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

Regulation	Compliance	Comment
10 Restricted Discretionary Activities		
(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity. (2) The activity is a restricted discretionary 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 exceeds the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (3), if there are any, must be complied with. (3) The matters over which discretion is restricted are as follows: (a) the adequacy of the detailed site investigation, including— (i) site sampling: (ii) laboratory analysis: (iii) risk assessment: (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination: (c) the approach to the remediation or ongoing management of the piece of land, including— (i) the remediation or management methods to address the risk posed by the contaminants to human health: (ii) the timing of the remediation: (iii) the standard of the remediation on completion:	Restricted Discretionary Activity	The site is considered to be a piece of land under Regulation 5(7) of the NES:CS as HAIL E1 and risk of accumulation of heavy metals and asbestos is considered likely to have occurred at the site. Soil contamination (specifically heavy metals) and asbestos primarily concentrated in localised hotspots in soil samples were above the predicted background soil concentrations. The proposal will result in soil disturbance subdivision, change of use and earthworks and is therefore, a restricted discretionary activity consent under Regulation 10(1) of the NESCS is required.

(iv) the mitigation methods to address the risk posed by the contaminants to human health: (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants: (d) the adequacy of the site management plan or the site validation report or both, as applicable: (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity: (f) the requirement for and conditions of a financial bond: (g) the timing and nature of the review of the conditions in the resource consent: (h) the duration of the resource consent.		
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Operative Waikato Regional Plan

Chapter 3 – Water Module

Rule	Compliance	Comment
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. <u>The taking of up to 1.5 cubic metres per day on sites equal to or less than one hectare; or</u> 2. The taking of up to 1.5 cubic metres per day on sites where the well is within 600 metres of the coastal marine area; or 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. The total of all takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.	Does not comply	As outlined in the Hydrogeology Report (Appendix 20) and the Infrastructure Report (Appendix 13), a groundwater take is proposed for dust suppression during construction of the industrial subdivision. The take exceeds 1.5m³ per day and is for an area of circa 60ha. The groundwater take therefore requires resource consent as a discretionary activity pursuant to Rule 3.3.4.24, addressed below.
3.3.4.13 Permitted Activity Rule – Supplementary Surface Water Takes	Not applicable	No supplementary surface water takes are proposed.
3.3.4.14 Permitted Activity Rule – Temporary Takes	Does not comply	As outlined in the Hydrogeology Report (Appendix 20) and the Infrastructure

Rule	Compliance	Comment
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. Written notice of the location, time and duration of take shall be provided to the Waikato Regional Council 10 working days before works commence.		Report (Appendix 13), a groundwater take is proposed for dust suppression during construction of the industrial subdivision. The activity therefore does not comply with permitted activity standards, and consent is required.
3.3.4.15 Permitted Activity Rule – Well or Aquifer Testing	Not applicable	No well or aquifer testing is proposed as part of this consent.
3.3.4.16 Controlled Activity Rule – Taking of Surface Water Except as permitted by Rules 3.3.4.13 and 3.3.4.14 of this Plan, the taking of surface water up to and including 70 percent of the allocable flow identified in Table 3-5 is a controlled activity (requiring resource consent) subject to the following standards and terms: (a) The net rate of the take, assessed in combination with all other authorised water takes (all calculated on a net take basis), shall not exceed 70 percent of the primary allocable flows for catchments specified in Table 3-5	Not applicable	No surface water takes are proposed.

Rule	Compliance	Comment
(b) The water take location shall not be within a water body classified as Natural State Water on the Water Management Class Maps. (c) Where the take is for a domestic or municipal supply a water management plan which meets the requirements of Method 8.1.2.2 shall be provided. All applications to take water under this rule shall be assessed on a net take basis		
3.3.4.17 Controlled Activity Rule – Taking of Surface Water for Cooling Water for the Huntly Power Station	Not applicable	Not relevant to proposal
3.3.4.18 Controlled Activity Rule – Replacing Authorised Taking of Surface Water for Domestic or Municipal Water Supply	Not applicable	No surface water takes are proposed
3.3.4.19 Controlled Activity Rule – Taking of Surface Water for Existing Milk Cooling and Dairy Shed Wash Down	Not applicable	Not relevant to proposal
3.3.4.20 Controlled Activity Rule – Taking of Groundwater for Existing Milk Cooling and Dairy Shed Wash Down	Not applicable	Not relevant to proposal
3.3.4.21 Restricted Discretionary Activity Rule – The Taking of Surface Water	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.22 Restricted Discretionary Activity Rule – Surface Water Harvesting	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.23 Discretionary Activity Rule – Surface Water Takes	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.24 Discretionary Activity Rule – Groundwater Takes The taking of groundwater that, when assessed in combination with all other authorised takes from the same aquifer: 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	Does not comply	As outlined in the Hydrogeology Report (Appendix 20) and the Infrastructure Report (Appendix 13), a groundwater take is proposed for dust suppression during construction of the industrial subdivision. The activity therefore does not comply with permitted activity standards, and consent is required as a Discretionary Activity .

Rule	Compliance	Comment
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)		
3.3.4.25 Non-Complying Activity Rule – Surface Water Takes from Wetlands, Natural State Water Bodies, and Lakes	Not applicable	No surface water takes are proposed as part of this consent
3.3.4.26 Non-Complying Activity Rule – Water Takes Except as provided in Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24, and 3.3.4.25 and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that: 1. Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or 2. Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b); or 3. Is for a groundwater take which exceeds the Sustainable Yields (if listed) in Table 306; or 4. Is for a domestic or municipal supply and a water management plan developed in accordance with Method 8.1.2.2 has not been provided to the Waikato Regional Council and to the Waikato River Iwi within whose rohe the take is located is a non-complying activity (requiring resource consent) •	Not applicable	Consent is sought under Rule 3.3.4.24, and this Rule is therefore not applicable.
3.4 Efficient Use of Water		
3.4.4 Implementation Methods - Transfer of water take permits	Not applicable	No transfer of water take is proposed.
3.4.5 Implementation methods – The use of water		
3.4.5.4 Permitted Activity Rule – Use of Water	Complies	Use of water complies with the management class in 3.2.4.

Rule	Compliance	Comment
Except as restricted by Rules 3.4.5.6, 3.4.5.7 and 3.4.5.8 the use (as restricted by s14 of the RMA) of water is a permitted activity subject to the following conditions: (a) The use of water shall comply with the water management class standards in Section 3.2.4 of this Plan.		
3.4.5.5 Restricted Discretionary Activity Rule – Use of Water The use of water (as restricted by s14 of the RMA), that cannot comply with Rule 3.4.5.4 is a restricted discretionary activity (requiring resource consent).	Complies	Use of water complies with the management class in 3.2.4.
3.4.5.6 Permitted Activity Rule – Use of Water for Crop and Pasture Irrigation	Not Applicable	No crop or pasture irrigation is proposed.
3.4.5.7 Controlled Activity Rule - Use of Water for Crop and Pasture Irrigation	Not Applicable	No crop or pasture irrigation is proposed.
3.4.5.8 Discretionary Activity Rule – Use of Water for Crop and Pasture Irrigation	Not Applicable	No crop or pasture irrigation is proposed.
3.5 Discharges		
3.5.4 Implementation Methods - Discharges		
3.5.4.4 Permitted Activity Rule – Discharges of Water to Water – General Rule Except as expressly provided for by other rules in this Plan any discharge of water (excluding geothermal water), into water is a permitted activity subject to the following conditions: (a) There shall be no adverse effect on water quality of the receiving water body. (b) Any adverse erosion effects occurring as a result of the discharge to be remedied as soon as practicable. (c) There shall be no adverse effects from increased water levels downstream of the discharge point. The Waikato Regional Council shall be notified in writing of the discharge, its volume, contaminant concentrations and the water quality of the receiving water body 10 working days prior to the discharge commencing.	Does not comply	Discharge of water or sediment-laden water from temporary dewatering activities is not otherwise provided for in the plan, therefore is likely to require consent under Rule 3.5.4.5.

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

Rule	Compliance	Comment
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.	Does not comply	The proposal will result in the discharge of stormwater into water that will not comply with permitted activity condition (c).
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:	Permitted Activity	Discharge of stormwater to land is proposed for Industrial Lots and to manage stormwater for proposed roads up to the 10% AEP.

Rule	Compliance	Comment
(a) The discharge shall not originate from a catchment that includes any high risk facility 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 Exceedence Probability design storm or greater. Any exceedence 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 Exceedence 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.		Discharge of stormwater to land is therefore anticipated to comply with permitted activity standards. Refer to the Infrastructure Report (Appendix 13) and Stormwater Management Plan (Appendix 14) for further details.
3.5.11.6 Controlled Activity Rule – Discharge of Stormwater onto or Into Land The discharge of stormwater (including geothermal water) onto or into land that does not comply with Rule 3.5.11.5 is a controlled activity (requiring resource consent) subject to the following standards and terms: (a) The discharge shall be below a rate that would cause overland flow leading to a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedance shall go into designated overland flow paths	Not applicable	The proposal is anticipated to comply with Rule 3.5.11.5 above, and this rule is therefore not applicable
3.5.11.7 Controlled Activity Rule – Discharge of Stormwater into Water The discharge of stormwater to surface water (including geothermal water) that is lawfully established at the time of notification of this Plan (28 September 1998) and does not comply with Rule 3.5.11.4 is a controlled activity (requiring resource consent) subject to the following standards and terms:	Controlled Activity	The discharge of stormwater to water does not comply with Rule 3.5.11.4, however, will comply with Controlled Activity Standards. Consent is therefore required as a Controlled Activity under Rule 3.5.11.7

Rule	Compliance	Comment
(a) The discharge shall not contain concentrations of hazardous substances that are causing significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment		
3.5.11.8 Discretionary Activity Rule – Discharge of Stormwater The discharge of stormwater into water, and/or into or onto land which does not comply with Rules 3.5.11.4, 3.5.11.5, 3.5.11.6 and 3.5.11.7 is a discretionary activity (requiring resource consent).	Not applicable	The proposed discharge of stormwater to water complies with Rule 3.5.11.7 and the discharge of stormwater to land complies with Rule 3.5.11.5. This rule is therefore not applicable.
3.6 Damming and Diverting		
3.6.4 Implementation Methods – Damming and Diverting		
3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water 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: 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.	Does not comply	The proposal includes damming of surface water flows and ground water in proposed stormwater devices. The catchment exceeds 100ha, and the proposal therefore is not considered to meet permitted activity standards. Stormwater ponds provide attenuation for stormwater flows prior to discharge and are not considered to comply with Rule 3.6.4.4.

Rule	Compliance	Comment
c. Any erosion or scour as a result of the dam and associated discharges shall be remedied as soon as practicable. d. The damming or discharge of water from the dam shall not increase the potential for land instability. e. A spillway must be constructed to prevent the dam being overtopped, and the spillway shall be designed to pass the probable maximum flood. f. The spillway shall be constructed on underlying parent material. g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h. In the event of any waahi tapu that is not subject to condition g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. i. The structure shall be maintained in a structurally sound condition at all times. j. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21.		
3.6.4.5 Permitted Activity Rule – Existing Lawfully Established Damming of Perennial Water Bodies	Not applicable	There are no existing lawfully established dams.
3.6.4.6 Permitted Activity Rule – Existing Lawfully Established Stopbanks	Not applicable	There are no existing lawfully established stopbanks.
3.6.4.7 Permitted Activity Rule – Existing Lawfully Established Diversions and Discharges	Not applicable	There are no existing lawfully established diversions and discharges

Rule	Compliance	Comment
3.6.4.8 Permitted Activity Rule – Diversions and Discharges in Artificial Watercourses and Drainage Systems Unless restricted by Rule 3.7.4.6, the diversion and any consequent discharge of water within an established artificial watercourse* or drainage system, undertaken after the date of notification of this Plan is a permitted activity subject to the following conditions: a. The catchment area above the diversion shall not exceed two square kilometres. b. No discharge shall be made outside of the natural catchment of the drainage system. c. The activity shall be undertaken and structures maintained in a manner that does not increase adverse effects of flooding on any land or property owned or occupied by any person. d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association’s State Recording Scheme or by the Historic Place Trust except where Historic Places Trust approval has been obtained. e. In the event of any waahi tapu that is not subject to condition d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. f. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21. 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	Does not comply	The proposal involves the diversion of water into proposed artificial watercourse and the discharge of these flows. Consent is therefore required. The artificial watercourse proposed to carry diverted water does provide for safe passage of fish with crossings and culverts designed to comply with NZ Fish Passage Guidelines and the NES-F.

Rule	Compliance	Comment
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.		
3.6.4.9 Controlled Activity Rule – Offstream Damming and Damming Ephemeral Streams and Damming of Artificial Watercourses Unless authorised by Rule 3.6.4.4, the damming of water in any off-stream area, ephemeral river or stream or artificial watercourse, and any associated: 1. Diversion, taking, and discharging of water related to the passage of water through, past, or over the dam, or 2. Diversion, taking, and discharging of water related to the passage of water through, past, or over the dam Is a controlled activity (requiring resource consent) subject to the following standards and terms: a. The dammed water shall not raise water levels on neighbouring properties; b. Any erosion or scour as a result of the dam and associated discharges shall be remedied as soon as practicable c. Spillways or other mechanisms shall be provided so that the dam can safely pass the probable maximum flood d. The activity shall not disturb any archaeological site of waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association’s State Recording Scheme or by the Historic Place Trust except where Historic Places Trust approval has been obtained e. In the event of any waahi tapu that is not subject to standard and term (d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council	Controlled Activity	The proposal includes stormwater treatment trains and attenuation wetlands which provide attenuation for future stormwater flows prior to discharge. This component of the project does not comply with Rule 3.6.4.4, therefore consent is required for offstream damming as a controlled activity.

Rule	Compliance	Comment
f. The structure shall be maintained in a sound condition g. The diversion and discharge does not affect Significant Geothermal Features h. The dam does not occur in a cave system		
3.6.4.10 Controlled Activity Rule – Existing Lawfully Established Damming of Perennial Water	Not applicable	No existing lawfully established dams are present.
3.6.4.11 Controlled Activity Rule – Existing Lawfully Established Diversions and Discharges	Not applicable	No existing lawfully established diversions and discharges are present.
3.6.4.12 Controlled Activity Rule – Wetland and Lake Level Control Structures The following activities: 1. The use, erection, reconstruction, placement, alteration or extension of any structure, for the purpose of maintaining or establishing minimum water or bed levels of peat lakes and wetlands and any associated bed disturbance, in or on the bed of a lake or river; and 2. Any associated damming of water are controlled activities (requiring resource consent), subject to the following standards and terms: a. The structure shall be maintained in a structurally sound condition at all times. b. All construction materials and equipment shall be removed from the river or lake bed on the completion of that activity. c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be released to water from the activity. d. The activity does not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association’s Site Recording Scheme, or by the Historic Places Trust, except where the Historic Places Trust approval has been obtained.	Not applicable	No wetland or lake level control structures are proposed.

Rule	Compliance	Comment
e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. f. The structure shall be fixed in place to prevent it being washed away in the event of a flood.		
3.6.4.13 Discretionary Activity Rule – Stopbanks, Diversions and 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 stopbank, and 2. Diversion of water, and 3. The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that: a. is undertaken after the date of notification of this Plan, or b. affects a Significant Geothermal Feature c. does not occur in a cave system; is a discretionary activity (requiring resource consent).	Discretionary Activity	The proposal requires the reclamation of existing artificial drains and diversion of water into the upper tributary of the Waitawhiriwhiri Stream that does not comply with Rule 3.6.4.8, therefore consent is sought as a Discretionary Activity pursuant to Rule 3.6.4.13.
3.6.4.14 Discretionary Activity Rule – New Dams/Damming of Water Except as provided for by Rules 3.6.4.4, 3.6.4.9, 3.6.4.10 and 3.6.4.12 the following activities, if undertaken after the date of notification of this Plan: 1. Damming of water and associated diversion, taking and discharging of water related to the passage of water through, or past or over the dam 2. The use, erection, reconstruction, placement, alteration or extension of any structure in or on the bed of a river or stream associated with the above activities; provided they do not: a. occur in any perennial river or stream that is classified as Natural State in the Water Management Class Maps b. affect Significant Geothermal Features	Discretionary Activity	The proposal requires damming of surface water flows that are not otherwise provided for.

Rule	Compliance	Comment
is a discretionary activity (requiring resource consent).		
3.6.4.15 Non-Complying Activity Rule – New Dams/Damming of Water in Natural State Water Bodies	Not applicable	The dam is proposed in an artificial watercourse.
3.6.4.16 Controlled Activity Rule – New Small Dams in Perennial Waters for Creation and Enhancement of Wetlands	Not applicable	The dam is proposed in an artificial watercourse.
3.6.4.17 Controlled Activity Rule – Cofferdams The following activities: 1. The temporary diversion of water, and 2. The use, erection, reconstruction, placement, alteration or extension of a temporary diversion structure; and 3. Any associated deposition of construction materials, and 4. Any associated bed disturbance, and 5. Any discharge of sediment associated with construction activities; in, on, under or over the bed of a river or lake for the purpose of maintaining an existing lawfully established structure are controlled activities (requiring resource consents) subject to the following standards and terms; a. The diversion structure shall be maintained in a structurally sound condition at all times. b. All construction materials and equipment shall be removed from the river or lake bed on the completion of the activity. c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be released to water from the activity. d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.	Not applicable	No coffer dams are proposed near the bed of a river or lake.

Rule	Compliance	Comment
e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. f. Any structure built with materials not naturally present in the bed of the river shall be fixed in place to prevent it being washed away in the event of a flood. g. The entire structure shall be removed immediately after completion of the works that it was built to assist and the bed of the river or lake shall be reinstated to its original state. h. The Waikato Regional Council shall be notified of the commencement date of the works and of the removal date of the structure. i. The activity shall not affect Significant Geothermal Features.		
3.7 Wetlands		
3.7.4 Implementation Methods – Wetlands		
3.7.4.6 Discretionary Activity Rule – Creation of New Drains and Deepening of Drain Invert Levels The following activities: 1. The creation of new drains for the purposes of managing water tables, or 2. The deepening (relative to the wetland level) of the invert level (bed) of lawfully established or authorised drains constructed prior to the date of notification (28 September 1998) of this Plan In areas within 200 metres of the legal property boundaries of any wetland listed in Section 3.7.7 are discretionary activities (requiring resource consent) (except where the location of that activity is hydrologically isolated from the wetland).	Discretionary Activity	The proposal includes stormwater treatment trains, attenuation wetlands and drains which provide attenuation for future stormwater flows prior to discharge to Waitawhiriwhiri stream.
3.7.4.7 Discretionary Activity Rule – Drainage of Wetlands The following activities: a. the creation of drains after the date of notification of this Plan (28 September 1998), and	Not applicable	

Rule	Compliance	Comment
b. the deepening (relative to the wetland water level) of the invert level (bed) of lawfully established or authorised drains constructed prior to the date of notification of this Plan (28 September 1998) within a wetland that is an area of significant indigenous vegetation and/or significant habitat of indigenous fauna are discretionary activities (requiring resource consent).		
3.8 Drilling		
3.8.4.6 Permitted Activity Rule – Temporary Drilling Below the Water Table Except where classified as a non-complying activity by Rule 3.8.4.9, the drilling of holes below the water table is a permitted activity subject to the following conditions: 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.	Does not comply	It is anticipated that the proposal will not comply with standard (a), and therefore consent is required.

Rule	Compliance	Comment
g. Within any geothermal system, the depth of any holes drilled shall not be greater than 250 metres vertically down from the well head.		
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	Controlled Activity	As outlined in the Hydrogeology Assessment (Appendix 20) a temporary groundwater take is required for the dewatering to lower the groundwater table during construction of the Wastewater pump stations. This is provided for as Controlled Activity pursuant to Rule 3.8.4.7.

Rule	Compliance	Comment
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. 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.		
3.8.4.8 Discretionary Activity Rule – Drilling Below the Water Table The drilling of holes or wells below the water table that is not permitted by, or does not comply with, Rules 3.8.4.6 or 3.8.4.7 and which is not classified as a non-complying activity under Rule 3.8.4.9 is a discretionary activity (requiring resource consent)	Not applicable	Drilling below the water table for the establishment of the wastewater pump stations is provided for under Rule 3.8.4.7, and this Rule is therefore not applicable.
3.8.4.9 Non-Complying Activity Rule – Drilling of Holes below the water table near Geothermal Features	Not applicable	No geothermal features within proximity of the site
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.	Complies	It is anticipated that the discharge of water from drilling activities may exceed 30m ³ . As this is not otherwise provided for, Consent is sought under Rule 3.5.4.5 above.

Rule	Compliance	Comment
b. Any discharge to water shall comply with the suspended solid standards as set out in Section 3.2.4.5. c. The discharge shall not result in flooding on any downstream property. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. e. The discharge shall not cause a temperature change of more than 3° C at any point downstream which is three times the stream width at the point of discharge or which in any instance does not exceed 200 metres from the point of discharge. There shall be no discharge to any Significant Geothermal Feature.		

Chapter 4 – River & Lake Bed Module

Rule	Compliance	Comment
4.2 River and Lake Bed Structures		
4.2.4 Implementation Methods – Structures In, On, Under or Over the Beds of Lakes or Rivers	Not applicable	The existing artificial watercourses, do not meet the definition of a modified watercourse as there is no natural channel at its headwaters. It is therefore considered to not meet the definition of a river under the WRP.
4.2.5 Existing Lawfully Established Structures		
4.2.5.1 Permitted Activity Rule – Existing Lawfully Established Structures 1. Unless controlled by Rules 3.6.4.5, 3.6.4.7, 3.6.4.10 and 3.6.4.11 the use or alteration (including operation, repair, upgrading and maintenance activities encompassed by section 13(1)(a)) of any existing lawfully established structure authorised before the date of notification (28 September 1998) of this Plan, and	Permitted Activity	Erosion and sediment controls will be implemented as set out in the Earthworks Management Plan (Appendix 31), and the activity is anticipated to comply with permitted standards.

Rule	Compliance	Comment
2. Associated bed disturbances, in, on, under or over the bed of a river or lake; and 3. Any discharge of sediment associated with the use or alteration of activities; are permitted activities subject to the following conditions: a. The structure shall be maintained in a structurally sound condition at all times. b. There shall be no obstruction of debris that results in flooding on neighbouring properties. c. Any discharge from the structure from maintenance activities shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan. d. The structure shall comply with any conditions that are part of a resource consent granted for the structure before the date of notification (28 September 1998) of this Plan, other than conditions relating to review or expiry. e. The activity shall not disturb any archaeological site or waahi tapu identified as at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust (except where Historic Places Trust approval has been obtained). f. In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the use or alteration of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. g. Any alteration shall not result in any increase in the area of river or lake bed occupied by the structure. h. Any erosion occurring as a result of the activity that is not authorised in condition d) shall be remedied as soon as practicable.		

Rule	Compliance	Comment
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. For culverts in water bodies classified as Trout Fisheries or Indigenous Fisheries: i. the structure shall not impede fish passage where it would otherwise occur, or ii. a mechanism, structure or procedure shall be provided, that allows for fish passage where it would otherwise occur.		
4.2.6 Whitebait Stands	Not applicable	No whitebait stands are proposed
4.2.7 Maimai, Game Bird Hunting Structures	Not applicable	No bird hunting structures are proposed
4.2.8 Bridges	Not applicable	No bridges are proposed
4.2.9 Culverts		
4.2.9.1 Permitted Activity Rule – Catchments Not Exceeding Five Hectares	Not applicable	All catchments exceed 5ha, and therefore this rule is not applicable
4.2.9.2 Permitted Activity Rule – Culverts for Catchments Not Exceeding 100 Hectares Unless controlled by Rule 4.2.9.1 and Rule 4.2.5.1 the following activities: - 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 - The subsequent diversion and discharge of water through the culvert, and - Any discharge of sediment associated with construction activities; and - The associated deposition of construction materials are permitted activities subject to the following conditions: - Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any	Permitted Activity	All catchments within the industrial site are less than 100ha, and are anticipated to comply with permitted activity conditions.

Rule	Compliance	Comment
increase in upstream water levels which causes flooding on neighbouring properties. b. The structure shall provide for the safe passage of fish both upstream and downstream. c. There shall be no obstruction of debris that causes flooding on neighbouring properties. d. The culvert invert shall be submerged when water is flowing. e. Culverts shall be designed to safely overtop without causing structural failure, or include a spillway to ensure safe passage of flood flows where the two percent annual exceedance probability flood flow will overtop the embankment over the culvert. f. The structure shall not cause; 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.		

Rule	Compliance	Comment
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.		
4.2.10 Discharge and Intake Structures		
4.2.10.1 Permitted Activity Rule – Discharge and Intake Structures 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 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.	Permitted Activity	A discharge structure is proposed into the existing overland drain to connects to the Waitawhiriwhiri Stream that is anticipated to comply with permitted activity standards, and is therefore a permitted activity under Rule 4.2.10.1.

Rule	Compliance	Comment
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.		

Rule	Compliance	Comment
4.2.11 Fords	Not applicable	No fords are proposed
4.2.12 Boat ramps and jetties	Not applicable	No boat ramps or jetties are proposed
4.2.13 Moorings, Navigational Markers, Safety/Interception Booms, Signs, Ski Lane Markers and Canoe Gates	Not applicable	Not relevant to proposal
4.2.14 Lines, Cables, Pipelines, Ropeways and Associated Structures	Not applicable	Not relevant to proposal
4.2.15 Erosion Control Structures	Not applicable	No erosion control structures are proposed.
4.2.16 Channel Training Structures	Not applicable	No channel training structures are proposed in any river.
4.2.17 Monitoring and Sampling Structures	Not applicable	No monitoring or sampling structures are proposed
4.2.18 Maintaining Access for Maintenance of Artificial Watercourses and Beds of Rivers in Drainage Districts and River Control Schemes	Not applicable	Not relevant to proposal
4.2.19 Gradient Control Structures	Not applicable	Not relevant to proposal
4.2.20 Removal or Demolition of a Structure or Part of a Structure	Not applicable	Not relevant to proposal
4.2.21 Suspended Solids Discharge Standards for Permitted Activity Rules in Chapters 4.2 and 4.3		
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:	Will comply	The proposed structures within the artificial watercourse are anticipated to comply with suspended solids discharge standards.

Rule	Compliance	Comment
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.		
4.3 River and Lake Bed Disturbances		

There will be no disturbance of the bed of any stream or river as part of the proposal. Any existing drains are an artificial watercourse not meeting the definition of a river. Therefore, no consents are required under Section 4.3.

Chapter 5 – Land and Soil Module

Rule	Compliance	Comment
5.1 Accelerated Erosion		
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 4.1.8.1, 4.2.9.1 and 4.2.9.2, within 20m of that bridge or culvert, and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;	Permitted Activity	Earthworks activities will be carried out in accordance with appropriate Management Plans, as outlined in the Infrastructure Report, included as Appendix 13 , and are anticipated to comply with permitted activity standards. However, given the extent of the project, as a matter of conservatism consent is sought under Rule 5.1.4.13 below.

Rule	Compliance	Comment
(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. 5m, on either side, of the bed of a water body excluding ephemeral stream (except on Coromandel Peninsula); and ii. 10m, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares iii. 5m on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope b) On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective		
5.1.4.12 Permitted Activity Rule – Soil Cultivation Adjacent to Water Bodies	Not applicable	No soil cultivation proposed
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance (1) Any soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11; (2) Soil cultivation within two metres of the bed of a river or lake that does not comply with Rule 5.1.4.12 Are Discretionary Activities (requiring resource consent)	Discretionary Activities	Earthworks will be supported by a series of management procedures as outlined in the Infrastructure Report and Management Plans (refer Appendix 13 and 14) and will comply with Rule 5.1.4.11.

Rule	Compliance	Comment
5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas	Not applicable	The site is not located within a High Risk Erosion Area
5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking, and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas	Not applicable	The site is not located within a High Risk Erosion Area
5.1.4.16 Controlled Activity Rule – Vegetation Clearance in Catchments Draining into Coromandel Peninsula Estuaries	Not applicable	The site is not located near any Coromandel estuaries
5.1.4.17 Discretionary Activity Rule – Soil Disturbance/Vegetation Clearance in Karst Landscapes	Not applicable	The site is not located within a Karst Landscape
5.2.5.8 Controlled Activity Rule – Discharge of Large Volumes of Sediment and Vegetation from Within or Surrounding Lawfully Established Structures or Artificial Watercourses The discharge of sediment and vegetation onto or into land and any subsequent discharge to air or water where the material is derived from the: 1. Clearing of debris and bed material from within or surrounding a lawfully established structure or artificial watercourse 2. Maintenance of channels in drainage districts and river control scheme areas that are managed by the Waikato Regional Council or territorial authorities 3. Clearance of floating vegetation and debris behind dams and intake structures Is a controlled activity (requiring resource consent)	Not applicable	Discharge of sediment and vegetation associated with clearing of debris is anticipated to comply with permitted activity Rule 5.2.5.7. Therefore, this rule is considered not applicable.
5.2.5 Discharges onto or Into Land	Not applicable	The proposed land disturbance activities are managed under 5.1.
5.2.6 Dumps and Offal Holes on Production Land	Not applicable	No dumps or offal holes are proposed.
5.2.7 Landfills	Not applicable	No landfills are proposed.
5.2.8 Composting of Green Waste and Other Organic Materials	Not applicable	No composting of green waste or other organic materials is proposed.
5.2.9 Dust Suppression		

Rule	Compliance	Comment
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 or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996) b) The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water c) Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site	Permitted Activity	As outlined in the Construction Management Plan and Earthworks Management Plan (Appendix 4 and 31), dust management measures will be applied throughout earthworks that will comply with permitted activity standards. Therefore, the use of dust suppressants is a permitted activity .
5.2.9.2 Non-Complying Activity Rule – Waste Oil and Other Dust Suppressants The discharge onto or into land of waste oil or other substances that does not comply with Rule 5.2.9.1 is a non-complying activity (requiring resource consent)	Not applicable	No waste oil or other dust suppressants are proposed.
5.3 Contaminated Land		
5.3.4. Contaminated Land	Not applicable	As set out in the DSI included as Appendix 21 , the WRP does not apply to the proposal.

Chapter 6 – Air Module

Rule	Compliance	Comment
6.1 Regional and Local Air Management	Not applicable	Objectives and Policies only
6.2 The Discharge of Agrichemicals into Air		

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Rule	Compliance	Comment
6.2.4.8 Permitted Activity Rule – Spot Spraying Using Hand Held Spray Equipment	Permitted Activity	Any spot spraying required will comply with permitted activity standards
6.2.4.9 Permitted Activity Rule – Widespread Application of Agrichemical(s) Unless provided for in Rule 6.2.4.8, the discharge of agrichemicals into air, into water, and into or onto land is a permitted activity subject to the following conditions: a) The agrichemical(s) shall be discharged in a manner that does not contravene any requirement specified in the manufacturer’s instructions. b) The discharge shall be undertaken in such a way that no significant adverse effect of off-target drift shall occur beyond the boundary of the property being sprayed. c) Where the agrichemical is being applied to vegetation on the banks and bed of water bodies: i. the application and consequent breakdown of vegetation shall not result in the contamination of domestic or commercial water supplies, or the death of fauna (and/or residues being detected in fish). ii. Where agrichemicals are applied directly to water any downstream water take within one kilometre of the point of discharge must be notified between 12 hours and three weeks prior to commencement of the discharge. d) Within twelve months of the Plan (or this rule) becoming operative: i. Every person undertaking the application of agrichemicals shall have a qualification certified in writing that meets the performance requirements set out in Section 6.2.10, or be under the direct supervision of a person who meets those requirements, or ii. Every contractor or contractor employee undertaking the land based application of agrichemicals shall hold or be under the on site supervision of a person who holds a current National	Permitted Activity	As outlined in the Infrastructure Report (Appendix 13) and associated Management Plans, chemical treatment will be utilised during earthworks which is anticipated to comply with permitted activity standards.

Rule	Compliance	Comment
Certificate in Agrichemical Application, a GROWSAFE® Registered Chemical Applicators Certificate or a qualification that meets the performance requirements for contractors and contractor employees in Section 6.2.10 iii. Every pilot undertaking the aerial application of agrichemicals shall hold a Pilot's Chemical Rating issued by the Civil Aviation Authority or an equivalent qualification. e) The application of agrichemicals shall be undertaken in accordance with New Zealand Standard 8409:2004, Management of Agrichemicals75. f) The owner, occupier, or manager of the property to be sprayed shall prepare a spray plan, or shall arrange for a spray plan to be prepared, at the beginning of each year or spray season, and the spray plan shall: i. contain as a minimum the information as outlined in Section 6.2.7 of this Plan or with reference to Appendix M4 of New Zealand Standard 8409:2004, Management of Agrichemicals. ii. be given to any person within seven days of that person requesting the spray plan. iii. Notwithstanding the requirements of part i) of this condition, for local authority parks and reserves, road side spraying operations and community based spray programmes where the spraying activities for which spray plans are required cover more than 10 properties a single spray plan can be prepared on an annual basis covering all operations. This spray plan must identify as a minimum all known sensitive areas likely to be affected by the activity and the strategies to be employed to avoid adverse effects on those areas (e.g. specific application techniques, specific notification practices, buffer zones, manning boundaries, restrictions on climate conditions when spraying can occur etc). The plan must be provided to the contractor/applicator prior to spraying commencing.		

Rule	Compliance	Comment
g) The owner, occupier, or manager of the property to be sprayed shall keep and maintain records of agrichemical use, or shall arrange for records to be kept. These records shall, as a minimum, include the information in Appendix C of the New Zealand Standard 8409:2004 Management of Agrichemicals. h) The owner, occupier, or manager of the property to be sprayed must follow the relevant notification requirements listed in Table 6-4 of this Plan.		
6.2.4.10 Controlled Activity Rule – Application of Agrichemical(s) Any discharge of agrichemical(s) into air, into water, and onto or into land in a manner which is not permitted by, or does not comply with Rules 6.2.48, 6.2.4.9 is a controlled activity (requiring resource consent) subject to the following standards and terms: a) The agrichemical(s) shall be discharged in a manner that does not contravene any requirement specified in the manufacturer’s instructions b) The discharge shall be undertaken in such a way that no significant effect of off-target drift shall occur beyond the boundary of the property being sprayed	Not applicable	Chemical treatment proposed during earthworks is anticipated to comply with permitted activity Rule 6.2.4.9. Therefore, this rule is considered not applicable.
6.2.4.11 Discretionary Activity Rule – Application of Agrichemicals Any discharge of agrichemical(s) into air, into water and onto or into land that is not permitted by, or does not comply with, Rules 6.2.4.8, 6.2.4.9 or 6.2.4.10 is a discretionary activity (requiring resource consent).	Not applicable	Chemical treatment proposed during earthworks is anticipated to comply with permitted activity Rule 6.2.4.9. Therefore, this rule is considered not applicable.

Waipā District Council Operative District Plan

Site Details
Waipā Operative District Plan

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Zone	Rural
Overlays/Controls	Airport Overlay – conical surface
Designations	D156

Part D: Zone Provisions

Rule	Resource Consent	Compliance	Non-Compliance
Section 2.4 - Residential Zone Rules – Not Applicable			
Section 2A.4 - Medium Density Residential Zone Rules – Not Applicable			
Section 3.4 - Large Lot Residential Zone Rules – Not Applicable			
Section 4.4 - Rural Zone Rules			
4.4.1 Activity Status Tables 4.4.1.1 Permitted activities The following activities must comply with performance standards of this zone. a. One principal dwelling per viable certificate of title outside of quarry buffer areas. b. One secondary dwelling of 70m² gross floor area or less excluding garaging, per holding outside of quarry buffer areas. c. Residential activities. d. Farming activities and associated underpass and bridging for stock movement. e. Home occupations. f. Conservation blocks – (Including Reserves under the Reserves Act 1977) and conservation activities, other than buildings and activities associated with education and tourism. g. Mineral exploration and prospecting activities.		Non-complying Activity	The proposal will provide for industrial development within proposed industrial allotments, supported by bulk and location controls.

h. Planting of commercial forestry, woodlot forestry or planted indigenous forestry. i. Accessory buildings to any permitted activity. j. Demolition, removal of buildings and structures, except those listed in Appendix N1 - Heritage Items. k. Relocated buildings, except where the site is listed in Appendix N1 - Heritage Items. l. Within the Tokanui Dairy Research Centre Core Campus Area (as shown on Planning Maps), rural research facility and ancillary activities including education and conference facilities, laboratories, engineering workshops, staff offices and facilities, field days and pilot plants for researching the processing and manufacturing of dairy products. m. Earthworks n. Farm quarries. o. Urupa under Te Ture Whenua Māori Act 1993 and private cemeteries under the Burial and Cremation Act 1964. p. Temporary buildings including ablution and storage sheds incidental to a construction project. q. Temporary events. r. Signs s. Passive recreational uses. t. Earthworks within the National Grid Yard that comply with Rule 4.4.2.76. u. Within the Narrows Concept Plan area: i. Outdoor pursuits; ii. Outdoor education, outside of the Air Noise Boundary;			
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iii. Cycling and walking tracks and associated parking areas; iv. One principal dwelling per viable certificate of title outside of the Air Noise Boundary, Runway Protection Area and the Southern Links Designation; v. Any activity listed in Rules 4.4.1.1.c. to 4.4.1.1.s. above. v. Harvesting of commercial and/or woodlot forestry complying with Rule 4.4.2.59. w. Poultry farming in accordance with Rule 4.4.2.5 where the maximum stocking density does not exceed 34kg of live weight per square metre or 15 birds per square metre, whichever is greater. x. Pasture reinstatement. y. Residential Based Visitor Accommodation			
4.4.1 Activity Status Tables 4.4.1.2 Controlled Activities a. Harvesting of woodlot forestry and/or commercial forestry not complying with Rule 4.4.2.59.		Not Applicable	No woodlot or forestry harvesting is proposed.
4.4.1 Activity Status Tables 4.4.1.3 Restricted Discretionary Activities a. Dwellings within the Quarry Buffer Area shown on the Planning Maps. b. Frost fans. c. Any activity (other than farming or rural based industry) within the Runway Protection Area shown on Planning Maps that isn't listed as a discretionary or prohibited activity.		Non-complying Activity	The proposal will provide for industrial development within proposed industrial allotments, supported by bulk and location controls.

d. Buildings associated with the rural research facility at the Tokanui Dairy Research Centre which are located outside of the Core Campus Area (as shown on Planning Maps). e. Poultry farming in accordance with Rule 4.4.2.5 and Rule 4.4.2.6. f. Construction of new buildings within the Rangiāowhia Ridge building setback area. g. Agritourism and nature tourism activities in the Narrows Concept Plan area. h. Education activities within the Narrows Concept Plan area (outside of the Air Noise Boundary and Runway Protection Area). i. Rural based Industry within the Narrows Concept Plan area. j. Relocation or extension of visitor accommodation (outside of the Air Noise Boundary and Runway Protection Area) existing within the Narrows Concept Plan area. k. Any permitted or controlled activity not complying with one rule for a permitted or controlled activity within the Narrows Concept Plan area except Rule 4.4.2.71. l. Scheduled engine testing that exceeds the standard in Rule 4.4.2.38 by up to 5dBA is a restricted discretionary activity. m. Farm workers dwellings that comply with the provisions of Rule 4.4.2.80.a. to d. n. Any permitted or controlled activity that does not comply with the performance standards in 4.4.2, except for those specified in Rule 4.4.1.4.a. or as specified in 4.4.2.			
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4.4.1 Activity Status Tables 4.4.1.4 Discretionary Activities a. Any permitted, controlled or restricted discretionary activity that fails to comply with: i. Rule 4.4.2.1.b., c. & d. - Minimum building setback from roads ii. Rule 4.4.2.3 - Dwellings adjoining marae iii. Rule 4.4.2.4 - Minimum setback for the confinement of animals iv. Rule 4.4.2.11 - Special height requirements for Hamilton International Airport v. Rule 4.4.2.13 - Processing and storage of produce grown on-site vi. Rule 4.4.2.14 - Housing and keeping of pigs vii. Rules 4.4.2.15, 4.4.2.16, 4.4.2.20 to 4.4.2.22 - Noise viii. Rule 4.4.2.25 to 4.4.2.27 - Noise insulation: noise sensitive activities ix. Rules 4.4.2.28 to 4.4.2.41 - Airport noise x. Rule 4.4.2.44 to 4.4.2.45 - Signs xi. Rules 4.4.2.49 to 4.4.2.50 - Temporary construction buildings xii. Rules 4.4.2.51 to 4.4.2.53 - Temporary events xiii. Rule 4.4.2.62.b., c., e., f. & g. - Home occupations xiv. Rules 4.4.2.63 to 4.4.2.70 - Activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB) xv. Rule 4.4.2.71 - Maximum building coverage of new buildings in the Narrows Concept Plan Area		Non-complying Activity	The proposed development controls apply a more permissive setback from roads.
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xvi. Rule 4.4.2.72 - Set back from Waikato River for the Narrows Concept Plan Area xvii. Rule 4.4.2.75 - Earthworks xviii. Rule 4.4.2.81 - Fencing for goat farming xix. Rules 4.4.2.82 to 4.4.2.83 - Fencing for deer farming b. Restricted discretionary activity not complying with one or more rules for a restricted discretionary activity. c. Farm workers dwellings that do not comply with Rule 4.4.2.80.a. to d. d. Community centre, marae and papakāinga. e. Agritourism and nature tourism facilities. f. Education facilities. g. Rural based industry. h. Mineral extraction activities except where located within 500m (minimum) from Lakes Cameron, Koromatua, Mangahia, Mangakaware, Maratoto, Ngārotoiti, Ngāroto, Rotomānuka, Rotopataka, Ruatuna and Rotopiko/Serpentine as measured at maximum annual water level. i. Intensive farming, and Poultry farming that does not comply with the minimum setbacks in Rule 4.4.2.5 or with Rule 4.4.2.6. j. Visitor accommodation and education facilities (includes aviation educational training) between the OCB (Ldn55) and the ANB (Ldn55). k. Boarding or breeding kennels or catteries. l. Aviation educational training within the ANB (Ldn55).			
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m. Identification and imposition of a quarry buffer area and a mineral extraction area in conjunction with a new or existing mineral extraction activity.			
4.4.1 Activity Status Tables 4.4.1.5 Non-complying Activities a. Any building or activity that fails to comply with: i. Rule 4.4.2.1.a. - Minimum building setback from roads ii. Rule 4.4.2.17 - Helicopter noise iii. Rules 4.4.2.42 to 4.4.2.43 - Frost fans iv. Rule 4.4.2.47 - Solid and liquid waste storage and spreading setbacks v. Rules 4.4.2.55 and 4.4.2.56 - Identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps. vi. Rule 4.4.2.60 - Planted indigenous forestry vii. Rule 4.4.2.62.a. or d. - Home occupations viii. Rules 4.4.2.75 and 4.4.2.76 - Earthworks b. All other activities not listed in activity status table Rules 4.4.1.1 to 4.4.1.4 and not listed as a prohibited activity. c. Mineral extraction activities located within 500m of Lakes Cameron, Koromatua, Mangahia, Mangakaware, Maratoto, Ngārotoiti, Ngāroto, Rotomānuka, Rotopataka, Ruatuna and Rotopiko/Serpentine as measured at maximum annual water level. d. Fortified sites. e. Scheduled engine testing that exceeds the standard in Rule 4.4.2.38 by more than 5dBA.		Non-Complying Activity	The proposal includes industrial activities which are not a listed activity in the activity status table. The proposal also includes Commercial Activities (Food and Beverage Outlets) within Lot 14 (Commercial node) which are not a listed activity in the activity status table.

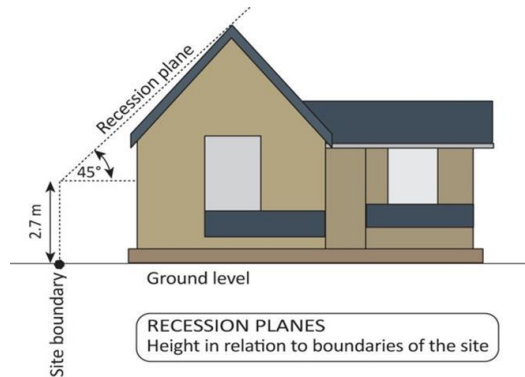
f. Within the National Grid Yard: i. Any building or addition to a building for a National Grid Sensitive Activity. ii. Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity. iii. Buildings for intensive farming activities, commercial greenhouses, and dairy/ milking buildings. iv. Any building, structure or earthworks which fail to comply with Rules 4.4.2.76, 4.4.2.77 or 4.4.2.78. g. Farm workers dwellings that do not comply with Rule 4.4.2.80.e.			
4.4.1 Activity Status Tables 4.4.1.6 Prohibited Activities a. Within the Runway Protection Area shown on the Planning Maps, places of assembly, service stations, dwellings, residential activities, visitor accommodation, hospitals, camping grounds, and education facilities. b. Inside the ANB shown on Planning Maps: dwellings, visitor accommodation, and education facilities (except aviation education training).		Not applicable	The site is not located within the runway protection area or the ANB.
Rule - Minimum building setback from road boundaries			

4.4.2.1 The minimum building setback from road boundaries shall be: (a) For dwellings, and for buildings less than 100m² (15m) (b) For buildings over 100m² (other than dwellings) (30m) Provided that: (c) For dwellings and buildings adjacent to a designated State Highway (30m) (d) For dwellings and buildings adjacent to the Waikato Expressway (Designation D20) (35m)		Non-complying activity.	The proposal seeks to establish development controls for industrial development: • Local roads: Minimum 3m; • Collector roads: Minimum 5 m; • Southern Links designation: Minimum 40 m for noise sensitive activities and 15 m for all other buildings. Activities that fail to comply with Rule 4.4.2.1.a and b.
Rule - Minimum setbacks from internal site boundaries			

4.4.2.2 The minimum building setback from internal site boundaries shall meet the following: (a) Dwellings (15m) (b) Dwellings on sites 1ha or less (10m) (c) Accessory buildings to dwellings less than or equal to 100m² (10m) (d) All other buildings less than or equal to 250m² (15m) (e) All other buildings greater than 250m² (25m) Provided that buildings may be erected up to any common boundary with an adjoining site which is in the same holding.	Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: The provision of daylight and sunlight into neighbouring buildings; and Visual and aural privacy; and The general appearance/effect on the openness and character; and The safety and efficiency of traffic flow; and Access around the site; and Effects on surrounding properties; and Potential reverse sensitivity effects on any adjoining rural activities. These matters will be considered in accordance with the assessment criteria in Section 21.	Restricted Discretionary Activity	The proposal seeks to establish development controls for industrial development: • Adjoining residential properties and public infrastructure facilities: Minimum 8 m. • Adjoining Rural Zone: Minimum 15 m. • All other boundaries: 0 m. Activities that fail to comply with Rule 4.4.2.2.
<i>Rule - Dwellings adjoining marae</i>	Not applicable	The vacant industrial allotments will be used for industrial development.	
<i>Rule - Minimum setback for confinement of animals</i>	Not applicable	No confinement of animals is proposed.	
<i>Rules - Poultry farming</i>	Not applicable	No poultry farming is proposed.	
<i>Rule - Minimum building setback from the boundary of a significant natural area</i>	Not applicable	No significant natural areas are located within the SL1 Industrial North development area.	
<i>Rule - Building setback from commercial forestry</i>	Not applicable	No commercial forestry is located in proximity to the site.	
<i>Rule - Height of buildings</i>			

4.4.2.9 Buildings in all areas except for those affected by the approach surfaces, transitional surfaces, horizontal surface, conical surface, as delineated on the Planning Maps for Hamilton International Airport and also in Appendix O9 shall not exceed 12m in height above ground level.	Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: Visual effects including bulk, scale and location of the building; and Effects on rural character and amenity; and Effects on surrounding properties; and Loss of daylight to adjoining sites. These matters will be considered in accordance with the assessment criteria in Section 21.	Restricted Discretionary Activity	Proposed bulk and location controls include industrial buildings up to 20m in height.
Rule - Maximum building coverage			
4.4.2.10 The maximum amount of a site which can be covered by buildings is: (a) 3% for sites of one hectare or more. (b) 10% for sites less than one hectare. Provided that this rule does not apply to the Tokanui Dairy Research Centre or to dwellings.	Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: Visual effects including bulk, scale and location of the building; and Effect on high class soils; and Effects of traffic generation; and Effects on identified landscapes or cultural values; and Effects on rural character. These matters will be considered in accordance with the assessment criteria in Section 21.	Restricted Discretionary Activity	The proposal seeks to establish development controls for industrial development, including a minimum of 20% permeable area. This will infringe the permitted activity standard.
Rule - Special height requirements for Hamilton International Airport			
Rule - Daylight control			

4.4.2.12



No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the front boundary, side boundary or rear boundary of a site.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

Visual effects including bulk, scale and location of the building; and

Effects on rural character and amenity; and

Effects on surrounding properties; and

Loss of daylight to adjoining sites.

These matters will be considered in accordance with the assessment criteria in Section 21.

Not Applicable.

NA.

Rule - Processing and storage of produce grown on-site – Not Applicable

Rule - Housing and keeping of pigs – Not Applicable

Rule - Noise

4.4.2.15

Noise generating activity other than that from farm animals including farm dogs, agricultural vehicles (when not being used for recreational purposes), agricultural machinery or equipment (including produce packing facilities where the only produce packed is grown on-site) operated and maintained in accordance with the manufacturer's specifications and in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing and the like, but not including frost fans) and provided that the best practicable option (including

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Discretionary Activity

The Acoustic Assessment (**Appendix 26**) demonstrates that the proposal will exceed the Rural noise provisions, with recommendations to manage the interface.

the option for the activity to take place at another time of the day), is adopted to ensure that the emission of noise does not exceed a reasonable level; shall be conducted and buildings located, designed and used to ensure that they do not exceed the following limits within the notional boundary of any dwelling (excluding dwellings within mineral extraction sites): (a) Day time - 7.00am to 10.00pm (50dBA (Leq)) (b) Nighttime - 10.00pm to 7.00am (40dBA (Leq)) (c) Nighttime single noise event, (70dBA (Lmax))			
Rule - Mineral extraction air blast over pressure			
Rule - Helicopter noise			
Rule - Vibration			
4.4.2.18 Vibration emanating from a site shall not exceed the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.	Activities that fail to comply with this rule will require consent for a restricted discretionary activity , with the discretion being restricted over: Safety; and Time and duration of effect; and Effects on buildings and structures, either on-site or on surrounding properties. These matters will be considered in accordance with the assessment criteria in Section 21.	Restricted Discretionary Activity	The Acoustic Assessment (Appendix 26), and as outlined in the CNVMP, demonstrates that the proposal is likely to exceed the permitted levels outlined in Rule 4.4.2.18, and includes recommended consent conditions.
Rule - Construction noise			
4.4.2.19 Construction noise emanating from a site shall meet the limits recommended in and be measured and	Activities that fail to comply with this rule will require a resource consent for a	Restricted Discretionary Activity	The Acoustic Assessment, Appendix 26 , confirms

assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.	restricted discretionary activity with the discretion being restricted over: Time and duration of effect; and Effects on surrounding properties. These matters will be considered in accordance with the assessment criteria in Section 21.		construction noise will exceed permitted standard.
Rules - Noise: audible bird scaring devices – Not Applicable			
Rule - Noise: wind farms – Not Applicable			
Rules - Noise: temporary military activities – Not Applicable			
Rules - Noise insulation: noise sensitive activities			
4.4.2.25 Where a noise sensitive activity is proposed to be located within 40m of a railway track, the building shall be insulated so that it achieves the following noise levels: (a) Inside bedrooms 35dB LAeq (1hr) (b) Inside other habitable rooms 40dB LAeq (1hr)	Activities that fail to comply with Rules 4.4.2.25 to 4.4.2.27 will require a resource consent for a discretionary activity .	Permitted Activity	Construction will comply, no noise sensitive activity is proposed and bulk and location provisions control location of any noise sensitive activity.
4.4.2.26 Where a noise sensitive activity is proposed to be located within: (a) 40m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or (b) 80m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or	Activities that fail to comply with Rules 4.4.2.25 to 4.4.2.27 will require a resource consent for a discretionary activity .	Permitted Activity	Construction will comply, no noise sensitive activity is proposed and bulk and location provisions control location of any noise sensitive activity.

(c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority); or (d) The Cambridge North Road Noise Effects Area as identified on the Planning Maps; then the building shall be insulated so that it achieves the following noise levels: i. Inside habitable rooms (including bedrooms), 40dB LAeq (24hr)			
4.4.2.27 Where a noise sensitive activity is proposed to be located within 40m of a road boundary along Taotaoroa Road, Buckland Road, Karapiro Road or Whitehall Road south of the entrance to Whitehall Quarry, the building shall be insulated so that it achieves the following noise levels: (a) Inside bedrooms 35dBA Leq (b) Inside other habitable rooms 40dBA Leq	Activities that fail to comply with Rules 4.4.2.25 to 4.4.2.27 will require a resource consent for a discretionary activity.	Not Applicable	N/A.
Rules - Airport noise – Not Applicable			
Rules - Airport noise mitigation programme – Not Applicable			
Rules - Frost fans – Not Applicable			
Rules – Signs – Not Applicable			
Rule - Solid and liquid waste generated off-site – Not Applicable			
Rule - Solid and liquid waste storage and spreading setbacks – Not Applicable			
Rules - Temporary construction buildings			

4.4.2.49 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.	Activities that fail to comply with Rules 4.4.2.49 and 4.4.2.50 will require a resource consent for a discretionary activity .	Permitted activity	Any construction buildings will comply with this standard.
4.4.2.50 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum building setback requirements of the Rural Zone.	Activities that fail to comply with Rules 4.4.2.49 and 4.4.2.50 will require a resource consent for a discretionary activity .	Discretionary	Any construction buildings will likely comply with this standard, however both the duration and setback may infringe.
Rules - Temporary event – Not Applicable			
Rule - Farm quarries – Not Applicable			
Rules - Identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps – Not Applicable			
Rule - Uplifting of a Quarry Buffer Area – Not Applicable			
Rule - Tree planting			
4.4.2.58 No trees within a woodlot forest, commercial forest or shelter belt which are or are likely to grow to more than 6m in height shall be planted closer than any of the distances specified below: (a) 30m from any dwelling on an adjoining site; or (b) 30m from any site boundary of the Residential Zone, Medium Density Residential Zone, or Large Lot Residential Zone or Marae Development Zone; or (c) 20m from any strategic arterial road and 10m from any other road or railway; or (d) 10m to a vertical line directly below an overhead power or telephone line; or	Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: Effects on adjacent properties; and Effects on infrastructure and utilities; and Effects on water bodies as a result of potential tree fall and/or harvesting. These matters will be considered in accordance with the assessment criteria in Section 21.	Not Applicable	Tree planting will not form a woodlot or commercial forest, nor a shelterbelt.

(e) 5m from the edge of any lake or from the banks of any water bodies except trees which are planted for river protection works, soil conservation or for conservation planting.			
<i>Rule - Harvesting of commercial and/or woodlot forestry – Not Applicable</i>			
<i>Rule - Planted indigenous forestry – Not Applicable</i>			
<i>Rule - Plantation Forestry Activities – Not Applicable</i>			
<i>Rule - Home occupations – Not Applicable</i>			
<i>Rules - Activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB) – Not Applicable</i>			
<i>Rule - Maximum building coverage of new buildings in the Narrows Concept Plan Area – Not Applicable</i>			
<i>Rule - Set back from Waikato River for the Narrows Concept Plan Area – Not Applicable</i>			
<i>Rules - Tokanui Dairy Research Centre Core Campus Area – Not Applicable</i>			
<i>Rules - Earthworks</i>			
4.4.2.75 Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m³ in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.	Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: Effects on adjacent properties; and Effects on infrastructure and utilities; and Effects on water bodies as a result of potential tree fall and/or harvesting. These matters will be considered in accordance with the assessment criteria in Section 21.	Restricted Discretionary Activity	785,532m³ cut and 1,136,220m³ of fill earthworks (with compaction factor) over an area of 60ha are proposed.
4.4.2.76 Any earthworks within a National Grid Yard		Not Applicable	

<i>Rules - Buildings and structures within the National Grid Yard – Not Applicable</i>			
<i>Rule - Relocated buildings – Not Applicable</i>			
<i>Rule - Farm workers' dwellings – Not Applicable</i>			
<i>Rule - Fencing for goat farming – Not Applicable</i>			
<i>Rules - Fencing for deer farming – Not Applicable</i>			
<i>Rule - Pasture reinstatement – Not Applicable</i>			
<i>Rules - Residential Based Visitor Accommodation – Not Applicable</i>			
Section 4A.4 - Significant Mineral Extraction Zone Rules – Not Applicable			
Section 4A.4 - Significant Mineral Extraction Zone Rules – Not Applicable			
Section 5.4 - Reserves Zone Rules – Not Applicable			
Section 6.4 - Commercial Zone Rules – Not Applicable			
Section 7.4 - Industrial Zone Rules – Not Applicable			
Section 8.4 - Lake Karapiro Events Zone Rules – Not Applicable			
Section 9.4 - Mystery Creek Events Zone Rules – Not Applicable			
Section 10.4 - Airport Business Zone Rules – Not Applicable			
Section 11.4 - St Peters School Zone Rules – Not Applicable			
Section 12.4 - Karapiro and Arapuni Hydro Power Zone Rules – Not Applicable			
Section 13.4 - Marae Development Zone Rules – Not Applicable			
Section 14.4 - Deferred Zone Rules – Not Applicable			

Part E: District Wide Provisions

Rule	Resource Consent	Compliance	Non-Compliance
Section 15.4 - Infrastructure, Hazards, Development and Subdivision Rules			

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15.4.1 Activity Status Tables All Zones a. Amendments to Flats Plan, Boundary Adjustments – Controlled Activity b. Boundary Relocations and Amalgamations – Discretionary Activity c. Boundary relocation of a benefit lot or a surplus dwelling lot – Non-complying Activity d. Subdivision of a lot subject to a consent notice, bond, or other legal instrument registered on a certificate of title in favour of Waipā District Council which restricts further subdivision under a previous Waipā District Plan. – Non-complying Activity e. Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots. (Part A: Development and subdivision Part C: Development and subdivision of 7 or more lots in any zone.) – Restricted Discretionary Activity f. Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.31. – Restricted Discretionary Activity g. Subdivision that utilises Transferable Development Rights. – Discretionary Activity			
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h. Subdivision to create all types of environmental benefit lots – Discretionary Activity i. Subdivision to create additions to Significant Recreation Reserves as identified in Appendix O5. – Discretionary Activity j. Subdivision within Outstanding Landscapes excluding the Maungatautari Ecological Island Lots as identified in Appendix O2. – Non-complying Activity k. Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area, identified within the Planning Maps. – Restricted Discretionary Activity. Medium Density Residential Zone - Specific activity status rules – Not Applicable Residential Zone - Specific activity status rules – Not Applicable Large Lot Residential Zone - Specific activity status rules – Not Applicable Rural Zone - Specific activity status rules q. Subdivision to create a lot to accommodate activities specified in Rule 15.4.2.41 for which a land use consent has been granted and given effect to, and which has been operating for a period of no less than 2 years. – Discretionary Activity r. Subdivision to create a lot within 500m of a poultry farming activity. – Discretionary Activity s. Surplus Dwellings. (refer to 4.4.2.80.e.) – Discretionary Activity			
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t. Subdivision of farm workers dwellings constructed after 1 April 2015 as a Surplus Dwelling. – Non-Complying Activity. Airport Business Zone - Specific activity status rules – Not Applicable Deferred Zones - Specific activity status rules – Not Applicable Comprehensive Development Plan Areas - Specific activity status rules – Not Applicable			
Part A: All development and subdivision - Design & Layout			
Net lot area rules			
15.4.2.1 Except as provided in Rule 15.4.2.1A, all new lots shall comply with the following net lot areas: <i>Note: Rural Zone rules are as follows. Refer to 15.4.2.1 of the district plan for rules applicable to other zones.</i> o. Zone/area: Rural, including the area outside the Core Campus Area of St Peters School Zone (excluding boundary relocations, and specified sites in Appendix O5) Minimum Net Lot Area: 40ha p. Zone/area: Rural – Environmental benefit lots remaining on the parent title: Maungatautari Ecological Island, Te Awa Cycleway and an Incentivised Cycleway Minimum Net Lot Area: 2500m² Maximum Net Lot Area or Maximum Number of Lots: 5,000m²	Activities that fail to comply with this rule will require a resource consent for a non-complying activity, provided that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule (excluding the maximum number of lots of 199) will require resource consent for a discretionary activity. Any more than 199 lots in the Houchens Road Large Lot Residential Structure Plan Area will require a resource consent for a non-complying activity.	Non-Complying	The proposal will create industrial allotments ranging in size from 3,600m² – 46,700m² with Lot 7 being 132,400m².

q. Zone/area: Rural – Transferable development right on lots sized between 5000m ² and 1ha located within 1km of any Large Lot Residential Zone, Deferred Large Lot Residential Zone, the Te Awamutu, Kihikihi or Cambridge urban limits Minimum Net Lot Area: 2,500m ² , Maximum Net Lot Area or Maximum Number of Lots: 5,000m ²			
r. Zone/area: Rural - land use consent lots – proposed and balance Minimum Net Lot Area: 2,500m ² ,			
s. Boundary relocations in the Rural Zone, Minimum Net Lot Area: 5,000m ² ,			
Rule - Medium Density Residential Zone subdivision around existing or proposed dwellings – Not Applicable			
Rule - Existing consent notices, bonds, and other legal instruments			
15.4.2.2 All existing consent notices, bonds, and other legal instruments registered on a certificate of title in favour of the Waipā District Council which either restrict further subdivision or require ongoing performance of a matter relating to that certificate of title under the provisions of any previous planning regime must continue to be binding against that certificate of title.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity .	Non-Complying	Any relevant consent notices will be addressed and amended accordingly.
Rules - Lot frontage, lot shape factor and vehicle crossings			
15.4.2.3 Except as provided for in Rule 15.4.2.1A, all lots shall comply with the following:	Activities that fail to comply with this rule will require a resource consent for a non-complying activity .	Non-Complying	The proposal will create industrial allotments with lot frontages which comply with these requirements, with the exception of vehicle crossing widths, which will exceed

Note: Rural Zone rules are as follows. Refer to 15.4.2.3 of the district plan for rules applicable to other zones.

Zone	Lot frontage (excluding rear lots)	Lot shape factor	Vehicle Crossing Min. to max.
Rural	20m	30m diameter circle	4m to 4.5m

4.5m to facilitate industrial movements.

Rule - Minimum width of vehicle access to rear lots

15.4.2.4

Access to rear lots shall comply with the following minimum widths:

Note: Rural Zone rules are as follows. Refer to 15.4.2.4 of the district plan for rules applicable to other zones.

Zone	Min. Width of access to rear lots
Large Lot Residential/Rural,	Up to 3 lots - 6m 4-6 lots - 9m 7 lots or more – a public or private road may be required

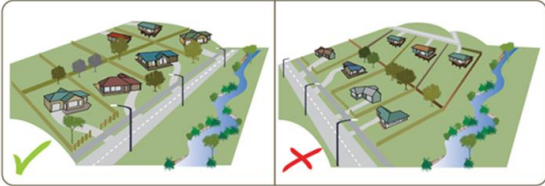
Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Not applicable

No access to rear lots are proposed.

Rules - Lot design

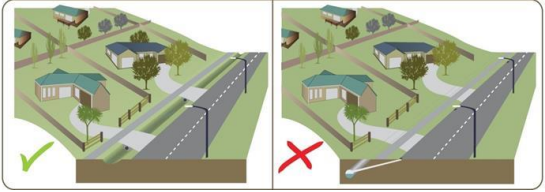
15.4.2.5 Each new vacant lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Complies	The proposal will result in allotments which comply with the lot shape factor.
15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.63.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Not applicable	The proposal is not located within the urban limits, or the Residential or Large Lot Residential Zones.
15.4.2.7 New Residential and Large Lot Residential Zone lots, other than corner lots, shall have frontage to only one road or street.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Not applicable	The proposal is not located within the Residential or Large Lot Residential Zones.
15.4.2.8 In any zone where lots are to be prevented from obtaining direct access to an adjacent road an access denial or segregation strip shall be vested in Council. The performance standards for development and subdivision in the underlying zone do not apply to lots created for the purpose of access denial or segregation.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Not applicable	The proposal does not propose any prevention of direct access.
15.4.2.9 Any new lot created must be able to accommodate all buildings outside of the Root Protection Zone of a protected tree whether the protected tree is on the new lot or on an adjacent site.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Not applicable	Not applicable

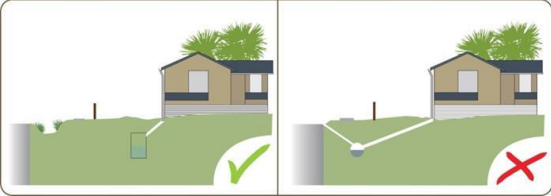
15.4.2.10 The Root Protection Zone of any protected tree must be contained entirely within any new allotment.	Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.	Not applicable	Not applicable
Rule - Design and layout of development and subdivision adjoining water bodies and reserves			
15.4.2.11 Within the urban limits and the Large Lot Residential Zone, the design and layout of subdivisions shall ensure that water bodies and reserves are fronted by either roads or the front boundary or side boundary of a lot. 	Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over: (a) The extent to which the development and subdivision layout and design provides for passive surveillance of reserve(s). These matters will be considered in accordance with the assessment criteria in Section 21.	Not applicable	The proposal is not located within the urban limits, or the Residential or Large Lot Residential Zones.
Rule - Lots within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country - Not Applicable			
Part A: All development and subdivision - Site Suitability and Hazards			
Rule - Site suitability: General			
15.4.2.13 Subdivision and development shall have a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity.	Non-complying Activity	The proposal is supported by a comprehensive geotechnical assessment, however building platforms are not identified.

Advice Notes:			
1. For lots with multiple building platforms at least one suitable building site must be identified on each new lot to demonstrate compliance with this rule. Where there are site specific reasons why any future building must be built on that identified site, Council will impose a Section 221 consent notice to that effect. 2. For lots within a high amenity landscapes, viewshafts, river and lake environs, significant natural landscapes, and visually sensitive hill country, refer to Rule 15.4.2.12.			
Rules - Site suitability: within or adjoining a Flood Hazard Area			
15.4.2.14 Subdivision and development within or adjoining a Flood Hazard Area identified on the Planning Maps, or as shown on the Houchens Road Large Lot Residential Structure Plan at Appendix S13, shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100 year flood level).	Activities that fail to comply with Rules 15.4.2.14 and 15.4.2.15 will require a resource consent for a non-complying activity .	Not Applicable	Whist the subject site is not identified as within or adjoining the Flood Hazard Area, Flood Hazard Modelling has been completed. Refer to Infrastructure Report Appendix 13 .
15.4.2.15 No subdivision and development shall occur within a High Risk Flood Zone.	Activities that fail to comply with Rules 15.4.2.14 and 15.4.2.15 will require a resource consent for a non-complying activity .	Not Applicable	
Part A: All development and subdivision - Site Suitability and Hazards			
Rule - Infrastructure servicing in all zones			

15.4.2.16 All lots in a subdivision and any sites in a development shall be connected to the following infrastructure services: (a) Formed public road or new road; and (b) Electricity; and (c) Telecommunications; and (d) Fibre optic cable.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity.	Will comply	All lots will be provided with connection to reticulated services and public roads.
Rule - Design, location and maintenance of services for medium density residential development – Not Applicable			
Rules - Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits			
15.4.2.18 All lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services: (a) Wastewater reticulation and treatment; and (b) Water supply for domestic, or industrial, or commercial activity; and (c) Water supply for fire fighting purposes.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity.	Not applicable	The proposal is not located within the Residential, Medium Density Residential, Commercial or Industrial zones. However, the proposed industrial subdivision will be serviced by reticulated wastewater and water supply services.
15.4.2.19 Any proposed connection to the mains water supply shall be located in the berm adjacent to the building it is supplying and not require crossing under road carriageways.	Activities that fail to comply with this rule will require a resource consent for a discretionary activity.	Will comply	All proposed allotments will be provided with a connection to water supply in berm at site boundary.
15.4.2.19A An infrastructure capacity assessment by a suitably qualified and experienced person will be required where it is proposed to establish more than two dwellings on a site located within the	Activities that fail to comply with this rule will require a resource consent for a non-complying activity.	Not applicable	Not applicable

Infrastructure Constraint Qualifying Matter Overlay to ensure that there is sufficient capacity in the infrastructure network to deal with the additional demand being placed on the existing network from developments.			
15.4.2.20 Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones shall: (a) Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at pre development levels; and (b) Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself. (c) Except that a. and b. above shall not apply to the C1 and C2/C3 growth cells where regional and/or district resource consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity .	Not applicable	The proposal is not located within the Residential, Medium Density Residential, Commercial or Industrial zones. However, the proposed industrial subdivision will be serviced by a stormwater management system which complies these requirements.

			
Rules - When infrastructure services are not provided by Council - Not applicable			
Rule - Wastewater disposal			
15.4.2.24 The design (including design life) and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards, eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflow. Advice Note: The Waikato Regional Council needs to be consulted regarding the requirements for wastewater discharge consents.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity.	Will comply	The proposed wastewater disposal will be conveyed and disposed of via Council reticulated system.
Rules - Stormwater			
15.4.2.25 All lots or sites shall be of sufficient size to enable on-site detention and disposal of stormwater resulting from any future development permitted in the zone. This rule does not apply to stormwater disposal in the: (a) Houchens Road Large Lot Residential Structure Plan Area. (b) The C1 and C2/C3 Structure Plan areas, where regional and/or resource district consents for the overall structure plan	Activities that fail to comply with Rules 15.4.2.25 and 15.4.2.26 will require a resource consent for a non-complying activity.	Complies	On lot/roof runoff will be via retention tank or soakage device primarily to provide the Initial abstraction required for the proposed lot areas.

stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.			
15.4.2.26 Development shall not obstruct overland and secondary flow paths. 	Activities that fail to comply with Rules 15.4.2.25 and 15.4.2.26 will require a resource consent for a non-complying activity.	Non-complying activity	The proposed subdivision has been designed altering the existing OLFPs and create additional OLFPs as roading corridors are formed, the proposal will: - Identify and maintain natural overland flow/watercourse locations to convey concentrated stormwater from the site. - Utilise existing culverts (where possible) to maintain the same discharge locations, post development. - Identify and retain any upstream OLFPs and/or watercourses to avoid any upstream flooding. - Ensure OLFPs are to be designed where possible within the roading network

			and discharge into watercourses.
Rules - Tree Planting on Roads: Residential, Medium Density Residential and Large Lot Residential Zones – Not Applicable			
Rule - National Grid Yard – Not Applicable			
Rule - Proximity to poultry farming activities – Not Applicable			
Part B: Development and subdivision for specific activities			
Rule - Lots for network utilities – Not Applicable			
Rule - Amendments to flats plans cross lease, company lease or unit title – Not Applicable			
Rules - Boundary relocations – Not Applicable			
Rules - Subdivision of a surplus dwelling in the Rural Zone			
<u>15.4.2.35</u> The maximum net lot area for the subdivision of land containing a surplus dwelling shall not exceed 5000m ² , shall be suitable for subdivision and shall comply with all rules for the zone including rules for access, and servicing. The minimum net area of the lot to be created shall be 2,500m ² .	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.
<u>15.4.2.36</u> All existing dwellings shall have been located on the holding for a period of not less than 10 years at the date of the application for subdivision consent and shall have a useful life expectancy without substantial repairs and/or reconstruction of at least 25 years.	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.
<u>15.4.2.37</u> There shall be an existing dwelling, on the lot comprising the balance land provided that the dwelling has a floor area greater than 70m ²	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.

exclusive of garaging and decking, and is not a bonded dwelling for removal and/or that has been erected for a dependent relative.			
15.4.2.38 A surplus dwelling shall not include any dwelling with a floor area of less than 70m2 exclusive of garaging and decking or any bonded dwelling for removal.	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.
15.4.2.39 A surplus dwelling shall not be a secondary dwelling.	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.
15.4.2.40 As a result of the use of these rules, Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This is a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity. Advice Note: Also see Rule 4.4.2.80.e. in the Rural Zone.	Activities which fail to comply with Rules 15.4.2.35 to 15.4.2.40 will require a resource consent for a non-complying activity .	Not Applicable	The subject site does not contain existing dwellings.
Rule - Activities with land use consents			
15.4.2.41 In the Rural Zone, where land use consent has been granted and given effect to for a period of no less than 2 years, a lot can be created around the following non farming activities: (a) Industry.	Activities that fail to comply with this rule will require a resource consent for a discretionary activity .	Not Applicable	The subject site contains existing and lawfully established industrial activities. Subdivision proposed is not limited to 'around' the non-farming activities.

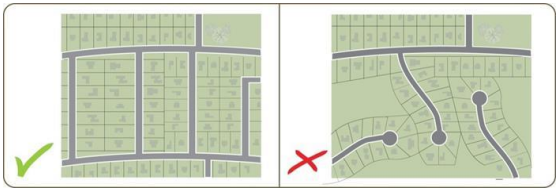
(b) Packing sheds involving produce grown off the site. (c) Restaurants or cafes. (d) Retreat or conference or education facilities. (e) Garden centres or nurseries. (f) Commercial garages. (g) Service stations. (h) Health care facilities. (i) Travellers accommodation – excluding bed and breakfast or similar home based accommodation. (j) Places of assembly. For the avoidance of doubt the following activities are not eligible under this rule: i. Wood splitting and drying associated with the sale of firewood. ii. Seasonal activities. iii. Fortified sites. iv. Green houses. v. Operations involving the hire or lease of goods. vi. Distribution of goods not manufactured. Advice Note: The provision of this rule for the activities listed above does not mean these activities may be granted a land use consent in the Rural Zone, nor that they are appropriate within all parts of the Rural Zone.			
Rules - Transferable Development Rights – Not Applicable			
Rules - Transferable Development Rights: location of holdings and recipient sites – Not Applicable			
Rules - Transferable Development Rights: donor holding rules – Not Applicable			

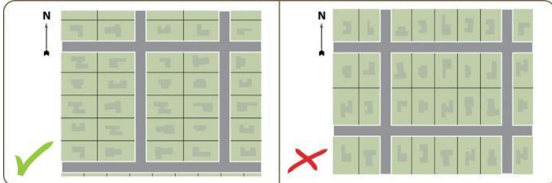
<i>Rules - Transferable Development Rights: recipient site rules – Not Applicable</i>			
<i>Rules - Environmental benefit lots: Maungatautari Ecological Island – Not Applicable</i>			
<i>Rules - Environmental benefit lots: significant natural areas or features – Not Applicable</i>			
<i>Rule - Environmental benefit lots: Te Awa Cycleway in the Rural Zone – Not Applicable</i>			
<i>Rule - Environmental benefit lots: biodiversity (river or stream) corridor – Not Applicable</i>			
<i>Rule - Environmental benefit lots: additions to significant reserves – Not Applicable</i>			
<i>Rules - Esplanade reserves, esplanade strips, and access strips – Not Applicable</i>			
<i>Rule - Easements by access strip for access only from lots more than four hectares</i>			
20m esplanade reserves from lots less than four hectares 15.4.2.56 Subject to Rules 15.4.2.57 to 15.4.2.61, where any land adjoins the banks of any river or lake as defined in Section 230(4) of the Resource Management Act 1991 and where any lots of less than 4ha is created when the land is subdivided, an esplanade reserve 20m in width shall be set aside from that lot along the bank of any river or along the margin of any lake, as the case may be and shall vest in accordance with Section 231 of the Resource Management Act 1991 and where a reserve or road of less than 20m width already exists along that bank of a river or along that margin of a lake, then additional land shall be vested to increase the width to a minimum of 20m. Provided that Council may require the creation of an esplanade strip under Section 232 of the Resource Management Act 1991 instead of an esplanade reserve.	Activities that fail to comply with Rules 15.4.2.56 to 15.4.2.58 will require a resource consent for a discretionary activity.	Not applicable	Any artificial drains on site do not meet the definition of a river under section 230.

<i>Esplanade strips by certain rivers</i> <u>15.4.2.57</u> In the Rural Zone, on the following rivers instead of an esplanade reserve there shall be an esplanade strip of 10m under Section 232 of the Resource Management Act 1991: (a) Kāniwhaniwha Stream - above Limeworks Loop Road; and (b) Mangakara Stream (near Pirongia); and (c) Mangapiko Stream - Pirongia Township Large Lot Residential Zone.	Activities that fail to comply with Rules 15.4.2.56 to 15.4.2.58 will require a resource consent for a discretionary activity.	Not applicable	Not applicable
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<i>20m esplanade reserves by certain lakes from lots more than four hectares</i> 15.4.2.58 The provisions of Rule 15.4.2.56 shall also apply to any lots of 4ha or more which are created when land is subdivided adjoining the following lakes: (a) Lake Kareatohi (Cameron) (b) Lake Koromatua (c) Lake Mangahia (d) Lake Mangakaware (e) Lake Maratoto (f) Lake Ngārotoiti (g) Lake Ngāroto (h) Lake Rotomānuka (i) Lake Rotopataka (j) Lake Ruatuna (k) Lake Rotopiko (Serpentine) Provided that: Council may require an esplanade reserve of a greater width than 20m to be determined for each lake depending on an assessment of the local peat/water level conditions	Activities that fail to comply with Rules 15.4.2.56 to 15.4.2.58 will require a resource consent for a discretionary activity.	Not applicable	Not applicable
Rule - Esplanade strips – Not Applicable			
Rule - Stopped roads to be esplanade reserves or access strips – Not Applicable			
Part C: Development and subdivision of 7 or more lots in any zone			
Rule - Greenfield lot design – Not Applicable			

15.4.2.63 No more than 15% of lots in a greenfield subdivision or within the Houchens Road Large Lot Residential Structure Plan Area at Appendix S13 shall be rear lots.	Activities that fail to comply with this rule will require a resource consent for a non-complying activity. Provided that activities subject to a Structure Plan approved and included within the Proposed District Plan as at 31 May 2012 and the Houchens Road Large Lot Residential Structure Plan at Appendix S13 that have: 15-20% of rear lots will require a resource consent for a discretionary activity, and More than 20% of rear lots will require a resource consent for a non-complying activity.	Complies	All lots have vested road frontage.
Rule - Design and location of infrastructure services			
15.4.2.64 Within the urban limits and the Large Lot Residential Zone, all new subdivision and development of 7 or more lots shall provide a utilities corridor in the road reserve free of tree plantings (Refer to Appendix T3 and Appendix T4).	Activities that fail to comply with this rule will require a resource consent for a discretionary activity.	Complies	The proposed road reserves have been designed to accommodate underground utility services together with the proposed streetscape landscaping.
Rules - Roads			
15.4.2.65 In any zone, unless an approved structure plan provides otherwise, the design and layout, and construction and formation, of a new road and its streetscape shall meet the requirements of Appendix T3, and Appendix T4 - Criteria for Public and Private Roads. Provided that, in the Residential Zone and Medium Density Residential Zone, a new road must also provide a footpath of	Activities that fail to comply with Rules 15.4.2.65 to 15.4.2.67 will require a resource consent for a discretionary activity.	Complies	Roading within the development will be established in accordance with proposed cross sections which do not comply with Appendix T3 and T4.

a minimum width of 1.5m, to increase in size to a minimum width of 2m within 400m of a school, community facilities, and commercial areas including pedestrian frontage areas.			
15.4.2.66 Within the urban limits and the Large Lot Residential Zone the layout and design of subdivision and development that incorporates roads to vest in Council, shall create a grid layout that: (a) Has blocks elongated north west to southeast and lots oriented east/west to ensure provision for solar access; and (b) Provides for connectivity to adjoining land that is able to be developed or subdivided in the future or is identified in Appendix S1. Provided that in the Houchens Road Large Lot Residential Structure Plan Area and in a Structure Plan that was approved and included in the Proposed District Plan as at 31 May 2012 a grid layout is not required.  <i>Streets should create a grid layout which allows for the extension of that grid layout in the future.</i>	Activities that fail to comply with Rules 15.4.2.65 to 15.4.2.67 will require a resource consent for a discretionary activity.	Complies	N/A. Industrial roading layout proposed.

 <i>Streets should be oriented north/south to maximise east/west facing lots. This will provide the potential for more north facing outdoor space.</i>			
15.4.2.67 Where any subdivision includes the creation of new roads, the location and design of the roads shall ensure the continuation of vistas as identified on the Planning Maps.	Activities that fail to comply with Rules 15.4.2.65 to 15.4.2.67 will require a resource consent for a discretionary activity.	Not applicable	Not applicable
Rule - Location and design of reserves			

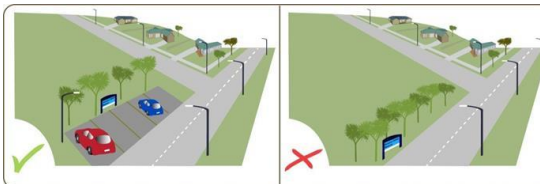
15.4.2.68

In all zones, the location, layout and design of reserves shall demonstrate:

- (a) That the reserve is directly linked to footpaths from the surrounding development; and
- (b) That the reserve is fronted on two sides by roads; and
- (c) That on street parking is provided adjacent to the reserve.



Reserves should have at least two sides fronted by roads.



On street parking should be provided adjacent to reserves to maximise accessibility and surveillance.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity** except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with the discretion being restricted over:

The overall provision for walking and cycling access to and within the reserve(s); and

The layout of the reserve(s); and

The extent to which the provision of the reserve(s) is in general accordance with the Houchens Road Large Lot Residential Structure Plan; and

Car parking.

These matters will be considered in accordance with the assessment criteria in Section 21.

Not applicable

No reserves are proposed.

Part D: Development and subdivision in a Structure Plan Area – Not Applicable

Rule - All development and subdivision in areas subject to a Structure Plan, Development Plan or Concept Plan

Part E: Comprehensive Development Plan Areas – Not Applicable

Section 16.4 – Transportation

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16.4.1 Activity Status Table	Permitted, Controlled or Restricted Discretionary activities b. to j. shall comply with the performance standards of 16.4.2. Failure to comply with the performance standards of 16.4.2 will result in the activity being a discretionary activity or as specified in 16.4.2.	Discretionary Activity	
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Rules – Road hierarchy

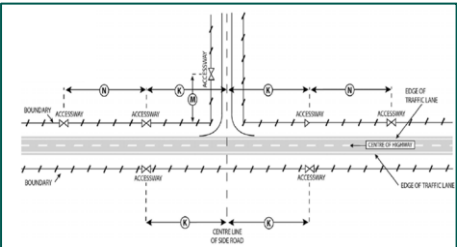
16.4.2.1 All structure plans, plan changes, developments, and subdivisions must be consistent with the road hierarchy, as contained in Appendix T5.	The proposed roading within the development shall be consistent with the road hierarchy.	Complies	
16.4.2.2 To maintain the effectiveness of the road hierarchy, a road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy.	The proposed roading within the development shall be consistent with the road hierarchy and connect to similar roads of the same hierarchy	Complies	
16.4.2.3 To maintain the effectiveness of the road hierarchy, when a site has two road frontages, vehicle access and egress must be from the lesser road type, as shown in the matrix below:	Several transport rules are ultimately applied at the individual lot and vehicle crossing level and therefore cannot be fully confirmed until detailed engineering and land use design has been completed.	N/A	

Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)
Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)	Major Road (Including Highway)

Rule - Vehicular access to sites in all zones

16.4.2.4 Every site shall be provided with vehicle access to a formed road that is constructed to a permanent standard. The vehicle access shall be designed to accommodate the demands of all traffic from the activity on that site, taking into account the form and function of the road.	The industrial development is expected to comply with this rule. There is reliance on the ODP exemption that where the separation requirements cannot be achieved the vehicle crossing shall be separated as far as possible from any other proposed vehicle crossing. This will be confirmed during detailed design stage.	Complies	
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Rule - Vehicle entrance separation from intersections and other vehicle entrances

16.4.2.5 The minimum distance of a vehicle entrance (accessway) from an intersection or other entrance shall be as follows, where the values for K, M and N are included in the following table:  <table border="1" data-bbox="208 1058 736 1150"> <thead> <tr> <th>Vehicle Speed Limit</th> <th>Minimum Distance K</th> <th>Minimum Distance M</th> <th>Minimum Distance N</th> </tr> </thead> <tbody> <tr> <td>40</td> <td>30</td> <td>30</td> <td>For Vehicles less than 4m or more than 10m</td> </tr> <tr> <td>50</td> <td>30</td> <td>30</td> <td></td> </tr> <tr> <td>60</td> <td>30</td> <td>30</td> <td></td> </tr> <tr> <td>70</td> <td>100</td> <td>40</td> <td>40</td> </tr> <tr> <td>80</td> <td>100</td> <td>40</td> <td>100</td> </tr> <tr> <td>90</td> <td>200</td> <td>60</td> <td>200</td> </tr> <tr> <td>100</td> <td>200</td> <td>60</td> <td>200</td> </tr> </tbody> </table>	Vehicle Speed Limit	Minimum Distance K	Minimum Distance M	Minimum Distance N	40	30	30	For Vehicles less than 4m or more than 10m	50	30	30		60	30	30		70	100	40	40	80	100	40	100	90	200	60	200	100	200	60	200	Refer to Section 16.1 of Appendix 16	Does not comply	
Vehicle Speed Limit	Minimum Distance K	Minimum Distance M	Minimum Distance N																																
40	30	30	For Vehicles less than 4m or more than 10m																																
50	30	30																																	
60	30	30																																	
70	100	40	40																																
80	100	40	100																																
90	200	60	200																																
100	200	60	200																																

Rule - Vehicle entrance separation from railway level crossings – Not applicable

Rule - Minimum sight distance requirements for a railway level crossing – Not applicable

Rule - Vehicle access to compact housing development – Not applicable

Rules - Vehicle access to sites in the Commercial Zone – Not applicable

Rule - Vehicle access to sites in the Industrial Zone – Not applicable

Rule - Vehicle access to sites in the Mangaone Precinct Structure Plan Area – Not applicable

Rules - Parking, loading and manoeuvring area

16.4.2.13 All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide loading/unloading spaces for vehicles on the site as set out in Appendix T1. If parking is provided, in the Residential Zone and Medium Density Residential Zone: (a) One of the car parks allocated to a single dwelling may be stacked (i.e. located in such a way that it cannot be accessed directly from the associated access or manoeuvring area) provided that the stacked car park does not: i. Encroach on or interfere with any shared access on the site; or ii. Encroach on any required building setback, side boundaries, or outdoor living area; or Compromise the ability for any vehicle to manoeuvre within the site.		Complies	
16.4.2.14		Complies	

Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall: a. Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and b. Be designed, formed, and constructed to ensure that the surface of the required area provides a dust free environment; and c. Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and d. Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and e. Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.15 and 16.4.2.16 apply. For the avoidance of doubt, rear sites that are served by an access leg/driveway that is in sole ownership are considered to be part of the site. Provided that: iii. In all zones the vehicle entrance may cross the			
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road boundary setback; and iv. For front and corner sites in the Residential Zone and Medium Density Residential Zone where Rules 16.4.2.15 and 16.4.2.16 do not apply, vehicle parking and manoeuvring areas associated with dwellings may encroach into the setbacks, provided that a 1m wide setback is retained at the road boundary, excluding the vehicle entrance; and v. For rear sites in the Residential Zone and Medium Density Residential Zone served by an access leg/driveway, vehicle parking and manoeuvring associated with dwellings may encroach into any setback (refer to diagram following Rule 16.4.2.16); and vi. In the St Peters School Zone this rule shall not apply and the provisions of Rule 11.2.4.31 shall apply to all vehicle parking,			
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loading/unloading and manoeuvring areas; and vii. In the Residential, Medium Density, and Commercial Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained; and viii. In the Large Lot Residential, Industrial and Airport Business Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained where granular material or storm water runoff from the area will enter the road corridor; and In the Rural and Large Lot Residential Zones private rights of way must have an all-weather (metal) surface. Where existing dwellings are located within 15m of a private right of way, the surface must be sealed and drained.			
Rules - Exemption for on-site vehicle manoeuvring areas in the Residential Zone and Medium Density Residential Zone – Not applicable			
Rule - Car park landscaping and lighting - Not applicable			
Rule - Provision of bicycle parking facilities - Not applicable			
Rule - Provision of an integrated transportation assessment			
16.4.2.22 A Simple or Broad Integrated Transport Assessment shall be prepared for activities as	Broad Integrated Transport Assessment is required See Appendix 16.	-	

required by this rule, in accordance with the following trigger thresholds:

Measured by Trip Generation of Activity Type - vehicles per hour Annual Average Daily Traffic							
Not Applicable for any use not appearing in the list of activities. These activities require a separate assessment. This can be used for screening purposes to identify whether an integrated Transport Assessment is required or not.							
Collector and Local Roads				Major and Minor Arterial Roads (Including State Highways)			
Activity	1000-1500	1500-2000	2000+	Activity	1000-1500	1500-2000	2000+
Any Permitted or Controlled Activity	Not Required	Not Required	RD	Not Required	Not Required	RD	RD
			Simple Integrated Transport Assessment required			Simple Integrated Transport Assessment required	Simple Integrated Transport Assessment required
Any Restricted/Discretionary Activity	Not Required	Not Required	RD	Not Required	Not Required	RD	RD
			Simple Integrated Transport Assessment required			Simple Integrated Transport Assessment required	Simple Integrated Transport Assessment required

(a) Exceptions

The provisions of this rule shall not apply to:

- i. Events and temporary activities where a Traffic Management Plan is required, and has been approved by the road controlling authority; or
- ii. Home occupations; or
- iii. Showhomes; or
- iv. Farming activities; or
- v. Activities that are the subject of approved resource consents, Structure Plans or plan changes at the time of notification of the Plan, 31 May 2012. For the avoidance of doubt, this includes all activities in the Airport Business Zone except for:
 - the Northern Precinct land shown on the Airport Business Zone Structure Plan in Appendix S10; and
 - any direct vehicle access to Raynes Rd that does not comply with the Airport

Business Zone Structure Plan in Appendix S10; and any non-complying activities in the Airport Business Zone. vi. Temporary Events in the St Peters School Zone in accordance with Rule 11.4.2.11; or vii. Activities within and in accordance with an approved comprehensive development plan; or Activities in accordance with Appendix T7 - Te Awamutu Dairy Manufacturing Site and Appendix T8 - Hautapu Dairy Manufacturing Site.			
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Part F: District Wide Natural and Cultural Heritage

Rule	Resource Consent	Compliance	Non-Compliance
Section 22.4 - Heritage and Archaeology Rules – Not Applicable			
Section 23.4 - Protected Trees Rules – Not Applicable			
Section 24.4 - Indigenous Biodiversity Rules – Not Applicable			
Section 25.4 - Landscapes and Viewshafts Rules – Not Applicable			
Section 26.4 - Lakes and Water bodies Rules -			
<u>26.4.1</u>			
Activity Status Tables			
<i>Rules - 23m setback from lakes and water bodies</i>			

<u>26.4.2.1</u> No building, wastewater treatment system, earthworks, vegetation clearance or feed pads shall be erected or undertaken within 23m of the edge of any lake or water body as measured at its maximum annual water level, provided that this rule shall not apply to: - The Karāpiro and Arapuni Hydro Power Zone. - Maimai not exceeding 6m² in floor area; or - Earthworks and vegetation removal associated with conservation planting of river banks and lakes; or St Kilda Residential Structure Plan Area; or - Clearance of vegetation undertaken in accordance with Rule 26.4.1.1.e. or f.; or - Harvesting of forestry over 5m from a water body.	Restricted Discretionary Activity Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over: - Natural character and amenity of the water body or lake; and - Public access; and - Recreational opportunities; and - Cultural values; and - Riparian values; and - Ecological values; and - Impact on natural hazards; and - Natural and cultural features; and - Impact on other land uses. These matters will be considered in accordance with the assessment criteria in Section 21.	Permitted Activity	The proposal will not result in development in proximity to the edge of water bodies.
<u>26.4.2.2</u> No building shall be erected within 23m of the edge of the Waipā, Waikato, Pūniu, Kaniwhaniwha, Mangapiko, Mangaohoi, Karāpiro and Owairaka rivers/streams as measured at their maximum annual water level, as shown on the Planning Maps, except within the Karāpiro and Arapuni Hydro Power Zone.	Non-complying Activity	Not Applicable	Not Applicable