generally consistent with Policy 2.
Policy 3: Tangata Whenua uses and values *Ensure that the relationship of tangata whenua as Kaitiaki with water is recognised and provided for, to avoid significant adverse effects and remedy or mitigate cumulative adverse effects on:* a. *The mauri of water* b. *Waahi tapu sites* c. *Other identified taonga*	The Project has been developed through engagement with tangata whenua, including through the TWWG, hui and preparation of the CIA. Freshwater values associated with the Mangaheka Stream, indigenous species and the wider receiving environment have informed the stream restoration, fish-management and ecological framework for the Project. The proposed Mana Whenua Management Plan will also provide for ongoing mana whenua involvement during implementation, including cultural monitoring and input into stream works and ecological restoration. The Project therefore recognises and provides for the relationship of tangata whenua as kaitiaki with freshwater and provides measures to avoid, remedy or mitigate adverse effects on identified cultural values. The Project is considered generally consistent with Policy 3.



Drilling - Objective	
Objective 3.8.2: Drilling activities undertake in a manner that: *a. is consistent with the objectives in Section 3.1.2,* *b. is consistent with the objectives in section 5.2.2,* *c. prevents significant adverse effects from the mixing of previously isolated aquifers,* *d. does not result in significant adverse effects from a loss of aquifer pressure/level,* *e. is consistent with the objectives in Section 7.2.2,* *f. does not result in blow-outs in geothermal wells.*	Drilling associated with the Project is principally related to geotechnical and hydrogeological investigation and, where required, construction activities below the groundwater table. The potential effects of drilling are limited and can be appropriately managed through standard drilling, sealing and abandonment practices. In particular, drilling methods will be required to avoid contamination of groundwater and surface water, prevent hydraulic connections between previously isolated aquifers, and avoid significant loss of aquifer pressure or groundwater level. Drilling fluids and other materials associated with drilling will be managed so that they do not result in significant adverse effects on soil or water quality. Where holes penetrate the groundwater table, they will be appropriately constructed, managed and sealed or abandoned following completion. The Project is not located within a geothermal system and does not involve geothermal drilling. Accordingly, the drilling activities associated with the Project are considered consistent with Objective 3.8.2.
Drilling – Policies	
Policy 1: Effects of drilling activities *Manage the effects of drilling and any associated discharges in a manner that avoids significant adverse effects on the quality of ground water, surface water and soils from:* *a. contamination by drilling fluids,* *b. contamination of ground water by contaminants in surface water,* *c. mixing of previously isolated aquifers,* *d. loss of aquifer pressure/level,* *e. disturbance of waahi tapu and other identified sites of significance to tangata whenua as Kaitiaki,* *f. inappropriate drilling in geothermal systems.*	Drilling associated with the Project will be undertaken using appropriate industry-standard methods to manage effects on groundwater, surface water and soils. Where drilling extends below the groundwater table, drill holes will be constructed, managed and subsequently sealed or abandoned so that they do not create pathways for contaminants or hydraulic connections between separate groundwater units. Drilling fluids and other substances will also be managed to avoid contamination of groundwater, surface water and soil. The archaeological and cultural management framework for the Project also provides for the management of any previously unidentified wāhi tapu, archaeological material or other sites of significance encountered during works. On that basis, the Project is considered consistent with Policy 1.
River and Lake Bed Structures - Objective	
Objective 4.2.2: *The use, erection, reconstruction, placement, alteration, extension, removal or demolition of structures in, on, under or over the beds of rivers and lakes managed in a manner that:*	The Project includes new structures within the beds of rivers, principally culverts associated with road crossings and infrastructure connections across the Mangaheka and Te Otamanui Streams. The location, design and construction of those structures have been informed by the EcIA, hydraulic modelling, SWMP and supporting stream works and fish management plans. The



a. produces a net reduction in the adverse effects of the destabilisation of river and lake beds *b. does not have adverse effects on water quality, flow regimes, aquatic ecosystems and wetlands that are inconsistent with Water Management Objective 3.1.2* *c. does not obstruct fish passage for trout and indigenous fish to complete their life cycle* *d. preserves the natural character of river and lake beds and their margins and protects them from inappropriate use and development* *e. there is no increase in the adverse effects of flooding* *f. provides for navigation of water bodies where appropriate* *g. remedies or mitigates adverse effects of existing structures on the relationship tangata whenua as kaitiaki have with identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries* *h. avoids significant adverse effects of new structures on the relationship tangata whenua as kaitiaki have with identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries* *i. remedies or mitigates cumulative adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries* *j. maintains existing legal public access to and along river and lake beds and their margins.* *k. Refer to Objective 3.A.1.*	structures will be designed and constructed to avoid significant destabilisation of river beds and banks and to avoid effects on water quality, flow regimes and aquatic ecosystems that are inconsistent with the Water Module. Fish passage is a particular consideration for the proposed culverts. Existing structures within the Site currently restrict fish passage in some locations, and replacement culverts will be designed to maintain or improve passage for indigenous fish, including through appropriate embedment, bed substrate and hydraulic conditions. Hydraulic modelling has assessed the effects of the proposed structures and associated stream works on flood levels and flow behaviour. The proposed design is intended to ensure that the structures do not increase adverse flooding effects on neighbouring or downstream properties. The affected streams are already highly modified, but the design has nevertheless sought to preserve and enhance natural character through integration of structures with the reconstructed stream channels, riparian planting and habitat restoration. Tangata whenua values associated with freshwater and indigenous species have informed the Project through engagement, the CIA and the proposed Mana Whenua Management Plan. Existing legal public access is not materially affected. Overall, the proposed structures are considered generally consistent with Objective 4.2.2.
River and Lake Bed Structures - Policies	
Policy 2: Management of structures *Control through resource consents the use, erection, reconstruction, placement, alteration, extension, removal and demolition of those structures in, on, under or over river and lake beds that:* *a. cause or accentuate the significant adverse effects of destabilisation of the beds and the banks of rivers and lakes, or*	The proposed culverts and other structures have been assessed for their potential effects on bed and bank stability, water quality, flow regimes, aquatic ecosystems, fish passage, natural character and flooding. The structures will be designed to avoid causing or accentuating significant bed or bank instability and to avoid adverse effects on water quality, flows and aquatic ecosystems that are inconsistent with the Water Module. Culverts will be designed to maintain or improve fish passage, including through appropriate embedment and provision of suitable bed substrate and hydraulic conditions.



b. *have the potential to cause significant adverse effects on water quality, flow regimes and aquatic ecosystems in a manner that is inconsistent with the policies in Section 3.2.3 of this Plan, or* c. *occur in natural state areas as identified in the Water Management Class Maps of this Plan, or* d. *obstruct fish passage for trout and indigenous fish, or* e. *may cause significant adverse effects on the natural character of river and lake beds (including caves), or* f. *increase the adverse effects of flooding on neighbouring properties, or* g. *cause obstruction to navigation, or* h. *cause significant adverse effects on the relationship tangata whenua as kaitiaki have with river and lake beds, or* i. *cause cumulative adverse effects* j. *obstruct existing legal public access.*	Where existing structures currently restrict passage, replacement provides an opportunity to improve freshwater connectivity. Hydraulic modelling has considered the structures as part of the wider stream and drainage network and confirms that the design can manage flood conveyance without increasing adverse flooding effects on neighbouring properties. Construction effects will be managed through the Stream Works Management Plan, Fish Management Plan and erosion and sediment control requirements. The affected waterways are already highly modified, but the structures will also be integrated with the wider stream restoration and riparian planting framework to manage effects on natural character. The Project has also been informed by engagement with tangata whenua, and measures are proposed to manage effects on freshwater, indigenous fauna and associated cultural values. Accordingly, the Project is considered generally consistent with Policy 2.
Policy 5: Natural character *Recognise and, where relevant, provide for the following characteristics when considering the preservation of the natural character of river and lake beds and their margins and the protection of them from the inappropriate use, erection, reconstruction, placement, extension, removal or demolition of structures in, on, under or over river and lake beds:* a. *Diversity and composition of aquatic and riparian habitat.* b. *Topography and physical composition of river and lake beds and the course of the river.* c. *The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.* d. *Any significant natural features of the bed or banks.*	The streams affected by the proposed structures are already substantially modified through historical drainage, channelisation, vegetation clearance and surrounding pastoral land use. The design of the proposed structures has nevertheless had regard to the diversity and composition of aquatic and riparian habitat, stream-bed form and channel alignment, natural flow characteristics and hydraulic processes. Culverts will be integrated with the proposed stream form and will incorporate measures to maintain bed continuity and fish passage. The wider Project also provides substantial restoration of the Mangaheka Stream corridor, including a more naturalised meandering channel, instream habitat and indigenous riparian planting. Accordingly, while new structures will introduce additional built elements within the stream environment, they have been designed in the context of the existing modified environment and the wider stream restoration framework. The Project is therefore considered generally consistent with Policy 5.
Policy 6: Positive benefits of resource use *Recognise the positive benefits that can arise from the use, development and protection of river and lake beds whilst ensuring that any adverse effects are controlled in accordance with Policy 2 of this Chapter.*	The proposed structures are required to provide transport and infrastructure connections across the Development and enable the efficient use and development of the Site. Those positive social and economic benefits are recognised alongside the environmental effects of the structures, which are proposed to be controlled in accordance with Policy 2. The Project is considered generally consistent with Policy 6.



River and Lake Bed Disturbances – Objective	
***Objective 4.3.2**:* *Physical alteration to the beds or banks of waterways, the deliberate introduction of vegetation to the beds or banks of rivers or lakes, the destruction or removal of vegetation from the beds and banks of rivers and lakes, and the access of livestock to the banks and beds of rivers and lakes managed so that:* *a. loss of adjacent land is avoided* *b. adverse effects on aquatic habitat, downstream water uses and on the passage of trout and indigenous fish of elevated suspended solids and temperature levels in surface water bodies are not inconsistent with objectives in Chapter 3.1* *c. accelerated infilling of estuaries, harbours and wetlands[33] that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna is avoided, excluding structures designed to trap sediment* *d. bank stability and channel stability is maintained* *e. there is in no increase in the adverse effects of flooding* *f. significant adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are avoided* *g. cumulative adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are remedied or mitigated* *h. significant adverse effects on the natural character of the margins of wetlands, lakes and rivers are avoided* *i. there is no introduction of any plant pest identified in the Waikato Regional Pest Management Strategy* *j. competition by introduced vegetation to existent desirable plant species is avoided* *k. obstruction of river channels by introduced vegetation is avoided* *l. faecal contamination does not have adverse effects that are inconsistent with objectives in Chapter 3.1*	The Project involves physical alteration of stream beds and banks through reconstruction of the Mangaheka Stream, reclamation of Watercourse M13, excavation, channel reshaping, vegetation clearance and associated construction activities. The works have been assessed through the EcIA, hydraulic modelling, SWMP and supporting stream works and fish management plans. Construction methodologies and erosion and sediment controls will be used to avoid loss of adjoining land and manage suspended sediment and other effects on aquatic habitat and downstream water uses. Stream design and construction measures will maintain bed and bank stability, while hydraulic modelling has assessed changes to flood levels, velocities and flow paths to ensure that the works do not increase adverse flooding effects. Fish passage will be maintained or improved where relevant, and fish salvage and relocation will be undertaken before affected reaches are isolated or disturbed. The Project will result in permanent loss and modification of some existing freshwater habitat, including reclamation of Watercourse M13. Those effects are proposed to be managed through the effects management hierarchy, including additional stream creation, Mangaheka Stream restoration, riparian planting, instream habitat enhancement and dedicated black mudfish habitat creation. Vegetation establishment will use appropriate species and will be designed to avoid plant pest introduction, obstruction of channels and adverse hydraulic effects. Tangata whenua values associated with freshwater and indigenous species have informed the Project through engagement, the CIA and the proposed Mana Whenua Management Plan. Overall, the proposed river-bed disturbances are considered generally consistent with Objective 4.3.2.

m. *damage to lawfully established structures and drainage districts and river control scheme areas is avoided* n. *existing legal public access to and along river and lake beds and their margins is maintained, where appropriate.* o. *Refer to Objective 3.A.1.*	
River and Lake Bed Disturbances - Policies	
Policy 1: Bed and bank alterations and extractions of sand, gravel and other bed material *Ensure that the physical alteration of the river bed and banks including the extraction of sand, gravel and other material in, on or under the bed of a river or lake:* a. *does not result in loss of adjacent land, or* b. *does not degrade water quality and aquatic ecosystems in a manner that is inconsistent with policies in Section 3.2.3, or* c. *does not result in the accelerated infilling of estuaries, harbours and wetlands[34] that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, or* d. *does not obstruct fish passage, or* e. *does not significantly adversely affect bed and channel stability, except in those instances where the disturbance will provide environmental benefits, or* f. *does not result in an increase in the adverse effects of flooding on neighbouring properties, or* g. *does not affect the integrity of existing lawfully established structures or drainage districts and river control scheme areas, or* h. *avoids significant adverse effects on the relationship tangata whenua as kaitiaki have with river and lake beds, or* i. *does not degrade natural character in a manner that is inconsistent with Policy 6 in Section 4.3.3* j. *does not obstruct existing legal public access where appropriate.*	The Project involves physical alteration of stream beds and banks through reconstruction of the Mangaheka Stream, reclamation of Watercourse M13 and associated excavation and channel works. These activities have been assessed through the EcIA, hydraulic modelling and supporting stream works and fish management plans. The works are proposed to be undertaken so that they do not result in loss of adjoining land, unacceptable degradation of water quality or aquatic habitat, obstruction of fish passage, significant bed or bank instability, or increased adverse flooding effects on neighbouring properties. Construction effects will be managed through erosion and sediment controls, temporary diversion and dewatering methodologies, fish salvage and relocation where required, and stabilisation and revegetation following completion of works. The reclamation of Watercourse M13 will result in permanent loss of an existing stream reach. That effect has been assessed through the effects management hierarchy and is proposed to be addressed through stream creation and enhancement within the Mangaheka Stream corridor. The Mangaheka Stream reconstruction will retain and enhance the principal stream corridor through creation of a more naturalised channel form, increased stream length, instream habitat and indigenous riparian planting. The Project has also been informed by engagement with tangata whenua and incorporates measures to recognise and manage effects on freshwater and cultural values. Overall, the proposed bed and bank alterations are considered generally consistent with Policy 1.
Policy 2: Introduction of vegetation *Ensure that the deliberate introduction or planting of plants in, on or under the bed or bank of any river of lake and the ongoing maintenance of such plantings:*	The Project includes indigenous planting within reconstructed stream margins and the Mangaheka Stream corridor. Planting will use appropriate species and will be designed and managed so that it does not introduce plant pests, obstruct stream channels, materially increase flood levels, redirect flows causing erosion or displace desirable existing vegetation.



a. *does not result in the introduction of aquatic plant pests as noted in Waikato Regional Council's Regional Pest Management Strategy, or* b. *does not result in an increase in the adverse effects of flooding on neighbouring properties, or* c. *does not cause or accentuate bed and bank erosion, or* d. *does not overgrow, invade, smother, replace, or damage desirable species* already present in areas adjacent to, and downstream from, where the plants are introduced.*	The planting is expected to improve riparian habitat, shading, bank stability and ecological connectivity. The Project is therefore considered consistent with Policy 2.
Policy 6: Natural character *Recognise, and where relevant provide for, the following characteristics when considering the preservation of the natural character of river and lake beds and their margins and the protection of them from the inappropriate disturbance of river and lake beds:* a. *Diversity and composition of aquatic and riparian habitat.* b. *Topography and physical composition of river and lake beds and the course of the river.* c. *The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.* d. *Any significant natural features of the bed or banks.*	The natural character of the affected streams is already substantially modified through historical drainage, channelisation, vegetation clearance and pastoral land use. The proposed bed disturbances have nevertheless been designed having regard to aquatic and riparian habitat, stream-bed form and channel alignment, natural flow characteristics and hydraulic processes. In particular, the Mangaheka Stream will be reconstructed with a more naturalised meandering channel, varied instream habitat and indigenous riparian planting, while retaining its flood-conveyance and sediment-transport functions. While the Project will result in further physical alteration of parts of the freshwater environment, the wider restoration framework provides substantial opportunities to restore and enhance natural elements and ecological function. The Project is therefore considered generally consistent with Policy 6.
Policy 7: Positive Benefits of resource use *Recognise the positive benefits that can arise from the use, development and protection of river and lake beds whilst ensuring that any adverse effects are controlled in accordance with Policies 1 and 2 of this Chapter.*	The proposed stream-bed disturbances are required to enable the integrated development of the Site, including the transport, stormwater and infrastructure network, while also facilitating restoration and enhancement of the Mangaheka Stream corridor. The works therefore provide social and economic benefits associated with the proposed industrial development together with environmental benefits arising from stream restoration, habitat creation and riparian enhancement. Those benefits are recognised alongside the adverse effects of bed disturbance, which are proposed to be managed in accordance with the preceding policies. The Project is considered generally consistent with Policy 7.
Land and Soil: Accelerated Erosion - Objectives	
Objective 5.1.2 *A net reduction of accelerated erosion across the Region so that:* a. *soil productivity, versatility and capability is maintained*	The Project involves substantial bulk earthworks, road construction, infrastructure installation and stream works which have the potential to cause accelerated erosion and sediment discharges during construction.



b. *there are no adverse effects on water quality, aquatic ecosystems and wetlands that are inconsistent with Water Management Objective 3.1.2* c. *there is no increase in the adverse effects of flooding or land instability hazards* d. *accelerated infilling of lakes, estuaries, rivers, wetlands and cave systems is avoided and the rate of infilling of artificial watercourses, excluding structures designed to trap sediment, is minimised* e. *significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as ancestral lands, water and waahi tapu are avoided* f. *Cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as ancestral lands, water, waahi tapu are remedied or mitigated.* g. *significant adverse effects on natural character and ecological values associated with land and the coastal environment including dune systems is avoided* h. *there are no adverse effects on air quality that are inconsistent with Air Quality Objective 6.1.2, Objectives 2 and 3* i. *damage to property and infrastructure is avoided* *in particular in High Risk Erosion Areas together with:* i. *Catchments of estuaries that are areas of significant conservation value on the Coromandel Peninsula* ii. *Karst and cave systems.*	The potential effects of those activities have been assessed through the earthworks, geotechnical, stormwater and freshwater assessments. Construction will be undertaken in accordance with erosion and sediment control measures and associated management plans designed to minimise exposed areas, manage clean and dirty water separately, stabilise completed works and reduce sediment discharges to downstream receiving environments. Particular attention will be required where earthworks occur adjacent to streams and drainage channels, where accelerated erosion could affect water quality, aquatic habitat, bank stability and downstream sedimentation. The earthworks and stormwater framework also manages surface-water flows so that soil disturbance does not increase adverse flooding or land-instability effects or cause damage to adjoining property and infrastructure. Effects on freshwater ecological and cultural values will be managed through the wider stream works, fish management, erosion and sediment control and mana whenua framework. While the Project will result in extensive disturbance of the existing soil resource, the proposed construction controls are intended to minimise accelerated erosion and associated off-site effects during earthworks. The Project is therefore considered generally consistent with Objective 5.1.2.
Land and Soil: Accelerated Erosion - Policies	
Policy 1 – Managing activities that cause or have the potential to cause accelerated erosion and encouraging appropriate land management practices *Through permitted activities and non-regulatory methods manage activities that cause or have the potential to cause accelerated erosion, with particular regard to:* a. *the potential for the activity to adversely affect the purpose of the water management classes as identified in the policies in Section 3.2.2, and the coastal marine area*	The Project involves activities with the potential to cause accelerated erosion, including bulk earthworks, road construction, infrastructure installation, vegetation clearance and works adjacent to watercourses. Those activities will be managed through an integrated erosion and sediment control framework, including staged earthworks, clean-water diversion, sediment-retention devices, stabilisation of completed areas and monitoring and maintenance requirements. Particular regard has been given to the potential for sediment discharges to affect downstream water quality and aquatic ecosystems, the erosion susceptibility of disturbed soils, effects on flooding, natural character and freshwater margins, and the potential for damage to adjoining property and infrastructure.



b. *the risk of downstream sedimentation leading to accelerated infilling of lakes, estuaries, artificial watercourses, rivers, wetlands and caves* c. *the erosion potential of soil when it is disturbed or vegetation is cleared* d. *the potential to increase the adverse effects of flooding* e. *the potential to adversely affect waahi tapu and archaeological sites or other identified sites of importance to tangata whenua as Kaitiaki* f. *the potential to adversely affect natural character of the coastal environment and the margins of rivers, lakes and wetlands and areas of significant indigenous vegetation and significant habitats of indigenous fauna*[28] g. *the potential to compromise air quality objectives as identified in Module 6 Air* h. *the potential to damage property and infrastructure.*	Works adjacent to streams will also be coordinated with the Stream Works Management Plan and Fish Management Plan, while cultural and archaeological discovery protocols will apply where relevant. The proposed management framework is intended to minimise accelerated erosion and associated off-site sediment effects during construction. The Project is therefore considered generally consistent with Policy 1.
Land and Soil: Contaminated land - Objectives	
5.3.2 Objective *Discharges of contaminants from contaminated land shall be managed so that they:* a. *do not present significant risk*[70] *of chronic or acute toxic effects on human health, flora or fauna due to the contamination of soil and ground or surface water* b. *do not have adverse effects on water quality or aquatic ecosystems that are inconsistent with the water management objectives in Section 3.1.2* c. *there are no adverse effects on air quality that are inconsistent with air quality objectives in Section 6.1.2* d. *avoid significant adverse effects on the relationship that tangata whenua as Kaitiaki have with their identified taonga such as ancestral lands, water and waahi tapu* e. *remedy or mitigate cumulative adverse effects on the relationship that tangata whenua as Kaitiaki have with their identified taonga such as ancestral lands, water and waahi tapu.*	The Project has been informed by a combined Preliminary and Detailed Site Investigation (PSI/DSI) which assessed historical and current land uses, identified potential HAIL activities and investigated the nature and extent of contamination across the Site. The investigation identified localised elevated concentrations of heavy metals, hydrocarbons and asbestos associated with historical rural activities and buildings. However, contaminant concentrations do not exceed the applicable soil contaminant standards for the proposed commercial/industrial land use, and the PSI/DSI concludes that soils across the Site do not meet the definition of contaminated land under the WRP. Soils are considered highly unlikely to pose a risk to human health and are generally suitable to remain on-site. Soil disturbance will nevertheless occur within discrete areas identified as HAIL pieces of land. Those works will be managed through a Contamination Site Management Plan, including procedures for soil disturbance, stockpiling, segregation, unexpected discoveries and off-site disposal. Soils that exceed cleanfill acceptance criteria will be directed to an appropriately authorised receiving facility. These measures will minimise the potential for mobilisation or discharge of contaminants during earthworks and protect human health, ecological receptors and surface and groundwater quality. Accordingly, the Project is considered generally consistent with Objective 5.3.2.



Land and Soil: Contaminated land - Policies	
Policy 5 – Other potentially contaminated land *Ensure that resource users are aware of the risk associated with contaminated land and the steps required to manage these risks.*	The Project has been informed by a combined PSI/DSI which identifies the historical activities with the potential to have resulted in soil contamination and confirms the nature and extent of contamination identified across the Site. Discrete areas associated with historical HAIL activities have been identified, including localised heavy metal enrichment, hydrocarbons and asbestos. While the investigation concludes that soils do not present an unacceptable human health or environmental risk for the proposed industrial land use and the Site does not meet the definition of contaminated land under the WRP, appropriate controls are required during earthworks. A Contamination Site Management Plan will therefore establish procedures for soil disturbance, stockpiling and segregation, unexpected discoveries, asbestos-containing material and off-site soil disposal. Material that does not meet cleanfill acceptance criteria will be disposed of to an appropriately authorised facility. The Project therefore demonstrates that the potential contamination risks have been identified and that appropriate measures will be implemented to manage those risks and is considered consistent with Policy 5.

Waikato Conservation Management Strategy 1996

The Waikato Conservation Management Strategy 1996 (CMS) is a statutory conservation planning document prepared under the Conservation Act 1987. The CMS provides objectives for the integrated management and protection of natural and historic resources within the Waikato Conservancy. DOC confirms that the 1996 CMS remains operative for the relevant part of the Waikato Region.

The Project Site is privately owned and is not public conservation land. However, Chapter 8 of the CMS expressly recognises DOC's responsibilities for indigenous freshwater fisheries, freshwater fish habitat and wildlife irrespective of land tenure, and identifies conservation advocacy as an important mechanism for protecting these values on private land. The provisions most relevant to the Project are assessed below.

CMS assessment	
CMS provision	**Comments**
8.1.1 – General management objectives for protection of natural and historic resources *To preserve the health and diversity of existing indigenous terrestrial, freshwater and marine ecosystems, maintain or increase the variety and abundance of indigenous species, and develop an effective partnership between DOC and tangata whenua in protecting and managing indigenous ecosystems and species.*	The Project Site is a highly modified rural environment and terrestrial ecological values are generally low. However, the Project affects freshwater habitat used by indigenous fish, including black mudfish, and includes potential habitat for indigenous fauna including lizards and bats. These values have been assessed through the EcIA and species-specific investigations and management plans. The Project seeks to manage effects through avoidance where practicable, fish and wildlife management measures, habitat creation and restoration, extensive indigenous planting and ongoing monitoring. Tangata whenua have also been involved through the TWWG, CIA and development of the environmental management framework. While the Project will result in modification and loss of some existing habitat, the proposed measures seek to maintain and enhance indigenous ecological values over time. The Project is therefore considered generally consistent with the management direction in section 8.1.1.
8.2.3 – Significant indigenous vegetation and significant habitats of indigenous fauna *To identify and promote the protection of all other areas of significant indigenous vegetation and significant habitats of indigenous fauna.*	The Site does not contain significant indigenous terrestrial vegetation and its terrestrial habitat values are generally low. Potential habitat for indigenous fauna nevertheless occurs within shelterbelts, scrub, buildings and other modified habitat. Ecological investigations have considered potential effects on indigenous fauna, including lizards and long-tailed bats. No bats were detected during acoustic monitoring, while targeted lizard surveys did not detect indigenous lizards, although potential copper skink habitat remains. The Project adopts a precautionary approach through species management plans and DOC protocols, including pre-clearance checks and management procedures where protected wildlife is encountered. The Project is considered to respond appropriately to the conservation direction in section 8.2.3.
8.3.1 – Key indigenous freshwater ecosystems and habitats *To identify and protect key indigenous freshwater ecosystems and habitats.*	The Project affects an already highly modified freshwater environment comprising the Mangaheka Stream and associated artificial and modified drainage channels. The EcIA identifies freshwater ecological values within that system, including habitat occupied by black mudfish. The Project has sought to retain and enhance the principal Mangaheka Stream corridor and incorporates substantial restoration through stream reconstruction, increased stream length, instream habitat, riparian planting and improved ecological connectivity. Dedicated black mudfish habitat will also be created. While parts of the existing freshwater system will be modified or lost, the Project incorporates specific restoration, habitat-creation and monitoring measures intended to maintain and enhance



	freshwater ecosystem values over time. This is generally consistent with the conservation direction in section 8.3.1.
8.3.2 – Significant indigenous freshwater ecosystems and habitats of indigenous aquatic fauna *To identify and promote the protection of all other areas of significant indigenous freshwater ecosystems and significant habitats of indigenous aquatic fauna.*	This objective is directly relevant because parts of the existing drainage network provide habitat for black mudfish, an indigenous freshwater species of conservation significance. The Project will result in loss and modification of some existing habitat. Those effects are proposed to be managed through the effects management hierarchy, including fish salvage and relocation, establishment of dedicated replacement black mudfish habitat before affected habitat is removed, restoration of the Mangaheka Stream corridor and ongoing monitoring and adaptive management. The Project does not rely on the existing modified condition of the drainage network as justification for habitat loss. Rather, the proposed management framework seeks to maintain a viable habitat resource and improve the quality and resilience of freshwater habitat available within the Site. The Project is therefore considered generally consistent with section 8.3.2.
8.3.3 – Native fish and freshwater fish habitat *To promote the conservation of native fish and protect areas important for their life cycle, including fish passage, spawning and juvenile rearing areas and general habitat.*	This is the CMS provision most directly relevant to the freshwater approvals sought for the Project. The Project will affect habitat occupied by indigenous freshwater fish, including black mudfish, through stream works, reclamation, culvert installation and modification of the existing drainage network. The proposed Fish Management Plan provides for fish salvage and relocation before affected reaches are isolated or disturbed, while dedicated black mudfish habitat will be established to provide replacement habitat. Existing culverts that restrict fish passage will be replaced with structures designed to maintain or improve fish passage, and the Mangaheka Stream restoration will increase stream length and provide improved instream and riparian habitat. These measures directly respond to the CMS direction to conserve native fish, restore fish access and protect freshwater habitat. The Project is therefore considered generally consistent with section 8.3.3.
Freshwater protection and restoration implementation direction under sections 8.3.1–8.3.2 *The CMS promotes protection of rivers, streams and wetlands, reduction of pollution and sediment entering freshwater environments, rehabilitation of riparian vegetation and restoration of degraded indigenous habitat.*	The Project's freshwater and stormwater framework responds positively to this direction. Operational stormwater will be managed through source controls and a treatment train incorporating raingardens, vegetated conveyance and constructed stormwater wetlands. Construction effects will be managed through erosion and sediment controls. The Mangaheka Stream corridor will be reconstructed and extensively planted with indigenous riparian vegetation, while additional freshwater habitat will be created and monitored. These measures are intended to reduce contaminant and sediment effects and improve the condition, connectivity and resilience of freshwater habitat within the Site.



Local

Waikato District Plan Operative in Part

District Plan Objective/Policy Assessment	
Obj/Pol Provision	**Comments**
Strategic Direction – Objectives	
SD-O1 – Socio-economic advancement *The District has a thriving economy*	The Project will make a significant contribution to the economic wellbeing of the Waikato District and wider region through the provision of approximately 123 ha of net developable industrial land adjoining the established Te Rapa industrial area. The Economic Assessment identifies significant demand for additional industrial land within Hamilton and the wider sub-region. The Project will increase the supply and choice of serviced industrial land, support business investment and provide substantial construction and operational employment and economic benefits. Accordingly, the Project is considered consistent with Objective SD-O1.
SD-O2 – Tangata Whenua *Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.*	The Project recognises and provides for the relationship of tangata whenua with ancestral lands, waterbodies and other taonga through engagement undertaken through the TWWG, hui, preparation of the CIA and the incorporation of cultural values into the development outcome. That engagement has informed the freshwater and ecological restoration framework, including restoration of the Mangaheka Stream corridor, indigenous riparian planting, habitat creation and measures for the management of indigenous freshwater species. The proposed Tangata Whenua Management Plan will provide for ongoing mana whenua involvement during implementation of the Project, including cultural monitoring, cultural protocols and input into environmental management and restoration. Accordingly, the Project is considered consistent with Objective SD-O2.
SD-O5 – Integration of infrastructure and land use *New development is integrated with the provision of infrastructure.*	The Project represents a comprehensively masterplanned industrial development in which land use and infrastructure provision have been planned together from the outset. The development outcome integrates transport, water supply, wastewater, stormwater, utilities and flood-management infrastructure with the proposed subdivision and land-use pattern. Infrastructure delivery is staged and linked to development capacity and identified infrastructure triggers. The supporting technical assessments establish that the Project is serviceable and identify the interim and ultimate infrastructure required to enable development. The Project has also been developed through engagement with the relevant councils, infrastructure providers and NZTA.



	Accordingly, the Project is considered consistent with Objective SD-O5.
SD-O8 – Highly productive soils *High quality soils are protected from urban development, except in areas identified for future growth in the District Plan.*	The Project will result in the permanent conversion of land containing high quality and highly productive soils to industrial use. The Site is currently zoned General Rural and the proposed industrial development is not an urban development outcome presently enabled by the operative zoning. Accordingly, the Project does not directly achieve the direction in Objective SD-O8 to protect high quality soils from urban development except where that development occurs within areas identified for future growth in the District Plan. The effects on the productive soil resource are acknowledged and are assessed in greater detail under the NPS-HPL, WRPS and General Rural Zone provisions. Those assessments also recognise the identified industrial land demand, the Site's relationship with the established Te Rapa industrial area and the wider strategic and economic benefits of the Project. The Project is therefore not fully consistent with Objective SD-O8. This tension is a matter to be weighed alongside the broader strategic, economic, infrastructure and environmental considerations relevant to the Project.
SD-O10 – Reverse sensitivity *Existing activities and permitted land use and development are protected from reverse sensitivity effects.*	The Project is predominantly industrial and has been designed to minimise the potential for new development to constrain existing lawfully established industrial, infrastructure and rural activities. The development outcome provides for appropriate separation, boundary treatment and controls at interfaces with adjoining rural land and recognises the operational requirements of the surrounding strategic transport and infrastructure networks. Sensitive activities are limited within the Development Framework and are subject to controls intended to manage reverse-sensitivity effects and ensure that industrial activities remain the predominant land use. Accordingly, the Project is considered generally consistent with Objective SD-O10.
SD-O13 – Climate change *Land use is planned to recognise, and avoid, remedy or mitigate the potential adverse effects of climate change induced weather variability and sea level rise.*	The Project has been designed having regard to the potential effects of climate change, particularly increased rainfall intensity and associated flood risk. Climate-change-adjusted rainfall has been incorporated into the hydraulic modelling and stormwater design. The development outcome includes attenuation wetlands, conveyance corridors, overland flow paths, finished platform levels and reconstruction of the Mangaheka Stream corridor to manage future flood and stormwater effects. The Project also incorporates substantial riparian and ecological restoration that will contribute to the resilience of the freshwater and open-space network. Accordingly, the Project is considered consistent with Objective SD-O13.



SD-O14 – Well-functioning urban environment *(1) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*	The Project will contribute to a well-functioning urban environment by providing approximately 123 ha of additional industrial land adjoining the established Te Rapa industrial area and strategic transport network. The Project responds to identified demand for additional industrial capacity and will provide a range of serviced industrial sites capable of accommodating different business sectors and occupiers. The development outcome integrates land use with transport and three-waters infrastructure and provides walking and cycling connections, provision for future public transport, a Neighbourhood Centre, open space and freshwater and ecological corridors. The Project will therefore increase business land capacity and choice while providing an integrated and infrastructure-supported urban development outcome. Accordingly, the Project is considered generally consistent with Objective SD-O14.
General Rural Zone – Objectives	
GRUZ-O1 – Purpose of the Zone *(1) Enable farming activities;* *(2) Protect high class soils for farming activities;* *(3) Provide for rural industry, infrastructure, rural commercial, conservation activities, community facilities and extractive activities;* *(4) Maintain rural character and amenity;* *(5) Limit development to activities that have a functional need to locate in the zone.*	The Project will result in the comprehensive industrial development of land currently zoned General Rural. It will therefore displace farming activities, permanently convert high class soils to urban use, alter the existing rural character of the Site and introduce activities that do not have a functional need to locate within the General Rural Zone. The Project is therefore not directly consistent with the principal purpose of the General Rural Zone. The Development does, however, represent a comprehensively planned industrial proposal adjoining the established Te Rapa industrial area and is supported by an integrated transport, three-waters and infrastructure framework. The wider strategic assessment also identifies substantial industrial land demand and significant economic and employment benefits. Accordingly, the tension with Objective GRUZ-O1 is acknowledged and must be weighed alongside the broader strategic direction and benefits of the Project.
GRUZ-O2 – Productive capacity of soils *The primary productive value of soils, in particular high class soils, is retained.*	The Project will permanently convert land containing high class soils from rural production to industrial use. The productive capacity of those soils will therefore not be retained. The Project is not consistent with Objective GRUZ-O2 in that respect. The effects on highly productive land are assessed in greater detail under the NPS-HPL, WRPS and Strategic Direction provisions. Those assessments recognise the productive characteristics and limitations of the Site alongside the identified need for additional industrial land, the Site's relationship with Te Rapa and the wider strategic and economic benefits of the Project. The inconsistency with Objective GRUZ-O2 is therefore acknowledged as a matter to be weighed in the overall assessment.
GRUZ-O3 – Rural character and amenity *(1) Maintain rural character and amenity*	The Project will fundamentally change the character of the Site from a predominantly rural environment to an urban industrial environment. It is therefore not consistent with the part of Objective GRUZ-O3 seeking to maintain rural character and amenity.



(2) The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.	The LVIA concludes that the effects of that change can be managed through the proposed development outcome, including landscape planting, riparian enhancement, stream restoration, open-space corridors and treatment of interfaces with adjoining rural properties. The Site is also influenced by the adjoining Te Rapa industrial area and strategic transport infrastructure, meaning the existing environment is not representative of an isolated rural landscape. While the resulting industrial character is not consistent with the rural character outcome sought by GRUZ-O3, the proposed landscape and ecological framework will assist in managing visual and amenity effects on the surrounding environment.
General Rural Zone – Policies	
GRUZ-P1 – High class soils *Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.*	The Project will result in the permanent conversion of high class soils to industrial use and will therefore compromise their ongoing physical, chemical and biological function for primary production. The Project is not consistent with Policy GRUZ-P1. The significance of that policy tension is considered alongside the more detailed assessment of highly productive land under the NPS-HPL and WRPS, including the productive limitations of parts of the Site and the strategic and economic considerations supporting the proposed industrial development.
GRUZ-P2 – Effects of subdivision and development on soils *Subdivision, use and development minimise the fragmentation of productive rural land, particularly where high class soils are located.*	The Project will result in the subdivision and comprehensive urban development of productive rural land, including land containing high class soils. The proposal does not represent incremental or ad hoc fragmentation of rural land; rather, it provides for the coordinated development of a large contiguous area as a single masterplanned industrial development. However, the ultimate effect is still the permanent loss of that land from rural production. The Project therefore does not fully achieve the direction in GRUZ-P2 to minimise fragmentation and retain productive rural land. That tension is acknowledged and is considered alongside the wider strategic, infrastructure and economic considerations relevant to the Project.
GRUZ-P3 – Contributing elements to rural character and amenity values *Recognise that rural character and amenity values vary across the zone as a result of the natural and physical resources present and the scale and extent of land use activities.*	The Site's existing rural character is influenced by its location adjoining the Te Rapa industrial area, SH1C, SH39 and other urban and infrastructure influences. Its character therefore differs from more remote or predominantly productive rural environments. The Project will substantially change the character of the Site, but the development outcome responds to the attributes of the surrounding environment through landscape planting, riparian restoration, open-space corridors and treatment of interfaces with adjoining rural properties. The Project therefore recognises the varying character and amenity values present within the General Rural Zone and is considered generally consistent with Policy GRUZ-P3.
GRUZ-P6 – Industrial and commercial activities	The Project provides for industrial activities that are not dependent on the rural soil resource and do not have a functional or operational need to locate within the General Rural Zone.



(1) Provide for rural industry and rural commercial activities provided they are either dependent on the rural soil resource or have a function or operation need for a rural location. *(2) Such activities are to be managed to ensure that:* *(a) Their scale, intensity, and built form maintain rural character;* *(b) They maintain an appropriate level of amenity for neighbouring sites; and* *(c) They minimise reverse sensitivity effects on existing productive rural, intensive farming, quarrying, or rural industrial activities.* *(3) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource*	The scale and intensity of the proposed development will also fundamentally alter the rural character of the Site. The Project is therefore not consistent with the principal direction in GRUZ-P6, which seeks to avoid industrial and commercial activities in rural areas where they do not have a genuine functional connection with the rural land or soil resource. Effects on adjoining rural properties and existing activities are nevertheless proposed to be managed through landscape treatment, setbacks, infrastructure design and controls on sensitive activities. The inconsistency with GRUZ-P6 is acknowledged and must be considered alongside the broader strategic case for industrial development in this location.
GRUZ-P13 – Reverse sensitivity *(1) New or extended sensitive land uses avoid or minimise potential reverse sensitivity effects on lawfully established activities including (but not limited to) productive rural activities, intensive farming, rural industry, infrastructure, industrial activities, extractive activitie4s, by achieving adequate separation distance from site boundaries and/or adoption of appropriate measures.*	The Project is predominantly industrial and is designed to minimise the potential for new development to constrain existing lawfully established rural, industrial and infrastructure activities. Sensitive activities within the development are limited and subject to controls intended to manage reverse-sensitivity effects. The development outcome also provides for appropriate setbacks, boundary treatment and landscape measures at interfaces with adjoining rural properties. The Project is therefore considered generally consistent with Policy GRUZ-P13.
GRUZ-P16 – Building scale and location *(2) Manage the size and location of buildings and structures to:* *(a) Maintain adequate levels of outlook, daylight, and privacy for adjoining existing sensitive land uses and public reserves; and* *(b) Maintain rural character, amenity, and landscape values, in particular where located in areas with high landscape values, the coastal environment and adjacent to waterbodies.*	The Project will enable industrial buildings of a scale and form that differ substantially from the built form typically anticipated within the General Rural Zone. The development outcome nevertheless incorporates setbacks, landscape treatment and interface controls intended to manage effects on adjoining sensitive land uses and public areas. The LVIA has also assessed the effects of the anticipated industrial built form on landscape and visual amenity and identifies mitigation through structural planting, riparian enhancement and landscape treatment of key interfaces. The Site is not located within an identified outstanding natural landscape or coastal environment, although buildings adjacent to watercourses and rural interfaces will require appropriate design and landscape treatment. While the Project does not maintain rural character in the manner anticipated by GRUZ-P16, the proposed development outcome provides measures to manage outlook, amenity and landscape effects on adjoining properties.



	The Project is therefore not fully consistent with Policy GRUZ-P16, although its adverse effects can be appropriately managed.
Earthworks – Objectives	
EW-O1 – Earthworks in all zones except the MRZ1-Medium density residential zone 1 and MRZ2-Medium density residential zone 2. *Earthworks facilitate subdivision, use and development*	The Project involves substantial earthworks associated with the creation of development platforms, roads, three-waters infrastructure, stormwater devices, stream works and associated servicing. Those earthworks are necessary to enable the proposed subdivision and industrial development of the Site and have been informed by the GIR, Civil Infrastructure Report, SWMP and supporting environmental assessments. Potential adverse effects associated with earthworks, including erosion and sediment discharges, dust, land instability, effects on groundwater and surface water, effects on freshwater habitats and effects on adjoining properties, will be managed through the proposed erosion and sediment control framework, construction management plans, stream works controls and geotechnical design requirements. The earthworks strategy also responds to the Site's ground conditions, including shallow groundwater, compressible soils, sensitive silts, settlement and liquefaction-related risks. Remaining site-specific geotechnical and earthworks design requirements will be addressed through detailed design and do not represent unresolved feasibility constraints. Accordingly, the Project is considered consistent with Objective EW-O1.
Transport – Objectives	
AINF-O8 – Land Transport network *(1) An integrated land transport network where:* *(a) All transport modes are accessible, safe and efficient; and* *(b) Adverse effects from the construction, maintenance, upgrading and operation of the transport network are avoided, remedied or mitigated;* *(c) Strategic road and rail corridors play an important role in the district for facilitating the movement of inter and intra-regional freight; and* (d) *There is an effective land transport system that enhances economic well-being and supports growth and productivity within the Waikato region and upper North Island.*	The Project provides for an integrated transport network designed to support the safe and efficient movement of people and freight associated with the proposed industrial development. Primary access will be provided from SH39 / Te Kowhai Road, with a secondary connection to Onion Road. The internal road network has been designed to accommodate industrial and heavy vehicle movements while also providing for walking, cycling and future public transport. The ITA assesses the effects of the Project on the surrounding transport network and identifies the infrastructure upgrades and development triggers required to maintain network safety and operational performance as development proceeds. The Site's location adjacent to Te Rapa and the strategic state highway network provides direct access to established freight routes and supports the movement of goods within Hamilton, the Waikato Region and the upper North Island. The Project is therefore considered generally consistent with Objective AINF-O8.

Transport – Policies	
AINF-P29 – Construction, maintenance, upgrading and operation of the land transport network. *(1) Provide for the construction, maintenance, upgrading and operation of an efficient, effective, integrated, safe, resilient, accessible and sustainable transport network through:* *(a) Corridor, carriageway and intersection design which is appropriate to the road function as specified in the road hierarchy and in accordance with relevant guidelines;* *(b) The appropriate design and location of sites' accesses;* *(c) Traffic signage, road marking, lighting, rest areas and parking as appropriate;* *(d) Safe and accessible provision for pedestrians and cyclists to maximise accessibility, including off-road facilities and connections;* *(e) Corridor and carriageway design which enables provision for public transport;* *(f) Provision for other infrastructure, including where suitable low impact design stormwater facilities;* *(g) Provision for stock underpasses where suitable access is not readily available;* *(h) Discouraging the installation of new at grade road and pedestrian rail level crossings:* *(I) Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings; and* *(ii) Railway crossing design in accordance with the requirements of the rail operation* *(i) Protection and promotion of the development of the regional rail network for the transportation of freight; and* *(j) Development of efficient processes and freight routes for the movement of high productivity motor vehicles through the region*	The proposed transport network has been designed to reflect the anticipated function of the internal industrial roads and their connections to the surrounding road network. The development outcome provides appropriately designed road corridors, intersections and site access arrangements for industrial and heavy vehicle traffic, together with segregated walking and cycling facilities and provision for future public transport. Stormwater and utility infrastructure will be integrated with the road corridors where appropriate, while road geometry, intersections, lighting, signage and landscaping will be developed through detailed design to maintain network safety and operational efficiency. The ITA also identifies the external transport upgrades and staging triggers required as development proceeds, including works associated with the SH39 / Te Kowhai Road access and Onion Road connection. Accordingly, the Project is considered generally consistent with Policy AINF-P29.

AINF-P30 – Road hierarchy and function *(1) Establish a road hierarchy and categorise roads in the district in accordance with their function.* *(2) Adopt the one network approach to ensure 'whole of journey' people and goods movements within the region* *(3) Protect the function of roads as identified in the road hierarchy from the adverse effects of subdivision, use and development.*	The Project has been designed having regard to the function of the surrounding road hierarchy and the role of the strategic transport network in accommodating regional and inter-regional movements. The internal road hierarchy distinguishes between primary industrial collector routes and local access functions, while external access arrangements have been assessed to ensure that development does not compromise the intended function of SH39, Onion Road or the wider strategic network. The ITA identifies staged network improvements and development triggers to manage increases in traffic demand and maintain the safe and efficient operation of the surrounding road network. The Project is therefore considered generally consistent with Policy AINF-P30.
AINF-P32 – Land transport safety *Ensure that structures, vehicle access, lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers.*	The Project has been informed by the ITA and provides for appropriately designed intersections, accesses, road corridors and active-mode facilities. Detailed design of access points, sight distances, lighting, signage, landscaping and other roadside features will be undertaken so that they do not compromise the safe and efficient operation of the transport network. The Project is therefore considered consistent with Policy AINF-P32.
AINF-P34 – Vehicle access *Control the location of new vehicle accesses relative to other accesses, intersections and rail level crossings to maintain and improve the safety and efficiency of the land transport network.*	The Project provides a defined access hierarchy, with primary access via the proposed SH39 / Te Kowhai Road intersection and secondary access from Onion Road. The location and design of these connections have been assessed through the ITA having regard to intersection spacing, traffic volumes, heavy vehicle movements, network function and safety. Within the Development, access will be managed through the internal road hierarchy so that individual industrial sites can be served without creating an inefficient proliferation of direct accesses onto the higher-order roads. The proposed access arrangements, together with the identified staging triggers and network upgrades, are intended to maintain the safe and efficient operation of the surrounding transport network. The Project is therefore considered generally consistent with Policy AINF-P34.
AINF-P35 – Land transport network infrastructure *(1) Ensure that land transport network infrastructure is developed so that:* *(a) The design, location, alignment and dimensions of new land transport networks provide safe vehicle, pedestrian and cycling access and manoeuvring to every site;* *(b) The land transport network provides good connectivity to the site and integrates with adjacent developments and identified as future growth areas*	The Project provides an integrated internal transport network designed to accommodate the needs of industrial activities, including heavy vehicles, general traffic, pedestrians and cyclists. The road layout provides access to the proposed development sites and connects with the surrounding transport network through the SH39 / Te Kowhai Road and Onion Road connections. Walking and cycling infrastructure is incorporated throughout the Development and connects to the wider active-mode network, while provision is also made for future public transport. The road corridors have been designed to accommodate network utilities and stormwater infrastructure, with detailed design to provide appropriate vehicle access, manoeuvring and servicing for future industrial sites.

including walking and cycling networks and facilities and public transport; *(c) There is adequate provision of on-site parking and manoeuvring for land use activities;* *(d) Contaminants generated during construction are appropriately mitigated; and* *(e) Design, alignment and dimension of new roads will accommodate the installation of network infrastructure in accordance with technical and safety specifications.*	Construction-related effects, including sediment, dust and traffic disruption, will be managed through the relevant construction, erosion and sediment control and traffic-management plans. Accordingly, the Project is considered generally consistent with Policy AINF-P35.
Infrastructure, subdivision and development – Objectives	
AINF-O7 – Integration of infrastructure with subdivision, land use and development. *Infrastructure is provided for, and integrated with, subdivision, use and development.*	The Project has been comprehensively planned so that infrastructure provision is integrated with the proposed subdivision and land-use framework from the outset. The development outcome integrates transport, water supply, wastewater, stormwater, utilities, flood management and ecological infrastructure with the proposed industrial development. Infrastructure delivery is staged and linked to development capacity and identified upgrade triggers. The supporting technical assessments establish the servicing requirements for the Project and identify interim and ultimate infrastructure solutions required as development proceeds. Accordingly, the Project is considered consistent with Objective AINF-O7.
Infrastructure, subdivision and development – Policies	
AINF-P25 – Provide adequate infrastructure *Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing conservation lots, access and utility allotments, or its use is significantly changed or intensified, needing additional or upgraded infrastructure.*	The Project will create a substantial number of new industrial lots and significantly intensify the use of the Site. It therefore requires substantial new and upgraded infrastructure. The Project provides an integrated servicing framework addressing transport, water supply, wastewater, stormwater, electricity, telecommunications and other utilities. The scale and timing of infrastructure provision is linked to development staging and network capacity through identified infrastructure triggers and proposed conditions. The supporting technical assessments establish that the Project can be adequately serviced and identify the infrastructure required to support each stage of development. Accordingly, the Project is considered consistent with Policy AINF-P25.
AINF-P26 – Infrastructure location and services *(1) Ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including:* *(a) Three waters* *(b) Telecommunication services;* *(c) Electricity services; and*	The Project has been designed to provide infrastructure and services appropriate to the scale and intended industrial use of the Development. The servicing framework addresses water supply, wastewater, stormwater, electricity and telecommunications. Interim and ultimate servicing solutions have been identified where required, with infrastructure delivery coordinated with development staging and network capacity. Provision is also made for adequate firefighting water supply in accordance with the relevant engineering and servicing requirements.

(d) Adequate water supply within urban areas for firefighting purposes.	Accordingly, the Project is considered consistent with Policy AINF-P26.
AINF-P27 – Land transport network *(1) Avoid, remedy or mitigate effects of subdivision, use and development that would compromise:* *(a) The road function, as specified in the road hierarchy;* *(b) The access by emergency services and their vehicles; or* *(c) The safety and efficiency, including the maintenance, upgrading, development and operation of the land transport network.*	The Project has been designed to avoid, remedy or mitigate effects on the function, safety and efficiency of the surrounding land transport network. The ITA has informed the location and design of external access points, internal roads, intersections and staged transport upgrades. Transport infrastructure and staging triggers are proposed to ensure that development proceeds in a manner that maintains the safe and efficient operation of the surrounding network. The Project is therefore considered generally consistent with Policy AINF-P27.
AINF-P28 – Stormwater, drainage and flood management *(1) Ensure that stormwater and drainage infrastructure for subdivision, land use and development manages adverse effects on the environment, community health, safety and amenity by:* *(a) Adopting, where appropriate, a best-practice lot impact design approach to the management of stormwater;* *(b) Managing stormwater in accordance with a drainage hierarchy, with a preference for at-source management;* *(c) Minimising impervious surfaces to reduce stormwater run-off;* *(d) Minimising changes to pre-development hydrological conditions by utilising the best practicable option;* *(e) Avoiding, remedying, or mitigating the adverse effects of:* *(i) Altering the frequency, volume, or duration of flow of stormwater runoff onto adjacent land or downstream sites;* *(ii) Altering flood plains, or overland flow paths; or* *(iii) Reducing flood and stormwater storage capacity on-site;* *(f) Mitigating upstream and downstream effects (including erosion and scour);*	The Project incorporates an integrated stormwater, drainage and flood-management framework informed by the SWMP and hydraulic modelling. Stormwater will be managed using a treatment-train approach incorporating source controls, raingardens, vegetated conveyance systems and constructed stormwater wetlands. The framework prioritises at-source management and treatment of contaminants before discharge to the receiving environment. The stormwater system has also been designed to manage changes in runoff associated with urbanisation through attenuation storage, dedicated conveyance corridors, overland flow paths and reconstruction of the Mangaheka Stream corridor. Hydraulic modelling has assessed changes in peak flows, flood levels, velocities and downstream effects across a range of storm events. The development outcome seeks to minimise changes to pre-development hydrological conditions as far as practicable and incorporates measures to avoid or mitigate adverse effects on adjoining and downstream land, including flooding, erosion and scour. The SWMP has been informed by the relevant catchment management framework for the Mangaheka, Te Rapa and Te Otamanui catchments. The design also incorporates climate-change-adjusted rainfall and provides a coordinated framework for long-term stormwater management as development proceeds. The Project does not rely on new regional flood-management infrastructure. Rather, stormwater and flood effects associated with the Development are proposed to be managed within the Project's own infrastructure framework and through its integration with the wider receiving environment. Accordingly, the Project is considered generally consistent with Policy AINF-P28.



(g) Providing a stormwater management plan for future urban development which is consistent with any catchment management plan; *(h) Promoting clean water reuse and groundwater recharge where practicable; and* *(i) Avoiding, remedying or mitigating the generation of contaminants from urban development.* *(2) Protect the continuing operation of existing regional flood management infrastructure from the adverse effects of other activities. In particular consideration shall be given to:* *(a) Maintain and enhancing the operational efficiency, effectiveness, viability and safety of regional flood management infrastructure;* *(b) Protecting investment in existing regional flood management infrastructure; and* *(c) Retaining the ability to maintain and upgrade regional flood management infrastructure.* *(3) Ensure that new regional flood management infrastructure is considered having regard to:* *(a) The environment as it exists;* *(b) The duration, timing and frequency of the adverse effect;* *(c) The impact on other existing regional flood management infrastructure if the new work is not undertaken;* *(d) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure;* *(e) The avoidance, remediation or mitigation of anticipated adverse environmental effects to the extent practicable;* *(f) The demand for and benefits of new regional flood management infrastructure;* *(g) The route, site, and method selection process;* *(h) The technical and locational constraints; and* *(i) The benefits of the regional flood management infrastructure in terms of managing climate change effects.*	

(4) Provision of new regional flood management infrastructure occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is based on sufficient information to allow assessment of the potential long-tern effects on the environment.	

District Plan Objective/Policy Assessment	
Obj/Pol Provision	**Comments**
Subdivision – Objectives	
SUB-O1 – Subdivision *Subdivision layout and design promote the land use outcomes sought for the residential, business, industrial, open space and special purpose zones.*	The proposed subdivision forms part of a comprehensively planned industrial development and has been designed to support the long-term industrial use of the Site. The subdivision layout integrates the proposed road network, three-waters infrastructure, stormwater management, the Mangaheka Stream corridor, ecological restoration areas and open space within a coordinated manner. The proposed lots are intended to provide a range of industrial development opportunities while enabling the efficient delivery of infrastructure and environmental management measures across the Site. While the industrial land-use outcome is not presently enabled by the General Rural zoning, the subdivision itself provides a coherent framework for the proposed use and development of the Site. Accordingly, the Project is considered generally consistent with Objective SUB-O1.
Subdivision – Policies	
SUB-P1 – Subdivision location and design *(1) Ensure subdivision, is located and designed to:* *(a) Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment;* *(b) Establish boundaries that minimises, to the extent practicable, buildings and structures dominating adjoining land or public places, the coast, or fresh waterbodies.* *(c) Average allotments to promote view sharing* *(d) Promote safe communities through quality urban design* *(e) Accommodate safe and stable building platforms and vehicle accesses; and*	The proposed subdivision has been designed having regard to the Site's physical and environmental characteristics, including the Mangaheka Stream corridor, existing drainage network, topography, ground conditions and interfaces with adjoining land. The layout integrates the transport network, three-waters infrastructure, stormwater management, ecological restoration areas and open-space corridors and provides for safe and stable development platforms and vehicle access. Lot boundaries and development areas have been coordinated with the proposed landscape and riparian framework to assist in managing the relationship between future industrial buildings, adjoining rural properties, public areas and freshwater environments. The road and subdivision layout establishes a logical and connected structure suitable for the scale and function of the proposed industrial development.

(f) Promote consistent grid layout.	Accordingly, the Project is considered generally consistent with Policy SUB-P1.
SUB-P3 – Lot sizes *(1) Minimum lot size and dimension of lots enable the achievement of the character and density outcomes of each zone; and* *(2) Prevent undersized lots in the SETZ – Settlement zone and LLRZ – Large lot residential zone.*	The proposed subdivision provides lots of a size, dimension and configuration suitable for the intended industrial activities, infrastructure requirements, access and manoeuvring and future development needs. The Development Framework establishes a minimum net site area of 1,000 m^2, subject to provision for subdivision of individual tenancies, while also enabling a range of larger industrial sites and flexibility in the final subdivision pattern. However, because the Site remains zoned General Rural, the proposed industrial lot pattern does not achieve the rural character and density outcomes presently anticipated by the operative zoning. The Project is therefore not fully consistent with Policy SUB-P3, although the proposed lot sizes are appropriate for the industrial land-use outcome sought through this application.
SUB-P5 – Co-ordination between servicing and development and subdivision *(1) Ensure development and subdivision:* *(a) Is located in areas where infrastructure capacity has been planned and able to be funded* *(b) Where located in areas subject to an approved structure plan, provides sufficient infrastructure capacity to meet the demand identified in the structure plan* *(c) Within urban areas (including Future Urban Zone), achieves the lot yield anticipated in an approved structure plan; and* *(d) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.*	The Project has been developed through a coordinated land-use, subdivision and infrastructure planning process. The development outcome identifies the transport, water supply, wastewater, stormwater and utility infrastructure required to support the proposed industrial development and links infrastructure delivery to development staging and capacity. The supporting technical assessments identify both interim and ultimate servicing solutions and the infrastructure upgrades and triggers required as development proceeds. The Site is not presently subject to an approved structure plan that provides for the proposed industrial development. Accordingly, those aspects of Policy SUB-P5 relating specifically to approved structure plans are not directly applicable. The Project nevertheless responds positively to the underlying direction of the policy by integrating strategic and local infrastructure provision with subdivision and development and ensuring that development does not proceed ahead of the infrastructure necessary to service it. The Project is therefore considered generally consistent with Policy SUB-P5.
SUB-P6 – Achieving sufficient development density to support the provision of infrastructure services in areas without a structure plan *In areas where there is no structure plan, ensure that the land is developed efficiently to support the provision of infrastructure services.*	The Site is not subject to an approved structure plan providing for the proposed industrial development. The Project has therefore been comprehensively masterplanned to ensure that land is developed efficiently and that the scale and configuration of subdivision supports efficient infrastructure provision. The proposed lot pattern provides a range of industrial development parcels within a connected road and servicing network, with transport, three-waters, stormwater and utility infrastructure planned across the Site as an integrated system. The development outcome therefore avoids fragmented or inefficient subdivision and provides sufficient development intensity to support the proposed infrastructure investment.

	Accordingly, the Project is considered consistent with Policy SUB-P6.
SUB-P7 – Staging of subdivision *Require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of infrastructure and community facilities.*	The Project will be developed in stages, with subdivision and development coordinated with the delivery of transport, water supply, wastewater, stormwater and other supporting infrastructure. The proposed staging framework links development to identified infrastructure capacity and upgrade triggers so that each stage can be appropriately serviced without compromising the operation of existing networks or the ability to deliver later stages. Environmental infrastructure, including stormwater facilities, stream works and ecological restoration, will also be delivered in a manner coordinated with subdivision and development. The Project is therefore considered consistent with Policy SUB-P7.
SUB-P10 – Reverse sensitivity *(1) Other than in the GIZ – General Industrial Zone and HIZ – Heavy Industrial Zone, development and subdivision design minuses the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and* *(2) Avoid, to the extent possible, and otherwise minimise, potential reverse sensitivity effects of locating new sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and regionally significant infrastructure.*	The proposed subdivision has been designed to minimise the potential for future development to create reverse-sensitivity effects on existing rural, industrial and infrastructure activities. The Development Framework is predominantly industrial and limits sensitive activities. Where sensitive or non-industrial activities are provided for, they are subject to location and performance controls intended to avoid or minimise reverse-sensitivity effects. The subdivision layout also provides for appropriate separation, landscape treatment and environmental corridors at interfaces with adjoining rural land and recognises the operational requirements of the surrounding strategic transport and infrastructure networks. Accordingly, the Project is considered generally consistent with Policy SUB-P10.
SUB-P15 – Effects of subdivision and development on soils in the GRUZ – General rural zone. *Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.*	The Project will result in the subdivision and permanent conversion of productive rural land, including land containing high class soils, to industrial use. The proposed subdivision does not represent incremental or ad hoc fragmentation of productive land. Rather, it provides for comprehensive development of a large contiguous area. However, the ultimate effect is still the permanent loss of that land from productive rural use. The Project therefore does not fully achieve the direction in Policy SUB-P15 to minimise fragmentation of productive rural land, particularly where high class soils are present. That tension is acknowledged and is considered alongside the more detailed assessment of highly productive land under the NPS-HPL and WRPS and the wider strategic, infrastructure and economic considerations relevant to the Project.
SUB-P16 – Rural subdivision in the GRUZ – General rural zone *(1) Protect the productive capacity of land and soils.* *(2) Maintain an open and spacious rural character* *(3) Minimise adverse effects on the safe and efficient operation of infrastructure; by:*	The Project proposes an urban industrial subdivision pattern within land currently zoned General Rural. It will permanently convert productive rural land, including high class soils, and will fundamentally change the open and spacious rural character of the Site. It therefore does not achieve the principal rural subdivision outcomes sought by Policy SUB-P16.



(a) *Avoiding subdivision that creates lots smaller than 0.8ha;* (b) *Avoiding the creation of new lots that are wholly located on high class soils. For the sites that are partially located on high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;* (c) *Limiting potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities by ensuring new lots provide adequate setbacks from potential sensitive activities;* (d) *Ensuring that the subdivision does not compromise public access to rivers and water bodies or the quality of these environments; and* *(4) Make only limited provision for small rural lifestyle lots, where in addition to the matters set out in (1), (2), and (3), the subdivision:* (a) *Provides public parks and reserves, located in accordance with a Council Parks Strategy; or* (b) *Provides a balance lot greater than 40ha; or* (c) *Involves a boundary relocation to create the same number of lots formed as a large balance lot greater than 40ha and a number of small rural lifestyle lots that are clustered to form a hamlet; and* (d) *Where (4)(b) and (c) applies, avoids ribbon development and he cumulative effects of multiple small rural residential lots located on the same road frontage.*	The proposal does, however, avoid the creation of rural lifestyle lots and associated reverse-sensitivity effects and has been designed so that the subdivision integrates with transport and infrastructure networks and does not compromise access to or the quality of freshwater environments. The Project is therefore not consistent with the principal direction of Policy SUB-P16. That inconsistency reflects the fundamental change in land use sought through the application and is considered alongside the wider strategic case for industrial development in this location.

Operative Waikato District Plan – Waikato Section

The Waikato District Plan is currently Operative in Part, with a number of provisions remaining subject to unresolved appeals. As a result, where the relevant provisions are not yet fully operative, the proposal must also be assessed against the corresponding objectives and policies of the Waikato District Plan. This ensures the assessment appropriately reflects the current statutory planning framework. The relevant objectives and policies are assessed below.

District Plan Objective/Policy Assessment	
Obj/Pol Provision	**Comments**
Objectives	
1A.2.1 *Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.*	The proposal includes industrial development within the general rural zone, and therefore sits outside a defined urban growth area. The proposal therefore does not direct industrial development to an identified growth area as anticipated by the objective. This inconsistency reflects the fundamental land use change sought through the application and is considered alongside the wider strategic justification for industrial development in this location. The site directly adjoins Hamilton City's urban area, the emerging growth cell of Rotokauri Structure Plan and is an extension of the existing Te Rapa industrial area.
1A.2.9 *Rural areas are maintained as a resource for productive rural activities and lawfully established rural-based activities.*	The proposal is not consistent with Objective 1A.2.9 as it will permanently convert land currently used for rural purposes, including high-class soils, to industrial activities. As a result, the site will no longer be maintained as a resource for productive rural activities.
1A.8.1 *Landscape, character and amenity values of rural areas are maintained.*	The proposal will result in a substantial change to the existing rural character and amenity values of the site through its conversion from rural to industrial activities. However, the site is already influenced by adjoining industrial development, residential areas, major transport corridors and infrastructure networks. The proposal incorporates landscape planting, riparian restoration and interface treatments to respond to these existing characteristics and to soften effects on adjoining rural properties. While the proposal does not maintain the existing rural character on the site, it recognises and responds to the character of the surrounding environment.
6.2.1 *Development that is connected or grouped around infrastructure.*	The proposal is consistent with Objective 6.2.1 as development is integrated with, and supported by, planned infrastructure. The Project includes a coordinated servicing strategy for transport, water supply, wastewater, stormwater, electricity and telecommunications, with infrastructure provision linked to development staging and network capacity. Technical assessments confirms that the site can be adequately serviced and that the necessary infrastructure can be provided to support the proposed industrial development.



6.6.1 *Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications.*	The proposal is consistent with Objective 6.6.1. Technical assessments demonstrate that the site can be appropriately serviced with wastewater, stormwater, water supply, electricity and telecommunications networks. Any required infrastructure upgrades and servicing requirements are outlined and linked within development staging. This approach ensures that development does not proceed ahead of the infrastructure necessary to avoid adverse effects on the environment and network performance.
13.4.1 *Amenity values of sites and localities maintained or enhanced by subdivision, building and development*	The proposed subdivision alters the rural amenity values associated with the current site, however the development will be consistent with amenity values of the surrounding locality which is transitioning into an urban environment comprising a mix of residential and industrial development. The industrial development is comprehensively planned, incorporating the proposed road network, three waters infrastructure, stormwater management, ecological restoration areas, open space and the Mangaheka Stream corridor. These features will assist in managing the effects of future development while maintaining environmental and amenity values. The proposal also enables the efficient provision of infrastructure and environmental management measures across the site. Accordingly, the proposal is consistent with Objective 13.4.1.
13.6.1 *Rural Character is preserved*	The proposal involves the subdivision and development of land currently zoned General Rural for industrial purposes. The proposed industrial subdivision pattern will result in the permanent conversion of productive rural land and a fundamental change to the site's existing rural character. Accordingly, the proposal does not achieve Objective 13.6.1. This inconsistency reflects the industrial development outcome sought through the application. However, the subdivision has been comprehensively planned, associated reverse sensitivity effects, and integrates with transport, infrastructure and environmental management networks across the site. The development is also directly adjoining a significant growth area within Hamilton and will be able to blend into the transition from rural to urban environment.
13.6.5 *The cumulative adverse effects of subdivision or development on rural character and amenity values are avoided.*	The proposal involves the subdivision and development of land currently zoned General Rural for industrial purposes and will result in a permanent change to the site's rural character and amenity values. Accordingly, the proposal is not consistent with Policy 13.6.5, which seeks to avoid cumulative adverse effects on rural character and amenity values arising from subdivision and development. This inconsistency is an inherent consequence of the industrial land use outcome sought through the application.
Policies	
1A.2.2 *Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.*	The proposal is not consistent with policy 1A.2.2 as it provides for urban industrial development within land currently zoned General Rural, rather than within a defined urban boundary or growth area. The development will result in a permanent change from a rural to industrial land use pattern and will substantially alter the existing rural character of the

	site. While the proposal adjoins the existing Te Rapa industrial area, Rotokauri Structure Plan, strategic infrastructure and incorporates measures to manage effects on adjoining rural properties, it remains contrary to the direction of the policy, which seeks to locate urban development within established urban areas. This inconsistency reflects the fundamental land use change sought through the application and must be considered alongside the wider strategic justification for industrial development in this location.
1A.2.2A *Industrial and commercial activities that do not have a genuine functional connection with the rural land or soil resource and that do not require a rural setting should not locate in rural areas.*	The proposal is not consistent with Policy 1A.2.2A as it provides for industrial activities that do not have a genuine functional connection to the rural land or soil resource and do not require a rural location. The development will permanently convert General Rural land to industrial use and substantially alter the existing rural character of the site. While landscaping and infrastructure design will assist in managing effects on adjoining rural properties, the proposal remains contrary to the principal direction of the policy. This inconsistency reflects the fundamental land use change sought through the application and must be considered alongside the wider strategic justification for industrial development in this location.
1A.2.5 *Urban development should occur in an integrated manner so that employment and recreation areas are easily accessible from residential areas.*	The proposal is generally consistent with Policy 1A.2.5 as it provides for industrial development adjoining the established Te Rapa industrial area and adjacent to the Rotokauri Structure Plan which is currently transitioning to residential/employment development. The Project will therefore increase industrial land capacity and employment opportunities in a location that is accessible from existing and future residential areas. Provision for walking and cycling connections, future public transport, a neighbourhood centre and open space further supports an integrated urban development outcome.
1A.2.12 *Subdivision, use and development that is not directly associated with productive rural activities should occur in towns, villages and other defined growth areas.*	The proposal is not consistent with Policy 1A.2.10 as it does not support productive rural activities and will result in the permanent conversion of General Rural land to industrial use. The development will remove land from the land resource base and alter the existing rural character of the site. This inconsistency reflects the fundamental land use change sought through the application and must be considered alongside the wider strategic justification for industrial development in this location.
1A.2.13 *The potential for reverse sensitivity effects on productive rural activities and lawfully established rural-based activities should be avoided.*	The proposal is generally consistent with Policy 1A.2.13 as it avoids the creation of sensitive activities that could give rise to reverse sensitivity effects on adjoining productive rural activities. Additionally, the project includes significant setbacks, landscape treatment, and appropriate interface controls. Accordingly, the development is not anticipated to constrain the operation of surrounding productive rural activities.
1A.8.2 *Activities that do not have a functional need to establish in rural areas should be accommodated in towns, villages and defined growth areas.*	The proposal is not consistent with Policy 1A.8.2 as it provides for industrial activities that do not have a functional need to establish in a rural area. The development will permanently convert General Rural land to industrial use and result in a significant change to the existing rural character of the site. While the site adjoins the established Te Rapa industrial area and is integrated with existing and proposed infrastructure networks, the



	proposal remains contrary to the principal direction of the policy, which seeks to accommodate such activities within towns, villages and defined growth areas. The inconsistency reflects the fundamental land use change sought through the application and must be considered alongside the wider strategic justification for industrial development in this location.
1A.8.7 *Rural landscapes, rural character and associated amenity values should be retained by ensuring allotments are of sufficient size for rural land uses to predominate in rural areas.*	The proposal is not consistent with Policy 1A.8.7 as it does not retain rural landscapes, rural character or amenity values. The proposed application creates an industrial lot pattern intended to support industrial development and associated infrastructure. While the proposed lot sizes are appropriate for the intended industrial land use outcomes, they are not consistent with the rural density and character outcomes anticipated for land within the General Rural Zone. This inconsistency reflects the fundamental land use change sought through the application.
6.2.5 *Industry should be grouped:* *(a) in a suitably defined area within towns and villages, or* *(b) near a national or regional arterial route, or* *(c) near the North Island main trunk railway, or* *(d) where it can link to existing infrastructure or associated industries, or manage its effects on site.*	The proposal is generally consistent with Policy 6.2.5 as it will extend the existing Te Rapa industrial area and is located adjacent to strategic transport infrastructure, including SH1C and SH39. While the site is currently zoned general rural rather than being within a defined industrial area, the proposal groups industrial activities alongside an established industrial node and transport corridors, consistent with the overall intent of the policy.
6.6.2 *Where land is subdivided or its use intensified, then adequate water supply, wastewater treatment, and land and stormwater drainage must be provided to each allotment, by connection to available reticulated services, or by on-site facilities where reticulated services are not available.*	The proposal is consistent with Policy 6.6.2 as adequate water supply, wastewater and stormwater infrastructure will be provided to service the proposed industrial lots. Technical assessment demonstrates that the site can be appropriately serviced, with infrastructure requirements identified and linked to development staging and network capacity as set out in the consent conditions. The proposal adopts an integrated servicing approach that ensures development is supported by the necessary infrastructure and does not proceed ahead of servicing provision.
6.6.3 *Every allotment in a subdivision should be connected to reticulated services for telecommunications and electricity supply where these are reasonably available.*	The proposal is consistent with Policy 6.6.3 as the servicing framework provides for electricity and telecommunications infrastructure to support the proposed industrial development. Technical assessments identify the infrastructure required to service the site, with delivery coordinated through development staging and network capacity. Accordingly, future allotments will be capable of being connected to appropriate reticulated services where available, consistent with the intent of the policy.
6.6.4 *The density and type of development should not exceed the capacity of the area to absorb the adverse effects of the development on amenity, water quality, stormwater runoff, ecological values, health or safety.*	The proposal is generally consistent with Policy 6.6.4 as the density and scale of development have been supported by comprehensive technical assessments addressing transport, stormwater, wastewater, water supply, ecology, landscape and amenity matters. The project incorporates infrastructure upgrades, development staging, stormwater management measures, ecological restoration and landscape treatment to ensure adverse



	effects are appropriately managed. Accordingly, the development is not anticipated to exceed the capacity for the receiving environment to absorb effects on amenity, water quality, stormwater runoff, ecological values, health or safety.
13.4.2 *Subdivision, building and development should be located and designed to:* *(a) Be sympathetic to and reflect the natural and physical qualities and characteristics of the area* *(b) Ensure buildings have bulk and location that is consistent with the buildings in the neighbourhood and the locality.* *(c) Avoid buildings and structures dominating adjoining land or public places, the coast, or water bodies* *(d) Retain private open space and access to public open space* *(e) Encourage retention and provision of trees, vegetation and landscaping* *(f) Arrange allotments and buildings in way that allow for view sharing, where appropriate* *(g) Provide adequate vehicle manoeuvring space on site* *(h) Provide vehicle, cycling and pedestrian connection to transport networks, including roads, cycleways and walkways, and facilitate public transport* *(i) Promote security and safety of public land and buildings, and places* *(j) Mitigate foreseeable effects (including reverse sensitivity effects) on, and from, nearby land use, particularly existing lawfully established activities.* *(k) Mitigate foreseeable effects on water bodies* *(l) Maintain adequate daylight and direct sunlight to buildings, outdoor living areas and public places* *(m) Maintain privacy* *(n) Avoid glare and light spill.*	The proposed subdivision has been designed having regard to the site's physical and environmental characteristics, including the Mangaheka Stream corridor, existing drainage patterns and surrounding land uses. The layout integrates transport, three-waters infrastructure, stormwater management, ecological restoration areas and open space within a coordinated framework. It also provides for safe vehicle access, development platforms and the protection of freshwater and ecological values. Accordingly, the proposal is considered generally consistent with Policy 13.4.2.
13.6.2 *Rural subdivision and development should be of a density, scale, intensity and location to retain or enhance rural character, including:* *(aa) a predominance of natural features over built features.* *(a) A very high ratio of open space in relation to areas covered by buildings* *(b) Open space areas in pasture, trees, crops or indigenous vegetation* *(c) Tracts of unmodified natural features, indigenous vegetation, stream, river wetlands and ponds*	The proposal will result in the subdivision and development of land currently zoned General Rural for industrial purposes. Consequently, the density, scale and intensity of development will not retain or enhance rural character and will replace many of the characteristics identified in Policy 13.6.2, including open space, productive rural land and the predominance of rural land uses. Accordingly, the proposal is not consistent with Policy 13.6.2. This inconsistency reflects the industrial development outcome sought through the application and the associated permanent change in land use.



(d) Large umbers of farm animals and wildlife *(e) Noise, smells and sights of farming, horticultural and forestry uses* *(f) Post and wire fences, purpose-built fam buildings, and scattered dwellings* *(fa) low population density* *(g) Generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes* *(h) A general absence of urban-scale and urban type infrastructure such as roads with kerb and channel, footpaths, mown berms, streetlights, advertising signs, sealed and demarcated parking areas, decorative fences and gateways* *(i) A diversity of lot sizes and shapes, related to the character and pattern of the landscape. While recognising the mineral extraction activities are of a different scale and intensity, and where appropriate should be accommodated.*	
13.6.3 *Rural land should be retained in large holdings sufficient in size to enable productive rural activities to occur, and the creation o large holdings encourages and where appropriate boundary relocations should be encouraged that facilitate holdings of sufficient size to support these activities.*	The proposal will result in the subdivision of land currently zoned General Rural into allotments intended to support industrial activities rather than productive rural land uses. As a result, the proposal does not retain rural land in large holdings sufficient to enable ongoing productive rural activities and is not consistent with Policy 13.6.3. This inconsistency reflects the industrial development outcome sought through the application and is associated permanent change in land use.
13.6.4 *Allotments created by subdivision should be of a shape and sufficient size to retain the rural character of the area by ensuring they are large enough for rural land uses to predominate.*	The proposed allotments are appropriately sized and configured to accommodate the intended industrial activities, infrastructure and access requirements. However, as the site remains zoned General Rural, the subdivision does not retain the rural character of the area or provide for rural land uses to predominate. Accordingly, the proposal is not consistent with Policy 13.6.4, although the allotment pattern is appropriate for the industrial development sought through this application.
13.6.6 *Rural character should be maintained, and the cumulative adverse effects of subdivision should be avoided.*	The proposal involves an industrial subdivision pattern on land currently zoned General Rural and will result in a permanent change to the site's existing rural character. As a result, the proposal does not maintain rural character and is not consistent with the primary direction of Policy 13.6.6. While inconsistent with the policy's rural character outcomes, the proposal supports the industrial development sought through this application.
13.6.7 *Repeated subdivision of rural land that results in additional lots must be avoided.*	The proposal will create additional allotments from land currently zoned General Rural. Accordingly, it is not consistent with Policy 13.6.7, which seeks to avoid the repeated subdivision of rural land resulting in additional lots. However, the subdivision forms part of a comprehensively planned industrial development. The proposal is therefore inconsistent

	with the policy, reflecting the broader industrial land use outcome sought through this application.
13.6.8 *Rural character should be retained by avoiding the incremental expansion of areas where compromise has already occurred.*	The proposal will result in the conversion of land currently zoned General Rural to an industrial subdivision pattern and, as such, does not retain the existing rural character of the site. Accordingly, the proposal is not consistent with Policy 13.6.8, which seeks to avoid the incremental expansion of areas where rural character has been compromised. This inconsistency reflects the industrial development outcome sought through the application. However, the proposal has been comprehensively planned and integrates transport, infrastructure and environmental management measures across the site.
13.6.9 *Subdivision, use and development should not further compromise rural character in rural areas already modified by non-rural activities.*	The proposal involves the subdivision and development of land currently zoned General Rural for industrial purposes and will further alter the existing rural character of the area. As a result, the proposal is not consistent with Policy 13.6.9, which seeks to avoid further compromise of rural character. However, the subdivision has been comprehensively planned and integrated with transport, infrastructure and environmental management networks across the site.
13.6.10 *Subdivision, use and development of rural land composed principally of small land holdings should be managed to retain rural character by ensuring allotments are of sufficient size for rural land uses to predominate in these areas.*	The proposal involves the subdivision and development of land currently zoned General Rural for industrial purposes. As a result, the proposed allotments are not of a size or configuration intended to retain rural character or ensure rural land uses predominate. Accordingly, the proposal is not consistent with Policy 13.6.10. This inconsistency reflects the industrial development outcome sought through the application, rather than a rural subdivision pattern.

Strategic and Spatial Document

Future Proof Strategy

Future Proof Strategy Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Key Actions – Transformational Move	
Transformational Move 1: Iwi aspiration *Enhancing the environmental health and wellbeing of the Waikato River in accordance with Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River, while supporting iwi and mana whenua in embracing social and economic opportunities within the sub-region. For Waikato Tainui this is a specific emphasis on Hopuhopu and Ruakura, and Meremere in the longer term after Ruakura, for other mana whenua groups within the sub-region will include land use aspirations to build papakaainga housing or horticulture/agri-culture farming transformations to name a few. Other iwi and mana whenua groups have high populations of their people living within the subregion and may also wish to pursue social, economic, and other opportunities within the sub-region.*	The Project recognises and provides for iwi and tangata whenua aspirations through ongoing engagement, the preparation of a CIA, and the incorporation of cultural values into the development outcome. The proposal includes restoration and enhancement of the Mangaheka Stream corridor, wetland creation, riparian planting and ecological restoration measures that seek to improve freshwater health, ecological function and the mauri of the receiving environment. The Project also facilitates social and economic opportunities through the development of a substantial new industrial area that will provide employment, business and infrastructure benefits to the wider region. Through the integration of cultural, environmental and economic outcomes, the Project aligns with the intent of Transformational Move 1 by supporting both environmental enhancement and opportunities for future prosperity.
Transformational Move 2: Waikato River *Give effect to Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy – including by celebrating the Waikato River as the defining ecological feature connecting the metro area to the heart of a blue-green network supporting environmental and recreational use and creating a sense of place. While our current focus is on the Waikato River catchment and Te Ture Whaimana, our approach also highlights the importance of other river catchments in the sub- region such as the Piako, Waitoa and Waihou.*	The Project aligns with the intent of Transformational Move 2 by recognising the importance of freshwater environments and incorporating significant investment in stream restoration, stormwater management, wetland creation and ecological enhancement within the Mangaheka Stream catchment. While the Site is not directly adjacent to the Waikato River, the Project contributes to broader catchment health through improvements to water quality, stream habitat, riparian margins and ecological function. The proposed stormwater management framework adopts an integrated treatment train approach and is supported by restoration of the Mangaheka Stream corridor, which contributes to the wider blue-green network within the sub-region. These measures are intended to improve freshwater outcomes, enhance biodiversity and support long-term environmental resilience. Accordingly, the Project is considered generally consistent with the broader intent of Transformational Move 2.



Transformational Move 5: Strong and productive economic corridors *Establishing economic corridors that connect our centres of production to our metro areas of employment and our ports and airports with a particular emphasis on access to the highly productive employment areas between Hautapu, Ruakura, Hamilton central city and north to Horotiu and Ngaaruawaahia.*	The Project directly supports the development of a strong and productive economic corridor through the provision of a substantial new industrial precinct on the north-western edge of Hamilton, adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor. The Site is strategically located close to the Waikato Expressway and other strategic transport connections, providing efficient access to regional freight networks, employment areas, ports and airports. The Project will increase the supply of industrial land within one of the Waikato region's key economic corridors, supporting business investment, freight movement, employment generation and long-term economic productivity. The Project also includes significant investment in transport, three-waters, stormwater and flood-management infrastructure, ensuring that future industrial development is supported by appropriate servicing and network capacity. Through its strategic location, integration with regional transport infrastructure and provision of employment-generating industrial land, the Project supports the broader intent of Transformational Move 5 and the continued development of the Hamilton–Te Rapa–Horotiu economic corridor.
Transformational Move 7: Water wise and water sensitive communities *Grow and foster waterwise communities through a fundamental shift and approach that places sustainability, resilience, and environmental protection at the heart of our urban water planning and ensuring that urban water management is sensitive to natural hydrological and ecological processes.*	The Project aligns with Transformational Move 7 through the adoption of an integrated stormwater, drainage and flood management framework that places environmental protection, resilience and long-term sustainability at the centre of the development. The proposed Stormwater Management Plan adopts a treatment train approach incorporating wetlands, raingardens, vegetated treatment systems, attenuation infrastructure and restoration of the Mangaheka Stream corridor. The Project has been designed to manage stormwater in a manner that responds to natural hydrological processes, maintains catchment function and protects downstream receiving environments. Stream restoration, riparian enhancement, wetland creation and ecological restoration measures are integrated with the stormwater management system to improve water quality, habitat values and overall catchment resilience. The proposed flood management and stormwater infrastructure also responds to future rainfall variability and climate change effects through attenuation, flood conveyance improvements and a coordinated catchment-wide approach to water management. The Project is therefore considered consistent with the broader direction of Transformational Move 7.

TKE is not specifically identified as a planned growth area, but it is well aligned with the broader transformational direction for the Hamilton–Te Rapa–Horotiu economic corridor, freshwater restoration, iwi aspirations and water-sensitive urban development.



Waikato Regional Land Transport Strategy Plan

Waikato Regional Land Transport Strategy Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Resilience – Objective	
An efficient and resilient land transport system that ensures communities have route security and access to essential services	The Project supports the delivery of an efficient and resilient land transport system through the provision of new transport infrastructure integrated with the wider Te Rapa and Waikato Expressway network. The transport framework has been designed to accommodate future industrial development while maintaining network efficiency, supporting freight movement and providing reliable access to employment and services. The proposal includes new and upgraded transport infrastructure and supporting services that will improve connectivity and provide appropriate capacity for the proposed development. The coordinated delivery of transport, stormwater, flood-management and three-waters infrastructure also supports long-term resilience by ensuring that the Development is serviced through an integrated infrastructure framework. Through its strategic location, integration with regional transport corridors and provision of supporting infrastructure, the Project contributes to a resilient transport network that supports economic activity and reliable access.
Resilience - Policies	
• *Improve resilience and route security on key strategic corridors* • *Plan for anticipated effects of climate change impacts* • *Build community resilience*	The Project supports the resilience of the regional transport network through transport infrastructure integrated with the Te Rapa industrial area, Waikato Expressway and other strategic freight routes. The proposed network has been designed to accommodate future industrial growth while maintaining network performance and supporting reliable freight and employment access. Climate-change effects have also been incorporated into the wider stormwater and flood-management framework for the Development, reducing the potential for future flooding to compromise the function of the internal transport network.
Growth and economic development – Objectives	
• *An integrated transport system that supports compact urban form and planned future growth* • *An efficient and resilient strategic corridor network that advances regional economic and social wellbeing*	The Project will provide a substantial addition to industrial development capacity on the north-western edge of Hamilton, adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor. While TKE is not presently identified as a planned industrial growth area in all relevant strategic documents, its location and scale mean that it will materially contribute to future employment growth and economic activity in this part of the metropolitan area. The development outcome integrates transport, three-waters, stormwater, flood management and ecological infrastructure to support coordinated development of the Site. The proposed transport network has been designed to connect efficiently with the surrounding road hierarchy and strategic freight routes, ensuring the development is supported by appropriate infrastructure.

	The Project will also contribute to the efficiency and resilience of the regional transport network through its proximity to the Waikato Expressway and wider strategic freight network. The development of a substantial new industrial precinct will strengthen the wider Hamilton–Te Rapa–Horotiu economic corridor by improving access to employment land, supporting freight movement and facilitating business investment. Accordingly, the Project is considered generally consistent with the growth and economic-development objectives of the RLTP.
Safety – Objective	
A safe, accessible transport system in the Waikato region, where no-one is killed or seriously injured	The Project supports this objective through a comprehensively planned transport network informed by detailed transport assessment and designed to provide safe and efficient movement for vehicles, freight, pedestrians and cyclists. The proposed access arrangements, intersection upgrades and internal road hierarchy have been developed to accommodate the anticipated demands of the Project while maintaining appropriate safety outcomes. Walking and cycling facilities are also incorporated into the transport network, including dedicated facilities along the principal internal routes and connections to the surrounding active-mode network. The Project is therefore considered consistent with the safety objective of the RLTP.

Hamilton-Waikato Metropolitan Spatial Plan

Hamilton-Waikato Metropolitan Spatial Plan Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Objectives	
Improve access to employment, education and services.	The Project supports the objectives of the Hamilton-Waikato Metropolitan Spatial Plan through the provision of substantial additional industrial development capacity on the north-western edge of Hamilton, adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor. The Project will provide significant employment opportunities, support economic development and improve access to jobs within the wider metropolitan area. The proposal adopts an integrated approach to land use, infrastructure and environmental management, including transport, stormwater, flood management and ecological restoration. This supports the Spatial Plan's direction for coordinated growth, climate resilience and integrated planning across territorial boundaries. The Project will also contribute to the continued development of the Hamilton–Te Rapa–Horotiu economic corridor, while the restoration and enhancement of the Mangaheka Stream corridor will contribute to improved environmental outcomes. While the Site is not specifically identified in the Metropolitan Spatial Plan as a planned urban growth area, the Project is considered to be generally consistent with the broader objectives and strategic direction of the Hamilton-Waikato Metropolitan Spatial Plan.
Assist emission reductions and build climate resilience.	
Enhancing the quality of the natural and built environments and the vitality of Auckland and Hamilton and the communities within the corridor.	
Improving access to employment, public services and amenities.	
Creating employment opportunities in the corridor.	
Trialling new urban planning tools to coordinate growth development.	
Planning in an integrated way based on communities of interest rather than existing council boundaries.	

Waikato 2070 Objective/Policy assessment	
Obj/Pol Provision	**Comments**
Grow Our Communities	
Direction: Promote sustainable and cost-effective land-use patterns *Implementation* 1. *Take leadership and build our district to respond to climate change and help mitigate its effects.* 2. *Stage development and be adaptable to future growth scenarios.* 3. *Integrate land-use and transport to make better use of infrastructure and our transport connections, while interacting and protecting the environment.* 4. *Leverage existing transport networks, including walking and cycling infrastructure, and identify and protect sites and areas from future development.* 5. *Protect strategic sites, corridors and areas for future development.* 6. *Locate future development to capitalise on existing serviced network infrastructure and facilities of towns.* 7. *Ensure connectivity and integration of greenfield development to existing built-form (street-block design).* 8. *Encourage rural areas and villages to explore ways to remain sustainable.*	The Project aligns with this direction by providing a comprehensively planned industrial development that integrates land use, transport, three-waters infrastructure, stormwater management and environmental enhancement. The development outcome supports staged growth, efficient infrastructure provision and strong connectivity to the existing Te Rapa industrial area and strategic transport network. The proposal also incorporates flood management, stream restoration, ecological enhancement and climate-resilience measures. While the Site is not presently identified as a planned industrial growth area in all relevant strategic documents, its location adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor supports a coordinated and infrastructure-integrated urban outcome.
Build Our Businesses	
Direction: Supporting existing businesses to grow and attract new businesses to the district *Implementation* 1. *Build on existing industrial clusters and promote the clustering of complementary businesses.* 2. *Identify and develop new strategically-located industrial clusters for secondary industries.* 3. *Create ease of access pathways and incentives for investors to locate in the district.* 4. *Strengthen collaboration and engagement with businesses.* 5. *Identify new areas for service industries to locate and expand while taking into account the local environment.*	The Project aligns with this direction through the development of a substantial new industrial precinct adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor. The proposal will support business growth, attract new investment, improve access to strategic transport infrastructure and provide employment opportunities. The development outcome also includes coordinated provision of transport, three-waters, stormwater and environmental infrastructure to support future business activity and long-term economic growth. The Project also responds to the direction to build on existing industrial clusters and identify strategically located areas for industrial development. Rather than establishing an isolated industrial node, TKE will extend an existing employment



6. *Support primary industries which underpin the Waikato economy.* 7. *Recognise and promote the role that agriculture, horticulture and primary industries have within the district.* 8. *Encourage rural industrials to support sustainable rural communities and areas.* 9. *Ensure that businesses have access to social and physical infrastructure and services.* 10. *Create regional and local skills development training for our people (build people capital).* 11. *Develop business and economic relationships to support the community aspirations as identified in the Waikato District Council Blueprints.*	corridor and provide a significant additional source of industrial land in close proximity to established infrastructure and freight networks. Overall, the Project is considered generally consistent with this direction and its relevant implementation actions.
Direction: Help deliver inclusive growth *Implementation* 1. *Lead, support and coordinate initiatives focused on growing economic development activities for businesses within the district.* 2. *Adapt and respond promptly to changing business needs.* 3. *Link central and regional government initiatives to businesses.* 4. *Create economic and social opportunities that ensure our young people have access to employment and social activities that build a future in the district.* 5. *Grow and develop the social and economic potential of social enterprise.* 6. *Facilitate stronger communities and business partnerships using Open Waikato.* 7. *Promote the development of a diversified economy and increase employment opportunities in knowledge-based sectors.*	The Project aligns with this direction through the provision of substantial additional industrial development capacity that will support business investment, economic development and employment generation within the Waikato District and wider Hamilton metropolitan area. The proposal will expand opportunities for businesses to establish and grow within a well-serviced industrial precinct connected to key transport networks and established employment areas. Through the delivery of industrial land, supporting infrastructure and long-term employment opportunities, the Project contributes to inclusive economic growth and the ongoing prosperity of the district. The Project is therefore considered consistent with this direction.
Embrace Our Identity	
Direction: Promote our culture *Implementation* 1. *Continue to partner with local iwi to help realise their social, cultural, economic and environmental aspirations.* 2. *Build on the Open Waikato initiative to promote the district, especially the rural productive resources.* 3. *Support tourism development and work with tourism agencies and the community to promote the district's diverse culture.* 4. *Embrace the diversity of the cultures and history within the district through tourism opportunities.*	The Project aligns with this direction through ongoing engagement with tangata whenua, preparation of the CIA and incorporation of cultural values into the development outcome. The proposal includes restoration and enhancement of the Mangaheka Stream corridor, riparian planting, ecological restoration and ongoing mana whenua involvement through the proposed Tangata Whenua Management Plan. Through the combination of cultural engagement, environmental enhancement and employment and economic opportunities, the Project supports the social, cultural and economic wellbeing outcomes sought by this direction.



Direction: Protect our environment *Implementation* 1. *Encourage iwi and hapuu to identify with their culture and the environment.* 2. *Encourage communities to be stewards of their environment.* 3. *Encourage sustainable and resilient land use patterns that focus development in our key towns which are well connected and serviced by amenities.* 4. *Promote ecological and environmental protection and restoration.* 5. *Restrict residential development in areas at risk from natural hazards.* 6. *Encourage and assist communities to adapt to climate change and to manage and adapt to its effects on the environment.* 7. *Encourage land uses that utilise our highly productive land by promoting agriculture production and restrict those uses that reduce them and diminish their quality or the landscape.* 8. *Restrict multi-lot residential subdivision in rural areas outside of identified growth areas.* 9. *Cluster industrial activities in industrial zones and restrict them in rural areas.* 10. *Encourage all industries to utilise environmental best practices.*	The Project supports a number of the environmental outcomes sought by this direction through restoration and enhancement of the Mangaheka Stream corridor, riparian planting, ecological restoration, integrated stormwater management, flood management and climate-resilience measures. There is, however, clear tension with implementation actions 7 and 9. The Project will result in the permanent conversion of productive rural land to industrial use, and the Site remains zoned General Rural rather than Industrial. The Project therefore does not align with the direction to promote productive use of highly productive land or to cluster industrial activities within existing industrial zones. That tension must be considered in the context of the Site's location immediately adjoining the established Te Rapa industrial area and within the wider Hamilton–Te Rapa–Horotiu employment corridor, the identified demand for additional industrial land, and the comprehensive and infrastructure-integrated nature of the Development. The Project also incorporates substantial environmental restoration and enhancement measures and will function as an extension of an established industrial area rather than as an isolated industrial activity within the rural environment. Overall, while the Project is not fully consistent with all implementation actions under this direction, it is considered generally consistent with the broader strategic direction of Waikato 2070 when considered as a whole.

