



APPENDIX 26

District and Regional Plan Rules Assessment



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1.0 Hastings District Plan Rules Assessment

1.1 Summary of District Plan Required Approvals

Rule / Standard	Detail
PP24	Any permitted or controlled activity not meeting one or more of the terms in Section 6.2.5 and Section 6.2.6 is a restricted discretionary activity under PP24. The proposal will not meet the following: • 6.2.5A - Maximum height for buildings or structures is 10m. The lots that will utilize the MDRZ standards are permitted to have gabled roofs up to 11m. • 6.2.5B - Residential activities require front setbacks of 7.5m and 15m to all other boundaries. • 6.2.5J – The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m², whichever is the lesser. • 6.2.6B – More than one residential dwelling per 2,500m² will be established.
PP38	A non-complying activity consent under Rule 6.2.4 (PP38) for 317 residential buildings within the Plains Production Zone, where Rule 6.2.6B permits a maximum of one residential building per site.
PP39	The proposed activities are not provided for as Permitted, Controlled, Restricted Discretionary or Discretionary within the Plains Production Zone within Table 6.2.4 and are therefore a non-complying activity.
PP39	The proposal seeks to enable showhomes to establish on the site. This activity is not provided for in the Plains Production Zone and is a non-complying activity under PP39.
PP39	The proposal seeks to enable home occupations to establish on the site. This activity is not provided for in the Plains Production Zone and is a non-complying activity under PP39.
SLD25	Any subdivision which is unable to comply with one or more of the relevant Subdivision Site Standards and Terms in section 30.1.6 is a non-complying activity (SLD25). The proposal will not meet the following: • 30.1.6A (10A) – The minimum net site area in the Plains Production Zone is 12 hectares. • 30.1.7A - Each lot which is capable of containing a residential dwelling, shall identify at least one stable building platform of 30 metres by 30 metres.



1.2 District Plan Rules Assessment

Rule / Standard	Detail	Comment
Part B Strategic Management Areas and Zones		
6.2 Plains Production Zone		
6.2.4 Rules		
PP24	Any Permitted or Controlled activity not meeting one or more of the General Performance Standards and Terms in Section 6.2.5 and Specific Performance Standards and Terms in Section 6.2.6C(b) and 6.2.6C(d), 6.2.6D(2), 6.2.6H, 6.2.6I (excluding 'Winemaking and associated bottling, storage and packaging'), 6.2.6J, 6.2.6K, 6.2.6L and 6.2.6P.	Does not comply Any permitted or controlled activity not meeting one or more of the terms in Section 6.2.5 and Section 6.2.6 is a restricted discretionary activity under PP24. The proposal will not meet the following: • 6.2.5A – Maximum height for buildings or structures is 10m. The lots that will utilize the MDRZ standards are permitted to have gabled roofs up to 11m. • 6.2.5B – Residential activities require front setbacks of 7.5m and 15m to all other boundaries. The proposed boundary setbacks are 3m to front boundaries and 1m to all other boundaries. • 6.2.5J – The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1500m², whichever is the lesser. The proposal provides for a building coverage of 45% of the net site area. • 6.2.6B – More than one residential dwelling per 2,500m² will be established.
PP38	Residential buildings not complying with Specific Performance Standard 6.2.6B.	Does not Comply A non-complying activity consent under Rule 6.2.4 (PP38) for 317 residential buildings within the Plains Production Zone, where Rule 6.2.6B permits a maximum of one residential building per site.



PP39	Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity shall be a Non-complying activity.	Does not comply The proposed activities are not provided for as Permitted, Controlled, Restricted Discretionary or Discretionary within Table 6.2.4 and are therefore a non-complying activity. As listed below, the proposal will not comply with: • Front and other boundary setbacks • Maximum building coverage • More than one dwelling per 2,500m² The proposal also seeks to enable show homes and home occupations to establish on the site in the Plains Production Zone.
6.2.5 General Performance Standards		
6.2.5A(2)	Maximum height for structures and buildings is 10m.	Does not comply Consent notices will be adopted to reflect the Havelock North General Residential Zone and Medium Density Zone height requirements. The lots that will utilize the MDRZ standards are permitted to have gabled roofs up to 11m.
6.2.5B(1)	Residential activities require front setbacks of 7.5m and 15m to all other boundaries.	Does not comply Dwellings will be located closer to the boundary. Consent notices will be adopted to reflect the Havelock North General Residential Zone and Medium Density Zone setbacks.
6.2.5E	All external lighting shall be shaded or directed away from any residential buildings or roads, and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.	Complies Lighting will be designed to meet HDP requirements
6.2.5F	Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.	Complies Future subdivision will be able to comply with transport provisions.



6.2.5G	Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.	Complies Future subdivision will be able to comply with noise provisions.
6.2.5H	1. Trees on Boundaries Trees forming a shelterbelt for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: i. shall be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and ii. where planted between 5m and 10m from an adjoining property boundary shall be maintained at a height of no more than their distance from the boundary +4m (e.g. at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13). 2. Trees Adjoining Public Roads Trees forming a shelterbelt for a distance of more than 20 metres within 5 metres of a public road shall be maintained at a height of less than 9 metres. 3. Buildings on Sites Adjoining Residentially Zoned Land Buildings adjacent to any boundary of a residentially zoned site, shall not project beyond a building envelope constructed from recession planes from points 2.75 metres above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60.	Complies No shelterbelt tree planting proposed. Complies Trees adjoining public roads Not applicable No buildings will be in proximity of an adjacent residentially zoned site.
6.2.5J	The maximum building coverage (including hardstand and sealed areas) shall not exceed 35% of the net site area or 1,500m ² , whichever is the lesser.	Does not comply Consent notices will be adopted to reflect the Havelock North General Residential Zone and Medium Density Zone height requirements.
6.2.6 Specific Performance Standards		
6.2.6A Intensive Rural Production	Not applicable to proposal	



6.2.6B	One residential building shall be allowed per site provided that the site shall be a minimum area of 2,500m ² . One supplementary residential building shall be allowed per site.	Does not comply Consent notices will be adopted to allow a maximum of one residential building per lot; however the site sizes will be less than 2,500m ² .
6.2.6C – 6.2.6P	Not applicable to proposal	Not applicable
Part C District Wide Activity		
15.1 Natural Hazards	N/A – The site is not subject to any of the following: • River Hazard Overlay; • Land Instability Hazard Overlay; and • Tsunami Hazard Zone.	Not applicable
16.1 Wāhi Taonga	Not applicable as no Wāhi Taonga identified on the Site.	Not applicable
17.1 Natural Features and Landscapes	Not applicable as the Site is not subject to any special landscape areas.	Not applicable
18.1 Heritage Items and Notable Trees	Not applicable as no heritage items of notable trees have been identified on Site.	Not applicable
19.1 Riparian Land Management and Public Access	Not applicable as the Herehere Stream has not been identified within Appendix 54 or 55.	Not applicable
20.1 Indigenous Vegetation and Habitats of Indigenous Fauna	Not applicable as the Herehere Stream / site extent is not identified as a recommended vegetation protection site in Appendix 56.	Not applicable
21.2 Papakāinga	Not applicable to the proposal.	Not applicable
22.1 Network Utilities	The refurbishment and upgrading of the following is a permitted activity: 22.1.5.1.NU1(i) All network utilities in existence at the date of public notification of the Hastings District Plan provided non-	Complies Subdivision may involve minor upgrades to the existing HDC Breadalbane Pump Station which will meet the permitted activity standards.



	compliance with the rules relating to the height, diameter or land area occupied, is not exceeded by more than 10%; or 22.1.5.1.NU1(ii) Lines, including electric lines at any voltage provided the upgrade falls within the definition of minor upgrading.	
	The construction, operation, maintenance, replacement, refurbishment or upgrading of the following: 22.1.5.1.NU2(i) in-ground network utilities including household connections. 22.1.5.1.NU2(ii) Above-ground Network Utility structures located within legal roads, road reserves, and service lanes, where... Subject to compliance with HDP standards for noise, transport and parking, landscaping and screening, lighting and hazardous substances.	Complies Permitted activity for constructing and upgrading in-ground/above network utilities including household connections. Subdivision will comply with HDP standards.
	22.1.5.1.NU4: The operation, maintenance, replacement, refurbishment or upgrading of existing roads, road reserves and service lanes, including any associated retaining walls, culverts, bridges and general works both within and on land adjacent to road reserve. (For the avoidance of doubt it is expected that public roads will generally be designated. This provision is therefore intended to cover instances where the formed road falls outside of the designation or to allow work outside of the legal road reserve with regard to maintenance of the road.)	Complies The proposal involves the upgrading of Middle Road and Te Aute Road.
23.1 Renewable Energy	Not applicable to the proposal.	Not applicable
24.1 Activities on the Surface of Water	Not applicable to the proposal.	Not applicable
25.1 Noise	25.1.5.NS1: Any activity that meets the Performance Standards for the relevant Zone and the General and/or Specific Performance Standards and Terms in Sections 25.1.6 and 25.1.7. 25.1.5 NS2: Any Permitted Activity that does not meet the General and/or Specific Performance Standards and Terms in Sections 25.1.6 and 25.1.7.	The Acoustic Assessment (refer to Appendix 25) anticipates construction noise will comply with NZS6803:1999 Acoustics - Construction Noise and future residential development will comply with the General Performance standards for the zone. Any activity that meets the General Performance Standards is a permitted activity under Rule 25.1.5.NS1.



27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction	Rule 27.1.5(a) states that earthworks listed in the Rule Table 27.1.5 assessed with any subdivision consent will be considered a permitted activity that does not have to comply with the performance standard and terms in section 27.1.6. As this is part of a subdivision consent these standards are not applicable.	Complies
28.1 Advertising Devices & Signs	Not applicable to the proposal.	Not applicable
29.1 Hazardous Substances	Not applicable to the proposal.	Not applicable
26.1 Transport		
26.1.5 TP1	The Parking, Loading, and Access associated with an activity that meets the General Standards and Terms in Section 26.1.6 and the Specific Standards and Terms in Section 26.1.7.	Complies Future subdivision will comply with the Parking, Loading and Access standards.
26.1.5 TP2	The Parking, Loading and Access associated with an activity that does not meet one or more of the General or Specific Performance Standards and Terms in Section 26.1.6 and 26.1.7.	Not applicable Permitted standards have been met
26.1.6A	Legal Access (a) Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas from an existing, formed legal road, to enable vehicles to enter the site, except where the site has Designated Retail Frontage (see Appendix 30) or where the site is within the Flaxmere Commercial Zone. Legal access requirements set out in Table 26.1.6.1-1 and Table 26.1.6.1-2 Distance of Vehicle Accesses from Road Intersections Vehicle access to any property shall be sited a minimum of 100 metres from an intersection of a State Highway.	Complies All future sites will achieve compliance with the legal access requirements. Not applicable Site not located within 100m of a state highway
26.1.6B	Safe Sightlines	Complies Future subdivision will achieve safe sight distances.



	Intersections shall be located to ensure that Safe Sightline Distances are maintained.	
26.1.6D	<u>Design and construction of parking areas</u> All parking spaces and access and manoeuvring areas, including ramps shall be of a sufficient size and suitable layout to accommodate a passenger vehicle" as defined in the "Austroads Design Vehicles and Turning Path Templates Guide" AP-G34-13, Austroads, 2013 - refer to Appendix 72 for the dimensions of this vehicle.	Complies Future subdivision will be able to achieve parking area dimensions.
Part D Subdivision and Land Development		
30.1 Subdivision and Land Development		
30.1.5 – SLD1	Subdivisions which comply with the relevant zone Subdivision Site Standards and Terms in section 30.1.6 and all relevant General Site Performance Standards and Terms specified in section 30.1.7 (except for those subdivisions specifically listed under Rule SLD8, through to and including Rule SD24 a below) are a controlled activity.	Does not comply The subdivision will not comply with the Subdivision Site Standards.
30.1.5 – SLD18	Subdivisions within the Rural Zone, but outside the Coastal Environment (as shown indicatively in Appendix 67), subject to Table 30.1.6A(8) and Table 30.1.6B (Rural - Lifestyle Sites), which comply with all relevant subdivision site standards and terms in 30.1.6 and all General Site Performance Standards and Terms in section 30.1.7 is a Restricted discretionary activity.	Not applicable The site does not fall within the Rural Zone.
30.1.5 – SLD25	Non-Complying Subdivision - Any subdivision (unless specifically provided for under Rules SLD1 through to and including SLD24a above) which is unable to comply with one or more of the relevant Subdivision Site Standards and Terms in section 30.1.6, including any unzoned land.	Does not comply The subdivision does not comply with the Subdivision Site Standards and is therefore a non-complying activity.
30.1.6A 10A	Minimum net site area in the Plains Production Zone is 12 hectares	Does not comply Minimum site sizes of 325m² proposed.



30.1.7A	Building platforms Each lot which is capable of containing a residential dwelling, shall identify at least one stable building platform of 30 metres by 30 metres which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the Performance Standards and Performance Criteria for the Zone where it is located (Including dwelling setbacks as applicable to that Zone). No part of a building platform shall be located within the National Grid Corridor. Where National Grid Corridor traverses the site, the proposed vehicular accessway to the building platform shall also be identified on the subdivision plan.	Does not comply The proposed lots will not accommodate a building platform of 30m x 30m. All lots will be designed to contain residential development. Lot testing has been completed within the Urban Design Assessment in Appendix 22.
30.1.7B	Water Supply Sites for any activity that will require water shall be connected to public reticulated water supply, where such a supply is available.	Complies Each lot can be provided with a connection to the public reticulated water supply.
30.1.7C	Wastewater Disposal Sites for any activity that will create wastewater shall be connected to a public reticulated wastewater disposal system, where one is available.	Complies Each lot can be provided with a connection to the public reticulated wastewater disposal system.
30.1.7D	Stormwater Disposal Sites for any activity that will create stormwater shall be connected to a public stormwater disposal system, where one is available, except where an additional level of service is required that exceeds the level of service available from public reticulated stormwater systems, this shall be provided by the subdivider. Where the new site will not be connected to a public reticulated stormwater disposal system, the subdivider shall demonstrate how an alternative and satisfactory method of disposal for each site can be provided.	Complies Each lot can be provided with a connection the proposed integrated stormwater management proposal which will have discharge to the Herehere Stream and Gilpin Drain. It is understood that HDC will become the consent holder for the proposed discharge consent.
30.1.7E	Property Access Activities shall comply with the provisions of Section 26.1 Transport and Parking	Complies Each lot will be designed to obtain access via a public road or JOAL.



30.1.7G	Electricity In all Residential, Industrial, and Commercial Zones, sites for any activity that will require electricity shall be connected to the electricity network.	Complies Each lot will be provided with a connection to the public electricity network.
30.1.7H	Esplanade reserves and strips An esplanade reserve or strip with a maximum width of 20 metres will be required as a condition of consent under Section 220 of the Act where the land adjoins the coast or adjoins or contains a waterbody of natural, cultural or recreational significance as identified in Appendix 54.	Not applicable The site does not adjoin a river listed in Appendix 54 and is zoned Plains Production Zone. However, CDL will provide open space and access adjacent to the Herehere Stream as per the application documentation.



2.0 Hawkes Bay Regional Resource Management Plan Rules assessment

2.1 Summary of Regional Plan Required Approvals

Rule / Standard	Detail
RRMP – Rule 8	A restricted discretionary resource consent is required under Rule 8 for vegetation clearance within 5m of a stream that does not comply with the requirements of Rule 7.
RRMP – Rule 52	A discretionary activity consent under Rule 52 for the temporary discharge of contaminants to land and water associated with earthworks and construction activities, including the discharge of treated water from sediment retention devices.
RRMP – Rule 55	A discretionary resource consent is required under Rule 55 for a surface water take (impounded water during construction) that does not comply with the requirements of Rule 54.
RRMP – Rule 59	A discretionary resource consent is required under Rule 59 for the diversion of open drains.
RRMP – Rule 71	A discretionary resource consent is required under Rule 71 for structures and land disturbance within 6m of the bed of a stream within a land drainage or flood control scheme area. • Revegetation planting works are proposed within 6m of the stream bed. • A potential footbridge structure is proposed over the Herehere Stream. • Stormwater outlet structures are required to the Herehere Stream and Gilpin Drain. • Potential stream stabilization works (including HBRC / HDC required works) alongside the Herehere Stream which may include deposition of stabilization material. Reclamation of the current alignment of artificial watercourses (drains) through the site and integrating these into the new stormwater conveyance system.
TANK 8 – Removal of Vegetation	A restricted discretionary consent is required under TANK 8 for the removal of native vegetation within 10m of a stream not meeting the requirements of TANK 7.
TANK 10 - Groundwater and Surface water take (low flow)	A discretionary consent is required under TANK 10 for the temporary take and use of surface water and ground water not meeting the requirements of TANK 8 or 9 during construction and diversion of groundwater post construction.
TANK 15 - Take and use from a dam or water impoundment	A restricted discretionary consent is required under TANK 15 for the use of surface water (from the stormwater pond) during the construction period and not meeting the requirements of TANK 6.



TANK 23 – stormwater diversion and discharge from local authority network.

A **controlled** resource consent is required under TANK 23 for the diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water. An application must include an integrated CMP in accordance with Schedule 33 of the RRMP which includes an assessment of the activity against the target attribute states of Schedule 26 of the RRMP.



2.2 Regional Plan Rules Assessment

Rule / Standard	Detail	Comment
6.3 Land Use Activities		
6.3.1 – Bore drilling and leaking bores	Rules 1-2 relates to the drilling, construction and alteration of bores. Rule 3 relates to the existence of bores that is no longer wanted or leaking water, oil or gas. Rule 4 provides for the decommissioning or sealing of bores as a permitted activity subject to the following standards: a) Decommissioned bores shall be backfilled and sealed at the surface to prevent contamination of groundwater. b) Decommissioned holes and bores intersecting groundwater shall be sealed to prevent the vertical movement of groundwater, and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred. c) Backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non toxic. d) Decommissioning shall be undertaken by a suitably qualified person. e) The Council shall be advised of any bores that are decommissioned. TANK PC9 amends the conditions of Rule 4 to add the following: Where the bore is in a Source Protection Zone, information to confirm compliance with conditions (a) to (d) shall be provided to Council.	Not applicable Rules 1 – 2 - n/a - no new bores or alterations are proposed. Rule 3 – all existing boreholes will be decommissioned. Complies Rule 4 - Decommissioning of any site bores will be undertaken as a permitted activity complying with the listed standards.
6.3.2 – Feedlots and feedpads	Rules 5-6 – relate to the use of land for the purposes of operating a feedlot or feedpad.	Not applicable This activity is not proposed.



6.3.3 – Vegetation clearance and soil disturbance

Rule 7

- a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body.
- b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing.
- c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to:
 - i. the areas identified in Schedule X to this Plan.
- d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m².
- e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be:
 - i. re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or
 - ii. retained in a manner which inhibits soil loss.

TANK PC9 amends the conditions of Rule 7 to add the following:

- f. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no clearance of indigenous vegetation within 10m of any rivers except:
 - i. where the clearance is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Freshwater Farm Plan or Catchment Collective Plan

Complies

Requirements are met as follows:

- Matters under a. and b. are addressed as conditions of consent.
- The site is excluded from c. as it is identified in Schedule X to the plan.
- Matters under d. will be met as there is unlikely to be any deposition of soil that is offensive, will cause property damage or exceed 10 kg/m²
- Matters under e will be met as where vegetation is cleared, it is likely that it will be revegetated as soon as practicable after completion of works.

Does not comply

Requirements introduced under the TANK plan change are not met as:

- Matters under f. relating to native vegetation being removed within 10m of a stream will not be met as it is proposed to remove a vegetation within 10m of the stream to facilitate both stabilization, public access and revegetation / enhancement of the stream environment.

Consent is required under Rule 8 as a **restricted discretionary** activity.



- ii. where the clearance is necessary for construction of crossings or installation of a reticulated or network service.
- g. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments there is no cultivation of land over 20 degrees of slope except where it is less than 10% of the paddock area.
- h. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no cultivation of land that results in exposure of bare soil within:
 - i. 5 m of any river, modified watercourse or drain or lake or wetland where the land is flat to gently rolling (0-7 degrees of slope)
 - ii. 10 m of any river, modified watercourse or drain or lake or wetland where the land is moderately rolling (>7 – 20 degrees of slope)
 - iii. 15 m of any river, modified watercourse or drain or lake or wetland where the land is over 20 degrees of slope.
- i. Except conditions h(i) – (ii) do not apply:
 - i. where cultivation is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Freshwater Farm Plan or Catchment Collective Plan
 - ii. where the cultivation is in relation to activities permitted by Rule 70.

Not applicable

Requirements introduced under the TANK plan change will be met as follows:

- Matters under g – i are not relevant as no cultivation is proposed.

Rule 8 – Vegetation clearance or soil disturbance which do not meet the conditions in Rule 7 are a restricted discretionary activity.

6.4 Discharges to Air/Land/Water

6.4.1 – Agrichemicals – discharges to air/land/water

Rules 9-10 relate to the discharges of contaminants into air or onto land arising from agrichemicals.

Not applicable



		No air discharges are proposed.
6.4.2 – Agricultural activities and other activities on production land – dischargers to air/land/water	Rules 11-16 relate to the use of fertilisers, stock feeds, compost and biosolids, discharge of animal effluent, farm tips and offtal holes all in association with farm uses.	Not applicable None of the listed agricultural activities are proposed.
6.5 Discharges to Air		
6.5.1 – Combustion of fuel – discharges to air	Rules 17-18 – relate to the discharge of contaminants into air from industrial or trade premises or from small scale solid fuel burners.	Not applicable This activity is not proposed.
6.5.2 – Burning of waste – discharges to air	Rules 19-20 – relate to the burning of waste or vegetative matter, paper, cardboard and untreated wood or other outdoor burning, discharge from frost protection heaters.	Not applicable This activity is not proposed
6.5.3 – Management of waste and other matter	Rule 21 – relates to discharge of contaminants into air from waste and other matter.	Not applicable This activity is not proposed.
6.5.4 – Abrasive blasting – discharges to air	Rules 22-24 – relate to wet and dry abrasive blasting.	Not applicable This activity is not proposed.
6.5.5 – Moveable sources – discharges to air	Rules 25-27 – relate to moveable aggregate crushing and screening plant, moveable asphalt plant and moveable road burners.	Not applicable This activity is not proposed.
6.5.6 Industrial and trade premises – discharges to air	Rules 28-29 – relate to the discharges into air from industrial or trade premises not already provided for.	Not applicable This activity is not proposed.
6.5.7 – Non-compliance with other rules – discharges to air	Rule 30 – provides for a restricted discretionary activity status for non-compliance with rules 11-19e, 20a-29.	Not applicable This activity is not proposed.
6.6 Discharges to Land/Water		
6.6.1 – Water – discharges to water	Rule 31 – The discharge of water (excluding drainage water) into water is permitted if it can meet the following standards:	Does not comply



	a. The discharge shall not cause or contribute to the flooding of any property, unless written approval is obtained from the affected property owner. b. The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge. c. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3oC from normal seasonal water temperature fluctuations, after reasonable mixing. d. The discharge is not a discharge of groundwater into surface water in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū water quality management units. TANK PC9 Amends the standards of Rule 31 to include (d) above.	The discharge of stormwater will involve a discharge of groundwater into surface water within the Karamū water quality management unit.
6.6.2 – Drainage water – discharges to land/water	Rule 32-33 – relate to the discharge of drainage water via a gravity flow or pumped system TANK PC9 Amends the standards of Rule 32 and 33.	Complies Discharge of drainage water via a gravity flow will comply with he permitted standards.
6.6.3 – Bore drilling fluids – discharges to land/water	Rule 34 – relates to the discharge of bore drilling fluids.	Not applicable The discharge of bore drilling fluids is not proposed.
6.6.4 – Domestic sewage – discharges to land	Rules 35-36– relate to existing sewage systems discharging to land. Rule 37 relates to new sewage systems discharging to ground and provides for it as a permitted activity subject to meeting the listed standards. TANK PC9 Amends the standards of Rule 37 Rule 38 – relates to the discharge of septage onto or into land.	Not applicable Domestic sewage discharge is not proposed. No new sewage systems discharging to ground are proposed. No discharge of septage is proposed.
6.6.5 – Landfills, transfer stations, waste oil – discharges to land/water	Rules 39-41 – relate to discharges of contaminants onto or into land or water arising from operational or closed landfills or transfer stations or discharges of waste oil.	Not applicable This activity is not proposed.



6.6.6 - Stormwater – discharges to land/water	Rule 42 provides for the diversion and discharge of stormwater from any constructed open drainage system or piped stormwater drainage system (excluding for industrial or trade premises) as a permitted activity if it can meet the following standards: a. The activity shall not cause any permanent: i. reduction of the ability of the receiving channel to convey flood flows. ii. bed scouring or bank erosion of the receiving channel. b. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials in any receiving water body after reasonable mixing. 43 – Diversion and discharge of stormwater except as provided by Rule 42 is a Controlled activity subject to compliance with the following conditions: i. The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials. ii. Any conspicuous change in the colour or visual clarity. iii. Any emission of objectionable odour. iv. The rendering of fresh water unsuitable for consumption by farm animals. v. Any significant adverse effects on aquatic life. Note – there are no rules 44-46.	Complies – Rule 42 Stormwater diversion and discharge are permitted and can comply with the listed standards at Rule 42 (a) and (b). Note – PC9 (TANK) proposes to exempt the subject site (within the Karamū River catchment from rules 42-62). Refer to the detailed assessment against TANK rules in the table below. Not applicable – Rule 43 The stormwater discharge is provided for by Rule 42.
6.6.7 – Generic discharges of contaminants – discharges to land/water	Rules 47-49 – relate to discharges of contaminants to surface water or land.	Complies Refer to contamination assessment prepared by Ag First.



6.6.7 – Generic discharges of contaminants – discharges to land/water	Rules 50-51 – relate to the disturbance of bed of river or lake by livestock.	Not applicable No livestock land use proposed.
6.6.8 – non-compliance with other rules- discharges to land/water	Rule 52 – provides for discharges that do not comply with rules 9-14, 16, 31-51 as a discretionary activity.	Does not comply The discharge of stormwater will involve a discharge of groundwater into surface water within the Karamū water quality management unit not complying with Rule 31(d), requiring a discretionary activity approval.
6.7 Water Takes, Uses and Diversions		
6.7.1 – Take and use of water	Rule 53 relates to groundwater takes. Rule 54 relates to minor takes and uses of surface water and provides for this activity as permitted except in the following catchments: • Maraekakaho Stream to confluence with Ngaruroro River. • Ahuriri Estuary catchment including Taipo Stream catchment. • Awanui Stream (including Poukawa Stream and Lake Poukawa catchments) to confluence with Karamu Stream. • Louisa Stream to confluence with Karamu Stream. • Papanui Stream. • Lake Tutira and catchment. • Herehere Stream. • Mangaroa Stream. • School Stream. • Karituwhenua Stream. • Te Waikaha Stream.	Does not comply The proposal does not comply with Rules 53 or 54 as it is proposed to take surface water from the works phase sediment pond for spraying during construction. Compliance with a,b,d is not achieved with Rule 54. Approval is required as a discretionary activity under Rule 55 as the water take does not comply with the requirements of Rules 53 or 54.



	• The whole of the Tukituki River catchment, except for existing takes occurring prior to 4 May 2013 which shall continue to be permitted. Subject to the compliance with the following conditions: a. For takes occurring for a period of less than 4 weeks within any 90 day period, the total volume taken by any person shall not exceed 200 m³ per 7 day period. b. The rate of take shall not exceed 10% of the instantaneous flow at the point of take. d. The intake velocity shall not exceed 0.3 m/s. c. The activity shall not adversely affect any wetland. d. The take shall not adversely affect any lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take unless written approval is obtained from the affected person. 55 – relates to the taking and using of groundwater or surface water which is not covered by rules 53 and 54.	
6.7.2 – Diversion of water	Rule 56 – The diversion of water, except as expressly provided for by other rules within this Plan is permitted. Rule 57 – Any lawfully established diversion of water is permitted. Rule 58 – The diversion and discharge of water associated with the maintenance and removal or demolition of structures in any artificial water course and any associated discharge of sediment is permitted. Rule 59 – Any diversion of water which cannot comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary or non-complying activity.	Does not comply A discretionary resource consent is required under Rule 59 for the diversion of open drains.
6.7.3 – Transfer of water permits	Rules 60-62 – Relate to the transfer of water permits.	Not applicable No transfer of water permits proposed.



6.8 Use of Rivers and Lake Beds		
6.8.1 – Use, repair and maintenance of structures	Rules 63-64 – relate to the use, repair and maintenance of structures on, under, over the bed of a river, lake or watercourse.	Complies Rule 63 - A footbridge is proposed to be constructed over the Herehere Stream, adjacent to the existing Middle Road bridge. Approval is sought for this structure as part of the application to formalize its use. Rule 64 – not applicable. Relates to maintenance of structures.
6.8.1 - Replacing and upgrading of structures	Rule 65 - Any activity associated with the replacement and upgrading of any line or cable, owned or managed by a network utility operator, over the bed of any river or lake is permitted.	Complies The replacement and upgrading of lines and cables over the Herehere Stream may need to occur to service the development.
6.8.2 – Removal and demolition of structures	Rule 66 – relates to the removal of structures on, under or over the bed of a river, lake or watercourse.	Not applicable This activity is not proposed.
6.8.3 – Erection and placement of dams and other barrier structures and damming of water	Rule 67 – relates to the erection or placement of any dam, weir or other barrier structure in, on, under or over the bed of a river, lake and artificial watercourse. Rule 68 – relates to existing damming of water. Rule 69 – relates to activities which can not comply with section 6.8 of the plan and are provided for as a discretionary activity.	Not applicable This activity is not proposed.
6.8.4 – River control and drainage works and structures	Rule 70 - relates to river and drainage works that are undertaken by a local authority. Rule 71 – relates to works undertaken within a land drainage or flood control scheme and includes the erection of structures and any land disturbance within 6m of the bed. Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974:	Does not comply Approval is required as a discretionary activity Rule 71 as: • Revegetation planting works are proposed within 6m of the stream bed. • A footbridge structure is proposed over the Herehere Stream. • Stormwater outlet structures are required in the Herehere Stream and Gilpin Drain.



	• The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. • The reclamation or drainage of the bed of any river, lake or artificial water course. • The undertaking of any other land disturbance activity which impedes access to the bed of any river, lake or artificial water course, or within 6 metres of the bed. The erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water.	• Stream stabilization works (including HBRC / HDC required works) alongside the Herehere Stream which may include deposition of stabilization material. Reclamation of the current alignment of artificial watercourses (drains) through the site and integrating these into the new stormwater conveyance system.
6.8.5 – Erection and placement of other structures	Rule 72 – The erection or placement of any structure in, on, under, or over the bed of a river or lake, that is not expressly regulated by other rules within this Plan, and • any associated disturbance of the river or lake bed, and • any associated discharge of sediment, and • any associated damming or diversion of water Requires the following conditions/standards to be met: a. The scale of the structure shall comply with the following: i. Access structures in or on the bed of a river or lake, including bridges, culverts, and fords, shall be located in a catchment that is no greater than 150 ha.	Not applicable The structures are provided for as a discretionary activity under rule 71.



- ii. Other structures in or on the bed of a river or lake shall occupy an area of bed no greater than 10 m².
- b. The structure shall not change the natural course of any river or lake.
- c. Any release of sediment shall not cause any conspicuous change in the colour or visual clarity of water after reasonable mixing.
- d. There shall be no discharge of contaminants, other than sediment, into the river or lake.
- e. All materials used shall not be toxic to aquatic ecosystems.
- f. The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the structure.
- g. The structure shall not cause any increase in the risk of flooding or damage to any property during flood events, including the risk resulting from trapped debris.
- h. Any diversion of water for the purposes of carrying out the activity shall be for a period of no more than five consecutive days.
- i. The activity or structure shall not cause any erosion, scour or deposition beyond the area of the activity or structure or adversely affect any other lawfully established structure.
- j. All excess materials shall be removed from the bed by completion of the activity.
- k. In areas of fish spawning there shall be no disturbance of any part of the bed covered by water from 1 May to 30 September (fish spawning season) except in relation to the erection of whitebait stands, maimai, and necessary access structures to these, or where emergency works are required.



	Any whitebait structure shall be removed within 14 days of the end of any whitebait season.	
6.8.6 – River bed gravel extraction	Rules 73-74	Not applicable This activity is not proposed.
6.8.7 – Other disturbances of river and lake beds	Rule 75 - The disturbance of the bed of a river or lake, except as provided for by other rules.	Not applicable No other disturbance of river and lake beds is proposed.
6.8.8 – Introduction and planting of plants	Rule 76 - The introduction or planting of any plant or any part of any plant in, on, or under the bed of a river or lake, except as provided for by Rule 70, or Rule 71.	Not applicable Planting of plants in, on or under the stream is not proposed as part of this application.
6.9 Tukituki River Catchment Specific Rules		
Rule TT1-TT5	Relates to production land use and water takes within the Tukituku river catchment.	Not applicable This activity is not proposed.



2.3 TANK Plan Change 9 Rules Assessment

Rule / Standard	Detail	Comment
6.10 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment Rules (TANK)		
TANK – 1-5 Use of Farm Land		Not applicable The application is not for the use of production land.
TANK 6 – Surface water take	The take and use of surface water in the TANK Water Quantity Areas including under Section 14(3)(b) of the RMA and from a dam or water impoundment. Permitted if the following conditions can be met: a. Any take first commencing after 2 May 2020 is not from any of the following: i. Maraekakaho Water Quantity Area ii. Ahuriri Water Quantity Area iii. Awanui Stream Water Quantity Area iv. Poukawa Water Quantity Area v. Louisa Stream Water Quantity Area vi. Paritua-Karewarewa Water Quantity Area b. The take shall not exceed 5 cubic metres per day per property except: i. Lawful takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day ii. New takes to meet reasonable domestic needs may take up to 15 cubic metres over any 7 day period per dwelling house on the property	Does not comply It is proposed to take surface water from the temporary sediment pond for spraying during construction.



	iii. Lawful takes for stock drinking water on the property existing as at 2 May 2020 iv. Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metres per 7 day period. c. The taking of water shall not cause any stream or river flow to cease d. Fish, including eels, shall be prevented from entering the reticulation system e. The activity shall not cause changes to the flows or levels of water in any connected wetland f. The take shall not prevent from taking water any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take The rate of take shall not exceed 10% of the instantaneous flow at the point of take.	
TANK 7-8 – Groundwater take	The take and use of groundwater in the TANK Water Quantity Areas including under Section 14(3)(b) of the RMA	Does not comply The take and use of groundwater during construction will not meet the permitted activity standards.
TANK 9 - Surface and groundwater takes (abstraction at low flows)	Relates to the replacement of an existing resource consent to take and use water.	Not applicable There is no existing resource consent to take and use water on the site.
TANK 10 - Groundwater and Surface water take (low flow)	The take and use of surface (low flow allocations) or groundwater	Does not comply A discretionary consent is required under TANK 10 for the temporary take and use of surface water and ground water not meeting the requirements of TANK 8 or 9 during construction.
TANK 11 – Groundwater take	The take and use of groundwater which does not comply with the conditions of TANK 10.	Not applicable



		The take and use of surface water and groundwater complies with the conditions of TANK 10.
TANK 12 – Groundwater and surface water take	The take and use of surface or groundwater which does not comply with the conditions of TANK 10 or 11.	Not applicable The take and use of surfaced water and groundwater complies with the conditions of TANK 10.
TANK 13 – Taking water high flows	The taking and use of surface water at times of high flow (including for storage in an impoundment)	Not applicable The take and use of surfaced water and groundwater complies with the conditions of TANK 10.
TANK 14-18 – Damming water and take and use from storage		Does not comply A restricted discretionary consent is required under TANK 15 for the use of surface water (from the stormwater pond) during the construction period and not meeting the requirements of TANK 6.
TANK 19-20 Stream Flow Maintenance and Habitat Enhancement Scheme	Transfer and/or discharge of groundwater into surface water in the Heretaunga Plains Water Quantity Area	Not applicable This activity is not proposed.
TANK 21-22 - Small scale stormwater diversion and discharge	TANK 21 - The diversion and discharge of stormwater into water, or onto land where it may enter water is permitted subject to the following conditions: a. The diversion and discharge shall not: i. Be from an industrial trade premise ii. Be directly into an outstanding surface water body or onto land within 10m of an outstanding surface water body. iii. cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge iv. cause or contribute to flooding of any property	Complies The permitted activity standards of this rule are met and a consent notice on all lots has been included to ensure future buildings will be constructed from inert materials or painted with non-metal based paint. .



- v. cause any permanent reduction in the ability of the receiving environment to convey flood flows
- vi. contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances
- vii. contain drainage from a stockyard
- viii. cause to occur or contribute to any of the following after reasonable mixing:
 - i. production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials
 - ii. any emission of objectionable odour
 - iii. any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks)
 - iv. any freshwater becoming unsuitable for consumption by farm animals
 - ix. cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water
 - x. contain sewage, blackwater, greywater or animal effluent.
- b. All roof surfaces installed or replaced after the operative date of this rule shall be constructed from inert materials or painted with non-metal based paint and thereafter maintained in good order
- c. Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.



- d. The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how Condition (a) will be met or has been met.

Tank 22 – Restricted discretionary activity for activities that do not comply with the conditions of Rule TANK 21.

TANK 23 - Stormwater Diversion and discharge from local authority networks

Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water is a controlled activity with the following standards:

The diversion and discharge shall not:

- i) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge
- ii) cause or contribute to flooding of any property, except where stormwater may be directed to a secondary flow path
- iii) cause any permanent reduction in the ability of the receiving environment to convey flood flows
- iv) Contain drainage from a stockyard
- v) Contain any direct connection from a sewage, blackwater or greywater system to the stormwater network
- vi) Cause to occur or contribute to any of the following after reasonable mixing:
 - i) production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials
 - ii) any emission of objectionable odour
 - iii) any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks)

Does not comply

The proposal involves diversion and discharge of stormwater from the HBRC managed Gilpin, Bake and Pomeroy Drains to water, or land where it may enter water.

Controlled Activity subject to the following matters of control:

1. The efficacy of the Integrated Catchment Management Plan including, but not limited to:
 - i) Its contribution to achieving water quality objectives
 - ii) its implementation programme and milestones
 - iii) The comprehensiveness and reliability of the monitoring regime
 - iv) The use of low impact stormwater design methods
2. The actual or potential effects of the activity on the target attribute states set out in Schedule 26 or where relevant for other attributes, with reference to levels of species protection in receiving water in the ANZECC Guidelines (2018)
3. The characteristics of the proposed discharge and its effects on the receiving environment
4. The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier irrespective of any treatment process for the Registered Drinking Water Supply



	iv) any freshwater becoming unsuitable for consumption by farm animals v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water exceedance of water quality targets for microbiological contamination b) An application for resource consent must include an Integrated Catchment Management Plan in accordance with Schedule 33.	5. Duration of the consent 6. Review of consent conditions 7. Compliance monitoring 8. Administrative charges.
TANK 24 - Stormwater discharge from industrial or trade premises		Not applicable This activity is not proposed.
TANK 25 – Stormwater Activities	The diversion and discharge of stormwater into water, or onto land where it may enter water.	Not applicable The proposal requires resource consent under Rule TANK 22 for the diversion and discharge of stormwater. Rule TANK 25 only applies where an activity does not comply with Rules TANK 21 to TANK 24. As the proposal is appropriately provided for under Rule TANK 22 as a restricted discretionary activity, Rule TANK 25 does not apply.