Appendix 4: Resource Consents Assessment

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Kāpiti Coast District Council Consent Requirements

District Plan

DEV3 – Ratanui Development Area

Table 1: Retirement Villages

Rule or Standard	Assessment
DEV3-R1 Retirement Villages within the Ratanui Development Area *Activity status:* ***Restricted Discretionary*** *GRZ-R41 does not apply in addition to this Rule.* *Where:*	
1. *Where standards 2 to 11 of GRZ-R33 are complied with; and*	**Does not comply:** as outlined in **Table 4** below, the proposal does not comply with standards 2 to 11 of GRZ-R33: • GRZ-R33.2: The proposal does not comply with the maximum building height standard with portions of the main building exceeding the 11m maximum with the tallest point of the proposed building being 11.92m. • GRZ-R33.9: the proposed buildings facing Ratanui Road do not comply with the windows to street 20% glazing requirement with proposed glazing being: – Unit B01 has 16.6% – Unit B03 has 19% – Unit B04 has 18.6%
2. *Where a Landscape and Earthworks Plan is provided by a suitably qualified and experienced landscape architect addressing the matters listed in DEV3-P1.4 that contains the following information:* a. *Details of plantings proposed for the vegetated buffer shown in DEV3- Figure 1: Ratanui Development Area Structure Plan; and* b. *Details of design for the landscaped buffer (landscaping, fencing and/or planting) shown in DEV3- Figure 1:*	**Complies:** a Landscape and Earthworks Plan has been prepared by Kamo Marsh and it is provided as **Appendix 20** to the Substantive Application.

Ratanui Development Area Structure Plan.	
As the proposal does not comply with DEV3-R1.1, DEV3-R4 must be considered.	
DEV3-R4 Retirement Villages within the Ratanui Development Area that do not comply with DEV3-R1.1 *Activity status:* ***Restricted Discretionary***	
Rule applies to proposal - The proposal is a **Restricted Discretionary Activity** under **DEV3-R4.**	

GRZ – General Residential Zone

Table 2: General activity rule

Rule or Standard	Assessment
GRZ-R1 Any activity that is a permitted activity under the rules in this chapter. *Activity status:* ***Permitted*** *Where:*	
1. *The activity must not cause offensive or objectionable odour, dust or smoke at or beyond the boundary of the site on which it is occurring.*	**Will comply:** the proposal will comply with this standard noting a Construction Management Plan and relevant proposed conditions of consent will address these effects (refer **Appendix 7**).
2. *Each allotment must have a permeable surface area that is not covered by buildings, paving or other impermeable objects of not less than 30% of the total allotment area.*	**Complies:** the proposal complies with this standard as 48.5% of the site is permeable.
3. *Any lighting must be directed so that the spill of light is contained within the boundaries of the site on which the activity occurs. Light level from the activity must not exceed 10 lux, when measured 1.5 metres inside the boundary of any other site located in the Residential Zones or Rural Zones. This standard does not apply to street lighting on legal roads.*	**Complies:** the proposal complies with this standard as outlined in the lighting plans (**Appendix 29**).
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

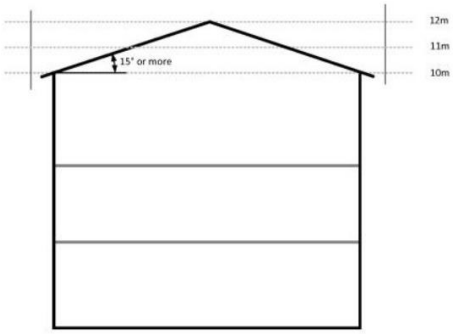
Table 3: Fences and walls

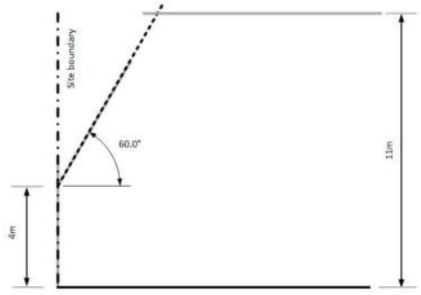
Rule or Standard	Assessment
GRZ-R3 Fences and Walls	

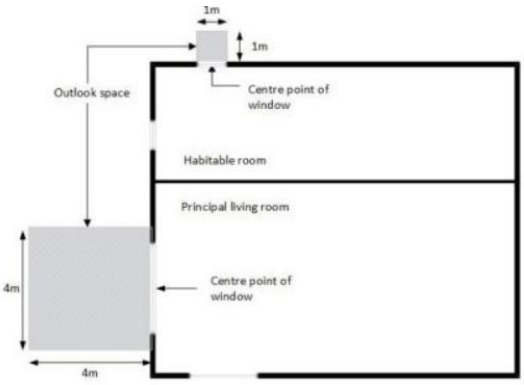
Activity status: ***Permitted*** *Where:*	
1. *The maximum height of any fence or wall on a boundary shall be 2 metres, except:* a. *in the front yard, where the maximum height shall be 1.8 metres;* b. *in the front yard in the Waikanae Beach Precinct where the maximum height shall be 1.8 metres if it is at least 50% visually permeable otherwise the maximum height shall be 1.2 metres;* c. *along any boundary which adjoins any Natural Open Space or Open Space Zone (excluding the Private Recreation and Leisure Precinct), esplanade or any access strip, where the maximum height shall be 1.8 metres.* 2. *For the purposes of calculating maximum height under standard (1) above where a fence is erected atop a retaining wall, the height shall be the combined distance measured vertically from the base of the retaining wall to the top of the fence.*	**Comply:** all proposed fences are under 1.8m and therefore comply with 1(a). Note that 1(b) and 1(c) are not relevant to the proposal.
Rule applies to proposal - The proposal is a **Permitted Activity** under **GRZ-R3.**	

Table 4: New buildings and structures

Rule or Standard	Assessment
GRZ-R33 New buildings and structures, and any minor works, additions or alterations to any building or structure. ***The following are excluded from this rule:*** • ***Buildings and structures within the Coastal Qualifying Matter Precinct (refer rule GRZ-R6)*** • ***Buildings and structures within the Ōtaki Takiwā Precinct (refer rule GRZ-R34)*** • ***Papakāinga (refer rules GRZ-R35 or GRZ-R39)*** • ***Minor Buildings*** *Activity status:* ***Permitted*** *Where:*	
Number of residential units or retirement units per site	**Not applicable:** see DEV3-R1 which only requires compliance with 2 to 11 of GRZ-

1. *There must be no more than 3 residential units or retirement units per site.* *This standard does not apply to minor works, additions,* *or alterations to buildings and structures that do not increase the number of residential units or retirement units.*	R33 for a Retirement Village activity in the Ratanui Development Area.
Height 2. *Buildings and structures must not exceed:* a. *11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:*  **GRZ-Diagram 1** - *Building Height* *or:* b. *14 metres within the height variation control area identified in the District Plan maps.* *Measurement criteria:* *Height must be measured using the height measurement criteria.*	**Does not comply:** as shown on the architectural plan set, the vast majority of buildings comply, however the main building does not comply with a 920mm breach of the 11m standard (refer sheet AR.202).
Height in relation to boundary 3. *Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.*	**Complies:** as shown on the architectural plan set the proposed buildings comply with this standard (refer sheets AR.100 to 106).

 **GRZ-Diagram 2** - *Height in relation to boundary* *This standard does not apply to:* *a. a boundary with a road;* *b. existing or proposed internal boundaries within a site;* *c. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.*	
Setbacks *4. Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:* **GRZ-Table 1** - *Yard* setbacks *Yard* / **Minimum depth** Front / 1.5 metres Side / 1 metre Rear / 1 metre (excluded on corner *sites*) *This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.*	**Complies:** the proposal complies as all buildings and structures are setback at least 1.5m from the boundary as shown in the plans (refer sheets AR.100 to 106).
Building Coverage *5. The maximum building coverage must not exceed 50% of the net site area.*	**Complies:** the proposal complies as there is 27.2% building site coverage as shown in the plans (refer sheet AR.011).
Outdoor living space (per unit) *6. A residential unit or retirement unit at ground floor level must have an outdoor living space that is at least 20m2 and that comprises ground floor, balcony, patio, or roof terrace space that:* *a. where located at ground level, has no dimension less than 3 metres; and* *b. where provided in the form of a balcony, patio, or roof terrace, is at*	**Complies:** as shown on the plans, private open space provided for the independent living units individually complies with these standards (refer sheet AR.012). There is a considerable amount of shared open space accessible to all residential units including those in the Main Building meaning the development complies with 6(d).

least 8m^2 and has a minimum dimension of 1.8 metres; and *c. is accessible from the residential unit or retirement unit; and* *d. may be:* *i. grouped cumulatively by area in 1 communally accessible location; or* *ii. located directly adjacent to the unit; and* *e. is free of buildings, parking spaces, and servicing and manoeuvring areas.*	
7. A residential unit or retirement unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that: *a. is at least 8m^2 and has a minimum dimension of 1.8 metres; and* *b. is accessible from the residential unit or retirement units; and* *c. may be:* *i. grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or* *ii. located directly adjacent to the unit.*	**Complies:** There is a considerable amount of shared open space accessible to all residential units meaning the development complies with 7(c).
Outlook space (per unit) *8. An outlook space must be provided for each residential unit or retirement unit as specified in this standard:* *a. An outlook space must be provided from habitable room windows as shown in the diagram below:*  **GRZ-Diagram 3** - Outlook space	**Complies:** as shown on the architectural plan set the proposed buildings comply with the outlook space requirement per unit (refer sheet AR.012).

b. *The minimum dimensions for a required outlook space are as follows:* i. *principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and* ii. *all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.* c. *The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.* d. *Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.* e. *Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.* f. *Outlook spaces may be under or over a balcony.* g. *Outlook spaces required from different rooms within the same building may overlap.* h. *Outlook spaces must:* i. *be clear and unobstructed by buildings; and* ii. *not extend over an outlook space or outdoor living space required by another dwelling.*	
Windows to Street 9. *Any residential unit or retirement unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.*	**Does not comply:** as shown on the architectural plan set the proposed buildings facing Ratanui Road <u>do not comply</u> with the windows to street requirement (refer sheet AR.100) as follows: • Unit B01 has 16.6% • Unit B03 has 19% • Unit B04 has 18.6%
Landscaped area 10. *A residential unit or retirement unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can*	**Complies:** as shown on the plans, the total landscape coverage on the site is 61578m² which at 48.5% of the site comfortably

include the canopy of trees regardless of the ground treatment below them. 11. *The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit or retirement unit.*	complies with the minimum 20% (refer sheet AR.011).
Not applicable - As the proposal does not comply with GRZ-R33, GRZ-R41 must be considered. However, GRZ-R41 does not apply to this site under DEV3-R1. The non-compliances are regulated under DEV3-R4 as noted in **Table 1** above.	

Table 5: GRZ-R25

Rule or Standard	Assessment
GRZ-R25 Any commercial, industrial or retail activity that is not listed as a permitted, controlled, restricted discretionary or discretionary activity. *Activity status:* ***Non-complying Activity***	
Rule applies to proposal: The proposal includes a café/bar that while ancillary to the Retirement Village, will be open to the general public, as such it is a **Non-complying Activity** under **GRZ-R25**.	

Table 6: GRZ-R41

Rule or Standard	Assessment
GRZ-R41 Construction or alteration of or addition to any building or structure for a retirement village involving 4 or more retirement units per site. *Activity status:* ***Restricted Discretionary Activity***	
Not applicable – Rule included for completeness noting that the rule does not apply under DEV3-R1. The non-compliances are regulated under DEV3-R4 as noted in **Table 1** above.	

RLZ - Rural Lifestyle Zone

Note: While a portion of 65 Ratanui Road is zoned Rural Lifestyle Zone, the only activity occurring within this zone is earthworks. This activity is assessed in relation to EW – Earthworks Chapter below.

TR – Transport

Table 7: Vehicle movements

Rule or Standard	Assessment
TR-R2 Vehicle movements. *Activity status:* ***Permitted Activity*** *Where:*	
... 2. *In all other zones, any activity must not generate more than 100 vpd, except extractive industries that are provided*	**Does not comply:** vehicle movements will exceed 100 vpd, the ITA (**Appendix 12**) estimates the development could generate approximately 1000 vpd.

for as a restricted discretionary activity under EW-EXT-R13. ...	
As the proposal does not comply with TR-R2, TR-R10 must be considered.	
TR-R10 Vehicle movements that do not meet the permitted activity standards under TR-R2 (therefore deemed a major traffic activity(ies)). *Activity status:* ***Restricted Discretionary Activity*** *Where:*	
1. *Any activity in Precinct B or Precinct C shall not generate more than 200 vehicle movements in any hour.*	**Not applicable:** the site is not within Precinct B or C.
2. *A Transport Assessment and a Travel Plan must be prepared by a suitably qualified person and submitted to Council with the application for resource consent.* *Note: Please refer to the publication Greater Wellington Regional Council Publication titled "Get your workplace moving - A guide to transport solutions for your staff and business" for guidance on preparing Travel Plans.*	**Complies:** An Integrated Transport Assessment and a Travel Plan has been prepared by Stantec (**Appendix 12** – with Travel Plan forming Appendix A of the ITA).
Rule applies to proposal: The proposal complies with these standards, as such it is a **Restricted Discretionary Activity** under **TR-R10**.	

Table 8: Site access and loading

Rule or Standard	Assessment
TR-R3 Site access and loading. *Activity status:* ***Permitted Activity*** *Where:*	
1. *Access - every site must provide either:* a. *vehicular access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with TR-Diagram - 2; or* b. *for sites with no carparking or loading spaces, pedestrian access over land or by mutual right of way with a minimum 1.8 metre legal width may be provided as an alternative to vehicle access.*	**Complies:** The proposed village will be accessed via a vehicle crossing from Ratanui Road. The site is relatively flat and there will be no issue with ground clearance.
2. *Vehicle access and pedestrian access - all vehicle accesses and pedestrian accesses must be designed, constructed and maintained to ensure that:*	**Complies:** All village roads and footpaths will be sealed.

a. *they are able to be used in all weather conditions;* b. *they have no adverse impact on the roadside drainage system; and* c. *surface water and detritus (including gravel and silt) does not migrate onto the highway pavement.*	
3. *Vehicle access - all vehicle accesses must meet the following:* a. *be a minimum of 3.5 metres wide, except for as set out in TR-Table 1.* b. *be a maximum of 9 metres wide, except in the Beach Residential Zone at Waikanae Beach where the maximum shall be 6.0 metres wide.*	**Does not comply:** The Ratanui Road vehicle crossing is proposed to be 11.3 m wide at the boundary and as such does not comply with the 9m maximum.
4. *Vehicle access - sites containing non-residential activities and which provide more than 6 carparks, shall provide two-way vehicle accesses which must be a minimum of 6 metres wide.*	**Complies:** Vehicle crossing will accommodate two-way car movement
5. *Vehicle access to/from a state highway - sites that only have vehicle access via a state highway must only have one crossing point and shall be in accordance with Diagrams TR-Diagram - 1 and TR-Diagram - 2.*	**Not applicable:** site is not on a state highway.
6. *Vehicle access spacing - at intersections (except on strategic arterial routes) carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point must be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection.* *Note: The distance is measured from the intersecting point of the kerb lines or road edge lines.*	**Not applicable:** access is not located in such an intersection.
7. *Vehicle access spacing - Where a site is located near an intersection having volumes less than 1,000 vehicles in any peak hour; the minimum distance between the crossing point and the roadway edge or kerb line must be:* a. *9 metres measured from the intersecting point of the kerb lines or road edge lines or 4.5 metres from the*	**Complies:** The nearest intersection is located 100m+ from the proposed village access location.

tangent point of the kerb lines or road edge whichever is greater; and *b. 12 metres where a "Stop" or "Give Way" control exists on the roadway measured from the intersecting point of the kerb lines or road edge lines.*	
8. Vehicle access spacing for major traffic activities - no crossing point must be located closer to any intersection than the distance specified in TR-Table 2 - Access Distance Dimensions. Distances are measured in metres (m) to the intersecting kerb line.	**Complies:** The nearest intersection is located 100m+ from the proposed village access location.
9. Vehicle access spacing sight distances - the required minimum sight distance between the vehicle access and the road must be in accordance with TR-Diagram - 3 and TR-Table 3 - Sight Distance Dimensions} (where m = metres)	**Complies:** 200+ m sightlines will be available along Ratanui Road from the proposed access location.
10. Vehicle access spacing for state highways - the minimum distance between vehicle accesses on the same side of the road must be 7.5 metres for residential activities (excluding visitor accommodation that is not temporary residential rental accommodation) and 15 metres for all other activities.	**Not applicable:** site is not on a state highway.
11. The minimum separation distances between vehicle access to/from a state highway/rural road and an intersection on that state highway/rural road, between a vehicle access to/from a local road and the intersection of that local road with a state highway/rural road and between vehicle accesses to/from a state highway/rural road must meet the provided distances in TR-Table 4 - Access Distance Dimensions for State Highways and Rural Roads (where m = metres, km/h = kilometres per hour, and vpd = vehicles per day)	**Not applicable:** site is not on a state highway.
12. Manoeuvring – *a. Private residential access - unless the driveway accesses directly from a Neighbourhood Access Route, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the road is necessary. Note: for clarification see the Transport Network Hierarchy .*	**Complies:** no reversing onto Ratanui Road will be necessary.

b. *Commercial properties – must ensure that all buildings and parking areas are designed so that sufficient manoeuvring space is provided on-site to ensure no reversing onto the road is necessary.*	
13. *Loading spaces - every property in all Working Zones, the layout of loading spaces must comply with the 90 percentile design two-axled truck as defined by the Ministry of Transport and shall be designed in accordance with TR-Diagram - 7 .*	**Not applicable:** site is not in a working zone.
14. *Landscaping - for all non-residential activities, any parking, loading or trade vehicle storage area must be separated from adjoining sites by a minimum depth of 2 metres of landscaping.*	**Not applicable:** proposed retirement village is a residential activity.
15. *Landscaping - all landscaping adjoining the road boundary of subject sites, must be designed and maintained so that visibility to and from the crossing point complies at all times with the minimum standards sight distances set out in TR-Table 3 Sight Distance Dimensions.*	**Complies:** landscaping within the village will not impact sightlines to / from Ratanui Road.
As the proposal does not comply with TR-R3, TR-R11 must be considered.	
TR-R11 Any activity which is not a permitted, controlled, restricted discretionary or non-complying activity. *Activity status:* ***Discretionary***	
Rule applies to proposal: The proposal is a **Discretionary Activity** under **TR-R11.**	

Table 9: Design and layout of vehicle parking

Rule or Standard	Assessment
TR-R4 Design and layout of vehicle parking for all activities. *Activity status:* ***Permitted*** *Where:*	
1. *All parking must be formed, marked out and maintained for use in all weathers.*	**Complies:** The proposed parking areas are formed, marked and maintained for use in all weathers.
2. *Surface water originating from the parking area must be managed without adversely impacting other properties either upstream of downstream of the development subject site.*	**Complies:** Surface water will be managed so that it does not adversely affect other properties either upstream of downstream of the development subject site.

3. *Vehicles using the parking area must only use the formed vehicle access point (crossing point) to enter and exit the vehicle parking areas.*	**Complies:** All vehicles will use the single formed vehicle access point to enter and exit the site.
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

Table 10: Parking layout and design (except residential activities)

Rule or Standard	Assessment
TR-R5 Parking Layout and Design for All Activities Except Residential Activities *Activity status:* ***Permitted*** *Where:*	
1. *All parking must be sealed or otherwise maintained to have a dust free surface, at all times, and shall comply with car parking dimension standards in TR-Diagram - 8 of this chapter. Short-term 90-degree spaces required to be 2.6 m wide x 5.4 m deep with a 5.8 m aisle.*	**Does not comply:** vehicle parking areas on-site will be sealed. 90-degree spaces proposed 2.6 m wide x 5.0 m deep with at least a 6.2 m aisle which do not comply with the standard.
2. *All parking must be formed, marked out and maintained for use in all weathers.*	**Complies:** The proposed parking areas are formed, marked and maintained for use in all weathers.
3. *When a parking area is required to accommodate three or more vehicles, parking spaces together with access and turning spaces must be designed so as to ensure that vehicles are not required to reverse either on to or off legal road.*	**Complies:** All vehicles will use the single formed vehicle access point to enter and exit the site in a forwards direction.
As the proposal does not comply with TR-R5, TR-R13 must be considered.	
TR-R13 Any activity that does not meet any one or more of the permitted activity standards under Rules TR-R4, TR-R5, TR-R6, TR-R7, or TR-R8. *Activity status:* ***Discretionary***	
Rule applies to proposal: The proposal is a **Discretionary Activity** under **TR-R13.**	

Table 11: TR-R6

Rule or Standard	Assessment
TR-R6 Heavy trade vehicle access *Activity status:* ***Permitted*** *Where:*	

1. *Heavy trade vehicle accesses must be designed and constructed to carry the volume and weight of traffic likely to use the access and shall be designed in accordance with TR-Diagram-4 (NZTA Diagram D)*	**Complies:** the vehicle crossing will be designed to accommodate heavy vehicle movements. Diagram D standard not applicable in urban setting. Proposed access point with right turn bay considered to exceed requirement.
2. *The surface of a heavy trade vehicle access must be constructed to the same standard as the adjoining road carriageway. This requirement must be deemed to have been complied with if the first 12 m of the vehicle access is so constructed.*	**Complies:** the vehicle crossing will be designed to accommodate heavy vehicle movements.
3. *Heavy trade vehicle accesses must be designed and constructed so that no heavy trade vehicle has to cross the road carriageway centreline when making a left turn.*	**Complies:** rubbish trucks will be able to turn left in and left out without crossing into westbound traffic lane
Rule applies to proposal: As the proposal complies with these standards it is a **Permitted Activity** under **TR-R6.**	

Table 12: TR-PARK-R18

Rule or Standard	Assessment
TR-PARK-R18 Accessible carparks *Measurement criteria apply to activities under this rule:* 1. *When measuring gross floor area, include: covered yards and areas covered by a roof but not enclosed by walls. Exclude: uncovered stairways; floor space in terraces (open or roofed), external balconies, breezeways or porches; roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m2; car parking areas; and floor space of interior balconies and mezzanines not used by the public.* 2. *Where specified in TR-Table 6A, additional measurement criteria apply to activities under this rule.* *Activity status:* ***Permitted*** *Where:*	
1. *Accessible carparks must be provided at the rate shown in TR-Table 6A below:* *Multi-unit residential 4 – 5 units: 1 space* *6 – 25 units:2 spaces* *Plus 1 additional space for every additional 25 units, or part thereof*	**Does not comply:** Four accessible spaces are proposed at the main building. Two accessible spaces are proposed at the cottages. The proposal therefore does not comply with TR-Table 6A.
As the proposal does not comply with TR-PARK-R18, TR-PARK-R32 must be considered.	
TR-PARK-R32 Any activity which is not a permitted or controlled activity.	

Activity status: ***Discretionary***
Rule applies to proposal: The proposal is a **Discretionary Activity** under **TR-PARK-R32.**

Table 13: TR-PARK-R19

Rule or Standard	Assessment
TR-PARK-R19 Cycle parking *This rule excludes business activities carried out within existing buildings within the working zones that front a road where no building setback from the road is available for the provision of on-site cycle parking.* *Measurement criteria apply to activities under this rule.* *Activity status:* ***Permitted*** *Where:*	
1. *Cycle parking must be located no more than 25 metres from the entrance to the destination for all activities listed in TR-Table-6B excluding the following activities:* a. *Multi-unit residential.* b. *...*	**Complies:** Cycle parking is within 25 m of the main building entrance.
2. *Cycle parking shall:* a. *be securely anchored to an immovable object;* b. *support the bicycle frame and front wheel;* c. *allow the bicycle frame to be secured;* d. *be accessible for users of all ages and abilities;* e. *provide a minimum separation distance of 1.2 metres between cycle stands;* f. *provide a minimum separation distance of 1 metre between any marked carpark space, wall or any other obstruction;* g. *be clearly signposted or visible to cyclists entering the site;* h. *be located so as not to impede pedestrian thoroughfares, including areas used by people whose mobility or vision is restricted;* i. *be located so that the bicycle is at no risk of damage from vehicle movements within the site; and* j. *be in a covered area and in an area excluded from general public access when provided exclusively for staff/employee use.* k. *Note: For further guidance on designing cycle parking facilities refer to Waka Kotahi/NZ Transport Agency: Cycle Parking Planning and Design: Cycling Network Guidance technical note 2019.*	**Complies:** Cycle parking within the shelter is able to meet the standards and is deemed to be away from general public access

3. *Cycle parking must be provided at the rate shown in TR-Table 6B below:* Activity | Minimum number of visitor cycle parks | Minimum number of staff/residents/students cycle parks Multi-unit residential | 4 – 20 *residential units*: 1 space Plus 1 additional space for every additional 20 *residential units*, or part thereof | 4 – 10 *residential units*: 1 space Plus 1 additional space for every additional 10 *residential units*, or part thereof	**Does not comply:** 6 cycle parking spaces are proposed near the main building. No cycle parking proposed with ILUs. The proposal therefore does not comply with TR-Table 6B.
As the proposal does not comply with TR-PARK-R19, TR-R13 must be considered.	
TR-PARK-R32 Any activity which is not a permitted or controlled activity. *Activity status:* ***Discretionary***	
Rule applies to proposal: The proposal is a **Discretionary Activity** under **TR-PARK-R32.**	

NH – Natural Hazards

Table 14: NH-FLOOD-R2

Rule or Standard	Assessment
NH-FLOOD-R2 Any building or structure in any zone. *Activity status:* ***Permitted Activity*** *Where:*	
1. *Separation from waterbodies* a. *Buildings (excluding minor buildings) shall not be sited within the river corridor or stream corridor (unless they are permitted activities under NH-FLOOD-R7):* i. *For the stream corridor and other waterbodies, including ephemeral and intermittent rivers or streams (except lakes) the minimum setback for any building or structure (other than a bridge or culvert structure for which a resource consent is required from the Regional Council) from the natural banks of any waterbody greater than 3 metres wide shall be 10 metres;* ii. *For streams/drains less than 3 metres wide, the minimum setback must be 5 metres where the average width of the stream or waterbody is measured as an average within the site.*	**Complies:** the stream is less than 3m wide, and no buildings are proposed within 5m of the banks.

2. *Buildings (excluding minor buildings) must not be sited within 5 metres of a lake.*	**Not applicable:** there are no lakes on site.
Rule applies to proposal: As the proposal complies with these standards it is a **Permitted Activity** under **NH-FLOOD-R2.**	

Table 15: NH-FLOOD-R3

Rule or Standard	Assessment
NH-FLOOD-R3 New or relocated buildings (excluding minor buildings) in ponding, residual ponding and shallow surface flow areas. *Activity status:* ***Permitted Activity*** *Where:*	
1. *The building floor level of any new or relocated building (excluding minor buildings) in the ponding, shallow surface flow or residual ponding area shall be constructed above the 1% AEP flood event level.*	**Complies:** all building floor levels will be located above the 1% AEP flood event level.
Rule applies to proposal: As the proposal complies with these standards it is a **Permitted Activity** under **NH-FLOOD-R3.**	

Table 16: NH-FLOOD-R4

Rule or Standard	Assessment
NH-FLOOD-R4 Earthworks except where associated with the matters listed below: ***1. the maintenance of a watercourse or stormwater control;*** ***2. activities permitted under NH-FLOOD-R6;*** ***3. maintenance activities within the legal road;*** ***4. private farm tracks which are ancillary to permitted farming activities and are not within an outstanding natural features and landscapes;*** ***5. residual ponding areas where the earthworks permitted activity standards for the relevant zone are complied with (see EW-Earthworks for rules on earthworks);*** ***6. earthworks subject to NH-FLOOD-R8 (i.e. within a flood storage or fill control area);*** ***7. extractive industries (see NH-FLOOD-R7);*** ***8. the removal or replacement of underground fuel storage tanks; and*** ***9. "earthworks" as defined in and regulated by the NESCF.*** *Activity status:* ***Permitted Activity*** *Where:*	
1. *In an overflow path or residual overflow path (excluding fill which is addressed in NH-FLOOD-R10), earthworks:*	**Not applicable**: there are no mapped overland flow paths on site.

a. *shall not involve the disturbance of more than 10m3 of land in any 10 year period;* b. *shall not alter the original ground level by more than 0.5 metres, measured vertically; and* c. *shall not impede the flow of floodwaters.*	
2. *In ponding areas (excluding residual ponding areas) and shallow surface flow areas, earthworks:* a. *shall not involve the disturbance of more than 20m3 (volume) of land in any 10 year period; and* b. *shall not alter the original ground level by more than 1.0 metre, measured vertically.*	**Does not comply:** Earthworks within mapped ponding areas exceed both 20m³ and one metre in vertical ground alteration.
3. *In a stream corridor or river corridor (excluding fill which is addressed in NH-FLOOD-R15), earthworks:* a. *shall not exceed 10m3 in any 10 year period. This standard applies whether in relation to a particular work or as a total or cumulative; and* b. *must be carried out by Wellington Regional Council, Kāpiti Coast District Council, the Department of Conservation or their nominated contractors.*	**Does not comply:** Earthworks within mapped stream corridor areas exceed both 10m³ and are not being carried out by Wellington Regional Council, Kāpiti Coast District Council, the Department of Conservation or their nominated contractors.
As the proposal does not comply with NH-FLOOD-R4, NH-FLOOD-R11 must be considered with regard to ponding areas and NH-FLOOD-R15 must be considered with regard to stream corridors.	
NH-FLOOD-R11 In a ponding or shallow surface flow area, earthworks which do not comply with one or more of the permitted activity standards under NH-FLOOD-R4. *The following are excluded from this rule:* • *earthworks managed under the NESCF* • *extractive industries (see EW-EXT)* • *earthworks associated with the removal and replacement of underground fuel storage tanks.* *Activity status:* ***Restricted Discretionary Activity***	
Rule applies to proposal: The earthworks within a ponding area that do not comply with NH-FLOOD-R4 are a **Restricted Discretionary Activity** under **NH-FLOOD-R11.**	

NH-FLOOD-R15 In any a stream corridor, or river corridor, fill earthworks, or earthworks that do not comply with one or more of the permitted activity standards in NH-FLOOD-R4. *The following are excluded from this rule:* • *earthworks managed under the NESCF* • *extractive industries (see EW-EXT)* • *earthworks associated with the removal and replacement of underground fuel storage tanks.* *Activity status:* ***Discretionary Activity***
Rule applies to proposal: The earthworks within a stream corridor area that do not comply with NH-FLOOD-R4 are a **Discretionary Activity** under **NH-FLOOD-R15.**

Table 17: NH-FLOOD-R5

Rule or Standard	Assessment
NH-FLOOD-R5 Fences in any flood hazard area. *Activity status:* ***Permitted Activity*** *Where:*	
1. *Fences in the river corridor, stream corridor, an overflow path or residual overflow path shall be post and wire and shall not impede the free flow of flood waters.*	**Complies:** Post and rail fencing is proposed in the stream corridor rather than post and wire fencing, these will however not impede flood flows.
As the proposal does not comply with this standard, NH-FLOOD-R9 must be considered**.**	
NH-FLOOD-R9 Any activity listed as a permitted or controlled activity listed in Rules NH-FLOOD-R1 to NH-FLOOD-R8 which does not comply with one or more of the associated standards, unless otherwise specified. *Activity status:* ***Restricted Discretionary Activity***	
Rule applies to proposal: The fencing within the stream corridor area does not comply with NH-FLOOD-R5 and is therefore a **Restricted Discretionary Activity** under **NH-FLOOD-R9.**	

Table 18: NH-FLOOD-R8

Rule or Standard	Assessment
NH-FLOOD-R8 Development and earthworks within any flood storage or fill control area. ***The following are excluded from this rule:*** • ***earthworks managed under the NESCF*** • ***extractive industries (see EW-EXT)*** • ***earthworks associated with the removal and replacement of underground fuel storage tanks.*** *Activity status:* ***Controlled Activity*** *Where:*	

1. *Equivalent compensatory storage or another solution to achieve hydraulic neutrality shall be created.*	**Complies:** the proposal achieves hydraulic neutrality as outlined in the Stormwater Management Plan (**Appendix 18**).
2. *Development proposals shall be accompanied by sufficient hydraulic modelling of relevant streams to fully test consequences of the activity.*	**Complies:** sufficient hydraulic modelling is provided in the Stormwater Management Plan (**Appendix 18**).
3. *The building floor level of any new or relocated building (excluding minor buildings) shall be constructed above the 1% AEP flood event level.*	**Complies:** all buildings will be constructed above the 1% AEP flood event level.
Rule applies to proposal: As the proposal complies with these standards it is a **Controlled Activity** under **NH-FLOOD-R8.**	

EW – Earthworks

Table 19: EW-R2

Rule or Standard	Assessment
EW-R2 Earthworks, excluding those listed in EW-R3, in all areas except areas subject to flood hazards, outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character, areas of high natural character. *Activity status:* ***Permitted Activity*** *Where:*	
1. *Earthworks must not be undertaken:* a. *on slopes of more than 28 degrees; or* b. *within 20 metres of a waterbody, including wetlands and coastal water.*	**Does not comply:** the proposal does not comply as earthworks are proposed within 20m of the stream on site.
2. *In all other areas except as provided for in Standard 3, earthworks must not:* a. *disturb more than 50m³ (volume) of land per subject site in residential zones, working zones, natural open space zones and open space zones (excluding the Private Recreation and Leisure Precinct) within a 5 year period;* b. *disturb more than 100m³ (volume) of land per subject site in rural zones within a 5 year period; and* c. *alter the original ground level by more than 1 metre, measured vertically.* *This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks within the specified period.*	**Does not comply:** the proposal does not comply as there is: • Clause (a): approximately 56,491m³ of earthworks proposed at 73 Ratanui Road and 104,481m³ at 65 Ratanui Road (within the portion of 65 Ratanui Road zoned General Residential); • Clause (b): 1365m³ of earthworks proposed in the portion of 65 Ratanui Road zoned Rural Lifestyle Zone. • Clause (c): vertical ground changes of over 4m are proposed on both sites.

3. *Earthworks for the construction of permitted telecommunications and radio communication facilities, and their maintenance, renewal and minor upgrading outside legal road, provided that the earthworks do not alter the original ground level by more than 1.5 metres measured vertically, except piling associated with the installation of a network utility.*	**Not applicable:** no telecommunications and radio communication facilities proposed.
4. *Standards 1 and 2 under this rule do not apply, to:* *a. earthworks associated with farm and forestry tracks permitted under GRUZ-R4, RPROZ-R4, RLZ-R4 and FUZ-R4;* *b. planting trees;* *c. removing trees;* *d. horticultural root ripping;* *e. digging offal pits* *f. burying dead stock and plant waste;* *g. drilling bores;* *h. installing and maintaining services such as water pipes and troughs;* *i. or where a more specific earthworks provision is provided for in the zone or precinct methods;* *j. earthworks required to effect a subdivision of land in the Ōtaki South Precinct under SUB-WORK-R45.*	**Noted**
5. *Any earthworks must ensure that:* *a. Surface runoff from the subject site is isolated from other subject sites and existing infrastructure; and* *b. The potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the subject site, is minimised; and* *c. Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.*	**Will comply:** earthworks will be managed through an Erosion and Sediment Control Plan.
6. *Accidental Discovery Protocol (HH-Table 1) to be followed for any accidental discovery of a waahi tapu or other cultural site.* *a. Accidental Discovery Protocol – should a waahi tapu of other cultural site be unearthed during earthworks the contractor and/or owner must:-* *i. cease operations;* *ii. inform local iwi;*	**Will comply:** earthworks will be managed via an Archaeological Authority which includes an accidental discovery protocol.

iii. *inform Heritage New Zealand and apply for the appropriate authority if required;* iv. *take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.*	
7. *Standards (2) and (3) do not apply to earthworks required to effect a subdivision of land in the Ōtaki South Precinct under SUB-WORK-R46.*	**Not applicable**
As the proposal does not comply with the above standards EW-R5 must be considered.	
EW-R5 Earthworks not complying with one or more of the permitted activity standards in EW-R2 or EW-R3. *Activity status:* ***Restricted Discretionary Activity***	
Rule applies to proposal – the proposal is a **Restricted Discretionary Activity** under **EW-R5.**	

FC – Financial Contributions

Table 20: FC-R1

Rule or Standard	Assessment
FC-R1 Creation of a new one-bedroom residential unit *Activity status:* ***Permitted*** *Where:*	
1. *A financial contribution to the equivalent of 0.5 RUE shall be payable per each new one-bedroom residential unit as set out in FC-Table 1 and shall take into account any credits provided in FC-Table 1.* 2. *The financial contribution shall be payable:* a. *as a condition of consent for any land use resource consent; and* b. *prior to the commencement of construction for any relevant permitted activity land use.*	**Will comply**
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

Table 21: FC-R3

Rule or Standard	Assessment

FC-R3 Creation of a new residential unit(s) (excluding visitor accommodation which is not temporary residential rental accommodation). *Activity status:* ***Permitted*** *Where:*	
1. *A financial contribution to the equivalent of one RUE shall be payable per each new residential unit as set out in FC-Table 1 and shall take into account any credits provided in FC-Table 1.* 2. *The financial contribution shall be payable:* a. *as a condition of consent for any land use resource consent; and* b. *prior to the commencement of construction for any relevant permitted activity land use.*	**Will comply**
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

Table 22: FC-R5

Rule or Standard	Assessment
FC-R5 General requirements for payment of a financial contribution *Activity status:* ***Permitted*** *Where:*	
1. Financial contributions may, at Council's discretion, take the form of money or land or a combination of money and land. *…*	**Will comply**
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

Table 23: FC-R6

Rule or Standard	Assessment
FC-R6 Level of financial contribution payable, excluding reserves *Activity status:* ***Permitted*** *Where:*	
1. The level of contribution shall be up to 100% of the actual or estimated costs, or land necessary to provide for the "Reasons for Financial Contribution" specified in Table FC-Table2. *2. Actual or estimated costs may include:*	**Will comply**

...	
Rule applies to proposal - As the proposal complies with the standards, the proposal is a **Permitted Activity.**	

NOISE – Noise

Table 24: NOISE-R1

Rule or Standard	Assessment
NOISE-R1 Noise from non-residential activities and fixed plant located within the Residential Zones. *Activity status:* ***Permitted*** *Where:*	
1. *Excluding the activities provided for in Rules NOISE-R8 to NOISE R15, noise emission levels must comply with the limits in NOISE-Table 1.* 2. *Compliance locations in Rural Zones shall be at the notional boundary of any residential unit (excluding visitor accommodation which is not temporary residential rental accommodation).* 3. *Noise measurements must be undertaken in accordance with the procedures set out in NZS6801:2008 Acoustics - Measurement of Environmental Sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise.* 4. *The following activities are exempt from standard 1 above:* a. *any residential activity (excluding visitor accommodation which is not temporary residential rental accommodation) including non-commercial private gatherings, spontaneous social activities and non-commercial children's play;* b. *any warning device used by emergency services for emergency purposes;* c. *noise from fixed plant that is used solely for emergency purposes. Examples of such equipment are alarms, standby generator sets that are used to supply electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps and is not used to generate power for the national grid; and*	**Not applicable:** While the proposal includes fixed plant in the form of an emergency generator, the generator is solely for emergency purposes and therefore falls within exemption 4(c).

d. *vehicles on public roads or trains on rail lines, including at railway yards, railway sidings or stations and level crossing warning devices.*	

Table 25: NOISE-R10

Rule or Standard	Assessment
NOISE-R10 - Noise from activities associated with construction or demolition. *Activity status:* ***Permitted*** *Where:*	
1. *Construction noise must be measured and assessed in accordance with, and must comply with, NZS 6803:1999 Acoustics – Construction Noise.*	**May not comply:** While the Acoustic Assessment from NDY indicates that the proposal will likely comply with these standards, subject to mitigations including acoustic hoardings (refer Acoustic Assessment in **Appendix 14** and Proposed Conditions of Consent in **Appendix 7**), it is possible that these standards could be breached depending on the final methodology adopted during detailed design.
As the proposal may not comply with NOISE-R10, NOISE-R21 must be considered.	
NOISE-R21 Any activity that is not identified as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity and does not comply with one or more of the permitted, controlled or restricted discretionary activity standards unless otherwise specifically stated. *Activity status:* ***Discretionary***	
Rule applies to proposal - As the proposal may not comply with NOISE-R10 for construction noise, the proposal is a **Discretionary Activity** under **NOISE-R21.**	

SIGNS – Signs

Table 26: SIGN-R1

Rule or Standard	Assessment
SIGN-R1 Signs in all zones meeting the general permitted activity standards and the relevant zone-specific permitted activity standards. ***The following signs are excluded from this rule:*** • ***Signs managed by rule SIGN-R10.*** ***Sign measurement criteria apply to activities under this rule.*** *Activity status:* ***Permitted*** *Where:*	

1. *All signs must be displayed on the subject site on which the activity will be undertaken on, and must not be allowed within the legal road, except:* 1. *street name, directional and enforcement signs authorised by the road controlling authority and erected by or on behalf of the road controlling authority including signs authorised under any applicable bylaw;* 2. *road marking, regulatory and warning signs, and any signs relating to the management of traffic within the District authorised by the road controlling authority and erected by or on behalf of the road controlling authority;* 3. *decorative, festive, information or advertising signs, banners, or flags erected within legal road authorised by the road controlling authority and erected by or on behalf of the Council;* 4. *signs under verandahs provided for in rule SIGN-R8 as 'Sign type' (7) in SIGN-Table 2 'Additional standards for signs in the Working Zones;* 5. *sandwich board signs provided for in rule SIGN-R8 as 'Sign type' (10) in SIGN-Table 2 'Additional standards for signs in the Working Zones;* 6. *election signs in areas specified by resolution of Council; and* 7. *community purpose event/charity event signs provided for as a permitted activity in rule SIGN-R5.*	**Complies:** All signage will be located within the subject site, including being attached to boundary fences.
2. *All free-standing signs within 10 metres of a vehicle access must be setback at least 1.5 metres from the road boundary. This setback does not apply if the sign:* 1. *is less than 1 metre in height, measured from the height of the kerb closest to the sign; or* 2. *is clear and unobstructed (except for up to 2 posts necessary to structurally support the sign) up to at least 2.5m in height above the level of the kerb closest to the sign.*	**Complies:** The entry signage within 10m of the vehicle access is set back over 1.5m from the road boundary.
3. *In addition to Standard 2 above, all free-standing signs on a corner subject site must be set back at least 10 metres from the*	**Not applicable:** The site is not a corner site.

intersection of the two roads, measured from the edge of the intersecting kerbs to the nearest edge of the sign. This setback does not apply where such signs are clear and unobstructed (except for up to 2 posts necessary to structurally support the sign) up to at least 2.5m in height above the level of the kerb closest to the sign.	
4. *All signs must have any external lighting permanently fixed (i.e. not flashing, blinking or changing) and directed solely at the sign.*	**Complies:** No signage lighting is proposed.
5. *Signs, other than official road controlling and traffic management signs located within legal road and authorised by the road controlling authority, must not incorporate any reflective material.*	**Not applicable** – no signs are proposed within legal road.
6. *Signs must not be located and positioned for the purpose of being viewed from the airspace.*	**Complies:** the signs will not be positioned for the purposes of being viewed from the airspace.
7. *Signs must not emit any sound.*	**Complies:** the signs will not emit sound.
8. *The total area of digital/electronic signs must not exceed 0.6m2 and shall be limited to 2 non-moving or changing words, for example, 'We're Open' or 'Closed', or equivalent terminology, or 'Vacancy' or 'No Vacancy', or equivalent terminology.* *…*	**Not applicable** – no electronic/digital signs proposed.
9. *Electronic/digital signs located within the Airport Zone or within 20 metres of the Airport Zone must not:* *…*	**Not applicable** – no electronic/digital signs proposed.
10. *Electronic/digital signs located within the Residential Zones or on a subject site adjacent to or adjoining (and facing) a Residential Zone must not be:* *…*	**Not applicable** – no electronic/digital signs proposed.
11. *Within 50 metres of any intersection with a Strategic Arterial Route, signs must not:* *…*	**Not applicable** – no signs proposed within 50m of a Strategic Arterial Route.
12. *Signs located within 75 metres of a Strategic Arterial Route with a speed limit of 80-100km/hr must not:*	**Not applicable** – no signs proposed within 75m of a Strategic Arterial Route.
13. *The activity must comply with all relevant permitted activity standards within INF-PNU.*	**Not applicable** – no network utilities proposed.

14. *The activity complies with all other relevant permitted activity rules and permitted activity standards in all other chapters (unless otherwise specified).* *Note: See NH-FLOOD-R2 for separation of buildings and structures from waterbodies standards.*	**Complies:** While the overall proposal does not comply with various rules and standards in the ODP, the sign activity itself complies with permitted activity standards in other chapters.
Rule applies to proposal - As the proposal complies with the above standards the proposal is a **Permitted Activity.**	

Table 27: SIGN-R7

Rule or Standard	Assessment
SIGN-R7 Signs in the Rural Zones and the Residential Zones *Activity status:* ***Permitted*** *Where:*	
1. *The maximum height (above original ground level) of signs is 1.8 metres, except for signs attached to a fence adjoining a road boundary where the sign must not protrude above the top of the fence line.*	**Complies:** no signage will exceed 1.8m in height.
2. *Signs shall contain a maximum of 6 words and shall not include any contact numbers, website links or email addresses.* *Note: any numbers or letters pertaining to the address of the property that is contained in a sign shall be counted as one word.*	**Does not comply:** some village advertising signage may exceed six words and will include contact information such as phone numbers and website/email information.
3. *The following sign-specific standards listed in SIGN-Table 1 apply:* *Property identification signs* — *1. One sign per property which must:* *a. not exceed of 0.20m² in area; and* *b. be located near the entrance to the site or attached to the residential building on the site or the letterbox or on the property boundary fence provided that the sign does not protrude above the height of the fence line.*	**Does not comply:** There is more than one sign proposed including entrance sign and 2-3 village advertising signs during construction (with one kept on an ongoing basis as required once village is fully operational). The entrance sign is located near the entrance, however it will exceed 0.2m² and as such does not comply with SIGN-Table 1 and therefore SIGN-R7.3. Temporary hoarding signs are proposed to be attached to the Ratanui Road boundary fence for sales. There is no general permitted category under SIGN-R7 for large promotional/advertising signs for a retirement village. The closest equivalent is the property

	Property sale/for lease signs	*2. One sign per property which must:* *a. not exceed 1.2m2 in area for a single-sided sign or 2.4m2 in area for a 2-sided sign; and* *b. be removed no later than 10 days after the property has been sold, leased or withdrawn from the market.*	sale/for lease signage standard, which is equivalent to retirement unit sales (technically a licence to occupy). The proposal signage does not comply as temporary hoarding signs are proposed, and these will exceed 1.2m² in area.
As the proposal does not comply with SIGN-R7, SIGN-R15 must be considered.			
SIGN-R15 Any sign not otherwise provided for as a permitted activity, a restricted discretionary activity, or a non-complying activity in this chapter. *Activity status:* ***Discretionary***			
Rule applies to proposal - The proposal is a **Discretionary Activity** under **SIGN-R15**.			

National Environmental Standard for Contaminants in Soil

Table 28: Regulation 5 - Application

Rule or Standard	Assessment
(1) These regulations— *(a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):* *(b) do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9)* *…* *(4) An activity is disturbing the soil of the piece of land, which—* *(a) means disturbing the soil of the piece of land for a particular purpose:* *(b) does not include disturbing the soil of the piece of land, whatever the purpose, if the land is land to which regulation 33(9) or 36 of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 applies.* *(5) An activity is subdividing land, which means subdividing land—*	**NES-CS regulations apply:** • Subclause (1): As subclauses (4)(a) and (7)(c) apply, the NES-CS applies to the proposed earthworks/soil disturbance on site under (1)(a). • Subclause (4): The Applicant is disturbing soil through undertaking earthworks and subclause (4)(a) therefore applies. • Subclause (5): Not applicable as no subdivision is proposed. • Subclause (6): Not applicable as the change in use is not likely to harm human health. • Subclause 7(c): Although the DSI (**Appendix 22**) has concluded that it is not "more likely than not" that an activity from the HAIL has occurred on site, previous consenting works has associated elevated arsenic from storage of treated timber with HAIL I (refer Section 5.6 of the Substantive Application).

(a) that has boundaries that are identical with the boundaries of the piece of land; or *(b) that has all the piece of land within its boundaries; or* *(c) that has part of the piece of land within its boundaries.* *(6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.* *…* *Land covered* *(7) The piece of land is a piece of land that is described by 1 of the following:* *(a) an activity or industry described in the HAIL is being undertaken on it:* *(b) an activity or industry described in the HAIL has been undertaken on it:* *(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.* *…* *Land not covered* *(9) These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.*	The Applicant has elected to conservatively assume subclause 7(c) applies.

Table 29: Regulation 8(3) - Disturbing Soil (Permitted Activity)

Rule or Standard	Assessment
8 Permitted activities ***Disturbing soil*** *(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:*	
(a) controls to minimise the exposure of humans to mobilised contaminants must— *(i) be in place when the activity begins;* *(ii) be effective while the activity is done:* *(iii) be effective until the soil is reinstated to an erosion-resistant state.*	**Complies:** The Applicant proposes conditions to ensure a Site Management Plan is prepared to support earthworks (**Appendix 7**).
(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done	**Complies:** Earthworks will be progressively stabilised across the site.

(c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m^3 per 500 m^2	**May not comply:** The DSI outlines how surplus material removed from site must be transported to a facility that is licensed to accept the concentration of contaminants present, it is possible that this quantity will exceed this threshold.
(d) soil must not be taken away in the course of the activity, except that,— *(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:* *(ii) for all other purposes combined, a maximum of 5m^3 per 500m^2 of soil may be taken away per year:*	**May not comply:** The DSI outlines how surplus material removed from site must be transported to a facility that is licensed to accept the concentration of contaminants present, it is possible that this quantity will exceed this threshold.
(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:	**Complies:** Soil will be disposed to a site that is licensed to accept the concentration of contaminants present.
(f) the duration of the activity must be no longer than 2 months:	**Complies:** The disturbance of the contaminated soils is likely to be limited to less than two weeks.
(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.	**Not applicable:** there is no such structure present on site.
As the proposal may not comply with Regulation 8(3), Regulation 9(1) must be considered.	

Table 30: Regulation 9(1) Removing or replacing fuel storage system, sampling soil, or disturbing soil

Rule or Standard	Assessment
9 Controlled activities ***Removing or replacing fuel storage system, sampling soil, or disturbing soil*** *(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:*	
(a) a detailed site investigation of the piece of land must exist	**Complies:** A DSI has been prepared by ENGEO and is attached as **Appendix 22**.
b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:	**Complies:** The DSI finds that no exceedances of soil contaminant standards for the proposed land use were detected.
(c) the consent authority must have the report	**Complies:** The Panel, KCDC and GWRC have a copy of the DSI by way of this Substantive Application.

(d) conditions arising from the application of subclause (2), if there are any, must be complied with.	**Complies:** The Applicant will comply with conditions arising from the application of matters of control in subclause (2).
Rule applies to proposal - The proposal is a **Controlled Activity** under **Regulation 9(1).**	

Regional Council Consent Requirements

Natural Resources Plan

Rules - Air quality

Table 31: Large scale combustion activities

Rule or Standard	Assessment
Rule R8: Diesel or kerosene blends – permitted activity *The discharge of contaminants into air from any* ***large scale generator*** *not exceeding a maximum generating capacity of 2MW, from the combustion of diesel or kerosene blends outside a polluted airshed is a permitted activity, provided the following conditions are met:* *(a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and* *(b) the sulphur content of the kerosene shall not exceed 0.5% by weight, and* *(c) when the maximum generating capacity is more than 1MW, the discharge shall occur via a chimney stack or chimney at least 9.5m above ground level, or at least 3m above the ridge line of the roof or building or other structure, whichever is the highest, within a radius of 50m of the chimney stack or chimney, and* *(d) the discharge shall be directed vertically into air, and shall not be impeded by any obstruction above the chimney stack or chimney that decreases the vertical efflux velocity, and* *(e) rain excluders shall not impede the vertical discharge of combustion gases, and*	**Complies:** This rule is relevant to the 400kW diesel emergency generator as a 'large scale generator' is defined as: *Any boiler, furnace, engine or other device designed to burn for the primary purpose of energy production having a net heat or energy output of more than 40kW, but excluding motor vehicles, trucks, boats and aircraft. This definition excludes domestic fires.* Clause (c) is not applicable as the generator is less than 1MW. The generator will otherwise comply with the other standards (a) to (g) as outlined in the Emergency Generator report prepared by Powell Fenwick (**Appendix 12**).

(f) the discharge shall not at any time increase the concentration of PM10 (calculated as a 24-hour mean) by more than 2.5µg/m3 in any part of a polluted airshed, and *(g) the fuel burning equipment is maintained by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and presented to the Wellington Regional Council on request.*	
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	
Rule R12: Emergency power generators – permitted activity *The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:* *(a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or* *(b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or* *(c) the electricity connection is not available due to planned outages, or load shedding/peak load generation is required is a permitted activity, provided the following conditions are met:* *(d) the discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and* *(e) the discharge shall not at any time increase the concentration of PM10 (calculated as a 24-hour mean) by more than 2.5µg/m3 in any part of a polluted airshed.*	**Complies:** The proposed 400 kW diesel emergency generator will operate for emergency power generation and testing. It will comply with conditions (d) and (e), as outlined in the Emergency Generator report prepared by Powell Fenwick (**Appendix 13**).
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	

Table 32: Dust generating activities

Rule or Standard	Assessment
Rule R27: Handling of bulk solid materials – permitted activity *The discharge of contaminants into air from the handling of bulk solid materials including from the activities of quarrying, mining, cleanfilling, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, sorting, and storage is a permitted activity, provided the following conditions are met:* *…* *(b) for all other areas, the discharge shall not cause noxious, dangerous,* *offensive or objectionable odour, dust, particulate, smoke, vapours,* *droplets or ash beyond the boundary of the property.*	**Complies:** These effects will be addressed through conditions of consent and the Construction Management Plan.
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	

Rules - Discharges to land and water

Table 33: Stormwater

Rule or Standard	Assessment
Rule R48: Stormwater from an individual property – permitted activity *The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property is a permitted activity, provided the following conditions are met:* *(a) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless:* *(i) hazardous substances cannot enter the stormwater system,* *or* *(ii) the stormwater contains no hazardous substances except petroleum*	**Complies:** The proposal complies with this rule as follows: • Clause (a) is not relevant as there are no storage of hazardous substances. • Clause (b) is not relevant as the discharge is not from or to land identified on the SLUR. • Clause (c) is not relevant • Clause (d) is not relevant • Clause e(i) is not relevant as the discharge is not entering a schedule site, the proposal will comply with Clause (ii). The proposal will otherwise comply with clauses (f) and (g) as it will not cause erosion of the

hydrocarbons, and the stormwater is passed through an interceptor and the discharge does not contain *more than 15 milligrams per litre of total petroleum hydrocarbons prior to release, and* *(b) the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and* *(c) the discharge is not from a local authority stormwater network, a port, airport or state highway, and* *(d) the discharge shall not contain wastewater, and* *(e) the concentration of total suspended solids in the discharge shall not exceed:* *(i) 50g/m3 where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or* *(ii) 100g/m3 where the discharge enters any other water, and* *(f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and* *(g) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:* *(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*	receiving stream, nor cause any of the effects listed in (g).

(iv) the fresh water is unsuitable for consumption by farm animals, or *(v) any significant adverse effects on aquatic life.*	
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	
Rule R49: Stormwater from new subdivision and development – permitted activity *The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority or state highway stormwater network, from:* *(a) a new urban subdivision or new urban development associated with earthworks up to a total area of 3,000m² per property per 12 month period, or* *(b) a new or redeveloped state highway associated with earthworks up to a total area of 3,000 m², or* *(c) a new urban subdivision or new urban development, or new or redeveloped state highway in an area where a stormwater management strategy in accordance with Schedule N (stormwater strategy) applies* *is a permitted activity provided the following condition is met:* *(d) the discharge shall comply with the conditions of Rule R48 except condition R48(c).*	**Does not comply:** The proposal includes earthworks that do not comply with all clauses as follows: Clause (a) is not complied with as the proposed earthworks will exceed 3000 m² (128,076m² proposed). Clause (b) is not relevant as no works are proposed within a State Highway. Clause (c) is not relevant as there is no relevant stormwater management strategy for the area. The proposal will otherwise comply with clause (d) as outlined in the table above.
Rule R50: Stormwater from new subdivision and development – restricted discretionary activity *The discharge of stormwater from a new urban subdivision or new urban development, or new or redeveloped state highway into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority or state highway stormwater network, that is not permitted by Rule R49 is a restricted discretionary activity.*	**Rule applies to proposal:** This rule applies to the proposal as it is not a permitted activity by Rule R49. Consent is required for the discharge of stormwater from a new urban development associated with earthworks exceeding 3,000m² per property per 12 month period.

Table 34: Contaminated land and hazardous substances

Rule or Standard	Assessment
Rule R81: Detailed site investigation – permitted activity *(a) The use of land to undertake a detailed site investigation of contaminated land and any associated discharge into air is a permitted activity, provided the following conditions are met: the investigation is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and* *(b) the investigation is reported in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and* *(c) a copy of the report is provided to the Wellington Regional Council within two months following the completion of the investigation.*	**Not applicable:** A Detailed Site Investigation exists for potential HAIL sites and is not proposed as part of the Substantive Application.
Rule R82: Discharges from contaminated land – permitted activity *The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met:* *(a) a detailed site investigation has been undertaken, reported and provided to Wellington Regional Council in accordance with Rule R81, and* *(b) the results of the detailed site investigation indicate that the discharge does not pose unacceptable risks to human health or the environment – on-site or off-site, or* *(c) the discharge from SLUR Category III land or SLUR Category IV land does not, or is not likely to, result in:* *(i) water quality exceeding the maximum acceptable value (MAV) in the Drinking-Water Standards New Zealand 2005*	**Complies:** The proposal complies with this standard as: • Clause (a) - a Detailed Site Investigation exists and has been provided to the Regional Council as part of this Substantive Application. • Clause (b) - the Detailed Site Investigation outlines how the discharges will be avoided through the implementation of a Contaminated Site Management Plan. • Clause (c) - the contaminated land will be remediated prior to works commencing and the discharges will comply with these standards.

(Revised 2008) or 50% of the MAV in a community drinking water supply protection area shown on Maps 39, 40, 41, 42 or 43 at the following locations: *1. at the property boundary, or within 50m from the source of the discharge, whichever is the lesser distance, or* *2. in an existing bore within the property boundary or within 50m from the source of the discharge, whichever is the lesser distance, used to abstract water for any use other than water quality monitoring,* *(ii) water quality in a surface water body within the property boundary or within 50m from the source of the discharge, whichever is the lesser distance, exceeding a value in Schedule V for the protection of 95% of species.*	
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	

Rules – Land use

Table 35: Earthworks and vegetation clearance

Rule or Standard	Assessment
Rule R101: Earthworks – permitted activity *(a) The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met: soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and* *(b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the*	**Does not comply:** The proposal includes 118,599m² of earthworks which exceeds 3,000m² and therefore does not comply with clause (a). Earthworks will also occur within 5m of surface water bodies and therefore does not comply with clause (d). The proposal will otherwise comply with (b), (c) and (e).

boundary of the property where the earthworks occurs, and *(c) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:* *(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or* *(ii) any conspicuous change in colour or visual clarity, or* *(iii) any emission of objectionable odour, or* *(iv) the rendering of fresh water unsuitable for consumption by animals, or* *(v) any significant adverse effect on aquatic life, and* *(d) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and* *(e) work areas are stabilised within six months after the completion of the earthworks.*	
Rule R107: Earthworks and vegetation clearance – discretionary activity *The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks, or vegetation clearance on erosion prone land that is not permitted by Rules R101, R102, R104 and R105, and not controlled by Rule R103, or not restricted discretionary by Rule R106 is a discretionary activity.*	**Rule applies to proposal:** This rule applies to the proposal as it does not comply with Rule R101 with regard to earthworks. The proposal is therefore a **Discretionary Activity** under **Rule R107**.

Table 36: Activities in wetlands

Rule or Standard	Assessment
5.4.2 Activities in wetlands general conditions Wetlands general conditions Wetland general conditions for activities in natural wetlands and outstanding natural wetlands are that:	
(a) the vegetation and the bed of the natural wetland or outstanding natural wetland shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and	**Complies:** all works within wetlands will be limited to solely the extent necessary.
(b) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals and other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and	**Complies:** measures will be employed to ensure condition (b) is complied with.
(c) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a natural wetland or outstanding natural wetland, or at any location where fuel can enter a water body, and	**Complies:** management will be in place to ensure no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of a natural wetland or at any location where fuel can enter a water body.
(d) all machinery, equipment and materials used for the activity shall be removed from the natural wetland or outstanding natural wetland every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and	**Complies:** management will be in place to ensure all machinery, equipment and materials used for the activity are removed from the natural wetland every night and on completion of the activity.
(e) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities, and	**May not comply:** while unlikely, there could be tuna located in the existing stormwater pond on site.

(f) in any part of the natural wetland or outstanding natural wetland with inanga spawning habitat identified in Schedule F1b (inanga spawning), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and	**Not applicable:** there is no inanga spawning habitat identified.
(g) the diversion of water shall not be for longer than the time required to undertake the activity, and any diversion of water required to undertake the activity must be for fewer than 14 consecutive days, and must occur prior to the disturbance of the bed of the natural wetland or outstanding natural wetland, and	**Does not comply:** Any reclamation of a natural wetland will breach condition (g) as there will be a permanent diversion of water. The Proposal therefore does not comply with this standard.
The proposal does not comply with all of the wetlands general conditions, this is relevant to Rule R114 below.	
Rule R114: Planting and pest plant control in natural wetlands and outstanding natural wetlands – permitted activity *The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a natural wetland, or outstanding natural wetland including any associated:* *(a) disturbance of a river or lake bed, or foreshore or seabed, that forms part of a natural wetland or outstanding natural wetland, and* *(b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a natural wetland or outstanding natural wetland, and* *(c) damage to part of the foreshore or seabed that forms part of a natural wetland or outstanding natural wetland, and* *(d) diversion of water, and*	**Does not comply:** Some wetland species that are typical of the area may be removed from wetlands being reclaimed so compliance with clause (g) is not likely. The activity does not comply with the wetland general conditions for activities in natural wetlands so the proposal does not comply with clause (k).

(e) discharge of sediment to water is a permitted activity provided the following conditions are met: *(f) only indigenous wetland species typical of the area and wetland type are deliberately introduced or planted, and* *(g) only plant species that are not typical of the area and wetland type are deliberately removed or controlled, and* *(h) only agrichemicals approved by the Environmental Protection Authority for use into and over water are used and the conditions of Rule R37 are met, and* *(i) agrichemicals are not applied by aerial spraying, and* *(j) only hand-held machinery is used in any area of the natural wetland or outstanding natural wetland, and* *(k) the activity shall comply with the wetland general conditions for activities in natural wetlands and outstanding natural wetlands specified above in Section 5.4.2.*	
Rule R117: Activities in natural wetlands – discretionary activity *The following activities in a natural wetland except for those stipulated in and carried out in accordance with a wetland restoration management plan under Rule R116 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:* *(a) The placement of structures;* *(b) The discharge of water or contaminants not permitted by Rule R91, where the adverse effects on aquatic life are no more than minor* *(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R114 and the removal of plants for Māori customary use or for the use of an*	**Rule applies to proposal:** this rule applies to the proposal as: • There are structures (retirement units) proposed to be placed in areas identified as natural inland wetlands that are proposed to be reclaimed (clause a); • Vegetation will be removed as part of the reclamation of areas identified as natural inland wetlands (clause c); and • The proposal does not comply with R114 as outlined above with regard to the removal of wetland species that are typical of the area (clause d). The proposal is a **Discretionary Activity** under **Rule R117.**

individual under R115, and vegetation clearance regulated by Regulations 43, 44, 45, 46, 47 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 *(d) activities not meeting the conditions of Rules R113, R114 or R115,* *including any associated:* *(e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *(g) damage to a part of the foreshore or seabed that forms part of a significant natural wetland, and* *(h) diversion of water, and* *(i) discharge of sediment to water* *Notes* *Rule R117(a) prevails over Regulation 42 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed a natural wetland, but that regulation applies to activities within specified setbacks from the bed of a natural wetland.* *Regulations 45 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevail over Rule R117(a) in respect of vegetation clearance, earthworks or land disturbance or taking, use, damming, diversion or discharge of water associated with the placement of a new structure in the bed of a natural wetland.* *Rule R117(c) prevails over Regulations 40, 41, 42 and 51 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, for activities occurring in the*	

bed of a natural wetland, but those regulations apply to activities within specified setbacks from the bed of a natural wetland. Regulation 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevails over Rule 117(c).	
Rule R118: Activities in natural wetlands – non-complying activity *The following activities, in a natural wetland except for those stipulated in and carried out in accordance with a wetland restoration management plan under Rule R116 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:* *a) take, use, damming or diverting water into, within, or from the natural wetland, or the take and use of water within 50m of the natural wetland, and* *b) land disturbance including excavation and deposition, and* *c) reclamation of a natural wetland,* *including any associated:* *d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *f) damage to a part of the foreshore or seabed that forms part of a natural wetland, and* *g) diversion of water, and* *h) discharge of sediment to water* *are non-complying activities* *Notes* *Rule R118(a)-(c) prevails over Regulations 38-51 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, but those regulations apply to damming or diverting water within 100m of the bed of a natural wetland and take and use within 50-100m of the bed of a natural wetland.*	**Rule applies to proposal:** this rule applies to the proposal with regard to the take and diversion of water and land disturbance as part of the proposed reclamation of natural wetlands. The proposal is a **Non-Complying Activity** under **Rule R118.**

Regulations 52, 53 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevail over Rule R118(a) and (b). *Regulation 53 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevails over Rule R118(c).*	

Table 37: Uses of beds of lakes and rivers

Rule or Standard	Assessment
5.4.4 Uses of Beds of Lakes and Rivers General Conditions *Beds of lakes and rivers general conditions* *Beds of lakes and rivers general conditions for uses of the beds of lakes and rivers that apply as specified in Rules R122 to R129:*	
a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any water body, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, except: *i. as required for the operation of backflow devices during heavy rainfall events, or*	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.

ii. a temporary restriction of no more than 48 hours is required for construction or maintenance activities, unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then *iii. the placement, use, alteration, extension or reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works. The design, installation, maintenance and use of all structures shall avoid any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and*	
e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal or vegetation (including weeds) on the bed or banks, and	**Not applicable:** there are no inanga spawning habitats on site as per Schedule F1 of the NRP.
f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of between 31 May and 31 August, and	**Not applicable:** there are no trout spawning waters on site as per Schedule I of the NRP.
g) all reasonable steps shall be taken to minimise the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.

i) all reasonable steps shall be taken to minimise the duration of the diversion of water, and any diversion of water required to undertake the activity shall: *i. only be temporary and for a period no longer than that required to complete the activity, and* *ii. must not involve a lake, and* *iii. any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring property, and*	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring property, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
k) any structure, other than a stormwater intake structure or debris arrestor, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage flood debris accumulated against the structure and the conveyance of flood flows, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or vegetative bank edge protection works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and	**Complies:** no structures are proposed that alter the natural course of the river.
m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and	**Complies:** these matters will be addressed through the Erosion and Sediment Control Plan and associated condition of consent.
n) in any part of a river or lake bed identified in Schedule F2a (birds - rivers) or Schedule F2b (birds - lakes), no structure shall be constructed, and no disturbance shall take place, during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified as nesting, roosting and foraging at the work site, and	**Not applicable**
o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R127 to R137 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 –	**Not applicable**

General provisions in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.	
Rule R125: River crossing structures – permitted activity ...	**Not applicable:** the two proposed river crossings are culverts.
Rule R126: Culverts and ancillary culvert structures – permitted activity *The placement of a culvert or an ancillary culvert structure that is fixed in, or on, the bed of a river excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 including any associated:* *(a) disturbance of the river or lake bed, and* *(b) deposition on the river or lake bed, and diversion of water, and* *(d) discharge of sediment to water, and temporary damming of water* *is a permitted activity, provided the following conditions are met:* *(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, except condition (l) (not altering the natural course of the river), and* *(g) the activity does not occur within a site identified in Schedule C (mana whenua), and* *(h) where multiple culverts are placed side by side, the total capacity of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and* *(i) the culvert, associated fill and culvert placement shall comply with the following dimensions:* *(i) a maximum culvert length of 20m (excluding any ancillary culvert structure), and* *(ii) for circular culverts an external culvert diameter of 0.3m to 1.2m (inclusive), and* *(iii) for non-circular culverts an external width and height of 0.3m to 1.2m each (inclusive), and*	**Does not comply:** The proposal does not comply with all conditions (f) to (k) as outlined below: • Clause (f) – the proposal complies with all of the general conditions as outlined above in the above rows of this Table. • Clause (g) – the activity is not occurring in an area identified in Schedule C. • Clause (h) – the proposal complies with this clause as only single culverts are being installed. • Clause i(i)– the proposal complies with this clause as all culverts are under 20m, with the western culvert being 19.1m long and the eastern culvert being 17.1m long. • Clause i(ii) – not applicable as no circular culverts are proposed. • Clause i(iii) – the proposal does not comply with this clause as the culverts are over 1.2m in diameter with 2m x 2m culverts proposed. • Clause i(iv) - the proposal complies as shown in the Stormwater Management Plan. • Clause i(v) – The culverts pass a 1% event so they do not require a spillway for 5% event. • Clause (j) – complies the natural streambed will be reinstated within the culvert to approximately 25% of the culvert depth. • Clause (k) - the proposal complies as shown in the Stormwater Management Plan.

(iv) the culvert's width where it intersects with the bed of the river or connected area must be more than 1.3 times the width of the bed at that location, *(v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedance probability (20 year return period) flood event without the fill being overtopped, and* *(j) a minimum culvert installation depth below the bed of 25% of the width of the culvert, or the culvert must be open bottomed, and* *(k) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and* *(l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and* *(m) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and* *(n) the culvert shall be constructed to allow:* *(i) the flow from a 5% annual exceedance probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and* *(ii) the flow from a two year return period flood event without any flow impediment, and* *(o) the culvert inlet and outlet shall be protected against erosion, and* *(p) any ancillary culvert structure shall not occupy a total bed area of greater than 10m², and*	• Clause (l) - the proposal complies as shown in the Stormwater Management Plan. • Clause (m) - the proposal complies as shown in the Stormwater Management Plan. • Clause (n) - the proposal complies as shown in the Stormwater Management Plan. • Clause (o) - the proposal complies as shown in the Stormwater Management Plan. • Clause (p) – The proposal complies with this clause as the wingwall structure on culvert will be smaller than 10m². • Clause (q) – the proposal will take steps to minimise release of sediment through an Erosion and Sediment Control Plan. • Clause (r) - the proposal complies as shown in the Stormwater Management Plan. • Clause (s) - the proposal complies as shown in the Stormwater Management Plan. • Clause (t) - the proposal complies as shown in the Stormwater Management Plan. • Clause (u) – complies.

(q) all steps shall be taken to minimise the release of sediment during construction, and *(r) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and* *(s) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, and* *(t) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris); and* *(u) the information requirements of Regulations 62, 63 and 68 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulation.*	
Rule R130: Removing or demolishing structures – permitted activity *The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 including any associated:* *(a) disturbance of the river or lake bed, and* *(b) deposition on the river or lake bed, and* *(c) diversion of water, and* *(d) discharge of sediment to water* *is a permitted activity, provided the following conditions are met:* *(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and* *(f) the removal or demolition of the structure disturbs less than 10m^2 of the bed of the river or lake, and* *(g) it results in the complete removal of the structure from the river or lake bed, or the*	**Does not comply:** This rule applies to the removal of an existing culvert associated with a stream crossing. The proposal does not comply with all conditions (e) to (i) as outlined below: • Clause (e) – the proposal complies with all of the general conditions as outlined above in the above rows of this Table. • Clause (f) – the removal of the culvert may require slightly more than 10m² of stream bed disturbance and is therefore assumed to not comply. • Clause (g) – the proposal complies as it will result in the complete removal of a structure from the streambed. • Clause (h) – the proposal complies as no explosives shall be used. • Clause (i) – the proposal complies as it will not result in the diversion of water from a natural wetland.

complete removal of that part of the structure requiring removal from the river or lake bed, and *(h) no explosives shall be used in the demolition of the structure, and* *(i) the removal or deposition shall not result in the diversion of water from a natural wetland.*	
Rule R137: Removing vegetation from the bed of any river or lake – permitted activity *The trimming or removal of vegetation (including weeds) from the bed of any river or lake and any associated sediment or bed material attached to the roots of the vegetation being removed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.4.4(n), including any associated:* *(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and* *(f) the activity shall not cause any increase in flooding on neighbouring properties, and* *(g) any fish (except identified pest species), kākahi and kōura removed from the river or lake bed during maintenance works shall be returned to the river or lake at a site upstream of the works as soon as practicable, and no later than one hour after removal, and* *(h) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022), and* *(i) where the activity involves the mechanical clearance of aquatic vegetation from a river, to provide fish refuge areas either:* *(i) only one side of the river shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or* *(ii) if clearing both sides of the river, for every 200m length of watercourse*	**Complies:** this rule applies to the removal of vegetation and associated sediment associated with the installation of culverts. The proposal complies with all conditions (e) to (i) as outlined below: • Clause (e) – the proposal complies with all of the general conditions as outlined above in the above rows of this Table. • Clause (f) – the works will not cause any increase in flooding on neighbouring properties. • Clause (g) – works will be undertaken in the dry, and as such no fauna is required to be removed. • Clause (h) – the proposal will comply with this standard • Clause (i) – works will be undertaken in the dry, this clause is not applicable as no fish refuge areas are required. • Clause (j) – the proposal will comply with this standard noting these is no woody debris in the stream bed. • Clause (k) – no widening or deepening of the bed is proposed. • Clause (l) – works will be undertaken in the dry and a sediment retention device will be installed.

cleared at least a 10m length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months), and *(j) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and* *(k) no excavation of the bed, or widening or deepening of the bed is permitted by this rule, and* *(l) where works are only being undertaken in a section of watercourse where the substrate that is to be removed is dry, conditions (g) and (i) do not apply, but a sediment retention device shall be installed at the downstream end of the cleared reach and shall be maintained until after the first rainfall event following completion of works, and* *…*	
Rule R138: Planting – permitted activity *The deliberate introduction or planting of a plant in the bed of a river or lake, including any associated:* *(a) disturbance of the lake or river bed, and* *(b) deposition on the lake or river bed, and* *(c) diversion of water, and* *(d) discharge of sediment to water*	**Not applicable:** no vegetation will be planted in the bed of the stream.

Table 38: Reclamation and placement of a dam

Rule or Standard	Assessment
Rule R140: Placement of a dam in an outstanding water body *…*	**Not applicable:** no dams are proposed.
Rule R141: Reclamation of the bed of a river or lake inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) *…*	**Not applicable:** this rule does not apply to the proposed culverts as the stream is not listed in these schedules.
Rule R142: Reclamation of the bed of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua)	**Not applicable:** this rule does not apply to the proposed culverts as they are for the purpose of

The reclamation of the bed, or any part of the bed, of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) except where the reclamation is associated with the piping of a river, unless this piping is necessary to enable the operation, maintenance or upgrade of existing Regionally Significant Infrastructure, is a discretionary activity. *Note* *Piping of a river does not include a culvert for the purpose of forming a reasonable crossing point. This is addressed by Rules R126 and R145.*	creating a 'reasonable crossing point' as per the advice note.

Table 39: All other uses of beds of lakes and rivers

Rule or Standard	Assessment
R145: All other uses of river and lake beds – discretionary activity *All other uses that would otherwise contravene section 13(1) or 13(2) of the RMA and any associated activities under sections 14 or 15 of the RMA in, on, under or over river and lake beds that is not permitted, controlled or restricted discretionary by Rule R122 to Rule R129 is a discretionary activity, except for reclamation, damming and diverting of water.*	**Rule applies to proposal:** as the proposal does not comply with R126 with regard to non-compliances with permitted standards for the installation of new culverts that exceed 1.2m in diameter, consent is required as a **Discretionary Activity** under **Rule R145**

Table 40: Damming and diverting water

Rule or Standard	Assessment
Rule R146: Diversion of groundwater – permitted activity *Diversion of groundwater is a permitted activity, provided the following conditions are met:* *(a) there shall be no flooding or erosion of any neighbouring property, and* *(b) there shall be no lowering of water levels in any river, lake, or natural wetland, and*	**Complies:** this rule applies to the diversion of groundwater into centralised wetlands to maintain permanent water levels, the proposal complies with clauses (a) through (c) as follows • Clause (a) – the diversion of groundwater will not cause flooding or erosion of any other property. • Clause (b) – there shall be no lowering of water levels in any wetland or the stream.

(c) there shall be no lowering of groundwater levels on any neighbouring property.	• Clause (c) – there will be no lowering of groundwater levels on a neighbouring property.
Rule applies to proposal - As the proposal complies with the above standard the proposal is a **Permitted Activity.**	
Rule R147: Damming or diverting water within or from rivers – discretionary activity *The damming or diverting of water within or from a river that does not meet Rules R122, R125, R126, R127, R128, R130, R131, R134, R137 and R138 and R159 is a discretionary activity, provided the following conditions are met:* *(a) the damming or diverting of water shall not result in river flows falling below minimum flows in chapters 7 to 11 of the Plan, and* *(b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).*	**Rule applies to proposal:** consent is required as a **Discretionary Activity** under **Rule R147** as the proposal does not comply with: • Rule R126 with regard to culverts and ancillary culvert structures; and • Rule R130 with regard to removing or demolishing structures (existing culvert).

Rules – Water Allocation

Table 41: Damming and diverting water

Rule or Standard	Assessment
Rule R159: Dewatering – permitted activity *The take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering a site (including the use of land associated with well pointing), is a permitted activity, provided the following conditions are met:* *(a) the take continues only for the time required to carry out the work but does not exceed one month, and* *(b) the discharge point is not located within 20m of a bore used for water abstraction for potable supply or stock water;* *(c) the take and diversion and discharge is not from, onto or into:*	**Complies:** Due to the depth of the gravity reticulation and central pump station, trench shoring and groundwater control/dewatering are expected to be required for portions of the works, these conditions would be complied with.

(i) SLUR Category III land, or *(ii) within a community drinking water supply protection area shown on Maps 40, 41, 42 or 43, or* *(iii) land where an activity or industry described in the Ministry for the Environment Hazardous Activities and Industries List 2011 is, or has been undertaken, and* *(d) the take does not cause ground subsidence, and* *(e) the take does not deplete water in a surface water body, and* *(f) there is no flooding beyond the boundary of the property, and* *(g) where a discharge is to water, or to land where it may enter a surface water body:,* *(i) at the point of discharge the quality of the discharge shall not exceed: 1.* *1.50g/m3 of total suspended solids where the discharge is to a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation); or* *2. 100g/m3 of total suspended solids where the* *discharge is to any site or habitat not referred to incondition (i); or* *3. the maximum acceptable value (MAV) for any determinand in the Drinking-Water Standards New Zealand 2005 (Revised 2008) in a community drinking water supply protection area shown on Map 39, and* *(ii) after the zone of reasonable mixing, the discharge shall not cause:*	

1. a value in Schedule V for the protection of 99% of species to be exceeded in a river identified in Schedule F1 (rivers/lakes) having high macroinvertebrate community health; or *2. a value in Schedule V for the protection of 95% of species to be exceeded in any other river or lake; and* *…*	

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Table 42: NES-F

Urban Development ***Regulation 45C Restricted Discretionary Activities***	
(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.	**Rule applies to proposal:** vegetation clearance will occur within natural inland wetlands.
(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development	**Rule applies to proposal:** earthworks will occur within natural inland wetlands.
(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a restricted discretionary activity if it— *(a) is for the purpose of constructing urban development; and* *(b) results in, or is likely to result in, the complete or partial drainage of all or part of the wetland.*	**Rule applies to proposal:** earthworks will occur within 100m of natural inland wetlands.
(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— *(a) the activity is for the purpose of constructing urban development; and*	**Rule applies to proposal:** the diversion of water will occur within natural inland wetlands.

(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and *(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.*	
(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— *(a) the discharge is for the purpose of constructing urban development; and* *(b) there is a hydrological connection between the discharge and the wetland; and* *(c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*	**Rule applies to proposal:** the discharge of water will occur within 100m of natural inland wetlands.

Table 43: Regulation 57

Rule or Standard	Assessment
(1) Reclamation of the bed of any river is a discretionary activity.	**Not applicable:** two culverts are proposed which are regulated by Regulation 70 which is assessed below. These culverts are not considered to be reclamation as they provide solely for the crossing of the stream.

Table 44: Regulation 70

Rule or Standard	Assessment
(a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and.	**Complies:** both culverts provide for fish passage.
(b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and.	**Complies:** the proposal complies as outlined in the Stormwater Management Plan.
(c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and	**Complies:** the proposal complies as outlined in the Stormwater Management Plan.
(d) the culvert's width where it intersects with the bed of the river or connected area (s)	**Complies:** the proposal complies as outlined in the Stormwater Management Plan.

	and the width of the bed at that location (w), both measured in metres, must compare as follows: *(i) where w ≤ 3, s ≥ 1.3 × w:* *(ii) where w > 3, s ≥ (1.2 × w) + 0.6; and*	
(e)	*the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and*	**Complies:** culverts are proposed to be 25% below the level of the bed.
(f)	*the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and*	**Complies:** the proposal complies as outlined in the Stormwater Management Plan.
(g)	*the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).*	**Complies:** the proposal complies as outlined in the Stormwater Management Plan.