ATTACHMENT U: RULE ASSESSMENT – CENTRAL OTAGO DISTRICT PLAN AND OTAGO REGIONAL PLANS

Introduction

This appendix identifies the rules of the Operative Central Otago District Plan (CODP) and of the Otago regional plans – the Regional Plan: Water for Otago (RPW), the Regional Plan: Air for Otago (RPA) and the Regional Plan: Waste for Otago – that apply to the Parkburn project, and the activity status of each component of the project under each rule. It supports section 7 of the Planning Report, which set out the consents sought and the overall activity status. The district and regional consents are sought together in the substantive application under the Fast-track Approvals Act 2024.

Part A of this appendix sets out the district plan assessment and Part B the regional plan assessment. Each part begins with the planning context and the plan definitions that determine how the rules apply, followed by the rule table. In the rule tables, rows shaded yellow identify rules under which resource consent is required; unshaded rows record permitted activities, standards that are met and rules that are not engaged. Where the activity status turns on a design or construction detail that is not yet confirmed, the table takes the conservative position and identifies the consent that would be required.

Table 1: Summary of Resource Consents Required

Plan and rule	Activity	Activity status
Central Otago District Plan		
5.7.2.b Earthworks within 10 m of a water body	Removal of the boundary bunds to connect each cove to the lake, and placement of rock armouring at the cove mouths, within 10 m of the lake margin	Restricted Discretionary
5.7.3.a Breach of standard 5.7.4.A (structures in the WSMRA)	Rock armouring at the cove mouths extending onto the Crown marginal strip (not a structure listed in Rule 5.7.4.A)	Discretionary
LRZ-R7 Visitor accommodation	Travellers' accommodation in the business area (Lot 1000), not within a residential unit	Discretionary
LRZ-R9 Childcare services	Early childhood education, daycare and care services in the business area, not within a residential unit	Discretionary
LRZ-R11 and MRZ-R12 Excavation and fill	Bulk cut-to-fill earthworks of approximately 3.3 million m³, including the cove, boat ramp and jetty excavations	Restricted Discretionary
LRZ-R13 Convenience retail activities	Retail tenancies of up to 150 m² gross floor area in the business area	Restricted Discretionary
LRZ-R15 and MRZ-R15 Community facilities and educational facilities	The school site; the educational, health, welfare, cultural, worship and community components of the business area; the coves, boat ramp, jetties and car park; facilities in the lakeside recreation reserve	Restricted Discretionary
LRZ-R16 and MRZ-R2 Comprehensive residential development	Approval of the Residential Development Matrix (Appendix Two), including the departures from LRZ-S1, S4, S5.1 and S6.1.1 on the medium density lots and superlots	Restricted Discretionary
LRZ-S2 and LRZ-S3 Height and height in relation to boundary	11 m and three storeys on the medium density lots and superlots on LRZ land (height above 8.5 m)	Non-complying
LRZ-R17 Any activity not otherwise listed	Retail tenancies of 150–450 m², cafés, restaurants and bars, the associated sale of liquor and takeaway food, and offices and workspace in the business area	Discretionary
LRZ-R19 Large format retailing	Any retail tenancy exceeding 450 m² gross floor area, including a convenience grocery store of that size	Non-complying
LRZ-S8 and MRZ-S14 Schedule 19.28 Parkburn Structure Plan	Development not in general accordance with the Structure Plan; servicing pre-conditions; residential lots between SH6 and the Building Line Restriction	Non-complying
SUB-R2 and 13.7.17 Subdivision to create reserve and utility allotments	The recreation, esplanade, drainage and utility, and walkway reserves to vest	Controlled

Plan and rule	Activity	Activity status
SUB-R5 Subdivision with a Comprehensive Residential Development consent (SUB-R6 matters of discretion)	Subdivision of the LRZ and MRZ land	Restricted Discretionary
SUB-S1 Minimum allotment size – LRZ (alternative outcome if SUB-S1 is applied)	54 medium density lots of 328–399 m² on LRZ land	Non-complying
SUB-S2 Schedule 19.28 Parkburn Structure Plan area	Subdivision not in general accordance with the Structure Plan; more than 559 residential allotments; timing of the SH6 intersection upgrades	Non-complying
8.3.2.ii and 9.3.2.i Subdivision in the BRA(3) and IRA	All subdivision of the BRA(3) and IRA land	Controlled
8.3.3.i Breach of Rule 8.3.6.ii (BRA(3))	Residential activity on the ten BRA(3) lots adjoining the LRZ/MRZ boundary without the 5 m yard	Restricted Discretionary
8.3.3.ii Buildings in the BRA(3) within the Parkburn Structure Plan	All buildings on BRA(3) land, including dwellings developed under Appendix Two and the jetties and other structures on the BRA(3) part of the northern cove	Restricted Discretionary
9.3.3 Breach of standards 9.3.6.ii, 9.3.6.iii(b) and 9.3.6.iv(a) (IRA)	Dwellings on IRA land: yards and height adjoining Residential Zone boundaries and reserves, indoor noise design, and screening fence on the zone boundary	Restricted Discretionary
9.3.4.ii Breach of standards 9.3.6.x and 9.3.6.xi (IRA)	Building coverage of 40% on the IRA(3) lots; no reflectance control for dwellings on IRA land	Discretionary
12.7.1.viii Breach of access standards	Sight distances of 40 m not achieved at a small number of lot accesses	Restricted Discretionary
12.7.7.ii Building line restriction	Dwellings on the 31 LRZ lots and three IRA(3) lots between the Building Line Restriction and SH6	Restricted Discretionary
Otago regional plans		
RPW 12.2.4.1 Taking and use of groundwater	Temporary dewatering of the cove excavations at up to 300 L/s	Discretionary
RPW 12.3.4.1 Damming or diversion of water	Admitting lake water to each cove when the bunds are removed; any diversion of the Park Burn for the floodplain earthworks	Discretionary

Plan and rule	Activity	Activity status
RPW 12.C.2.1 Discharge of water or contaminants for a period of up to five years	Treated dewatering water discharged to the lake; sediment-laden runoff from the cove earthworks entering each cove once it is connected to the lake	Restricted Discretionary
RPW 13.2.2.1 Jetties in the bed of a lake	Jetties in the northern and southern coves	Restricted Discretionary
RPW 13.2.3.1 Other structures in the bed of a lake or river	Park Burn road bridge; boat ramp and cove edge protection within the bed of the lake	Discretionary
RPW 13.5.3.1 Alteration of the bed of a lake or river and associated sediment discharge	Cove excavation and bund removal; Park Burn bridge and culvert works, floodplain earthworks and channel bed stabilisation; placement of the lake intake pipeline and the direct lake outfall; and the associated discharge of sediment	Discretionary
RPW 14.1.1.1 Bores	Dewatering sump in each cove excavation	Controlled
RPW 14.3.2.1 Defences against water other than on the bed of a lake or river	Cove edge protection above the bed of the lake, and earth fill along the Park Burn formed by the floodplain earthworks, treated as defences against water	Discretionary
RPW 14.5.2.1 Earthworks for residential development	Bulk earthworks for the residential subdivision and the associated discharge of sediment	Restricted Discretionary
Regional Plan: Waste 5.6.1 Hazardous wastes at contaminated sites	Remediation and bulk earthworks within the contaminated areas identified in the Detailed Site Investigation	Discretionary

PART A: CENTRAL OTAGO DISTRICT PLAN

Planning context

The site is zoned Low Density Residential (LRZ), Medium Density Residential (MRZ), Business Resource Area (3) (BRA(3)), Industrial Resource Area (2) (IRA(2)) and Industrial Resource Area (3) (IRA(3)). The whole site is within the Schedule 19.28 Parkburn Structure Plan area, Scheduled Activity 25A (gravel extraction) applies to part of the site, and a Building Line Restriction applies along the State Highway 6 (SH6) frontage. The development does not follow the zone pattern, so each component is assessed against the rules of the zone in which it is located.

The surface and existing margin of Lake Dunstan/Te Wairere are within the Water Surface and Margin Resource Area (WSMRA) and the margin is Crown marginal strip. The Park Burn is not within the WSMRA. The beds of the lake and the Park Burn are regional matters under section 13 of the RMA and are assessed in Part B. The coves, boat ramp, jetties and cove bridge are constructed on zoned land before the coves are connected to the lake, so at the time of construction they are not on the surface or margin of a water body and are assessed under the zone rules. Only works at the existing lake margin, and structures that extend onto the marginal strip, are assessed under the WSMRA rules in Section 5.

Key definitions (Section 18 of the District Plan) and applicability to proposed activities

Building

except in a residential zone shall have the same meaning as that contained in section 3 of the Building Act 1991 and excludes a wall [other than a retaining wall] or fence of a height not exceeding 2 metres above the supporting ground.

in a residential zone, means a temporary or permanent movable or immovable physical construction that is:

a. partially or fully roofed; and

b. fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Dwellings, the business area buildings, the pump station kiosks and any shelters in reserves are buildings in every zone. The jetties, boat ramp, bridges and cove edge treatments are not roofed. The boat ramp and most of the southern cove edge are on LRZ land, the cove bridge is on MRZ land, the jetties and the northern cove edge are on MRZ and BRA(3) land, and the Park Burn road bridge is on

IRA(3) land, where it is a road structure formed under the subdivision and assessed under Section 13 (Rule 13.7.2.iii). Works in the bed of the Park Burn are assessed in Part B. In the LRZ and MRZ these are not 'buildings' but they are structures, to which the LRZ and MRZ height and setback standards apply. On BRA(3) land the Building Act definition applies, and the jetties and other structures on the BRA(3) part of the northern cove are treated as buildings for Rule 8.3.3.ii.

Community facilities

except in a residential zone includes educational facilities, (land and/or buildings used for the provision of regular instruction or training, teaching and learning, recreation for students and includes their ancillary administrative, cultural, commercial facilities and carparking and vehicle access), recreation facilities, emergency service activities as defined, churches and places of worship, community centres and halls, care centres (as defined), and other similar community resources involving the use of buildings and land.

in a residential zone, means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

The coves, boat ramp, jetties and boat ramp car park (public recreation facilities to vest in Council), the lakeside recreation reserve facilities, the potential primary school, and the health, welfare, cultural, worship and community centre components of the business area provided for by Appendix Four are community facilities. On BRA(3) and IRA land the wider definition also captures educational facilities and care centres.

Educational facility

in relation to any site within a residential zone, means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.

The potential primary school, and the early childhood education, daycare and care services provided for in the business area by Appendix Four, are educational facilities.

Travellers accommodation

means land and buildings used for the accommodation of travellers on a daily tariff and includes ancillary facilities and includes camping grounds (excluding at 'Travellers accommodation' listed in Schedule 19.3.4) but does not include homestays.

Visitor accommodation

means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

The travellers' accommodation provided for in the business area by Appendix Four is travellers accommodation. The two definitions are not mutually exclusive: accommodation for travellers on a daily tariff is also accommodation for visitors subject to a tariff, so the activity is also visitor accommodation and is assessed under LRZ-R7, taking the more conservative approach.

Comprehensive Residential Development

means a comprehensively planned and designed residential development where:

1. in the Medium Density Residential Zone, the application site is greater than 3,000m² or

2. in the Low Density Residential Zone, the application site is greater than 6,000m²; or

3. in the Large Lot Residential Zone, the application site is greater than 2ha, or

4. where less than the areas in 1 — 3 above, it is the subsequent development of an allotment created through a previous Comprehensive Residential Development consent.

The project is a single master-planned development of approximately 118 ha and meets the definition in both the LRZ and the MRZ; the residential components are therefore assessed under the comprehensive residential development rules LRZ-R16, MRZ-R2 and SUB-R5.

Convenience Retail Activities

Means any retail activity that provides goods required on a day to day basis and which does not exceed 150m² in gross floor area.

Large format retailing

Means a retail activity that exceeds 450m² in gross floor area, and includes supermarkets.

Appendix Four limits retail in the business area to a convenience grocery store, cafés, restaurants and bars, and the associated sale of liquor and takeaway food. Retail tenancies of up to 150 m² gross floor area are convenience retail activities, tenancies of 150–450 m² are not otherwise listed (LRZ-R17), and any tenancy over 450 m², including a supermarket or a larger grocery store, is large format

retailing. A convenience grocery store, such as a Four Square, would typically exceed a gross floor area of 450 m^2 and would be considered as large format retail.

Earthworks

means any modification to the shape of the ground surface by movement or removal or deposit of ground material (including gravel, rock and soil) and includes excavation, infilling and construction of any road, track, or drainage channel but does not include cultivation, the planting of crops or manual digging activity associated with any temporary military training activity.

The bulk cut-to-fill works, the cove, boat ramp and jetty excavations, road formation and the drainage corridor are earthworks.

Site boundary

means any legal boundary of a site, including road boundary, and any Resource Area boundary which crosses within the site.

Outside the residential zones, where a Resource Area boundary crosses a title the boundary is deemed to be a site boundary and the title comprises more than one site. Lots straddling a zone boundary are therefore assessed under the standards of the zone on each side of the boundary.

Network utility (and utility)

shall have the same meaning as that of "network utility operation" as set out in section 166 of the Resource Management Act 1991 and for the purposes of this Plan also includes navigation and survey aids and beacons, irrigation works and meteorological activities and 'utility' shall have the same meaning.

Section 166 of the RMA includes the distribution of electricity and telecommunications, water supply, drainage and sewerage systems, and the construction and operation of roads. The water supply, wastewater and stormwater reticulation, the wastewater pump station and pressure main, the irrigation pump station and lake intake (also 'irrigation works'), the stormwater outfall, street lighting, the electricity and telecommunications reticulation, and the roads are network utilities. They are assessed under Section 13, which is a complete code for those activities (Rule 13.7.1).

Rule Assessment Overview

Table 2 sets out the components of the project by underlying zone, drawn from the activities assessed in Table 3. It is taken from LandPro drawings 24113/100 Rev B (Scheme Plan) and 24113/101 Rev B (Development and PC21 Combined Plan), issued for consent on 23 October 2026.

Table 3 sets out the rule assessment following the same order as the District Plan chapters, with rules in numerical order within each chapter.

The draft conditions of consent include a Residential Development Matrix (Appendix Two: low density lots, medium density lots and superlots) and a Business Area Development Matrix (Appendix Four), applied by consent notices in place of the standards of the underlying zone. Where a matrix adopts a District Plan standard, Table 3 records the standard as complied with; where a matrix authorises development that does not meet a standard, Table 3 identifies the breach. Lot types are those shown on the Development Plan, so a low density lot on MRZ, BRA(3) or IRA land is developed to the low density column of Appendix Two. Future development on a lot that departs from the applicable matrix requires its own resource consent. Condition references in Table 3 are to the Parkburn Proposed Conditions of Consent, Attachment [O] to the application; references to an appendix are to the appendices of those conditions.

Table 2: Project Activity and Zone Matrix

Activity (rule reference)	LRZ (81.0 ha)	MRZ (10.3 ha)	BRA(3) (4.7 ha)	IRA(2) (2.4 ha)	IRA(3) (22.0 ha)	WSMRA / Crown land	Total
Residential activity – single-house lots (LRZ-R1, MRZ-R1, 8.3.1.i, 9.3.1.i)	580 lots (41.6 ha)	40 lots (4.0 ha)	35 lots (2.7 ha)	24 lots (1.6 ha)	203 lots (14.1 ha)	–	882 lots (64.0 ha)
Residential activity – medium density lots, approx. 330–880 m² (LRZ-R1, MRZ-R1)	107 lots (5.6 ha)	3 lots (0.2 ha)	–	–	–	–	110 lots (5.8 ha)
Residential activity – superlots, 1,549–1,858 m², approx. 43 units (LRZ-R16)	9 lots (1.6 ha)	–	–	–	–	–	9 lots (1.6 ha)
Total residential lots	696 lots (48.7 ha)	43 lots (4.2 ha)	35 lots (2.7 ha)	24 lots (1.6 ha)	203 lots (14.1 ha)	–	1,001 lots (71.3 ha)
Comprehensive residential development (LRZ-R16, MRZ-R2, SUB-R5)	Yes – 1 lot per approx. 1,160 m² gross	Yes	–	–	–	–	
Residential lots with a boundary on the lake margin (LRZ-S6.1.2, MRZ-S6.1.b)	5	14	–	5	24	–	48
Residential lots within 80 m of the SH6 seal edge (LRZ-S5.2)	47	–	–	–	7	–	54
Residential lots between SH6 and the Building Line Restriction (LRZ-S8.3, 12.7.7)	31	–	–	–	3	–	34
Business area (Lot 1000), max. 5,000 m² GFA – convenience grocery, cafés, restaurants and bars, offices, travellers' accommodation, education and care, community facilities (LRZ-R7, R9, R13, R15, R17, R19)	2.8 ha	–	–	–	–	–	2.8 ha
Community facilities – school site (LRZ-R15, MRZ-R15, 8.3.1.i, 9.3.1.i)	1.3 ha	1.0 ha	0.2 ha	0.1 ha	–	–	2.6 ha
Community facilities – coves, boat ramp, jetties and car park (LRZ-R15, MRZ-R15, 8.3.1.i, 8.3.3.ii)	1.8 ha	0.9 ha	0.9 ha	–	–	–	3.5 ha

Activity (rule reference)	LRZ (81.0 ha)	MRZ (10.3 ha)	BRA(3) (4.7 ha)	IRA(2) (2.4 ha)	IRA(3) (22.0 ha)	WSMRA / Crown land	Total
Recreation and walkway reserves, SH6 strip and drainage corridor (SUB-R2)	5.0 ha	2.8 ha	0.2 ha	–	1.9 ha	–	9.9 ha
Roads (13.7.2, SUB-R6)	21.4 ha	1.2 ha	0.7 ha	0.6 ha	5.3 ha	–	29.3 ha
Earthworks (LRZ-R11, MRZ-R12, 8.3.2.ii, 9.3.2.i, 5.7.2.b)	81.0 ha	10.3 ha	4.7 ha	2.4 ha	22.0 ha	2.2 ha	122.6 ha
Structures other than buildings – jetties, boat ramp, cove edges, cove bridge, Park Burn bridge (LRZ/MRZ standards, 8.3.3.ii, 5.7.4.A)	Boat ramp; cove edges	Jetties; cove bridge; cove edges	Jetties; cove edges	–	Park Burn bridge	Rock armouring at the cove mouths	
Network utilities – reticulation, pump stations, lake intake, stormwater outfall, street lighting (13.7.6 to 13.7.11)	Yes	Yes	Yes	Yes	Yes	Intake and outfall	
Subdivision (SUB-R2, SUB-R5, SUB-R6, 8.3.2.ii, 9.3.2.i, 5.7.3.b)	696 residential lots plus reserves and roads	43 lots plus reserves and roads	35 lots plus reserves and roads	24 lots plus roads	203 lots plus reserves and roads	None	1,001 residential lots
Vegetation removal and revegetation on the lake margin (5.7.1.i, 5.7.2.c)	–	–	–	–	–	Yes	
Scheduled Activity 25A – quarrying and crushing until each stage is released (LRZ-R22, MRZ-R21, 8.3.1.ii, 9.3.1.ii)	Within the SA25A area	Within the SA25A area	Within the SA25A area	Within the SA25A area	Within the SA25A area	–	

Table 3: District Plan Rule Assessment

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
Section 5: Water Surface and Margin Resource Area (surface and existing margin of Lake Dunstan/Te Wairere)		
5.7.1.i Permitted activities – compliance with standards	Any activity not listed as discretionary (restricted) or discretionary that complies with the 5.7.4 standards.	**Permitted** Weed removal, revegetation and reinstatement of the lakeside trail on the lake margin are not listed and comply with the 5.7.4 standards. Earthworks associated with these works are exempt from Rule 5.7.2.b as works for the development of a walkway or reserve and for a recreational activity.
5.7.2.b Earthworks within 10 m of a water body	Discretionary (restricted), except for works for the development of a walkway or reserve, a recreational activity, underground utilities permitted by Rules 13.7.9 and 13.7.10, a permitted structure, or works permitted by a Regional Plan. The rule applies to land within 10 m of the bed; works within the bed are subject to the Regional Plan: Water only.	**Restricted Discretionary** Removal of the boundary bunds on the lake margin to connect each cove to the lake, and placement of the rock armouring at the cove mouths, within 10 m of the lake. Works within the beds of the Park Burn and the lake are not subject to this rule. The stormwater outfall and lake intake are underground utilities permitted by Rule 13.7.9 and are exempt.
5.7.2.c Removal of vegetation within 10 m of a water body	Discretionary (restricted), except removal of undesirable weeds and removal for permitted activities, walkways and reserves, provided margins are restored.	**Permitted** Only willows and other exotic weeds are removed and the margins are revegetated.
5.7.3.a Breach of standards	Any activity that fails to comply with Rule 5.7.4 is discretionary.	**Discretionary** The rock armouring at the cove mouths does not meet standard 5.7.4.A (see below) and is a discretionary activity. The other 5.7.4 standards are complied with.
5.7.3.b Subdivision	Subdivision within the WSMRA is discretionary.	**Not applicable** No subdivision is proposed within the WSMRA; the coves are created as land (Lots 2002 and 2006) before they are flooded.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
5.7.4.A Structures	No structures other than those listed, including bridges and culverts where fish passage is not restricted and scour is avoided.	**Does not comply** The rock armouring at the cove mouths has not been designed and is conservatively assumed to extend onto the Crown marginal strip. Rock armouring is not a structure listed in Rule 5.7.4.A, so the standard is not met and the armouring is a discretionary activity under Rule 5.7.3.a. Any navigation markers at the cove entrances are navigational aids listed in the standard and can be designed to comply. The lake intake and stormwater outfall are network utilities assessed under Section 13, which is a complete code for those activities (Rule 13.7.1). The boat ramp, jetties, cove edges and cove bridge are built on land before the coves are flooded and are assessed under Sections 7 and 8 of the District Plan. There are no other proposed structures in the WSMRA.
5.7.4.B Commercial activities	Commercial boats limited to 6 m; no commercial boating on the Kawarau River.	**Not applicable** No commercial activities are proposed in the zone.
5.7.4.C Noise	Noise from any permanent or fixed structure on the water surface or margin not to exceed the levels in Rule 4.7.6E.	**Complies** None of the proposed structures in the WSMRA emits noise.
5.7.4.D Other standards – Rule 4.7.6K Areas of significant indigenous vegetation, habitats of indigenous fauna and wetlands	No removal of indigenous vegetation, structures, earthworks or subdivision within areas identified in Schedules 19.6.1 and 19.6A or on the planning maps, or any wetland over 800 m².	**Not applicable** No part of the site or the adjoining lake margin is identified in Schedule 19.6.1 or 19.6A or on the planning maps, and no wetland over 800 m² is affected.
Section 7: Residential Zones – Low Density Residential Zone (LRZ).		
LRZ-R1 Residential units	Permitted where LRZ-S1 to LRZ-S8 are met, or where the units are within an approved Comprehensive Residential Development area and the departure was considered through that consent.	**Permitted** Any future residential units will be built in an area where a Comprehensive Residential Development has been approved as any departure from the standards has been addressed through this application.
LRZ-R6 Residential activity		**Permitted**

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
LRZ-R7 Visitor accommodation	Permitted where the visitor accommodation is undertaken within a residential unit or minor residential unit, at least one person resides permanently on the site, the maximum occupancy is 6 guests per night, and LRZ-S7 is met. Breach of R7.1 to R7.3: discretionary.	**Discretionary** Travellers' accommodation in the business area (Lot 1000) provided for by Appendix Four is visitor accommodation as defined in Section 18. It is not undertaken within a residential unit and does not comply with R7.1.
LRZ-R9 Childcare services	Permitted where the childcare service is undertaken within a residential unit and is incidental to a residential activity, no more than 6 children attend at any one time (excluding children who live on-site), and LRZ-S7 is met. Breach of R9.1 or R9.2: discretionary.	**Discretionary** Early childhood education, daycare and care services in the business area provided for by Appendix Four are not undertaken within a residential unit and do not comply with R9.1. See also LRZ-R15.
LRZ-R11 Excavation and fill	Permitted up to 1 m depth within 2 m of a boundary and 200 m^3 per site per year.	**Restricted Discretionary** Bulk cut-to-fill earthworks of approximately 3.3 million m^3 exceeds the rule thresholds.
LRZ-R13 Convenience retail activities	Discretionary (restricted) where LRZ-S2 to S4 and S6 are met.	**Restricted Discretionary** This rule applies to convenience retail activities (retail tenancies of up to 150 m^2 gross floor area) within the business area, which lies within the LRZ.
LRZ-R15 Community facilities and educational facilities	Discretionary (restricted) where LRZ-S2 to S6 are met.	**Restricted Discretionary** This rule applies to the school site, the educational (early childhood education, daycare and care services – see also LRZ-R9), health, welfare, cultural, worship and community centre components of the business area, the southern cove, and the boat ramp, jetties and car park at the northern cove.
LRZ-R16 Comprehensive residential development	Discretionary (restricted) where density is no greater than 1 dwelling per 600 m^2 gross site area; otherwise non-complying.	**Restricted Discretionary** The proposal meets the definition of comprehensive residential development. R16.1 (density standard) is met (696 lots on 81.0 ha, approximately 1 per 1,160 m^2). Consent is sought as the mechanism for approving the Residential Development Matrix, including the departures from LRZ-S1, S2, S4, S5.1 and S6.1.1 on the medium density lots and superlots.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
LRZ-R17 Any activity not otherwise listed	Discretionary.	**Discretionary** This rule applies to retail tenancies of 150–450 m², cafés, restaurants and bars and the associated sale of liquor and takeaway food, and offices and workspace within the business area (Lot 1000).
LRZ-R18 Industrial activities	Non-complying.	**Not applicable** Pea gravel crushing continues under Scheduled Activity 25A and RC070217. There are no other industrial activities.
LRZ-R19 Large format retailing	Non-complying.	**Does not comply** Any retail tenancy exceeding 450 m² gross floor area, including a supermarket or a convenience grocery store of that size, is large format retailing and a non-complying activity. **Complies** Where all retail tenancies in the business area are limited to 450 m² gross floor area.
LRZ-R21 Buildings on land subject to hazards	Non-complying where the planning maps identify a hazard or the land is likely to be subject to material damage by erosion, subsidence, slippage or inundation.	**Not applicable** No hazard is identified on the planning maps and the Geotechnical Report (Insight Engineering), Stormwater Management Plan (Woods and FlowState) and Hydrology Assessment (Environmental Associates) conclude building areas are not likely to be subject to material damage. See SUB-R7.
LRZ-R22 Scheduled Activity 25A	Permitted.	**Permitted** Existing quarrying and crushing.
LRZ-R2 to R5, R8, R10, R12, R14, R20	Minor units, relocated and accessory buildings, additions to non-residential buildings, home business, signs, Scheduled Activity 127 (community facilities and shop), retirement villages, noxious activities.	**Not applicable** These rules will apply to future activities on individual lots or are adopted as part of the Development Matrix.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
LRZ-S1 Density	One residential unit per 400 m² where reticulated; one unit per site on any site under 400 m².	**Does not comply** Appendix Two provides a minimum site area of 200 m² per unit on the medium density lots and superlots. On LRZ land this applies to 107 medium density lots (54 of which are under 400 m²) and the nine superlots (approximately 43 units). Resource consent is required under Rule LRZ-R16(h) where the departure is approved as part of the comprehensive residential development. **Complies** The low density lots adopt one residential unit per 400 m² (Appendix Two).
LRZ-S2 Height; LRZ-S3 Height in relation to boundary	7.5 m (breach up to 8.5 m is discretionary (restricted); above 8.5 m non-complying); recession planes from 2.5 m.	**Non-complying** Appendix Two authorises 11 m and three storeys on the medium density lots and superlots, with recession planes from 3.5 m (2.5 m on boundaries adjoining the LRZ). A height above 8.5 m is a non-complying activity. **Complies** The low density lots adopt 7.5 m and the Appendix Three recession planes.
LRZ-S4 Building coverage; LRZ-S5.1 Setback from road boundary	40%; 4.5 m.	**Restricted Discretionary** Appendix Two authorises 45% coverage and a 2 m road setback on the medium density lots and superlots. **Complies** The low density lots adopt 40% and 4.5 m.
LRZ-S5.2 State highway noise	Dwellings within 80 m of the SH6 seal edge to achieve 35/40 dBA Leq(24h) internally.	**Complies** Condition 114 requires a consent notice on the lots listed in Appendix Six requiring any dwelling within 80 m of the SH6 seal edge to achieve 35 dB LAeq(24h) in bedrooms and 40 dB LAeq(24h) in other habitable rooms, with alternative ventilation.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
LRZ-S6 Setback from internal boundary; 15 m setback from a boundary adjacent to a lake margin	S6.1.1: 1.8 m from any internal boundary. S6.1.2: 15 m from any property boundary which is adjacent to the margin of any lake.	**S6.1.1 Restricted Discretionary** Appendix Two provides a 1 m internal setback on the medium density lots and superlots. **S6.1.1 Complies** Appendix Two provides a 1.8 m internal setback on the low density lots. **S6.1.2 Complies** Appendix Two adopts a 15 m setback from any boundary adjacent to a lake margin on the low density and medium density lots. The five LRZ lots adjoining the Crown marginal strip are low density lots.
LRZ-S7 Car parking	One space per residential unit.	**Complies** Adopted in Appendix Two for all lot types.
LRZ-S8 Schedule 19.28 Parkburn Structure Plan	S8.1 general accordance with the Structure Plan; S8.2 no residential development until the Cromwell wastewater and water scheme pre-conditions (or a private communal supply) are in place; S8.3 no residential development between SH6 and the Building Line Restriction.	**Non-complying** S8.1: The proposed development is not in general accordance with the Parkburn Structure Plan (layout, yield, removal of the lagoon network and industrial areas). S8.2: Consent is sought to the extent the pre-conditions are not met when a stage is released. Conditions 72, 73, 78 and 79 require the water and wastewater mains along SH6 to be modelled and constructed, and Condition 64 applies the CODC Code of Practice 2026. S8.3: 31-lots lie between SH6 and the operative Building Line Restriction (approximately 90 m from the road boundary, to be confirmed); consent is sought for residential lots in that area with dwellings no closer than the proposed 50 m line.
Section 7: Residential Zones – Medium Density Residential Zone (MRZ)		
MRZ-R1 Residential units	Permitted with no more than two units per site where MRZ-S1 to S14 are met, or within an approved Comprehensive Residential Development area.	**Permitted** Any future residential units will be built in an area where a Comprehensive Residential Development has been approved as any departure from the standards has been addressed through this application.
MRZ-R2 Comprehensive residential development	Discretionary (restricted).	**Restricted Discretionary** The proposal meets the definition of comprehensive residential development. Consent is sought as the mechanism for approving the Residential Development Matrix (Appendix Two) on the MRZ land.
MRZ-R7 Residential activity	Permitted.	**Permitted**

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
MRZ-R12 Excavation and fill	As LRZ-R11.	**Restricted Discretionary** Bulk earthworks (approximately 3.3 million m³ across the site) exceeds the rule thresholds.
MRZ-R15 Community facilities and educational facilities	Discretionary (restricted) where MRZ-S2 to S6 are met.	**Restricted Discretionary** This rule applies to the MRZ part of the school site, the northern cove and its jetties, and facilities in the lakeside recreation reserve.
MRZ-R16 Any activity not otherwise listed	Discretionary.	**Not applicable** No other activities are proposed on MRZ land.
MRZ-R20 Buildings on land subject to hazards	Non-complying (as LRZ-R21).	**Not applicable** As for LRZ-R21.
MRZ-R21 Scheduled Activity 25A	Permitted.	**Permitted**
MRZ-R3 to R6, R8 to R11, R13, R14, R17 to R19	Rules relating to future activities on individual lots or to activities not proposed.	**Not applicable**
MRZ-S1 Density	Minimum 200 m² per unit where reticulated.	**Complies** Appendix Two adopts 200 m² per unit on the medium density lots and one unit per 400 m² on the low density lots; the smallest lot on MRZ land is 339 m².
MRZ-S2 to MRZ-S5 Height, recession planes, coverage, road setback and SH6 noise	11 m; recession planes; 45%; 2 m; acoustic design within 80 m of SH6.	**Complies** Appendix Two adopts 11 m and three storeys, recession planes from 3.5 m, 45% and 2 m on the medium density lots; the 40 low density lots on MRZ land are developed to the more restrictive low density column. No MRZ lot is within 80 m of SH6.
MRZ-S6 Setback from internal boundary; 15 m setback from a boundary adjacent to a lake margin	S6.1.a: 1 m from any internal boundary. S6.1.b: 15 m from any property boundary which is adjacent to the margin of any lake.	**S6.1.a Complies** Appendix Two adopts an internal boundary setback of 1 m (medium density lots) and 1.8 m (low density lots). **S6.1.b Complies** Appendix Two adopts a 15 m setback from any boundary adjacent to a lake margin on the low density and medium density lots. The 14 MRZ lots adjoining the Crown marginal strip are low density lots.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
MRZ-S7 to MRZ-S13 Outdoor living, landscaping, storage, outlook, fencing, habitable rooms, parking		**Complies** Medium density lots (3 lots on MRZ land): Appendix Two applies each of these standards to every residential unit. Low density lots (40 lots on MRZ land): Appendix Two applies only the car parking standard and a fence transparency standard for boundaries adjoining reserves. The other standards are not addressed in the matrix and continue to apply to these lots through the underlying zone.
MRZ-S14 Schedule 19.28 Parkburn Structure Plan	S14.1 general accordance; S14.2 servicing pre-conditions.	**Non-complying** As for LRZ-S8.1 and S8.2.
Section 7: Residential Zones – Subdivision (SUB)		
SUB-R1, R3, R4, R8, R9	Boundary adjustments; heritage precincts; MRZ existing-unit subdivision; growth overlay and constraint areas; Lot 16 DP 514674.	**Not applicable**
SUB-R2 Subdivision to create a reserve or utility allotment	Controlled where the balance allotment complies with SUB-S1.	**Controlled** The recreation, esplanade, drainage and utility, and walkway reserves to vest.
SUB-R5 Subdivision with a Comprehensive Residential Development consent (LRZ-R16 / MRZ-R2) (subject to appeal)	LRZ: discretionary (restricted) where the density across the site is no greater than 1 allotment per 600 m² gross site area; breach of R5.2: non-complying. MRZ: discretionary (restricted). Matters of discretion are those set out in SUB-R6.	**Restricted Discretionary** R5.2 is met (1 lot per approximately 1,160 m² on LRZ land). The subdivision is assessed as a Comprehensive Residential Development.
SUB-R6 Subdivision not otherwise specified	Restricted discretionary where SUB-S1 is complied with. Discretion is restricted to matters (a) to (o), and matter (p) within the Parkburn Structure Plan area.	**Restricted Discretionary** SUB-R5 applies the SUB-R6 matters of discretion to the subdivision of the LRZ and MRZ land.
SUB-R7 Subdivision of land subject to hazards	Discretionary where the land is identified on the planning maps or is likely to be subject to material damage.	**Not applicable** As for LRZ-R21.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
SUB-S1 Minimum allotment size – MRZ (subject to appeal)	200 m² where reticulated. Breach: non-complying.	**Not applicable** As for SUB-S1 (LRZ) below: the subdivision is assessed under SUB-R5, which applies a density test rather than SUB-S1, so SUB-S1 is not engaged.
SUB-S1 Minimum allotment size – LRZ (subject to appeal)	400 m² where reticulated. Breach: non-complying (the restricted discretionary pathways in SUB-S1.5 and S1.6 apply only where one additional allotment is created or to certain existing Cromwell titles).	**Not applicable** The subdivision is assessed under SUB-R5, which applies a density test rather than SUB-S1; SUB-S1 applies through SUB-R6 to subdivision not otherwise specified. Applying the specific rule over the general, SUB-S1 is not engaged.
SUB-S2 Schedule 19.28 Parkburn Structure Plan area	Applies to LRZ land. S2.1: all subdivision in general accordance with the Structure Plan. S2.2: no more than 559 residential allotments created within the Structure Plan area. S2.3: no residential allotments created until the existing northern SH6 intersection has a separated left turn lane, the new southern SH6 intersection is constructed as a priority-controlled intersection or single-lane roundabout, and Waka Kotahi has given written approval. S2.4: no more than 286 residential allotments until the SH6/SH8B intersection is a dual-lane roundabout and the SH6/Pisa Moorings Road intersection is upgraded (or an alternative roundabout connection to SH6 is provided through the Structure Plan area), with Waka Kotahi written approval, or Waka Kotahi approves an alternative. Breach: non-complying.	**Non-complying** S2.1: The development is not in general accordance with the Parkburn Structure Plan. S2.2: Approximately 1,001 residential allotments are proposed, exceeding the 559-allotment limit. S2.3: The new southern SH6 roundabout is constructed in the first stage, but the existing northern intersection is to be upgraded to a roundabout later in the development (before the 518th lot) rather than fitted with a separated left turn lane before the first titles. S2.4: The SH6/SH8B dual-lane roundabout is proposed before the 875th residential lot rather than before the 287th. S2.4 is met only if Waka Kotahi gives written approval to this alternative timing under S2.4(iv).
Section 8: Business Resource Area (3) – Parkburn		

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
8.3.1.i Permitted activities – compliance with standards	Any activity not listed as controlled, discretionary (restricted), discretionary or non-complying that complies with the rules and standards in Sections 11 to 15 and Rule 8.3.6.	**Permitted** Community facilities (the northern cove, boat ramp and car park), the school site and residential activity on the BRA(3) lots that do not adjoin a Residential Zone are not listed as another type of activity status and can comply with the rules and standards set out in chapters 11 to 15 of the Plan and Rule 8.3.6. **Restricted Discretionary** Residential activity on the ten BRA(3) lots adjoining the LRZ/MRZ boundary does not comply with the 5 m yard in Rule 8.3.6.ii and is restricted discretionary under Rule 8.3.3.i (see below). All buildings on BRA(3) land are also restricted discretionary under Rule 8.3.3.ii.
8.3.1.ii Scheduled activities	Scheduled Activity 25A is permitted.	**Permitted**
8.3.1.iv Permitted shops and travellers' accommodation in the BRA(3)	Convenience grocery, cafés, restaurants, a bar and travellers' accommodation.	**Not applicable** No specified retail or travellers' accommodation is proposed on BRA(3) land. The proposed commercial area to which Appendix Four applies is on LRZ land.
8.3.2.ii Subdivision	All subdivision is a controlled activity.	**Controlled** This rule applies to all subdivision in the BRA(3).
8.3.3.i Breach of standards	Any activity that fails to comply with Rule 8.3.6.ii to xi is discretionary (restricted).	**Restricted Discretionary** Breach of the 5 m yard in Rule 8.3.6.ii (see below).
8.3.3.ii Buildings in the BRA(3) within the Parkburn Structure Plan	All buildings are discretionary (restricted).	**Restricted Discretionary** This rule applies to all buildings on BRA(3) land, including dwellings developed under Appendix Two and the jetties and other structures on the BRA(3) part of the northern cove.
8.3.4 Hazardous substances; 8.3.5 Waste disposal, animal confinement and offensive trades	Discretionary; non-complying.	**Not applicable**

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
8.3.6.ii Bulk and location of buildings	10 m and two storeys in the Parkburn BRA(3); 5 m yard where a site adjoins a Residential Zone without a road.	**Does not comply** Dwellings on the BRA(3) lots are developed to the low density column of Appendix Two, which provides a 1.8 m internal setback. No 5 m yard applies on the ten BRA(3) lots adjoining the LRZ/MRZ boundary. Restricted discretionary under Rule 8.3.3.i. **Complies** Height: 7.5 m under Appendix Two (Appendix Four adopts 10 m and two storeys and the 5 m yard for business activities).
8.3.6.iv to viii Signs, parking, noise, outdoor storage, landscaping	Standards for business activities.	**Complies** No commercial activity is proposed on BRA(3) land.
8.3.6.xv Maximum floor space in the BRA(3)	800 m² grocery; 1,400 m² cafés, restaurants and bar; 2,800 m² travellers' accommodation.	**Not applicable** No such floor space is proposed on BRA(3) land.
Section 9: Industrial Resource Area (2) and (3) – Parkburn		
9.3.1.i Permitted activities – compliance with standards	Any activity not listed as controlled, discretionary (restricted) or discretionary that complies with the rules and standards in Sections 12 to 15 and Rule 9.3.6.	**Permitted** Recreation and walkway reserves on IRA(3) land are not listed as another type of activity status and can comply with the rules and standards set out in chapters 12 to 15 of the Plan and Rule 9.3.6. **Does not comply** Residential activity on the IRA(2) and IRA(3) lots does not comply with Rule 9.3.6. Every lot breaches Rule 9.3.6.xi (glare), the IRA(3) lots breach Rule 9.3.6.x (building coverage), lots adjoining a Residential Zone breach Rules 9.3.6.ii and 9.3.6.iv(a), and dwellings are noise-sensitive activities under Rule 9.3.6.iii(b). Restricted discretionary under Rule 9.3.3 and discretionary under Rule 9.3.4.ii (see below).
9.3.1.ii Scheduled activities	Scheduled Activity 25A is permitted.	**Permitted** Existing quarrying and crushing continue within the Industrial Activity Area while development is staged south to north.
9.3.2.i Subdivision	All subdivision is a controlled activity.	**Controlled** All subdivision in the IRA.
9.3.3 Breach of standards 9.3.6.i to viii	Discretionary (restricted).	**Restricted Discretionary** Breaches of Rules 9.3.6.ii, 9.3.6.iii(b) and 9.3.6.iv(a) (see below).

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
9.3.4.i Offensive trade licence or Crown Minerals Act permit	Discretionary.	**Not applicable** The existing quarry is authorised by Mining Permit 41783 and RC070217.
9.3.4.ii Breach of standards 9.3.6.ix to xiv	Discretionary.	**Discretionary** Breaches of Rules 9.3.6.x and 9.3.6.xi (see below).
9.3.6.i Retail activity	Retail to be ancillary to an industrial activity.	**Not applicable** No retail activity is proposed in the IRA.
9.3.6.ii Bulk and location of buildings	5 m side and rear yards where a site adjoins a Residential Zone, Business Resource Area or public open space; maximum height the lesser of 1.5 × the distance from the boundary of an adjacent Resource Area or Residential Zone and 10 m.	**Does not comply** Dwellings on the IRA lots are developed to the low density column of Appendix Two (1.8 m internal setback, 7.5 m height). On the 15 IRA lots adjoining a Residential Zone boundary, the 21 lots straddling it and any IRA lot adjoining a reserve, no 5 m yard applies and a 7.5 m dwelling within 5 m of the zone boundary exceeds 1.5 × its distance from that boundary. Restricted discretionary under Rule 9.3.3.
9.3.6.iii Noise	(a) zone noise limits; (b) noise-sensitive activities to achieve 45 dBA Lmax indoors from Industrial Resource Area sources.	**(a) Complies** **(b) Does not comply** Dwellings on IRA land are noise-sensitive activities adjoining the continuing quarry and Appendix Two contains no indoor noise design standard. Restricted discretionary under Rule 9.3.3; Condition 103 requires the industrial activities to cease before section 224(c) certification for any residential lot within 100 m of the Industrial Activity Area.
9.3.6.iv Screening	(a) 2 m solid fence on boundaries with Residential Zones; (b) screening of residential open space from industrial premises; (c) 10 m landscaped strip on SH6 boundaries.	**(a) Does not comply** A 2 m solid fence on the zone boundary is not proposed and would be inconsistent with the fencing controls in Appendix Two and Condition 110. Restricted discretionary under Rule 9.3.3. **(b) Not applicable** **(c) Complies** The IRA(3) frontage has a 10 m strip and a 50 m building setback.
9.3.6.v to viii Signs, off-road loading, parking, lightspill	Standards for industrial activities.	**Complies**
9.3.6.ix Offices in the IRA(3)	20% of net floor space.	**Not applicable**

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
9.3.6.x Building coverage in the IRA(3)	Building coverage shall not exceed 30% of the site area.	**Does not comply** Appendix Two authorises 40% coverage on the 203 low density lots on IRA(3) land. Discretionary under Rule 9.3.4.ii.
9.3.6.xi Glare in the IRA(2) and (3)	Reflectance 0–36% walls, 0–20% roofs, or natural materials.	**Does not comply** Appendix Two contains no reflectance or exterior colour control for dwellings on IRA(2) and IRA(3) land. Discretionary under Rule 9.3.4.ii.
9.3.6.xii Setbacks; 9.3.6.xiii Riparian management; 9.3.6.xiv Access	Apply to industrial buildings and industrial activities.	**Not applicable** No industrial activity is proposed.
Section 12: District Wide Rules and Performance Standards		
12.7.1 Access standards from roads (i construction; ii sight distances; iii access to rural State highways; vii access to urban local roads; viii breach of standards)	Access is permitted where the standards are met; breach is discretionary (restricted).	**Does not comply** Sight distances of 40 m (12.7.1.ii) are not achieved at a small number of lots close to intersections or curves (Transport Assessment, Carriageway Consulting, s8.2.1). Restricted discretionary under 12.7.1.viii. **Complies** Accesses to internal roads are sealed and at least 15 m from SH6 (12.7.1.vii); the two SH6 roundabouts have been designed with NZTA and no lot has direct access to SH6 (12.7.1.iii).
12.7.2 Parking (Table 12.3)	Parking per Table 12.3 and design standards for parking areas.	**Complies** Appendix Two requires one space per residential unit and additional spaces for home business, visitor accommodation and childcare (Transport Assessment s8.3.1). Appendix Four requires parking for business activities in accordance with Table 12.3; parking areas for the business area can meet the 12.7.2.ii design standards (Transport Assessment s8.3.2).
12.7.3 Loading and manoeuvring	On-site loading; no reversing onto State highways.	**Complies** Loading for the business area will not take place from the frontage road (Transport Assessment s8.4.1).
12.7.4 Noise (measurement, construction noise, exemptions, blasting)	NZS 6801/6802; construction noise per NZS 6803 between 7 am and 6 pm; domestic activity exempt; blasting limits.	**Complies** No blasting is proposed.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.7.5 Signs	Permitted signs; hoardings and vehicle signs non-complying; standards for clarity and traffic safety.	**Complies** Marketing signage within 12.7.5.i.b; zone sign rules apply in addition.
12.7.6 Lightspill	10 lux at the boundary; street lighting exempt.	**Complies**
12.7.7 Building line restrictions	No building between the restriction and SH6.	**Does not comply** Dwellings on the 31 LRZ frontage lots and three IRA(3) lots between the operative Building Line Restriction and the proposed 50 m line (see LRZ-S8.3). Restricted discretionary under 12.7.7.ii.
12.7.8 Transmission lines	Setbacks from National Grid lines.	**Not applicable**
Section 13: Infrastructure, Energy and Utilities (Section 13.7 is a complete code for the activities it covers)		
13.7.2.i and ii Transportation routes – existing roads and encroachment	Construction and upgrading of roads within road reserves is permitted; encroachment works permitted subject to conditions.	**Permitted** The SH6 roundabouts and the SH6/SH8B upgrade within the road reserve and land to vest.
13.7.2.iii New roads	Discretionary, except as part of a subdivision.	**Not applicable** All new roads, the Pisa Moorings (Pony Court) connection and the Park Burn bridge are formed under the subdivision.
13.7.6 Buildings ancillary to utilities	Permitted up to 20 m² and 4 m high.	**Permitted** Pump station kiosks within Lot 2007.
13.7.7 Operation, maintenance, repair, upgrading and removal of network utilities	Permitted.	**Permitted**
13.7.8 Household connections and street lighting	Permitted.	**Permitted**
13.7.9 Underground utilities, including pump stations and water supply intakes	Permitted subject to Rule 13.7.15.	**Permitted** Three waters reticulation, the wastewater pump station and pressure main, the irrigation pump station and lake intake, and the stormwater outfall.
13.7.10 Electricity reticulation	Standards for existing overhead reticulation.	**Not applicable** Parkburn is a new subdivision with underground reticulation.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.7.11 Telecommunication and radiocommunication structures	Permitted subject to standards.	**Permitted**
13.7.14 Substations	Permitted subject to standards.	**Not applicable** No substation is shown on the scheme plan.
13.7.15 Standards for utilities; 13.7.16 Breach of standards	Ground reinstatement, parking, noise, as-builts, construction to NZS 4404, separation for treatment facilities; breach is discretionary.	**Complies**
13.7.17 Subdivision for network and public utilities	Controlled under SUB-R2, 8.3.2.ii and 9.3.2.i.	**Controlled** See SUB-R2 (Section 7: Residential Zones – Subdivision) and Rules 8.3.2.ii and 9.3.2.i.
Section 16: Subdivision – General Standards (16.7)		
16.7.1 Subdivision code of practice	Works generally in accordance with Council's Code of Practice.	**Complies** Condition 64 requires all designs and approvals to be in accordance with the NZS 4404-based CODC Land Development and Subdivision Code of Practice 2026 unless modified by other conditions; departures identified in the Stormwater Management Plan (Woods and FlowState) and Infrastructure Report (LandPro) are to be agreed through engineering acceptance.
16.7.2 and 16.7.3 Services, infrastructure and roading	Subdivider provides all services to each lot, street lighting, crossings and road names; services adequate for the intended use.	**Complies**
16.7.4, 16.7.6, 16.7.7 Access widths, carriageway gradients, access to back land	Rear lot access: 3.6 m (one lot), 6 m (2–4 lots), road standard (5 or more lots); gradients; provision for adjoining land.	**Complies** Four of the 21 legal access lots in Condition 61 serve five or more lots: Lot 4008 (15 lots, Lots 572–586), Lot 4016 (six lots), and Lots 4013 and 4020 (five lots each). Council has accepted the proposed road and access widths. The remaining 17 access lots serve two to four lots, and road connections are provided to the northern land (HWR) and Pisa Moorings.
16.7.9 Stability of land	Geotechnical report may be required.	**Complies** A Geotechnical Report (Insight Engineering) has been provided.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
16.7.10 and 16.7.11 Electricity and telecommunications; high voltage lines	Underground in urban areas; 20 m building-free corridor from transmission lines.	**Complies** All reticulation is underground (Infrastructure Report, LandPro); no transmission line crosses the site.
16.7.12 Amalgamation conditions	Council may impose amalgamation or held-together conditions.	**Complies** Condition 61 registers amalgamation conditions for the 21 legal access lots (Lots 4000 to 4020).
16.7.13 Esplanade strips, reserves and access strips	Esplanade provision may be required on lots under 4 ha adjoining a lake over 8 ha or a river over 3 m wide; waiver on a Schedule 19.9 water body requires Fish and Game and DOC approval.	**Complies** The coves (Lots 2002 and 2006) vest as Local Purpose (Esplanade) reserve and Lot 2016 as recreation reserve (Condition 62); the existing lake margin remains Crown marginal strip. The Park Burn is not listed in Schedule 19.9; its margins are held privately under the Condition 111 consent notice (Lots 903–909 and 967: Park Burn Landscape Protection Area fenced and landscaped, no buildings or earthworks, and access for mana whenua to the Park Burn marginal strip for mahinga kai).

PART B: OTAGO REGIONAL PLANS

Planning context

Lake Dunstan/Te Wairere is a lake controlled by artificial means (the Clyde Dam). Under the RPW its bed is the land its waters cover at the maximum permitted operating level, and once the coves are connected to the lake the land within them below that level becomes bed of the lake. Takes of water from Lake Dunstan are exempt from the primary allocation regime in the RPW (Policy 6.4.1). The existing lake margin adjoining the site is Crown marginal strip.

The Park Burn is an intermittently flowing watercourse and is a river under the RMA and the RPW; its bed is the land its waters cover at fullest flow without overtopping its banks. Works in the beds of the lake and the Park Burn are regional matters under section 13 of the RMA and are assessed only in this Part; the district plan rules in Part A apply to the land adjoining the river bed.

No part of the site or the adjoining lake margin is a Regionally Significant Wetland (RPW Schedule 9), Lake Dunstan is not listed in Schedule 1A of the RPW, and the wetland vegetation on the lake margin is not a natural inland wetland (Ecological Assessment s3.3.4). The site is within Air Zone 3 of the RPA.

The Detailed Site Investigation (Insight Engineering, 16 July 2026) identifies areas in the eastern portion of the site where contaminants pose significant risks to human or ecological health until remediated under the Remediation Action Plan. Those areas are a contaminated site as defined in the Regional Plan: Waste, and the remediation and bulk earthworks within them are assessed under Rule 5.6.1 of that Plan. The RPA does not apply to discharges to air from contaminated sites (RPA section 16.2.2).

The proposed Otago Land and Water Regional Plan has not been notified and has no legal effect. It is not assessed.

Key definitions

Bed (RPW Glossary)

Means, (a) In relation to any river (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks: (ii) In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and (b) In relation to any lake, except a lake controlled by artificial means, (i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin: (ii) In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and (c) In relation to any lake controlled by artificial means, the space of

land which the waters of the lake cover at its maximum permitted operating level; and (d) In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Lake Dunstan is controlled by the Clyde Dam, so paragraph (c) applies and its bed extends to the maximum permitted operating level. Once the coves are connected to the lake, the land within them below that level is bed of the lake. The bed of the Park Burn is the land its waters cover at fullest flow without overtopping the banks.

River (RPW Glossary)

River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

The Park Burn flows intermittently and is a river. The Chapter 13 bed rules and the Chapter 12 diversion rules apply to works in it.

Structure (RPW Glossary)

Means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

The jetties, boat ramp, cove edge treatments, bridges, lake intake and stormwater outfall are structures.

Defence against water (RPW Glossary)

Any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of any kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a water body, of water including flood waters, which is specifically established for the purpose of flood hazard mitigation.

The cove edge protection has not been designed. It may have the effect of controlling the spread of lake water into the adjoining land at elevated lake levels, and the conservative position is taken that it is a defence against water. Earth fill formed along the Park Burn by the bulk earthworks keeps flood flows within the channel and away from the adjoining lots and is also a defence against water. The parts of each above the bed are assessed under Rule 14.3.2.1 and the parts within the bed under Rule 13.2.3.1 (Table 4); the diversion of flood flows by the Park Burn earthworks is assessed under Rule 12.3.4.1.

Bore (RPW Glossary)

Every device or means, including any well or pit, which is drilled or constructed for the purpose of taking groundwater, or which results in groundwater being taken, other than piezometers or other monitoring devices used for water sampling purposes only.

A sump or pit dug in the cove excavation to collect groundwater for pumping is a bore, so Rule 14.1.1.1 applies to its construction.

Landholding (RPW Glossary)

(1) For land subject to the Land Transfer Act 1952, land in: (i) A single certificate of title; or (ii) Two or more adjoining certificates of title, with a common occupier. (2) For land not subject to the Land Transfer Act 1952, all contiguous land last acquired under one instrument of conveyance and occupied by a common occupier.

The site is one landholding while it is held by the applicant. The single-take conditions in Rules 12.1.2.2 and 12.2.2.4 and the 2,500 m² threshold in Rule 14.5.1.1 are applied on that basis.

Earthworks and residential development (RPW Glossary)

Earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Residential development means the preparation of land for, and construction of, development infrastructure and buildings (including additions and alterations) for residential activities and includes retirement villages. It excludes camping grounds, motor parks, hotels, motels, backpackers' accommodation, bunkhouses, lodges and timeshares. The terms development infrastructure, residential activity, and retirement village are defined in the National Planning Standards.

The bulk cut-to-fill, road formation and servicing earthworks prepare land for residential lots and their development infrastructure and are earthworks for residential development under Rule 14.5. The cove excavations, the school and business area sites and the reserves are not residential development; the sediment discharge from those earthworks is assessed under Chapter 12.C.

Contaminated land (RPW Glossary)

Land at which hazardous substances occur at concentrations above background levels and where assessment indicates that that land poses, or is likely to pose, an immediate or long-term hazard to human health or the environment.

Rule 14.5.1.1(d) excludes earthworks on contaminated or potentially contaminated land from the permitted activity. The HAIL areas are potentially contaminated land for that purpose. The Regional Plan: Waste defines a contaminated site in the same terms, and the Detailed Site Investigation confirms that the impacted areas in the eastern portion of the site meet that test (see Rule 5.6.1 in Table 4).

Stormwater (RPW Glossary)

The water running off from any impervious surface such as roads, carparks, roofs, and sealed runways.

The stormwater rules in Chapter 12.B apply to runoff from the roads, roofs and hardstand of the completed development. Runoff from exposed earth during construction is not stormwater under this definition; it is a discharge of sediment, which Rule 14.5 regulates for earthworks for residential development and Chapter 12.C regulates for all other earthworks.

Rule assessment overview

Table 4 sets out the regional rule assessment in the order of the regional plans, with rules in numerical order within each chapter. The regional rules engaged by the project are the water take, diversion and discharge rules in Chapter 12 of the RPW, the lake and river bed rules in Chapter 13, the bore, margin and earthworks rules in Chapter 14, the discharge to air rules in Chapter 16 of the RPA, and the contaminated site and dust suppressant rules in Chapters 5 and 6 of the Regional Plan: Waste.

Table 4: Regional Rule Assessment

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
Regional Plan: Water for Otago – Chapter 12: Water take, use and management (takes, diversions and discharges)		
12.1.2.2 Taking and use of surface water from Lake Dunstan	Except as provided for by Rules 12.1.1A.1 and 12.1.1.2, the taking and use of surface water from the main stem of the Clutha/Mata-Au or Kawarau Rivers, or Lakes Wanaka, Hawea, Wakatipu, Dunstan or Roxburgh, is a permitted activity, providing: (a) the take does not exceed 100 litres per second, nor 1,000,000 litres per day; and (b) no more than one such take occurs per landholding; and (c) no back-flow of any contaminated water occurs to the water body; and (d) fish are prevented from entering the intake structure.	**Permitted Activity** The irrigation take for the street trees and landscaped areas is made through a screened intake and pump station at the lake (Fluent Solutions). The take is being designed to comply with the permitted activity limits of 100 litres per second and 1,000,000 litres per day; it is the only such take from the landholding, the pump station has backflow prevention and the intake is screened so that fish cannot enter it. The design figures are to be confirmed by Fluent Solutions and inserted here. Potable water is supplied from the existing reticulated network and no take is required for it.
12.2.2.4 Taking and use of groundwater within 100 m of Lake Dunstan (dewatering of the cove excavations)	Except as provided for by Rule 12.2.1.1, the taking and use of groundwater from within 100 metres of the main stem of the Clutha/Mata-Au or Kawarau Rivers, or from within 100 metres of Lakes Wanaka, Hawea, Wakatipu, Dunstan or Roxburgh, is a permitted activity, providing: (a) the take does not exceed 100 litres per second, nor 1,000,000 litres per day; and (b) no more than one such take occurs per landholding; and (c) no back-flow of any contaminated water occurs to the water body; and (d) the take is not within 100 metres of any wetland or other lake or river; and (e) no lawful take of water, and no wetland or other lake or river, is adversely affected as a result of the taking.	**Does not comply** The landward excavation of each cove extends below the water table and groundwater is pumped out until the bund is removed, at a rate of up to 300 litres per second. The take exceeds the 100 litres per second limit in condition (a) and is not permitted; consent is required for the take as a discretionary activity under Rule 12.2.4.1. The short-term permitted rule 12.2.2.5 (no more than 10 litres per second for three days a month) does not apply.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.2.4.1 Taking and use of groundwater not otherwise provided for (dewatering of the cove excavations)	(i) Except as provided for by Rules 12.2.1.1 to 12.2.3.5 the taking and use of groundwater is a discretionary activity.	**Discretionary** Temporary dewatering of the cove excavations at up to 300 litres per second, for the construction period of each cove. The take is not permitted under Rule 12.2.2.4 or 12.2.2.5. It is temporary dewatering for the construction of the coves and so is excluded from the non-complying rule 12.2.1A.3.
12.3.2.3 Diversion of water to erect a lawful structure (Park Burn bridge and culvert works)	Unless prohibited by Rules 12.3.1.1 to 12.3.1.4, the diversion of water carried out for the purposes of allowing the erection, placement, repair or maintenance of a lawful structure, is a permitted activity, providing: (a) the course of the water always remains within the bed of the lake or river; and (b) the course of the water is returned to its normal course following the completion of the repair or maintenance, and no more than one month after the diversion occurs; and (c) no lawful take of water is adversely affected as a result of the diversion; and (d) any structure within a Regionally Significant Wetland was lawfully established prior to 2 July 2011; and (e) there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and (f) there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and (g) the diversion does not cause any erosion, land instability, sedimentation or property damage.	**Permitted** Any temporary diversion of the Park Burn while the bridge abutments and pier are built within the bed or the existing culvert is removed. The Park Burn flows intermittently and these works will be programmed to occur when there is no surface water in the channel. Any flow that is encountered is kept within the bed, returned to its course within a month and controlled so that it causes no erosion or sedimentation.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.3.4.1 Damming or diversion of water (admitting lake water to the coves; Park Burn floodplain works)	(i) Except as provided for by Rules 12.3.1.1 to 12.3.3.1 and except in the Waitaki catchment, the damming or diversion of water is a discretionary activity.	**Discretionary** Moving water from the lake into each cove when the bunds are removed is a diversion of water. The earthworks undertaken in and adjacent to the Park Burn by the bulk earthworks diverts flood flows that would otherwise spread across the floodplain and is a defence against water. Rule 12.3.2.1 does not permit any of these diversions because the catchment upstream is far larger than 50 ha, so consent is required as a discretionary activity.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.B.1.8 Discharge of stormwater from a reticulated stormwater system	The discharge of stormwater from a reticulated stormwater system to water, or onto or into land in circumstances where it may enter water, is a permitted activity, providing: (a) where the system is lawfully installed, or extended, after 28 February 1998: (i) the discharge is not to any Regionally Significant Wetland; and (ii) provision is made for the interception and removal of any contaminant which would give rise to the effects identified in condition (d) of this rule; and (b) the discharge does not contain any human sewage; and (c) the discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and (d) the stormwater discharged, after reasonable mixing, does not give rise to all or any of the following effects in the receiving water: (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or (ii) any conspicuous change in the colour or visual clarity; or (iii) any emission of objectionable odour; or (iv) the rendering of fresh water unsuitable for consumption by farm animals; or (v) any significant adverse effects on aquatic life.	**Complies** Operational stormwater from the development will comply with the conditions of the rule. Stormwater is treated in accordance with the Stormwater Management Plan (Woods and FlowState) and is not discharged to a Regionally Significant Wetland. The system carries no sewage and is sized so that it does not flood other property, the outfalls are to be designed so that they cause no erosion, and the treated discharge will not give rise to the condition (d) effects after reasonable mixing.
12.B.1.9 Discharge of stormwater from a road not connected to a reticulated system		**Not applicable** All roads within the development are connected to the reticulated stormwater system. The SH6 roundabout works are within the state highway corridor and drain to the existing highway drainage.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.B.3.1 Discharge of stormwater not otherwise permitted	Except as provided for by Rules 12.B.1.8 and 12.B.1.9, the discharge of stormwater to water, or onto or into land in circumstances where it may enter water, is a restricted discretionary activity.	**Not applicable** The operational discharges are permitted under Rule 12.B.1.8. Construction-phase discharges of sediment-laden runoff from the earthworks are regulated by Rule 14.5 and Chapter 12.C, not by this rule.
12.C.0.3 Discharge of sediment from disturbed land without mitigation	Any discharge of sediment from disturbed land to water in any: (i) lake, river or Regionally Significant Wetland; or (ii) drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area, where no measure is taken to mitigate sediment runoff, is a prohibited activity.	**Not applicable** Erosion and sediment control measures are installed before and maintained during each stage of earthworks (Erosion and Sediment Control Plan), so no sediment is discharged without mitigation and the prohibited rule is not engaged.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.C.1.1 Discharge of water or contaminants to water or land (sediment from the non-residential earthworks; dewatering water)	The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water, is a permitted activity, providing: (a) the discharge does not result in flooding, erosion, land instability or property damage; and (b) there is no discharge of water from one catchment to water in another catchment; and (c) the discharge does not change the water level range or hydrological function of any Regionally Significant Wetland; and (d) when the discharge, including any discharge from a drain or water race, enters water in any lake, river, wetland or the coastal marine area; the discharge: (i) does not result in: (1) a conspicuous change in colour or visual clarity; or (2) a noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and (ii) does not have floatable or suspended organic materials; and (iii) does not have an odour, oil or grease film, scum or foam; and (e) and (f) [equivalent conditions for discharges to drains and water races].	**Permitted** Runoff from the cove, reserve, school and business area earthworks (which are not residential development under Rule 14.5) is discharged to ground through the construction-phase infiltration basins, which are the primary sediment retention device across the site, and complies with the conditions of the rule. Sediment remobilised by the in-water excavation of the coves is part of the alteration of the lake bed and is assessed under Rule 13.5.3.1, not this rule. **Does not comply** Water pumped from the cove excavations is treated and discharged to the lake at a location to be confirmed (Environmental Management Plan). Sediment-laden runoff from the cove earthworks enters each cove once the bund is removed. These discharges enter the lake and may not meet condition (d) at times. They are a restricted discretionary activity under Rule 12.C.2.1 and consent is sought.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
12.C.2.1 Discharge of water or contaminants for a period of up to five years	The discharge of water or any contaminant: (i) to water; or (ii) onto or into land in circumstances which may result in a contaminant entering water, for a period up to five years, is a restricted discretionary activity, unless the discharge: (a) is prohibited by a rule in 12.C.0; or (b) is permitted by Rules 12.C.1.1 or 12.C.1.2; or (c) will result in flooding, erosion, land instability or property damage; or (d) is of water from one catchment to water in another catchment; or (e) will change the water level range or hydrological function of any Regionally Significant Wetland; or (f) has previously been authorised by resource consent granted under this rule.	**Restricted Discretionary** Treated dewatering water from the cove excavations, at a rate of up to 300 litres per second, discharged to the lake at a location to be confirmed, and sediment-laden runoff from the cove earthworks entering each cove once the bund is removed, for the construction period of each cove. The discharge is within one catchment, causes no flooding or erosion and does not affect a Regionally Significant Wetland.
Regional Plan: Water for Otago – Chapter 13: Land use on lake or river beds		
13.1.1.1 Use of structures in the bed of a lake or river	The use of any structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) the structure is lawfully established; and (b) in the case of a change in use, the effects of the new use of the structure are the same or similar in character, intensity and scale as the preceding use; and (c) measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and (d) the structure is maintained in good repair.	**Permitted** Public use of the jetties, boat ramp, intake, outfall and bridges once the coves are flooded. The structures are lawfully established under the consents sought and the permitted rules below and will be maintained in good repair by the consent holder and then by Council.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.2.1.2 Pipes on or under the bed of a lake (intake and outfall pipes)	The placement of any pipe, line, or cable on or under the bed of a lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) the pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and (b) the location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and (c) the pipe, line, or cable is maintained in good repair.	**Permitted** The screened irrigation intake and the five stormwater outfall pipes have not yet been designed but are able to be designed for compliance with this rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.2.1.4 Intake and outfall structures fixed in the bed of a lake	The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure, that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) the structure does not exceed 2 square metres in area provided that in respect of any flow or level recording device any catwalk to the nearest bank shall be excluded from the area calculation; and (b) the structure, or its erection or placement, does not cause any flooding or erosion; and (c) the Otago Regional Council is notified of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and (d) except in the case of a navigational aid, or the sight board of any gauge, any visible part of the structure is of a neutral colour to blend in with the surroundings; and (e) the structure is maintained in good repair; and (f) the site is left tidy following the erection or placement.	**Permitted** The intake screen in the bed of the lake and the five stormwater outfall headwalls have not yet been designed but are able to be designed for compliance with this rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.2.1.7 Single span bridges over the bed of a lake or river	The erection or placement of any single span bridge including for pipes over the bed of a lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) the bridge or its erection or placement, does not cause any flooding, nor cause any erosion of the bed or banks of the lake or river, or Regionally Significant Wetland, or property damage; and (b) no more than 20 metres of bridge occurs on any 250 metre stretch of any lake or river; and (c) there is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and (d) the bridge soffit is no lower than the top of the higher river bank; and (e) the bridge and its abutments are secured against bed erosion, flood water and debris loading; and (f) where the bridge is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and (g) if the bridge is situated over or on public land, then public access over the public land is maintained.	**Not applicable (Park Burn road bridge)** The Park Burn road bridge has two spans with a central pier and is not a single-span bridge; it is not within this rule or Rule 13.2.2.1 and consent for it is sought under Rule 13.2.3.1. **Permitted (cove bridge)** The pedestrian and cycle bridge over the northern cove has not yet been designed but is able to be designed as a single-span bridge that complies with the conditions of the rule.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.2.1.8 Floating boom on the bed of a lake	The placement of a floating boom in, on or over the bed of a lake, or any Regionally Significant Wetland, is a permitted activity, providing that for the bed of any lake: (a) the boom is securely fixed to the bed or margins of the lake; and (b) the boom is not more than 850 metres upstream of a lawfully established hydro-electric dam or control structure or within 200 metres of any other lawfully established dam or control structure; and (c) the boom is maintained at all times in a safe condition, good repair and substantially free of debris; and (d) the boom and all associated equipment are clearly visible.	**Permitted** The floating boom and silt curtain placed across the inlet of each cove for the duration of the in-water works (Planning Report s6.3.8). It is fixed to the margins, is many kilometres from the Clyde Dam, is maintained and is clearly visible.
13.2.2.1 Jetties in the bed of a lake	Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7B, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, single span bridge or crossing in, on, under, or over the bed of any lake or river, or the erection or placement of any fence, pipe, line, cable, jetty, bridge, crossing or boardwalk in, on, under or over any Regionally Significant Wetland, is a restricted discretionary activity.	**Restricted Discretionary** The jetties in the northern and southern coves are built in the dry before the bunds are removed, so at the time of construction they are on land rather than in the bed of the lake, and it is more likely than not that no consent is required under this rule. Because the construction methodology is not finalised and the jetties will stand in the bed of the lake once the coves are flooded, consent is sought on a precautionary basis.
13.2.3.1 Other structures in the bed of a lake or river (Park Burn road bridge, boat ramp, cove edge protection within the bed)	Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a discretionary activity.	**Discretionary** This rule applies to the Park Burn road bridge, the boat ramp in the northern cove, and the rock armouring, retaining or edge protection fixed within the part of each cove that becomes the bed of the lake. Whether these are built before the bunds are removed depends on the final construction methodology, which has not been confirmed, and consent is sought on a precautionary basis.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.4.1.1 Removal of structures from the bed of a river (existing Park Burn culvert)	The demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity providing: (a) where any part of the structure remains in situ, nothing remains above the level of the bed; and (b) the structure is not identified as a registered historic place, a building or place identified in any district plan as being of historic value, an archaeological site or a place with interim historic place registration; and (c) the structure is not a sacred place identified by Kāi Tahu and located in any area identified as MA3 in Schedule 1D; and (d) there is no use of explosives; and (e) the Otago Regional Council is notified of the demolition or removal, at least seven working days prior to commencing the activity; and (f) the demolition or removal of the structure does not cause any erosion; and (g) the site is left tidy following the demolition or removal; and (h) to (j) [dam and Regionally Significant Wetland conditions].	**Permitted** Removal of the existing culvert that carries the quarry haul road over the Park Burn, before the bridge is built, will comply with the conditions of the rule.

13.5.1.3 Bed disturbance to place or remove a permitted structure (intake, outfall and culvert works)	The disturbance or reclamation of, or the deposition of any substance in, on or under, either the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge of bed material, for the purpose of: (i) the erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7B, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or (ii) the repair or maintenance of any defence against water constructed or placed by artificial means, is a permitted activity providing: (a) the structure or defence against water is lawfully established; and (b) there is no change to the original scale of the structure or defence against water; and (c) the time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and (d) all reasonable steps are taken to minimise the release of sediment to the lake, river or wetland during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and (e) no lawful take of water is adversely affected as a result of the activity; and (f) in the case of reclamation or deposition, only cleanfill is used; and (g) the site is left tidy following completion of the activity; and (h) and (i) [Regionally Significant Wetland conditions].	**Permitted** Removal of the existing culvert (Rule 13.4.1.1) and placement of the two outfall structures and pipes in the bed of the Park Burn (Rules 13.2.1.2 and 13.2.1.4) when the channel is dry: no work occurs within a wetted bed, so the 10-hour limit in condition (c) is met, sediment release is minimised under the Erosion and Sediment Control Plan, no take is affected and the site is left tidy. The cove outfalls and any other structures in the coves that are built before the bunds are removed are built on land and no bed rule applies to them. **Does not comply** The irrigation intake pipeline and the outfall that discharges directly to the lake are placed in the wetted bed of the lake and the method may exceed 10 hours. Consent is sought for that bed disturbance as a discretionary activity under Rule 13.5.3.1 on a precautionary basis. The bridge is not a permitted structure (Rule 13.2.3.1) and its bed works are assessed under Rule 13.5.3.1.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.5.3.1 Alteration of the bed of a lake or river (cove excavation and bund removal; Park Burn bridge and floodplain works; lake intake and direct lake outfall)	Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a discretionary activity.	**Discretionary** Excavation of the in-water part of each cove and removal of the bund at the existing lake margin, together with the remobilisation of bed material that the disturbance causes. The construction method is to be confirmed, however consent is sought on a precautionary basis. Construction of the bridge abutments and pier in the bed of the Park Burn, and the Park Burn floodplain earthworks (cut and fill earthworks within the active channel and on the adjoining floodplain to convey flood flows to the lake, and the stabilisation of the disturbed channel bed with clean gravel and cobbles. Consent is also sought under this rule, on a precautionary basis, for the disturbance of the bed of the lake to place the irrigation intake pipeline and the outfall that discharges directly to the lake (see Rule 13.5.1.3).

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.6.2.1 Planting on the bed of a lake (riparian revegetation)	The introduction or planting of any plant to or on the bed of any lake or river for the purpose of remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, or to restore or enhance habitat, is a permitted activity providing: (a) Crack Willow Salix fragilis or Grey Willow Salix cinerea is not introduced to an area where it does not currently exist; and (b) the plant is not any pest plant listed in the Pest Management Strategy for Otago 2009; and (c) all reasonable steps are taken to minimise the release of sediment to the lake or river during the introduction or planting, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 metres downstream of the introduction or planting; and (d) the introduction or planting does not cause any flooding or erosion; and (e) the site is left tidy following the introduction or planting.	**Permitted** Native revegetation of the lake margin and cove edges below the maximum operating level to restore habitat and stabilise the edges (Ecological Assessment, Viridis; Landscape Management Plan). No willow or pest plant is introduced.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
13.7.1.1 Removal of lagarosiphon from the bed of a lake; removal of willows from the bed of a lake	The physical removal of material of any of the following plants: (i) Lagarosiphon Lagarosiphon major; … from the bed of any lake or river is a permitted activity, providing: (a) except in the case of Lagarosiphon Lagarosiphon major in Lake Wanaka or Lake Dunstan, containment is utilised to ensure no weed fragments escape; and … (c) the Otago Regional Council is notified of the location and nature of the removal, at least seven working days prior to commencing the removal; and (d) the site is left tidy following the removal. No rule in the RPW regulates the removal of other vegetation from the bed of a lake.	**Permitted** Removal of lagarosiphon disturbed by the in-water excavation of the coves and the placement of the intake, outfalls and jetties. Lagarosiphon is present in the shallows adjacent to the site (Ecological Assessment s3.3.2); in Lake Dunstan containment is not required by the rule, the Council is notified before the works, and the site is left tidy. **Not applicable** Removal of willows and other exotic trees standing within the bed of the lake at the existing margin is not regulated by any rule in the RPW, so section 13(2)(b) of the RMA is not engaged and no consent is required.
Regional Plan: Water for Otago – Chapter 14: Land use other than in lake or river beds		
14.1.1.1 Bores (dewatering sump)	The excavation, drilling or other disturbance of land, other than in the bed of any lake or river, for the purpose of creating a bore, is a controlled activity.	**Controlled** The sump or pit constructed in the cove excavation to collect groundwater for dewatering is a bore as defined in the RPW, and its construction requires consent as a controlled activity.
14.3.2.1 Defences against water other than on the bed of a lake or river (cove edge protection; Park Burn floodplain earthworks)	Except as provided for in Rule 14.3.1.1, the erection, placement, extension, alteration, replacement, reconstruction, demolition or removal, of any defence against water, other than on the bed of any lake or river, is a discretionary activity.	**Discretionary** The cove edge protection has not been designed and is conservatively treated as a defence against water. The parts of the edge protection above the bed of the lake require consent under this rule as a discretionary activity. The Park Burn floodplain earthworks are intended to keep flood flows within the channel and away from the adjoining lots and is a defence against water, and requires consent under this rule as a discretionary activity. Any part of the bund within the bed of the Park Burn is assessed under Rule 13.2.3.1, and the diversion of flood flows by the bund under Rule 12.3.4.1.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
14.4.1.1 Structures within 7 m of the margin of a lake or the top of the bank of a river	The erection or placement of any structure, other than a defence against water, within 7 metres of the margin of any lake, or within 7 metres of the top of the bank of any river, is a permitted activity, providing: (a) it does not result in the physical prevention or obstruction of access for works to avoid or mitigate any natural hazard; and (b) the Otago Regional Council is notified in writing, of the location and nature of the structure, at least seven working days prior to commencing the erection or placement.	**Permitted** The bridge abutments, jetty landings, the top of the boat ramp, the pump station and intake headworks in Lot 2007 and any shelters or walkway structures within 7 m of the existing lake margin, the cove margins or the top of the Park Burn banks. None of the structures obstructs access for natural hazard works, and the Council will be notified before each structure is erected.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
14.5.1.1 Earthworks for residential development and the associated discharge of sediment	Permitted where: (a) the area of exposed earth is no more than 2,500 m² in any consecutive 12-month period per landholding; (b) no earthworks occur within 10 m of a water body, drain, water race or the coastal marine area (other than for riparian planting); (c) exposed earth is stabilised on completion; (d) the earthworks are not on contaminated or potentially contaminated land; (e) soil or debris is not placed where it can enter water; (f) there is no flooding, erosion, instability, subsidence or property damage beyond the boundary; and (g) the sediment discharge does not, after reasonable mixing, produce oil or grease films, scums, foams or floatable or suspended materials, any change in colour or clarity, objectionable odour, water unsuitable for farm animals or significant adverse effects on aquatic life.	**Does not comply** The bulk cut-to-fill earthworks, road formation and servicing works for the residential subdivision expose far more than 2,500 m² in a 12-month period, occur within 10 m of the lake and the Park Burn, and occur on potentially contaminated land in the HAIL areas. The earthworks and the associated discharge of sediment are a restricted discretionary activity under Rule 14.5.2.1. Conditions (c), (e), (f) and (g) are met through the Erosion and Sediment Control Plan.
14.5.2.1 Earthworks for residential development not otherwise permitted	Except as provided by Rule 14.5.1.1, the use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development, is a restricted discretionary activity.	**Restricted Discretionary** The bulk cut-to-fill earthworks, road formation and servicing works for the residential subdivision and the associated discharge of sediment (see Rule 14.5.1.1).

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
Regional Plan: Air for Otago – Chapter 16: Discharges to air		
16.3.13.1 Discharges from miscellaneous activities (building and construction, including road construction)	The discharge of contaminants into air from: (1) vehicle engine maintenance and servicing; or (2) building and construction activities, including road construction and maintenance, but excluding the remediation of asphalt surfaces (seal burning); or (3) any outdoor general engineering activity; or (4) using a smoke tracer to test underground drains or sewers; or (5) fertiliser application; or (6) the engine exhaust of any motor vehicle, train or aircraft on an industrial or trade premises; or (7) any smokeless heater frost-fighting device not using waste oil; is a permitted activity, providing any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.	**Permitted** Dust from the bulk earthworks, road construction and building construction. The Dust Management Plan sets out the measures (water carts, stabilisation, wind-speed triggers) that keep dust from being offensive or objectionable at the site boundary, including at the dwellings on Pisa Moorings and the occupied stages of the development.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
Regional Plan: Waste for Otago – Chapter 5: Contaminated sites; Chapter 6: Hazardous substances and hazardous wastes		
5.6.1 Hazardous wastes at contaminated sites (remediation and bulk earthworks within the contaminated areas)	1. The disturbance of land; or 2. The discharge of hazardous waste into water; or 3. The discharge of hazardous waste onto or into land in circumstances that may result in that hazardous waste (or any other hazardous waste emanating as a result of natural processes from that hazardous waste) entering water; or 4. The deposit of any hazardous waste, in, on or under land; or 5. The discharge of hazardous waste into air at or from a contaminated site; is a discretionary activity. Rule 5.6.1.1 requires an assessment in terms of the ANZECC Guidelines for the Assessment and Management of Contaminated Sites (1992) and an environmental monitoring programme to be submitted with the application. Contaminated site: a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses, or is likely to pose, an immediate or long term hazard to human health or the environment. Hazardous waste includes waste material containing a hazardous substance.	**Discretionary** The Detailed Site Investigation (Insight Engineering, 16 July 2026) records arsenic above the residential soil contaminant standard and the Otago background concentration at the cleanfill stockpile, and visually confirmed engine oil, treated timber and bitumen contamination in the eastern portion of the site, and concludes that those areas pose significant risks to human health, environmental health or ecological health until the remediation earthworks are completed and validated. Those areas are therefore a contaminated site as defined in the Regional Plan: Waste. The remediation earthworks under the Remediation Action Plan, and the bulk earthworks within those areas, are a disturbance of land at a contaminated site, the contaminated soil excavated is hazardous waste, and its deposit on land, any discharge to water and the discharge of dust to air from the contaminated site are within the rule. Consent is required as a discretionary activity. The Remediation Action Plan is to be checked against the information requirements of Rule 5.6.1.1.

Rule	Explanation / Requirement	Activity Status / Compliance / Comment
6.6.2 Discharge of dust suppressants (earthworks dust control)	The discharge of a dust suppressant onto or into land is a permitted activity, provided that: (a) the dust suppressant is not a hazardous substance; or (b) the dust suppressant is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of dust suppressant is undertaken in accordance with all conditions of the approval; and (c) the discharge does not produce an objectionable odour, or a conspicuous oil or grease film, scum or foam in any: (i) lake, river or natural wetland; or (ii) drain or water race that flows to a lake, river, natural wetland or coastal marine area; or (iii) bore or soak hole; and (d) the discharge is not undertaken in a manner that results in ponding or overland flow that enters any: (i) lake, river, natural wetland or coastal marine area; or (ii) drain or water race that goes to any lake, river, natural wetland or coastal marine area.	**Permitted** The Dust Management Plan provides for stabilising exposed surfaces and stockpiles with a dust suppressant spray. The discharge is permitted where the product is water or is not a hazardous substance, or is HSNO-approved and used in accordance with that approval, and it is applied so that it does not pond or run off to the lake or the Park Burn. The product is to be specified in the Dust Management Plan and will be selected for compliance with the rule.