

Appendix 27

Statutory Rules Assessment

Proposal:	Residential development comprising 203 residential lots and associated site works, infrastructure and landscaping. The proposal includes earthworks, stream diversion and realignment, stormwater management and discharge infrastructure, vegetation and wetland removal and reinstatement, and associated landscaping and ecological restoration.
Address:	174 and 176 Brookvale Road, Havelock North
Regional Plan:	Hawkes Bay Regional Resource Management Plan
RRMP Limitations:	Flood Control Scheme Area, Confined Aquifer, Groundwater Management Zone, TANK Surface Water Quality, TANK Priority Catchment, TANK Water Quantity Land Use Capability 3, Flood Risk Area – Low, Medium liquefaction vulnerability
Consents Required:	<u>LUS-XXX:</u> - Vegetation clearance, land disturbance, earthworks, new structures and replanting within 6m of a watercourse in a flood control scheme area (RMA s9) - Activities associated with the realignment and diversion of watercourses, culvert upgrades and new access crossings, removal of existing culverts, fords and piped structures, wetland removal/reinstatement, and the placement of structures in, on and over stream beds (RMA s13) - Wetland removal and reinstatement/enhancement (NES-FW) <u>WAT-XXX:</u> - Diversion of watercourses and artificial drains (RMA s14) <u>DIS-1XX:</u> - Discharge of stormwater into watercourses (new stormwater discharge to stream) (RMA s15) <u>DIS-2XX:</u> - Temporary discharge of contaminated water during construction (RMA s15)

Rule	Compliance	Non-Compliance
6.3 Land Use Activities		
6.3.1 Bore drilling & leaking bores	N/A – Rules 1-2 are not relevant to the proposal as no new bores are proposed. N/A – Rule 3 is not relevant as the existing bores will be decommissioned once no longer in use. Permitted activity: A total of 10 bores are located on site which will be removed in accordance with the recommendations of the Infrastructure Report	

	Appendix 9. The decommissioning of bores is a permitted activity under Rule 4 subject to compliance with the listed standards.	
6.3.2 Feedlots and feedpads	N/A – Rules 5-6 are not relevant as no feedlots and feedpads are proposed.	
6.3.3 Vegetation clearance and soil disturbance	Complies – The proposal will be undertaken in accordance with the erosion and sediment protection controls set out in Appendix 9 to achieve compliance with all conditions of Rule 7 .	Restricted discretionary - It is proposed to remove exotic vegetation and shelterbelts within 5m of the two streams on site. Vegetation clearance that does not meet the conditions in Rule 7 are a restricted discretionary activity under Rule 8 .
6.4 Discharges to Air/Land/Water		
6.4.1 Agrichemicals – discharges to air/land/water	N/A – No discharge of agrichemicals is proposed Rule 9 .	
6.4.2 Agricultural activities & other activities on production land – discharges to air/land/water	N/A – None of the listed agricultural activities are proposed Rules 10 - 16 .	
6.5 Discharges to Air		
6.5.1 Combustion of fuel – discharges to air	N/A – Not relevant to the proposal Rules 17 – 18h .	
6.5.2 Burning of waste – discharges to air	N/A – Not relevant to the proposal Rules 19 – 20a .	
6.5.3 Management of waste & other matter, excluding industrial & trade premises – discharges to air	N/A – Not relevant to the proposal Rule 21 .	
6.5.4 Abrasive blasting – discharges to air	N/A – Not relevant to the proposal Rules 22-24 .	
6.5.5 Moveable sources– discharges to air	N/A – Not relevant to the proposal Rules 25-27 .	
6.5.6 Industrial & trade premises– discharges to air	N/A – Not relevant to the proposal Rules 28-29 .	
6.5.7 Non-compliance with other rules– discharges to air	N/A – Not relevant to the proposal Rule 30 .	
6.6 Discharges to Land/Water		
6.6.1 Water – discharges to water	N/A – Not relevant to the proposal Rule 31 .	
6.6.2 Drainage water – discharges to land/water	N/A – Not relevant to the proposal Rules 32-33 .	

6.6.3 Bore drilling fluids – discharges to land/water	N/A – No discharge of bore drilling fluids are proposed Rule 34.	
6.6.4 Domestic sewage – discharges to land	N/A – It is proposed to connect the development to the reticulated network Rules 35-38.	
6.6.5 Landfills, transfer stations 7 waste oil – discharges to land/water	N/A – Not relevant to the proposal Rules 39-41.	
6.6.6 Stormwater – discharges to land/water Diversion and discharge of stormwater	Permitted activity – The subject site is proposed to be serviced by a new stormwater network. The diversion and discharge of stormwater is a permitted activity under Rule 42 subject to compliance with the listed standards relating to scour, flow, erosion and suspended materials.	
6.6.6 Stormwater – discharges to land/water Diversion and discharge of stormwater	N/A – The proposal is for a residential stormwater network. The diversion and discharge of stormwater does not trigger the controlled activity standards under Rule 43 relating to industrial or trade premises receiving water mixing and the activity is permitted by Rule 42.	
6.6.7 Generic discharges of contaminants – discharges to land/water	Otherwise complies – The soils at the site are highly unlikely to pose a risk to human health and the receiving environment (refer to Contamination Report at Appendix 17) and does not relate to clean fills or livestock disturbance Rules 47-51.	
6.6.8 Non-compliance with other rules – discharges to land/water		Discretionary activity - It is proposed to temporary discharge water from the retention pond during earthworks, where chemical treatment will be provided to the pond if 100mm of water clarity is not achieved before discharge, this will be achieved by dosing/flocculation. Discharge of contaminants to land and water that does not comply with the conditions is a discretionary activity under Rule 52.

6.7 Water Takes, Uses & Diversions		
6.7.1 Take & Use of water	N/A – The take and use of surface water or groundwater is not proposed Rules 53-55 .	
6.7.2 Diversion of water	Permitted activity: The proposal otherwise complies with Rule 56 as follows: • The diversion shall remain within the same catchment; • The diversion shall not cause any scouring or erosion of any land or any water course beyond the point of discharge; • The diversion shall not adversely affect any lawfully established take, which existed at the time that the diversion commenced; • The activity shall be undertaken in a manner that continues to provide for the existing passage of fish past the diversion; and • There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the diversion. Rule 57 is N/A.	Discretionary activity: The proposal seeks to divert a stream at the northern extent of the project area and reclaim the artificial drainage channels within the site. The proposal involves the stream realignment of approximately 355m of Watercourse 1. The realigned channel will be approximately 356m in length. These works do not comply with the following standards of Rule 56: • The catchment of Stream 1 exceeds 50ha, being 3,560ha; • The diversion will not remain within the bed of the affected water body; • The diversion will divert more than 10% of the flow of the affected water body; and • Wetlands 3 and 4 will be affected by the diversion. • There are less than minor adverse effects on 2x downstream neighbours, but an overall net benefit. Diversion of water which cannot comply with any condition listed for a permitted activity is a discretionary activity under Rule 59.
6.7.3 Transfer of water permits	N/A – The bores on site will be disestablished Rules 60-62 .	
6.8 Use of Rivers & Lake Beds		
6.8.1 Use, repair & maintenance of structures	Complies – The proposal involves retaining some lawfully established structures in, on, under or over the bed of a river or artificial watercourse including culverts and pipes Rules 63-64 .	

	N/A – Relates to replacement or upgrading of cables or lines Rule 65 .	
6.8.2 Removal & demolition of structures	Permitted activity: The proposal seeks to remove the following structures from watercourses: • The ford located on the site within Stream 1; • The piped culvert in Stream 1 located within Brookvale Road; and • All piped structures within Stream 2 located within the site. The removal of structures is a permitted activity under Rule 66 subject to compliance with the listed standards. <i>Note: It is proposed to upgrade the piped culvert in Stream 1 located within Brookvale Road and the central piped culvert within Stream 2.</i>	
6.8.3 Erection and placement of dams & other barrier structure, & damming of water	N/A – No barriers or damming of water within the streams is proposed Rules 67-68 .	
6.8.4 River control & drainage works & structures	N/A – the proposal does not involve flood control and drainage by a local authority Rule 70 .	The following activities are a discretionary activity under Rule 71: • Planting within 6 metres of the bed of Streams 1 and 2; • The erection of two outfall structures within Stream 1; • The erection of two outfall structures within Stream 2; • The erection of buildings, fences, and other structures within 6 metres of the bed of Streams 1 and 2; • The deposition of earth within 6 metres of the bed of Streams 1 and 2; • The reclamation of Stream 1 at the northern extent of the project area and the artificial watercourses on site; and • Land disturbance within 6 metres of the bed Streams 1 and 2.

6.8.5 Erection & placement of other structures (including access structures)	Complies – Otherwise complies with the standards of Rule 72 .	Discretionary activity: It is proposed to replace existing access structures within Stream 1 and 2, which do not comply with the following standards of Rule 72: - The upgraded culvert within Brookvale Road will occupy an area greater than 10m² within the bed of Stream 1; and - The access structure within the site across Stream 2 will occupy an area greater than 10m² within the bed of Stream 2. Any activity which cannot comply with any of the rules in section 6.8.5 of the RRMP is a discretionary activity under Rule 69.
6.8.6 River bed gravel extraction	N/A – River bed gravel extraction is not proposed Rules 73-74 .	
6.8.7 Other disturbances of river and lake beds	N/A – The proposed stream diversion is sought under Rule 71 and upgrade to the existing structures are sought under Rule 72 (Rule 75).	
6.8.8 Introduction & planting of plants	N/A – The proposed riparian planting is sought under Rule 71 (Rule 76).	
6.9 Tukituki River Catchment specific rules		
Rule TT1-TT5	N/A – The site is not located within the Tukituki Catchment Rules TT1-TT5 .	

TANK Plan Change 9 Rules Assessment

Rule	Compliance	Non-Compliance
6.10 - Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment Rules (TANK)		
TANK 1-5 – Use of Farm / Productive Land	N/A – The site is not for the use of farm / production land.	
TANK 6 – Surface water take	N/A – No surface water take is proposed.	
TANK 7-8 – Groundwater take	N/A – The taking and use of groundwater is not proposed.	
TANK 9 – Surface and groundwater takes (abstraction at low flows)	N/A – The taking and use of surface and groundwater is not proposed.	

Rule	Compliance	Non-Compliance
TANK 10 – Groundwater and Surface water take (low flow)	N/A – The taking and use of groundwater is not proposed.	
TANK 11 – Groundwater take	N/A – The taking and use of groundwater is not proposed.	
TANK 12 – Groundwater and surface water take	N/A – The taking and use of surface or groundwater is not proposed.	
TANK 13 – Taking water high flows	N/A – The taking and use of surface water is not proposed.	
TANK 14-18 – Damming water and take and use from storage	N/A – Damming water and take and use from storage is not proposed.	
TANK 19-20 – Stream Flow Maintenance and Habitat Enhancement Scheme	N/A – The taking and use of groundwater is not proposed.	
TANK 21 – Stormwater diversion and discharge	Otherwise complies with TANK 21 as a permitted activity as follows: • The discharge is not from an industrial trade premise; • The discharge is not located onto or within 10m of an outstanding surface water body; • All outfalls to the streams within the site are supported by engineered outfalls, which include rip-rap design to dissipate energy and avoid scouring at the discharge point; • The proposal does not cause any permanent reduction in the ability for the receiving environment to convey flood flows; • The site does not contain hazardous substances, nor will the site be used for the storage, use or transfer of hazardous substances; • There is no drainage from a stockyard; • Treatment of all stormwater is proposed;	Non-compliance: Does not meet standard TANK 21(a)(iv) as the proposal contributes to flooding on a downstream property. See TANK 22 below.

Rule	Compliance	Non-Compliance
	- Will not contribute to the destruction or degradation of any habitat; - Discharge does not contain sewerage, greywater or effluent; - All buildings will have roofs constructed from inert materials or painted with non-metal based paint as required by condition of consent. The proposal is able to meet all TANK 21 conditions and therefore does not trigger RDA activity status under TANK 22.	
TANK 22 – Stormwater diversion and discharge	Otherwise complies – - The discharge is not from an industrial or trade premise. - The application includes a Stormwater Management Plan.	Restricted discretionary activity: The proposal does not comply with all conditions of Rule TANK 21. Specifically, flood modelling identifies less than minor adverse flooding effects on two downstream properties associated with the upgraded culvert network and stormwater conveyance system (TANK 21 (a)(iv) cause or contribute to flooding of any property. While these effects are offset by wider flood mitigation benefits and are assessed as acceptable in the overall context of the proposal, the activity requires resource consent as a restricted discretionary activity under Rule TANK 22.
TANK 23 - Stormwater Diversion and discharge from local authority networks	N/A – At the time this application is considered and exercised, the proposed stormwater system will be owned, constructed and operated by the Applicant as part of the Brookvale Green development. The proposal is therefore not a diversion or discharge from an existing or new local authority managed stormwater network. Following construction and vesting post consent, the	

Rule	Compliance	Non-Compliance
	stormwater assets are anticipated to become part of the HDC network and will likely be incorporated into the HDC's future stormwater discharge consenting framework via a separate HDC application. Accordingly, Rule TANK 23 does not apply to the current application.	
TANK 24 - Stormwater discharge from industrial or trade premises	N/A – No industrial or trade premises discharge proposed.	
TANK 25 – Stormwater activities	N/A – 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.	

TANK Plan Change 9 (Note: only rules where changes are proposed are included)

6.3 Land Use Activities

6.3.1 Bore drilling & leaking bores	Permitted activity – The bores on site are proposed to be disestablished. The site is in the source protection zone. Information will be provided to confirm compliance with conditions (a) to (d) by way of a condition of consent Rules 1-4 .	
6.3.2 Feedlots and feedpads	N/A – No feedlots and feedpads are proposed Rules 5-6 .	
6.3.3 Vegetation clearance and soil disturbance		Restricted discretionary: Requirements introduced under the TANK plan change in Rule 7 are not met as matters under (f) relating to native vegetation being removed within 10m of a stream will not be met. Consent is required under Rule 8 as a restricted discretionary activity.

6.4 Discharges to Air/Land/Water

Rule	Compliance	Non-Compliance
6.4.2 Agricultural activities & other activities on production land – discharges to air/land/water	N/A – None of the listed agricultural activities are proposed Rules 12-15 .	
6.6 Discharges to Land/Water		
6.6.1 Water – discharges to water	N/A – Not relevant to the proposal Rule 31 .	
6.6.2 Drainage water – discharges to land/water	N/A – Not relevant to the proposal Rules 32-33 .	
6.6.4 Domestic sewage – discharges to land	N/A – It is proposed to connect the development to the reticulated network Rule 37 .	
6.6.6 Stormwater – discharges to land/water	Rules 42-46 do not apply within the Karamū River Catchment. Refer to Section 6.10.	
6.7 Water Takes, Uses & Diversions		
6.7.1 Take & Use of water	Rules 53-55 do not apply in the Karamū River Catchment.	
6.7.3 Transfer of water permits	N/A – Water transfer is not proposed under this application Rules 60-62 .	
6.8 Use of Rivers & Lake Beds		
6.8.1 Use, repair & maintenance of structures	N/A – It is proposed to upgrade the existing structures within the streams.	
6.8.3 Erection and placement of dams & other barrier structure, & damming of water	N/A – No damming of water within the streams is proposed Rule 67-69 .	

HDP Rules Assessment

Proposal:	Brookvale Green Fast-track Substantive Application
Address:	174 – 176 Brookvale Road, Havelock North
District Plan:	Heretaunga Hastings Operative District Plan
Zoning:	Plains Production Zone
Overlays/Controls:	Scheduled Activity S37 Te Mata Mushroom Activity Liquefaction Appendix 57 overlays – Low & Very Low Statutory Acknowledgement Area – Area of Interest Plan Change 5 – Right Homes, Right Place Appendix 63 – OS4-01 – Arataki Link Reserve (Open Space – Maintained)
Designations:	N/A
Consents Required:	LUC-XXX: - Proposed yield of 203 residential dwellings as part of a comprehensive urban development (RMA s9) SUB-XXX: - Subdivision including vested roads, accessways and a local purpose drainage reserve (RMA s11). - Infrastructure and site works associated with the subdivision and the development, including roads, drainage reserves, parking, accessways, and infrastructure for three waters services (RMA s9 and s11)

Rule	Compliance	Non-Compliance
Part B Strategic Management Areas and Zones		
6.2 Plains Production Zone		
6.2.4 RULES		
Rule Table 6.2.4 - Plains Production Zone (PP2 – Residential Buildings)		Non-complying activity: A total of 203 residential buildings are proposed, where one per site is permitted. Residential buildings not complying with Specific Performance Standard 6.2.6B are a non-complying activity under Rule 6.2.4(PP38) .
Rule Table 6.2.4 - Plains Production Zone (PP24 – General Performance Standards in 6.2.5)		Restricted discretionary activity: The proposal involves permitted activities not meeting one or more of the Section 6.2.5 and specified Section 6.2.6 performance standards as follows: Rule 6.2.5A Building height.

Rule	Compliance	Non-Compliance
		• Rule 6.2.5B Front and other boundary setbacks. • Rule 6.2.5H Shading of land, buildings and roads. • Rule 6.2.5J Maximum building coverage. • 6.2.6B – More than one residential dwelling per 2,500m² will be established. Under Rule 6.2.4 (PP24).
Rule Table 6.2.4 - Plains Production Zone (PP3 – Supplementary Residential Buildings)		Non-complying activity: The proposal seeks to allow home occupations in line with the standards of the GRZ (Lot Type 1) and MDRZ (Lot Type 2 & 3) to establish as a permitted activity on the site. This activity is not provided for the in PPZ and requires non-complying activity consent under Rule 6.2.4 (PP39) .
Rule Table 6.2.4 - Plains Production Zone (PP29 – Residential activities within 400m of Intensive Rural Production)	N/A – The site is within 400m of an intensive rural production (Shaggy Range dog daycare). However, the consented Shaggy Range activity does not involve buildings housing animals reared intensively and yards accommodating animals reared intensively.	
Rule Table 6.2.4 - Plains Production Zone (PP31 – Residential activities within 400m of Intensive Rural Production)	N/A – The proposed residential activities are not within 15m of the Shaggy Range dog day care (intensive rural production) specified areas on the plan approved by RMA20170139.	
Rule Table 6.2.4 - Plains Production Zone (PP39 – Show homes)		Non-complying activity: The proposal seeks to allow show homes to establish as a permitted activity on the site. This activity is not provided for the in PPZ and requires non-complying activity consent under Rule 6.2.4 (PP39) .
Rule Table 6.2.4A - Plains Production Zone	N/A – The site is not within Appendix 59 Heretaunga Plains Unconfined Aquifer	
6.2.5 General Performance Standards		

Rule	Compliance	Non-Compliance
6.2.5A Building Height 10m	Otherwise complies – The propose consent notice applying to 164 future allotments (Lots 1-12, 17-21, 38-43, 48-54, 62-84, and 93-203) will require these sites (Lot Type 1) are designed for the General Residential Zone (GRZ) standards where a maximum height of 8m is allowed. This will comply with the maximum height of 10m.	Infringes Rule 6.2.5A – The proposed bulk and location consent notice and design guidelines applying to 39 future allotments (Lots 13-16, 22-37, 44-47, 55-61 and 85-92) will allow for sites (Lot Type 2 & 3) designed for the Medium Density Residential Zone (MDRZ) standards to be up to a maximum of 11m in height . A height infringement of up to 1m is proposed for these lots.
6.2.5B Yards - Front yard: 7.5m - Other: 15m	Otherwise complies – - No lots are located within 7.5m of the Brookvale Road front yard boundary. - No accessory buildings are proposed to be located within 7.5m of the Brookvale Road boundary and 5m of side and rear boundaries.	Infringes Rule 6.2.5B as follows: - The proposed future units of Lots 131-138, 140-141 & 172 will encroach on the southern 15m yard by a maximum of 5m provided by way of a 10m building setback restriction consent notice on this boundary; and - The proposed future units of Lots 141-164 and 169-172 will encroach on the western 15m yard by a maximum of 5m provided by way of a 10m building setback restriction consent notice on this boundary.
6.2.5C Protection of Flood Channels	<i>Noted – Consent is sought under the RRMP.</i>	
6.2.5D Screening	N/A – Residential activities are proposed.	
6.2.5E Light and Glare	Will comply – 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. Refer to Lighting Plans included as Appendix 4 .	
6.2.5F Traffic Sightlines, Parking, Access And Loading	Will comply – Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking.	
6.2.5G Noise	Complies – The proposed residential activities shall comply	

Rule	Compliance	Non-Compliance
	with the provisions of Section 25.1 of the District Plan on Noise. Refer to Appendix 15 .	
6.2.5H Shading of Land, Buildings and Roads	Otherwise complies – - The lemonwood tree species forming the shelterbelt planting on the western boundary of Lots 157-164, & 172 will be set back 5m from the boundary. - the lemonwood tree species forming the shelterbelt planting will be a height of 4m. - No shelterbelt trees are proposed within 20m of Brookvale Road. - The site does not adjoining the boundary of residentially zoned land and the height to boundary rules do not apply.	Infringes Rule 6.2.5H – The proposed lemonwood tree species forming the shelterbelt planting on the southern and western boundaries is not setback 5m from the boundary on Lots 131-138 & 140-156. Planting is proposed within 0-2m of the boundary.
6.2.5I Height in Relation to Bridge Pa Aerodrome	N/A – Not relevant to the site.	
6.2.5J Total Building Coverage (Including Hardstand and Sealed Areas)		Infringes Rule 6.2.5J – The maximum building coverage (including hardstand and sealed areas) will exceed 1500m ² . It is proposed to apply via consent notices the GRZ (Lot Type 1) and MDRZ (Lot Type 2 & 3) building coverage standards of 45% and 50% respectively to the proposed 203 lots and new roads will be constructed throughout the subdivision. The proposal therefore exceeds the allowable building coverage for the site.
6.2.6 Specific Performance Standards and Terms		
6.2.6A Intensive Rural Production	N/A – Not relevant to the proposal. Residential activity proposed.	
6.2.6B Residential Buildings		Infringes Rule 6.2.6B – (a) A maximum of one residential dwelling is allowed in the zone provided that the site shall be a minimum area of 2,500m². With four existing titles, four residential

Rule	Compliance	Non-Compliance
		dwelling are permitted on the site. In this case, 203 residential dwellings are proposed with site sizes ranging from 202m² (Lots 27 & 35) and 1,688m² (Lot 72). All future allotments are proposed to adopt GRZ (Lot Type 1) and MDRZ (Lot Type 2 & 3) standards and consent is sought for one dwelling to be established on each lot.
6.2.6D-6.2.6I	N/A – Not relevant to the proposal. Relates to commercial and industrial activities, and temporary events.	
6.2.6J Relocated Buildings	Complies – Relocated buildings are not sought by the proposal.	
6.2.6K-6.2.6P	N/A – Not relevant to the proposal – not for residential activities .	
Part C District Wide Activities		
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.	
16.1 Wāhi Taonga District Wide Activity	N/A – No Wāhi Taonga are identified by the HDP on the Site.	
17.1 Natural Features and Landscapes	N/A – The site is not subject to any special landscape areas.	
18.1 Heritage Items and Notable Trees	N/A – The site is not subject to any heritage items and notable trees.	
19.1 Riparian Land Management and Public Access	N/A – The site is not within an area identified within Appendix 54 and 55,	
20.1 Indigenous Vegetation and Habitats of Indigenous Fauna	Vegetation removal of scattered indigenous trees/shrubs amongst pasture is proposed. Indigenous vegetation modification outside of any area identified in Appendix 56 which meets the General Performance Standards and Terms is a	

Rule	Compliance	Non-Compliance
	permitted activity under Rule 20.1.5.IN1.	
21.1 Papakāinga District Wide	N/A – Not relevant to the proposal.	
22.1 Network Utilities District Wide Activity – Services	Permitted activity: The proposal seeks to implement underground network utilities to service the development. The construction, operation, maintenance, replacement, refurbishment or upgrading of in-ground network utilities is a permitted activity under Rule 22.1.5.1.NU2(i). Permitted activity: The proposed wastewater pumpstation will have above ground features. The construction, operation, maintenance, replacement, refurbishment or upgrading of above-ground network utilities not exceeding 30m² GFA is a permitted activity under Rule 22.1.5.1.NU2(iii).	
22.1 Network Utilities District Wide Activity – Upgrade of Road adjacent to the Arataki Reserve	Permitted activity: The proposal involves the operation, maintenance, replacement, refurbishment or upgrading of Brookvale Road, including any associated retaining walls, culverts, bridges and general works both within and on land adjacent to road reserve. In this case, the works involve upgrades to the full extent of Brookvale Road frontage to the site and the existing HDC owned service lane access corridor (Lot 1 DP 529421 and Lot 2 DP 28543). The works will involve: • a retaining wall within the Arataki Reserve land (length of 70m) and Brookvale Road corridor (60m) 0.3m – 3m in height to facilitate the road upgrade. • General works (vegetation removal and replacement, earthworks and batter) in the Arataki Reserve land to	

Rule	Compliance	Non-Compliance
	facilitate the upgrades to the service lane. - Upgrades to the road culverts under Brookvale Road. - General road improvement works to the Brookvale Road corridor, including new footpaths, kerb and channel and widening. Under Rule 22.1.5.1.NU4.	
23.1 Renewable Energy	N/A – Not relevant to the proposal.	
24.1 Activities on the Surface of Water	N/A – Not relevant to the proposal.	
25.1 Noise	The Acoustic Assessment (refer to Appendix 15) 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.	
26.1 Transport and Parking	Refer below.	
27.1 Earthworks Mineral Aggregate and Hydrocarbon Extraction Rule 27.1.5(a)	Permitted activity: Earthworks listed in the Rule Table 27.1.5 assessed with any subdivision consent will be considered a permitted activity (Rule 25.1.5(a) that does not have to comply with the performance standard and terms in section 27.1.6.	
28.1 Advertising Devices & Signs	N/A – No signage is proposed.	
29.1 Hazardous Substances	N/A – Not relevant to the proposal.	
Part 26.1 Transport and Parking		
26.1.5 Rules	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 is a permitted activity under Rule 26.1.5.TP1. A consent notice will be placed on	

Rule	Compliance	Non-Compliance
	the titles requiring compliance with Section 26.	
26.1.6A.1 Access to Property	Complies – The proposed roads are to be vested and the two private accessways have been designed to meet the requirements, refer to the STA included as Appendix 14 .	
26.1.6A.2 Distance of Vehicle Accesses from Road Intersections	Complies – The site is not in proximity to a state highway. <i>Note: The proposal complies with the residential zone requirements for a distance of vehicle crossings, refer to the STA included as Appendix 14.</i>	
26.1.6A.3-26.1.6A.5	N/A – Not relevant to the site.	
26.1.6B Safe Sightline Distances	Complies – The STA (refer Appendix 14) demonstrates that SISD is achieved at all intersections.	
26.1.6C Loading	N/A – Residential activities are proposed.	
26.1.6D.3 Parking Spaces for People with Disabilities	Future development of dwellings will comply.	
26.1.6D.5 Design and Construction of Parking Areas	Future development of dwellings will comply.	
26.1.7A.1 Vehicle Standing Bay	Future development of dwellings will comply.	
26.1.7B Infrastructure to Support Alternative Transport Modes	N/A – Parking is not required for the proposal.	
Part D Subdivision and Land Development		
Rule Table 30.1.5 (SLD25)		Non-complying activity: 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 under Rule 30.1.5 - SLD25 .
30.1.6A General Site Standards (11A)		Infringes – A minimum net site area of 12ha is required for sites created by subdivision within the Plains Production Zone, where lot sizes of 202m ² to 1,688m ² are proposed Rule 30.1.6A - 11A .

Rule	Compliance	Non-Compliance
30.1.6B Lifestyle Lots	N/A – General site subdivision is sought.	
30.1.6C Exemption to Minimum Site Provisions	N/A – Not relevant to the proposal.	
30.1.6D-30.1.6E	N/A – Not relevant to the site.	
30.1.7A Building Platforms		Infringes – The proposed residential lots are not able to accommodate the required 30m by 30m building platform Rule 30.1.7A . <i>Note: Proposal does not comply with 30.1.6A. As such, consent is sought under Rule 30.1.5.SLD25.</i>
30.1.7B Water Supply	Complies – All lots will be connected to the new public reticulated water supply, as shown in the Infrastructure Drawings included as Appendix 4 .	
30.1.7C Wastewater Disposal	Complies – All lots will be connected to the new public reticulated wastewater disposal system, as shown in the Infrastructure Drawings included as Appendix 4 .	
30.1.7D Stormwater Disposal	Complies – All lots will be connected to the new & future public stormwater disposal system, as shown in the Infrastructure Drawings included as Appendix 4 .	
30.1.7E Property Access	Complies – The proposal complies with the provisions of Section 26.1 Transport and Parking, refer to above assessment.	
30.1.7F Outdoor Living Space	N/A – Not relevant to the site.	
30.1.7G Electricity	Complies – All lots will be connected with electricity, as shown in the Infrastructure Drawings included as Appendix 4 .	
30.1.7H Esplanade Reserves and Strips	N/A – The site does not contain or adjoins the coast or a waterbody identified in Appendix 54.	
30.1.7I-30.1.7AA	N/A – Not relevant to the site or proposal.	