

Appendix A – Rule Assessment





Rule Assessments

Te Kowhai East Industrial Development

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Waikato District Plan – Operative in Part

District Plan Rule Assessment			
Rule Number	Rule Provision	Compliance/ Activity Status	Comments
SUB – Subdivision			
SUB-R40 Prohibited Subdivision	(1) Prohibited: Activity Specific Standards: (a) Subdivision of land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title being located on any high class soil. (b) Exceptions to SUB-R40(1)(a) are where an additional allotment is created by any of the following rules: (i) Reserve lot subdivision (Rule SUB-R50); (ii) Access allotment or utility allotment using the rules in EIT - Energy, infrastructure and transport; (iii) Subdivision of Maaori Freehold Land (Rule SUB-R45); A boundary relocation (Rules SUB-R46 - SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rules SUB-R48 - SUB-R49), where the subdivision creates any additional allotments on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.	Prohibited	The Site comprises both pre- and post-6 December 1997 Records of Title. The proposed subdivision creates additional allotments on areas of high class soil and does not fall within the specified exceptions. SUB-R40 and/or SUB-R41 therefore apply depending on the date the relevant underlying Record of Title was issued, resulting in a Prohibited Activity status.
SUB-R41 Prohibited Subdivision	(1) Prohibited: Activity Specific Standards: (a) Subdivision of land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional allotment being located on any high class soil. (b) Exceptions to SUB-41(1)(a) are where an additional lot allotment is created by any of the following: (i) Reserve lot subdivision (Rule SUB-R50); (ii) Access allotment or utility allotment using the rules in EIT - Energy, infrastructure and transport (iii) Subdivision of Maori Freehold land (Rule SUB-R45);	Prohibited	



	(iv) A boundary relocation (Rules SUB-R46 - SUB-R47, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rules SUB-R48 - SUB-R49), where the subdivision creates any additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision. (c) Rule SUB-41(1)(a) does not apply to the following: (i) A boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rules SUB-R46 - SUB-R47); or A process other than subdivision under the Resource Management Act 1991		
SUB-R43 General Subdivision	(1) Restricted Discretionary Activity specific standards: (a) Subdivision must comply with all of the following standards: (i) The Record of Title to the allotment to be subdivided must have issued prior to 6 December 1997; (ii) The Record of Title to be subdivided is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 40 hectares in area; (iii) The proposed subdivision must create no more than one additional allotment, excluding an access allotment or utility allotment for every complying record of title; (iv) The additional allotment must have a proposed area of between 8,000m² and 1.6 ha; (v) Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment. (2) Activity status where compliance not achieved: Non-Complying	Non-complying	The proposed subdivision does not comply with the activity-specific standards relating to the number of additional allotments and minimum and maximum allotment areas. The Project instead provides for a comprehensive staged industrial subdivision with lot sizes and configuration governed by the proposed Development Framework. The activity is therefore a Non-Complying Activity.
SUB-R50 Subdivision to create a reserve	(1) Restricted Discretionary Activity Activity specific Standards:	Non-complying	The proposed subdivision does not comply with the activity-specific standards relating to the number of additional allotments, the prescribed minimum and maximum allotment areas, and the limitation on high



and incentive lot	(a) Subdivision to create a reserve must comply with all of the following standards: (i) The land being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional allotment in addition to the balance allotment is created, excluding any land vested in Council; (iv) The proposed additional allotment, excluding the reserve, has a minimum size of 8,000m². (2) Activity status where compliance not achieved: Non-complying		class soils within additional allotments. The Project provides for a comprehensive staged industrial subdivision, with the proposed layout creating substantially more than one additional allotment and with lot sizes and boundaries able to be refined through the consented subdivision flexibility provisions. Some proposed allotments will also contain more than 15% high class soils. The activity is therefore a Non-Complying Activity under this rule.
SUB-R52 Subdivision Road Frontage	(1) Restricted Discretionary Activity specific standards: (a) Every proposed allotment as part of the subdivision with a road boundary, other than proposed allotment containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m. Activity status where compliance not achieved: DIS	Discretionary	Some proposed allotments may have less than the required 60 m width along a road boundary. The subdivision therefore does not comply with this standard and is a Discretionary Activity under this rule.
SUB-R55 Esplanade reserves and esplanade strips	(1) Restricted Discretionary Activity specific standards: (a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in APP7 - Esplanade priority areas) is required to be created and vested in Council from every subdivision where the land being subdivided is: (i) Less than 4ha and located within 20m of any: (1) Mean high water springs; (2) The bank of any river whose bed has an average width of 3m or more; (3) A lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: (1) Mean high water springs; (2) A water body identified in APP7 - Esplanade priority areas. (2) Activity status where compliance not achieved: DIS	Not applicable	Although the Mangaheka Stream does not meet the 3 m bed-width threshold that triggers this rule, an esplanade strip is proposed along the stream corridor. Its provision is coordinated with stormwater management and maintenance access requirements.
SUB-R56 Subdivision –	(1) Restricted Discretionary Activity specific standards:	Discretionary	These subdivision standards are directed toward rural residential development outcomes and are not directly



building platform	(a) Subdivision, other than an access or utility allotment, must provide a building platform on every proposed allotment that meets all of the following standards: (i) A shape factor being either: (1) An area of 1,000m² exclusive of boundary setbacks; or (2) A circle with a diameter of at least 30m, exclusive of boundary setbacks; and (3) Containing a building platform being a circle with a diameter of at least 18m. (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform; (iv) Has vehicular access in accordance with Rule TRPT-R1 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) A residential unit could be built on as a permitted activity in accordance with Land use - building standards in the GRUZ - General rural zone. (2) Activity status where compliance not achieved: DIS		relevant to the proposed industrial subdivision. The Project is not intended to comply with all underlying General Rural Zone subdivision standards; instead, the subdivision layout has been designed to provide development-ready industrial lots supported by appropriate geotechnical, access, servicing and flood-management outcomes. Accordingly, compliance with all elements of this rule is not achieved and the subdivision is a Discretionary Activity.
GRUZ – General Rural Zone			
GRUZ-R11 Residential Activity	(1) Permitted: Residential Activity, unless specified below. This includes occupation of a single residential unit for short term rental.	Permitted	The proposed development framework provides for ancillary residential activities. While this rule is not directly relevant to the proposal, it is noted that residential activities are anticipated in the rural zone.
GRUZ-R12 Conservation Activity	Conservation Activity: (1) Permitted	Permitted	Various 'conservation activities' will be carried out as part of the Project. These activities are assessed as being permitted, pursuant to this rule.
GRUZ-R13 Childcare facility	Childcare facility: (1) Permitted Activity specific standards: (a) Have no more than four non-resident children. (2) Restricted Discretionary Where: (a) A child care facility for five or more non-resident children, which is not in an Urban Expansion Area.	Restricted Discretionary	The development framework provides for a childcare facility, however not directly reflective of the small scale childcare centres provided for in the Rural Zone as per this rule. Based on the existing zoning, a childcare facility as proposed would require consent as a Restricted Discretionary Activity within the zone.
GRUZ-R23 Construction, demolition,	(1) Permitted Construction, demolition, addition and alteration of a building or structure	Permitted	Demolition of the existing farm buildings and dwellings on the site is permitted.



addition, and alteration of a building or structure			
GRUZ-R37 Community facility	(1) Restricted Discretionary a) Community facility	Restricted Discretionary	The development framework provides for community facilities, which are classified as a Restricted Discretionary Activity as per this rule.
GRUZ-R48 Transport depot	(1) Discretionary Transport depot	Discretionary	The development framework provides for transport depot activities as per the definition in the Waikato District Plan, which are classified as a Discretionary Activity as per this rule.
GRUZ-R50 Dog and cat boarding	(1) Discretionary A dog or cat boarding, daycare, breeding or animal training establishment	Discretionary	The development framework provides for dog and cat boarding etc, which would be a Discretionary Activity within the Rural Zone.
GRUZ-R59 Industrial Activity	(1) Non-complying Industrial activity, excluding a rural industrial activity	Non-complying	The industrial development framework sought in this application is a Non-complying activity within the Rural Zone.
GRUZ-R60 Commercial Activity	(1) Non-complying Commercial activity, excluding a produce stall or rural commercial activity	Non-complying	Commercial activities are provided for in the development framework, which would be a Non complying activity in the Rural Zone.
GRUZ-R61 Other activities	(1) Non-complying Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity	Non-complying	Any other activities proposed that are not specifically listed, would be classified as a Non-complying activity as per this rule.
GRUZ-S1 Number of Residential Units	(1) Permitted Where: (a) One residential unit within a Record of Title containing an area less than 40ha; (b) Within a lot and/or Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units; (c) One seasonal worker accommodation shall be located within a Record of Title containing an area of 1ha or more (this is in addition to the residential unit in GRUZ-S1(1)(a); and in addition to a Minor Residential Unit in GRUZ-S2(1)(a) provided the Record of Title is more than 5ha);	Non-complying	No residential units are proposed to be established initially, however the development framework provides for ancillary residential activities that may exceed the requirements of the rule, and would therefore be classified as a Non-complying activity.



	(d) Any residential unit(s) under GRUZ-S1(1)(a) and (b), or seasonal worker accommodation under GRUZ-S1(1)(a)(c) must not be located within any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; or (iv) High Natural Character Area.		
GRUZ-S3 Building Height	(1) Permitted Where: (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 15m, except: (i) The maximum height is 10m where located within 50m of a road or internal boundary; (ii) For hose drying towers associated with emergency service facilities the maximum height is 15m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure, except where located within 50m of a road or internal boundary where the maximum height is 12m.	Restricted Discretionary	The development framework provides for a maximum height of 20m, therefore future buildings may not comply with this rule. In relation to the known built outcome set out in the application: - The retaining walls along the northern boundary of the site, adjoining the neighbouring Onion Road rural residential properties, are up to 6m high, therefore comply with this rule. - The water reservoirs are currently anticipated to be approximately 9m tall, therefore complies with this rule.
GRUZ-S8 Height in relation to boundary	(1) Permitted Where (a) A building or structure (excluding Artificial Crop Protection Structures, poles or aerals) must not protrude through the height in relation to boundary rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.	Restricted Discretionary	The development framework proposes height in relation to boundary controls which differ to these rules. Specifically, height in relation to boundary measurements are only required to be complied with on boundaries adjoining a vested reserve. The proposed future built form will therefore not strictly comply with this rule.
GRUZ-S9 Building Coverage	(1) Permitted Where: (a) The total building coverage must not exceed: i. 2% of the site area or 500m² (whichever is larger) for sites smaller than 10ha; ii. 5000m² for sites larger than 10ha. (b) GRUZ-S9(1)(a) does not apply: i. To a structure that is not a building; or ii. Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.	Restricted Discretionary	The development framework provides for 75% site coverage, consistent with industrial development controls. The proposed built form outcome will therefore not strictly comply with this rule.



	(c) No site coverage applies to Artificial Crop Protection Structures that meet the following standards: i. Green, black or white cloth shall be used on horizontal surfaces.		
GRUZ-S12 Building Setbacks – all boundaries	(1) Permitted Where: (a) A habitable building located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha; (b) A non-habitable building or structure located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (c) Standard GRUZ-S12(1)(b) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerals. (d) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary. (e) A non-habitable building or structure located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (f) Standard GRUZ-S12(1)(e) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerals;	Restricted Discretionary	The Development Framework provides for building setbacks consistent with industrial development controls. The proposed built form outcome will therefore not strictly comply with the Rural Zone setback requirements.
GRUZ-S13 Building Setbacks – Sensitive land use	(1) Permitted Where: (a) Any building for a sensitive land use must be set back a minimum of: (i) 15m from a regional arterial road; (ii) 200m from an Aggregate Extraction Area or Aggregate Resource Area containing a sand resource;	Restricted Discretionary	As per above.



	(iii) 500m from an Aggregate Extraction Area or Aggregate Resource Area containing a rock resource; (iv) 500m from a Coal Extraction Area or Coal Resource Area; (v) 100m from a site in the Tamahere Commercial Areas A and C; (vi) 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity; (vii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (viii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; (ix) Not be located within the Te Uku wind farm setback shown on the planning maps; (x) 6m from the Gas network setback shown on the planning maps; and (xi) 100m from the boundary of another site containing a Factory Wastewater Irrigation Farm. (b) Any new building or alteration to an existing building for a sensitive land use must be located outside of the Gas network setback shown on the planning maps.		
AINF – All Infrastructure			
AINF-R1 New Infrastructure	(1) Activity status: PER Activity-specific standards: (a) Any new infrastructure activity and associated structures listed as a permitted activity within this AINF - All infrastructure section must meet all of the following standards: (i) Comply with the height in relation to boundary limits for the zone in which it is located; (ii) Comply with the height in relation to boundary limits for the adjoining zone, if located in road or unformed road; (iii) Not exceed the relevant noise limits that are applicable to that zone, and any adjacent zone; and (iv) Any other relevant standards applying to that activity listed within the EIT - Energy, infrastructure and transport section. (b) The standards in Rule ANIF-R1(1)(a) do not apply to: (i) Activities with specific standards relating to location and noise listed elsewhere within the EIT - Energy, infrastructure and transport section	Permitted	The Project includes new infrastructure, including the internal road network and associated transport infrastructure, stormwater infrastructure, wastewater infrastructure, water supply infrastructure and utility services. Roads and other lineal transport networks, including associated road network activities such as lighting and signage, are excluded from the standards in Rule AINF-R1(1)(a) by Rule AINF-R1(1)(b). Other infrastructure will be designed to comply with the applicable height in relation to boundary, noise and other relevant EIT standards, except where a more specific infrastructure rule applies. Accordingly, the new infrastructure is provided for as a Permitted Activity under AINF-R1,



	(ii) Roads or other lineal transport networks; (iii) Road network activities, which include lighting and signage structures; and (iv) Activities subject to National Environmental Standards Telecommunication Facilities 2016; and (v) Support poles associated with service connections. (2) Activity status where compliance not achieved: Restricted Discretionary.		subject to compliance with the relevant activity-specific rules assessed below.
AINF-R2 Construction Noise	(1) Activity status: PER Activity-specific standards: (a) Construction, maintenance, repair, replacement, upgrading or removal of infrastructure or the installation of new infrastructure must comply with NZS 6803:1999 Acoustics - Construction noise. (2) Activity status where compliance not achieved: Restricted Discretionary	Permitted	Construction of the proposed infrastructure will generate construction noise. Construction noise will be managed to comply with NZS 6803:1999 Acoustics – Construction Noise, as required by Rule AINF-R2. Compliance with the standard is secured through the proposed consent conditions and the Construction Noise and Vibration Management Plan. Accordingly, construction of the infrastructure is assessed as a Permitted Activity under this rule.
AINF-R5 Operation, maintenance, repair and removal of existing infrastructure	(1) Activity status: PER Activity-specific standards: Nil.	Permitted	The Project may involve the operation, maintenance, repair or removal of existing infrastructure within the Site. These activities are permitted under Rule AINF-R5, with no activity-specific standards applying.
AINF-R7 Temporary Infrastructure	(1) Activity status: PER Activity-specific standards: (a) Installation and operation of temporary infrastructure that meets all of the following standards: (b) Any buildings and/or structures must be removed from the site on completion of the works; (c) The ground must be reinstated on completion of works; and (d) The activity, including the requirements of Rule AINF-R7(1)(a) and (b), must not exceed 12 months in total. (2) Activity status where compliance not achieved: Discretionary	N/A	“Temporary infrastructure” is defined as structures and activities undertaken by a network utility operator. The Project includes interim water supply and wastewater servicing arrangements, however these form part of the staged servicing strategy and are not necessarily temporary infrastructure for the purposes of this definition. In particular, infrastructure established by the Consent Holder and subsequently vested in a network utility operator would not appear to fall within this definition solely because it provides an interim servicing function. No temporary infrastructure undertaken by a network utility operator is specifically proposed or relied upon as part of the application. Accordingly, Rule AINF-R7 is not considered applicable.



AINF-R8 Earthworks activities associated with infrastructure	(1) Activity status: PER Activity specific standards: (a) Any earthworks associated with infrastructure, including formation and maintenance of access tracks, must comply with all of the following standards: (i) Do not exceed a volume of more than 2,500m³ for any single activity; (ii) Do not exceed an area of more than 2,500m² for any single activity; (iii) Within 10m of a watercourse (excluding artificial watercourses) or 20m of Mean High Water Springs do not exceed a volume of more than 5m³ and an area of more than 5m² for any single activity, excluding existing rail infrastructure; (iv) Erosion and sediment controls are implemented and maintained to retain sediment on the site of the earthworks activity; (v) All fill material used must be clean fill; (vi) Areas exposed by earthworks activities are to be recontoured and replanted within 6 months of the commencement of the earthworks; (vii) Earthworks shall not obstruct or divert any stormwater overland flow path or in such a way as to result in changed stormwater drainage patterns on another site; and (viii) Earthworks are not located within: 1. any Historic Heritage sites identified within SCHED1 - Historic heritage items; 2. any Sites or Areas of Significance to Maaori within SCHED3 - Sites and areas of significant to Maaori; 3. the dripline of any Notable Tree within SCHED2 - Notable trees; 4. any Heritage precinct; or 5. any Significant Natural Area. b. Rule AINF-R8(1)(a)(vi) does not apply to earthworks required to establish a foundation or surface that will ultimately be sealed or constructed upon. c. Earthworks associated with infrastructure in Landscape and Natural Character Areas must not:	Restricted Discretionary	The Project includes substantial earthworks associated with the construction of new infrastructure, including the internal road network, stormwater wetlands and conveyance infrastructure, water and wastewater infrastructure, and works associated with the Mangaheka Stream corridor. The scale and extent of these works will exceed the permitted thresholds of 2,500 m³ and 2,500 m² for individual infrastructure activities under Rule AINF-R8(1)(a)(i) and (ii). Infrastructure earthworks are also proposed within 10 m of watercourses and will exceed the corresponding 5 m³ and 5 m² thresholds in Rule AINF-R8(1)(a)(iii). Accordingly, the infrastructure-related earthworks are assessed as a Restricted Discretionary Activity under Rule AINF-R8. Erosion and sediment controls, stabilisation and other construction management measures are addressed through the Earthworks Management Plan and proposed consent conditions.
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	(ii) Exceed 1.5m in height in relation to the cut or fill batter face; and (iii) Use imported soil, other than the placement of aggregate/metal on any access track or in association with laying underground infrastructure or for land transport network infrastructure; and (iv) Disturb or move more than 50m³ or exceed an area of 250m² in a High or Outstanding Natural Character area of the coastal environment over any consecutive 12-month time period; and (v) Disturb or move more than 50m³ or exceed an area of 250m² in an Outstanding Natural Feature or Outstanding Natural Landscapes over any consecutive 12 month time period. (vi) Rule AINF-R8(1)(c)(iv) shall not apply to earthworks associated with land transport network infrastructure. (2) Activity status where compliance not achieved: Restricted Discretionary		
AINF-R9 Trimming, maintenance or removal of vegetation or trees associated with infrastructure	(1) Activity status: PER Activity-specific standards: a. Trimming and pruning of trees and vegetation, necessary to protect all overhead electric lines or telecommunication lines; and any trimming, maintenance or removal of vegetation or trees associated with infrastructure, including access tracks, that meet all of the following standards: (i) No tree identified in SCHED2 - Notable trees is removed; (ii) Any required trimming of a tree identified in SCHED2 - Notable trees is either: (1) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (2) The maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed over any consecutive 12 month time period. (iii) Any indigenous vegetation alteration or removal within a Significant Natural Area must not: (1) Include any trees over 6m in height or 600mm in girth at a height of 1.4m; and (2) Exceed 50m² per site over any consecutive 12 month time period. b. Any trimming, maintenance or removal of vegetation, where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.	Permitted	Vegetation clearance and trimming will be required in association with the construction and ongoing operation of infrastructure across the Site. No trees identified in SCHED2 – Notable Trees are proposed to be removed, and the infrastructure works do not require removal of indigenous vegetation within a Significant Natural Area. Accordingly, the relevant standards of Rule AINF-R9 can be complied with and the activity is assessed as Permitted.



	(ii) Advice Note: Trimming, maintenance or removal of vegetation or non-notable trees in and around electrical assets shall be managed in accordance with the Electricity (Hazards from Trees) Regulations 2003. (2) Activity status where compliance not achieved: Restricted Discretionary		
AINF-R12 Service connections	(1) Activity status: PER Activity-specific standards: (a) There is no connection to an area, façade or item specifically listed in SCHED1 - Historic heritage items. (2) Activity status where compliance not achieved: Controlled	Permitted	The Project includes new service connections associated with the proposed infrastructure networks. No areas, façades or items within the Site are identified in SCHED1 – Historic Heritage Items. The proposed service connections therefore comply with Rule AINF-R12 and are a Permitted Activity.
AINF-R16 Service connections for subdivision	(1) Activity status: PER Activity-specific standards: (a) All new lots created as part of a subdivision other than a utility allotment, access allotment or reserve allotment, must be designed and located so that provision is made for access and service connections up to the boundary of the lot for: (i) Wastewater; (ii) Water supply; (iii) Stormwater (a management system that complies with Rule WWS-R1); (iv) Electricity supply; (v) Telecommunications that is hard-wired or wireless; and (vi) Vehicle access that complies with Rule TRPT-R1. (b) Within all zones, except the GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone and SETZ - Settlement zone where there is no reticulated water supply, the water supply required under Rule AINF-R16(1)(a)(ii) must be adequate for fire-fighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Compliance with this Code of Practice can typically be achieved through connection to a Council reticulated water supply. (c) Within the GRUZ - General rural zone, RLZ - Rural lifestyle zone and non-reticulated LLRZ - Large lot residential zone and SETZ - Settlement zone, where a subdivision is for the purposes of an additional house or workplace building, provision shall be made for an adequate supply of water and access to water supplies for	Permitted	All proposed developable lots will be provided with access and service connections to the lot boundary for wastewater, water supply, stormwater, electricity and telecommunications. Vehicle access will be provided from the proposed internal road network. The water supply network will also provide the required firefighting capacity. Accordingly, the proposed subdivision complies with the applicable requirements of Rule AINF-R16 and is a Permitted Activity.



	firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Services Code of Practice SNZ PAS 4509:2008. (d) Rule AINF-R16(1)(a)(i), (ii) and (iii) do not apply to any GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone or SETZ - Settlement zone or site. (2) Activity status where compliance not achieved: Restricted Discretionary Activity		
AINF-R17 Subdivision to create a utility allotment for accommodating infrastructure	(1) Activity status: CON Activity-specific standards: (a) Is undertaken by a network utility operator as defined by the Resource Management Act 1991 (2) Activity status where compliance not achieved: Discretionary Activity	Discretionary	The proposed subdivision includes utility allotments to accommodate infrastructure associated with the development. These allotments will be created by the Consent Holder rather than by a network utility operator as required by Rule AINF-R17(1)(a). Accordingly, the activity does not qualify as a Controlled Activity and is assessed as a Discretionary Activity under Rule AINF-R17(2).
TRPT – Transport			
TRPT-R1 Vehicle access for all activities	(1) Activity status: PER Activity-specific standards: (a) All activities must comply with the following vehicle access standards: (i) The site has legal physical access to a formed road that is maintained by a road controlling authority; (ii) The site has a vehicle access that is constructed to comply with the relevant requirements of Table 1 - Separation distances, Figure 6 - Separation distances, Table 2 - Minimum sight distances and Figure 8 - Minimum sight distances, Tables 12 and 13 except: (iii) Rule TRPT-R1(1)(a)(ii) does not apply where the separation distance requirements of Table 1 - Separation distances and Figure 6 - Separation distances cannot be achieved on a site's road frontage due to existing vehicle accesses on adjacent sites; (iv) No access, access leg or right-of-way shall run parallel to any road within 30m of the road, except: (v) Rule TRPT-R1(1)(a)(iv) does not apply to farm races, or unsealed internal rural accesses in sites within the Rangitahi Peninsula Structure Plan Area and Opororu Road; (vi) On a site with legal access to two roads, the activity only accesses the road with the lower classification in	Restricted Discretionary	The proposal does not comply with all of the vehicle access standards in Rule TRPT-R1. The Site will obtain access to the wider road network from both SH39 and Onion Road. As SH39 is classified as a Regional Arterial Road and Onion Road as a Local Road, the provision of access to both roads does not comply with Rule TRPT-R1(1)(a)(vi), which requires a site with legal access to two roads to access only the road with the lower classification in the road hierarchy. The indicative subdivision lot access arrangement also results in departures from the separation and sight-distance requirements referenced in Rule TRPT-R1(1)(a)(ii). The ITA confirms that the required minimum separation between adjoining vehicle crossings can be achieved; however, a number of indicative crossings are unable to achieve the required 20–30 m separation from intersections, and some crossings on local roads do not achieve the District Plan sight-distance standard. These departures have been assessed in the ITA and are considered capable of providing appropriate transportation outcomes. Final vehicle crossing locations



	the road hierarchy in Table 4 - Functions of roads within the Road Hierarchy and Table 5 - Road Hierarchy list (where the roads have the same classification, access is only to the road with the lower average daily traffic movements) except in the KLZ - Kimihia Lakes zone where this rule does not apply; (vii) No new vehicle access shall be created within 30 metres of a railway level crossing; (viii) All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in Table 14 - Required restart sight distances for Figure 18. (2) Activity status where compliance not achieved: Restricted Discretionary Activity		will be confirmed through detailed design and lot development. Accordingly, the proposal is a Restricted Discretionary Activity under Rule TRPT-R1.
TRPT-R2 On-site parking and loading	(1) Activity status: PER Activity-specific standards: (b) All activities must comply with the following on-site parking and loading standards: (i) The loading space requirements, manoeuvring and parking space dimensions in Table 6 - Required loading bays, and Table 9 - Car manoeuvring and parking space dimensions, noting: • When calculating the requirements for loading on the basis of the prescribed floor area, the area for parking, loading and manoeuvring shall be excluded; • If the calculation results in a fraction, then that figure shall be rounded to the nearest whole number; • 90 percentile car dimensions in Figure 9 - 90th Percentile car tracking curve minimum radius apply; • The requirements of Table 6 - Required loading bays do not apply to residential and rural activities; • Accessible parking spaces must comply with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility - Buildings and Associated Facilities (NZS: 4121-2001) and Table 7 - Accessible parking spaces; and (ii) On-site bicycle space requirements in Table 8 - Required bicycle spaces, except: • The requirements of Table 8 - Required bicycle spaces do not apply to residential and rural activities;	Permitted	The proposed subdivision provides sufficient lot areas to accommodate the on-site parking, bicycle parking, loading and associated access requirements applicable to future activities. The precise parking and loading requirements will depend on the nature and scale of the activity ultimately established on each lot and will be confirmed as part of lot development. On-site parking and loading areas can be designed to comply with the dimensional, formation and operational requirements of Rule TRPT-R2. Accordingly, the proposal complies with this rule.



	(iii) On-site car parking spaces (where provided) and loading bays comply with the requirements of Table 9 - Car manoeuvring and parking space dimensions and Figure 9 - 90th Percentile car tracking curve minimum radius and be located on the same site as the activity; (iv) On-site car parking spaces and loading bays are to be sealed if five or more parking spaces are provided; (v) On-site car parking spaces and loading bays are to be permanently marked if five or more parking spaces are provided; (vi) On-site car parking spaces and loading bays are not to be located on any shared access or residential living court; (vii) (viii) Vehicles occupying any on-site car parking or loading spaces must have ready access to the road (or relevant access or right of way) at all times, without needing to move any other vehicle occupying other on-site car parking or loading spaces. (2) Activity status where compliance not achieved: Restricted Discretionary		
TRPT-R3 On-site manoeuvring and queuing	(1) Activity status: PER Activity-specific standards: (a) All activities must comply with the following on-site manoeuvring and queuing standards: (i) On-site manoeuvring space shall be provided to ensure that no vehicle is required to reverse onto from or to a road except; Rule TRPT-R3(1)(a)(i) does not apply to Local Roads within the GRZ - General residential zone, MRZ1 - Medium density residential zone 1, MRZ2- Medium density residential zone 2, LLRZ - Large lot residential zone and SETZ - Settlement zone with a posted speed limit of less than 60 km/h; (iii) A 90th percentile car, as defined in Figure 9 - 90th Percentile car tracking curve minimum radius, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling; (iv) On-site manoeuvring space for any heavy vehicle shall comply with the tracking curve (relevant for the type of activities to be carried out on the site and the largest combination standard configuration heavy vehicle permitted on the road(s) to which the site has frontage trucks to be used)	Permitted	The proposed subdivision provides lots of sufficient size and configuration to accommodate the on-site manoeuvring and queuing requirements associated with future industrial and other activities. Detailed on-site layouts, including vehicle manoeuvring, heavy vehicle tracking and queuing areas, will be determined as part of future lot development having regard to the nature and scale of the activity established. These areas can be designed to comply with the requirements of Rule TRPT-R3. Accordingly, the proposal complies with this rule.



	(v) On-site manoeuvring space shall be formed; (vi) On-site queuing space shall be provided in accordance with Table 10 - Queuing space for vehicles entering and exiting any on-site car parking, loading or manoeuvring space, where: - Length is measured from the road boundary where vehicles first enter the site; and - On-site queuing above must not encroach into the required on-site manoeuvring area. (2) Activity status where compliance not achieved: Restricted Discretionary Activity.		
TRPT-R4 Traffic generation	(1) Activity status: PER Activity-specific standards: (a) Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50 Equivalent Car Movements (ECM) per day. (b) Any other site must comply with the following traffic generation conditions standards: (iv) Within the GRUZ - General rural zone: - There is maximum 200 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; - For activities directly associated with horticulture harvesting, a maximum of 300 vehicle movements per site per day for up to a month, once in a 12-month period and no more than 33% of these vehicle movements are heavy vehicle movements; or - Within the Agricultural Research Centres identified on the planning maps as a specific control there is maximum 3000 vehicle movements per site per day. (2) Activity status where compliance not achieved: Restricted Discretionary Activity.	Restricted Discretionary	The scale, distribution and effects of the traffic generated by the Project, together with the proposed transport infrastructure and mitigation, are assessed in the ITA. The Project will generate traffic movements substantially in excess of the permitted thresholds in Rule TRPT-R4. In particular, the Site will obtain access from SH39, a Regional Arterial Road, and the traffic generated by the proposed industrial development will exceed the maximum 50 Equivalent Car Movements per day provided for where access is obtained from an arterial or regional arterial road. The development will also exceed the General Rural Zone threshold of 200 vehicle movements per site per day. Accordingly, the Project is a Restricted Discretionary Activity under Rule TRPT-R4.
TRPT-R5 Operation, maintenance and minor upgrading of existing public roads, State highways and	(1) Activity status: PER Activity-specific standards: (a) Operation, maintenance and minor upgrading of existing public roads, State Highways, rail corridors and associated rail network and road network activities must comply with the following standards: (i) The works occur within the road reserve or railway corridor;	Restricted Discretionary	The Project includes substantial upgrading works within the existing SH39 and Onion Road corridors, including a new roundabout on SH39, a new intersection and right-turn bay on Onion Road, and upgrades to the Onion Road/Holmes Road intersection. These works are not considered to constitute minor upgrading and therefore do not comply with the permitted activity provisions of



associated road network activities	(ii) Works within the road or railway corridor must be for the purpose of: (1) Maintaining or improving effectiveness or efficiency consistent with the function of the existing public road or railway corridor; or (2) Maintaining or improving safety for road users or adjacent properties; and (iii) Lighting shall be designed and located to comply with the Australia New Zealand Rooding Lighting Standard 1158, (series) - Lighting for Roads and Public Spaces: 2005; (iv) Any earthworks must comply with Rule AINF-R8; and (v) New trees must be planted at least 1.5m from underground services, or 1m with a root protection barrier approved by the relevant network utility operator. (2) Activity status where compliance not achieved: Restricted Discretionary Activity		Rule TRPT-R5. Accordingly, the works are a Restricted Discretionary Activity under this rule.
TRPT-R6 New public roads	(1) Activity status: PER Activity-specific standards: (a) New public roads, including where the road has been identified on the planning maps as an indicative road, and associated road network activities must comply with the following standards: (i) The public road is located within road or unformed road as shown on the planning maps; (ii) The public road is not located within an Identified Area; (iii) The design requirements of Tables 12 or 13 based on their function within the Road Hierarchy as set out in Table 4 - Functions of roads within the Road Hierarchy, except: (b) Any National routes or Regional arterial roads shall be subject to Rule TRPT-R6(2); (i) The specified minimum Road/right of way reserve widths in Tables 12 or 13 do not include any additional width required for a turning head; (ii) Any private access, right of way or access allotment over 70m in length must be constructed to be in accordance with the highest dimensions required for an access allotment in Tables 12 or 13; (iii) The requirements of Tables 12 or 13 shall not apply to taxiways within the TKAZ - Te Kowhai airpark zone; and (iv) Roads located within PREC36 – Te Kowhai West Precinct, the relevant road typology requirements as detailed on the Te	Restricted Discretionary	The Project includes the construction of new public collector and local roads. The proposed road cross-sections generally comply with the applicable design requirements of Table 12; however, the collector roads provide 2.1 m wide on-street parking bays rather than 2.5 m and 1.5 m wide footpaths rather than 1.8 m. The local roads also provide 1.5 m wide footpaths rather than 1.8 m. Accordingly, the new public roads do not fully comply with Rule TRPT-R6 and are a Restricted Discretionary Activity . These departures are assessed in the ITA.



	Kowhai West Structure Plan take priority over the standards in Table 12 in the event of any conflict. (i) Comply with the minimum widths specified in Figure 12; and (ii) Have swale drains on both sides of the carriageway capable of collecting all road runoff and overland flow towards the road or right of way from a 20% Annual Exceedance Probability event; and (iii) In areas of poorly-drained soils, either the stormwater is to be directed to areas with higher infiltration, or infiltration systems are to be constructed. (iv) All roads and vehicle accesses shall be constructed in accordance with Table 12 and Figures 14, 15 and 16; and (xiii) Stormwater collection must be through grassed swales prior to reaching reticulated systems; (xiv) Any earthworks must comply with Rule AINF-R8; and (xv) New trees must be planted at least 1.5m from underground services, or 1m with a root protection barrier approved by the relevant network utility operator. (2) Activity status where compliance not achieved Restricted Discretionary Activity.		
TRPT-R8 Off road pedestrian walkways and cycleways	(1) Activity status: PER Activity-specific standards: (a) Off-road pedestrian walkways and/or cycleways, that comply with all of the following standards: (i) Have a minimum 2.0m width or 2.5m where alongside an arterial road or forming a shared path; (ii) Are formed; (iii) Any earthworks must comply with Rule AINF-R8; and (iv) Are not located within an Identified Area (2) Activity Status where compliance not achieved: Restricted Discretionary.	Restricted Discretionary	The Project includes a network of off-road pedestrian and cycle facilities. The collector roads provide separate 1.5 m footpaths and 2.0 m off-road cycle paths on both sides, while the local roads provide 1.5 m footpaths with cyclists sharing the carriageway. The proposed 1.5 m footpaths do not achieve the 2.0 m minimum width required by Rule TRPT-R8. Shared paths are also proposed along SH39 and Onion Road. These paths are proposed to be approximately 3.0–3.5m wide therefore comply with the widths required by this rule. The final widths will be confirmed in coordination with the relevant road controlling authority at detailed design stage. It is likely that the construction of walkways/cycleways will not comply with the earthworks standards in AINF-R8.



			Accordingly, the Project does not fully comply with Rule TRPT-R8 and is a Restricted Discretionary Activity .
WWS – Water, Wastewater, Stormwater			
WWS-R1 – Stormwater systems for new development or subdivision	(1) Activity status: PER Activity-specific standards: a) Subject to clause (b) below, new development or subdivision must have a stormwater system that complies with all of the following standards: (i) Operates by gravity; (ii) Manages stormwater through a Stormwater Management Plan in the following manner: (1) Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge off-site is at or below pre-development rates; and (2) Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or (3) A controlled discharge to a waterbody or reticulated network that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed. (4) Where no designed flow path exists, measures are in place to disperse flow to ensure no scour or erosion. (iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development; (iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.3°C; (RCP6); (v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy: (1) Retention of rainwater/stormwater for reuse; (2) Soakage disposal (if within a known soakage area) with an infiltration rate of a minimum of 30mm/hour;	Permitted	The Project is supported by a comprehensive SWMP, which forms part of the substantive application and establishes the framework for stormwater treatment, attenuation, conveyance, flood management and staged infrastructure delivery across the development. The SWMP provides for attenuation of post-development peak flows for the 2-, 10- and 100-year ARI events, management of secondary flows through the road and stormwater reserve network, stormwater quality treatment through a treatment-train approach, and measures to maintain downstream drainage performance and manage residual runoff-volume effects. Development will be undertaken in accordance with the approved SWMP, as secured through the proposed consent conditions. Accordingly, in the event the consents sought are approved, the exemption in Rule WWS-R1(1)(i) applies and the specific standards in Rule WWS-R1(1)(a) do not apply. The proposal is therefore a Permitted Activity under Rule WWS-R1.



	(3) Treatment, detention and gradual release to a watercourse in a manner that on downstream sites; a. does not increase erosion or scour; b. does not increase the area of inundation; and c. otherwise avoids, remedies, or mitigates as far as practicable the adverse effects or alterations to volume, frequency, or duration of flow on downstream sites; (4) Treatment, detention and gradual release to a piped stormwater system. (5) Stormwater management shall address water quality; downstream erosion and scour effects; the area of inundation; and cumulative volume effects. (vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties; (vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required. b) WWS-R1 (a) does not apply: i) Where a stormwater management plan has been approved by or as part of a district council resource consent; and ii) The subdivision development is in accordance with that approved stormwater management plan. Advice notes: Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline. A stormwater discharge consent may also be required from the Waikato Regional Council.		
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	(2) Activity status where compliance not achieved: Restricted Discretionary Activity		
WWS-R2 Wastewater servicing for new development or subdivision	(1) Activity status: PER Activity-specific standards: (a) New development or subdivision must have a wastewater system that complies with the following standards: (i) Is connected to public, reticulated wastewater network; or (ii) Is connected to a community-scale wastewater system; or (iii) Is provided with a site-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012. (2) Activity status where compliance not achieved: Restricted Discretionary Activity	Permitted	The Project will be serviced by a new reticulated wastewater network. Wastewater from each stage will be collected through an internal gravity network and conveyed to a new wastewater pump station, with discharge to the public wastewater network. An interim connection to the Far Western Interceptor is proposed, with the ultimate servicing solution comprising connection to the Northern Interceptor. Accordingly, the proposed development will be connected to a public reticulated wastewater network and complies with Rule WWS-R2(1)(a)(i).
WWS-R3 Below ground pipelines for the conveyance of water, wastewater and stormwater	(1) Activity status: PER Activity-specific standards: (a) Pipelines for the conveyance of water, wastewater and stormwater that comply with all of the following: (i) Any aboveground section of a pipeline must comply with the following: • Not exceed 25m in length, and • Not exceed 300mm in diameter. • Is not located within an Identified Area and . (ii) The maximum dimensions in Rule WWS-R3(1)(a)(i) do not apply to any above-ground section of pipeline which is attached to or contained within the superstructure of a bridge. (2) Activity status where compliance not achieved: restricted Discretionary Activity	Permitted	The Project includes new water supply, wastewater and stormwater reticulation networks, which will primarily comprise below-ground pipelines located within road corridors, service corridors and reserves. There are no above-ground pipelines proposed. Accordingly, the proposal is a Permitted Activity under Rule WWS-R3.
WWS-R5 Pump stations for the conveyance of water, wastewater and stormwater	(1) Activity status: PER Activity-specific standards: (a) Pump stations for the conveyance of water, wastewater and stormwater that complies with the following standards : (i) Is not located within an Identified Area. (ii) Not exceed 10m² in area above-ground; and (iii) Not exceed 3m in height measured from the natural ground level immediately below the structure.	Restricted Discretionary	The Project includes a new wastewater pump station to be established as part of Stage 1. The pump station will include below-ground wet well and emergency storage infrastructure, together with associated above-ground equipment that may include control, power supply, ventilation/odour control and telemetry infrastructure. The final configuration of the above-ground components will be confirmed through detailed design. As these structures may exceed the 10 m ² maximum area permitted by Rule WWS-R5, compliance with that standard is not relied upon. Accordingly, the pump



	(2) Activity status where compliance not achieved: Restricted Discretionary Activity		station is conservatively assessed as a Restricted Discretionary Activity under this rule.
WWS-R6 Stormwater treatment, detention and retention facilities or devices	(1) Activity status: PER Activity-specific standards: (a) Stormwater treatment, detention and retention facilities or devices, excluding stormwater wetlands or ponds. (2) Activity status when not achieved: n/a	Permitted	The Project includes a range of stormwater treatment, detention and retention facilities and devices, including raingardens, open conveyance channels and associated stormwater infrastructure. These activities are permitted under Rule WWS-R6. The proposed stormwater wetlands are excluded from this rule and are assessed separately under Rule WWS-R7.
WWS-R7 Stormwater ponds or wetlands	(1) Activity status: PER Activity-specific standards: (a) Stormwater ponds or wetlands that comply with the following: (i) The area of the pond or wetland does not exceed the equivalent site building coverage standards applicable to the zone. (2) Activity status where compliance not achieved: Restricted Discretionary Activity.	Restricted Discretionary	The Project includes a number of stormwater wetlands as part of the site-wide stormwater management system. Given their scale, the wetlands will not comply with the applicable maximum 2% building coverage standard within the Rural Zone. Accordingly, the activity is a Restricted Discretionary Activity under this rule.
WWS-R8 Ventilation facilities, drop shafts and manholes	(1) Activity status: PER Activity-specific standards: (a) Ventilation facilities, drop shafts and manholes that comply with the following: (i) Are not located within an Identified Area. (2) Activity status where compliance not achieved: Restricted Discretionary Activity.	Permitted	The Project includes manholes and may include associated ventilation facilities and other structures as part of the proposed wastewater and three-waters networks. The site is not within an Identified Area. Accordingly, the proposal complies with Rule WWS-R8 and is a Permitted Activity.
WWS-R10 Water supply servicing for new development or subdivision	(1) Activity status: PER Activity-specific standards: (a) New development or subdivision must have a water supply system that complies with the following standards: (i) For the GRUZ - General rural zone, RLZ - Rural lifestyle zone, LLRZ - Large lot residential zone and SETZ - Settlement zone, potable water supply must be provided; (b) For all other zones: (i) Be connected to any available public, reticulated water supply system nearby; and (ii) In addition to connection to reticulated supply for potable water, may also use rainwater harvesting (installation of	Permitted	The Project will be provided with a potable water supply through a new internal reticulated network connected to the public water supply system. An interim connection to the existing network at Ruffell Road/Arthur Porter Drive is proposed, with the ultimate servicing solution comprising a strategic reservoir and bulk watermain connection. The infrastructure will be delivered progressively to service each stage of development. Accordingly, the proposal complies with Rule WWS-R10(1)(a)(i).



	rain storage tanks for water conservation) to supplement water supply, but not for potable uses. (2) Activity status where compliance not achieved: Restricted Discretionary Activity.		
WWS-R20 Above ground reservoirs	All Zones	Discretionary	The Project includes a strategic above-ground water reservoir comprising two storage tanks as part of the ultimate water supply servicing solution. Above-ground reservoirs are a Discretionary Activity under Rule WWS-R20.
Earthworks			
EW-R19 Earthworks to form a building platform	(1) Activity status: PER Where: (a) Earthworks required to form a building platform that will be subject to a building consent where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. (2) Activity status where compliance not achieved: Restricted Discretionary	Restricted Discretionary	The bulk earthworks required to establish the primary development landform are assessed separately under the general earthworks rules. Further lot-specific earthworks may be undertaken as part of future building development, including building platform formation, foundation preparation and associated grading. These works will be subject to detailed geotechnical design and building consent requirements. As the Project earthworks specifications adopt NZS 4431:2022 rather than the NZS 4431:1989 standard expressly referenced by Rule EW-R19, compliance with the permitted activity standard is not relied upon. Accordingly, any earthworks falling within the scope of Rule EW-R19 are conservatively assessed as a Restricted Discretionary Activity.
EW-R21 Earthworks general	(1) Activity status: PER Where: (a) With the exception of earthworks for the activities listed in EW-R17 - EW-R20 earthworks within a site must meet all of the following standards: (i) Do not exceed a volume of more than 1000m ³ and an area of more than 2000m ² over in any single consecutive 12 month period; (ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level; (iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);	Restricted Discretionary	The Project involves large-scale bulk earthworks across approximately 185.9 ha of the Site to establish industrial development platforms, road corridors, stormwater management areas, stream corridor works and associated infrastructure. The works comprise approximately 1.15 million m ³ of cut and 1.00 million m ³ of fill, with cuts and fills greater than 3 m in depth in some locations. Accordingly, the proposed earthworks substantially exceed the permitted thresholds in Rule EW-R21 and are a Restricted Discretionary Activity.



	(iv) Earthworks are setback a minimum of 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised on completion and any remaining bare ground revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; and (vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths. (2) Activity status where compliance not achieved: Restricted Discretionary		
EW-R22 Earthworks general	(1) Activity Status: PER Where: (a) With the exception of earthworks for the activities listed in EW-R17 - EW-R20 using imported cleanfill material, concrete or brick must meet all of the following standards; (i) Do not exceed a total volume of 500m³ in any single consecutive 12 month period; (ii) Do not exceed a depth of 1m above natural ground level; (iii) The slope of the resulting filled area in stable ground does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback a minimum of 1.5m from all boundaries; (v) Areas exposed by filling are re-vegetated to achieve 80% ground cover within 2 months of the completion of the filling; and (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths. (2) Activity status where compliance not achieved: Restricted Discretionary	Restricted Discretionary	The Project earthworks have been designed to achieve a substantial cut-to-fill balance through reuse of suitable site-won material. However, imported cleanfill and/or engineered fill may be required during construction where necessary to meet geotechnical, pavement or infrastructure requirements. The Project does not rely on compliance with the 500 m ³ imported fill threshold in Rule EW-R22. Accordingly, the activity is assessed as a Restricted Discretionary Activity under this rule.
NOISE – Noise			
NOISE-R4 – Noise Construction	(1) Activity status: PER Where: (a) Noise from any construction, maintenance, or demolition activity that is measured, assessed and managed in accordance with the requirements of NZS6803:1999 ‘Acoustics - Construction Noise’. (2) Activity Status where compliance not achieved: Restricted Discretionary	Permitted	Construction noise associated with the Project will be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. Compliance with NZS 6803:1999 is proposed to be secured through the consent conditions, with construction noise to be managed in accordance with the Construction Noise and Vibration Management Plan. Accordingly, the Project complies with Rule NOISE-R4.



NOISE-R8 – Noise general	(1) Activity status: PER Where: (a) Noise measured at the notional boundary on any other site in the GRUZ - General Rural Zone must not exceed: (i) 50dB L_{Aeq}, 7am to 7pm every day; (ii) 45dB L_{Aeq}, 7pm to 10pm every day; (iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day. (b) Noise measured within any site in any zone, other than the GRUZ - General rural zone, must meet the permitted noise levels for that zone. (c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”. (d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic - Environmental noise”. (2) Activity status where compliance not achieved: Discretionary	Permitted	The operational noise limits proposed for the Project reflect the General Rural Zone limits in Rule NOISE-R8, when measured at the notional boundary on any other site. These limits, together with the requirement for noise to be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008, are proposed to be secured through the land use consent conditions. Accordingly, the Project complies with this rule.
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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

NES-CS Assessment			
Regulation	Rule Provision	Compliance/ Activity Status	Comments
5 – Application			
5(1) – Application	(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).	N/A	The NES-CS applies because the Project involves activities described in Regulations 5(4)–(6), including soil disturbance, subdivision and change of land use, on parts of the Site that meet the definition of a “piece of land” under Regulation 5(7). The PSI/DSI identifies discrete areas of the Site where HAIL activities have occurred and confirms that those areas are subject to the NES-CS.
5(4), 5(5) and 5(6) – Activities	(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— (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.	N/A	The Project involves soil disturbance and subdivision within identified pieces of land. While the Project also involves a change from rural to industrial land use, the PSI/DSI concludes that contaminant concentrations are below the applicable commercial/industrial human-health criteria and the change of use is not considered reasonably likely to harm human health.
5(7) – Land covered	(6) 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.	N/A	The PSI/DSI identifies discrete areas of the Site where HAIL activities E1, F8 and I have occurred. These areas therefore meet the definition of a “piece of land” under Regulation 5(7).



5(9) Land not covered	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.	N/A	Does not apply, as contaminants within some identified pieces of land exceed background concentrations.
8 – Permitted Activities			
8(3) 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: (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: (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²: (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 5 m³ per 500 m² of soil may be taken away per year: (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind: (f) the duration of the activity must be no longer than 2 months: (g) the integrity of a structure designed to contain contaminated soil, or other contaminated materials must not be compromised.	Does not comply	The Project will involve soil disturbance on “pieces of land”, as defined in Regulation 5(7). The proposed disturbance within these areas will far exceed the permitted threshold of 25 m ³ per 500 m ² , and the Project does not rely on compliance with the 5 m ³ per 500 m ² annual off-site soil removal limit, the two-month maximum duration, or the requirement to reinstate the soil to an erosion-resistant state within one month. Accordingly, the permitted activity requirements of Regulation 8(3) are not met.
8(4) Subdividing or changing use	(4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met: (a) a preliminary site investigation of the land or piece of land must exist: (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land: (c) the report must be accompanied by a relevant site plan to which the report is referenced:	Complies	The Project includes subdivision of land that contains identified “pieces of land” under Regulation 5(7). A combined PSI/DSI has been undertaken and concludes that contaminant concentrations are below the applicable human-health standards for the proposed commercial/industrial land use and that the soils are highly unlikely to pose a risk to human health. The PSI/DSI is accompanied by relevant site plans identifying the investigated areas and sampling



	(d) the consent authority must have the report and the plan.		locations and forms part of the substantive application. Accordingly, the subdivision complies with the permitted activity requirements of Regulation 8(4). The proposed change from rural to industrial land use is also not considered reasonably likely to harm human health on the basis of the PSI/DSI findings.
8(5) & 8(6) Consequence if requirement not met	(5) If a requirement described in any of subclauses (1) to (3) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(1). (6) If a requirement described in subclause (4) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(3).	Does Not Comply	Due to non-compliance with regulation 8(3), a Controlled Activity consent will be required and is assessed below.
9 – Controlled Activities			
9(1) & 9(2) – 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: (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (2), if there are any, must be complied with. (2) The matters over which control is reserved are as follows: (a) the adequacy of the detailed site investigation, including— (i) site sampling: (ii) laboratory analysis: (iii) risk assessment: (b) how the activity must be— (i) managed, which may include the requirement of a site management plan: (ii) monitored: (iii) reported on: (c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:	Controlled	The proposed soil disturbance within identified pieces of land does not comply with the permitted activity requirements of Regulation 8(3). A DSI has been undertaken and confirms that soil contaminant concentrations do not exceed the applicable human health standards in Regulation 7. The DSI is provided to the consent authority as part of this substantive application. A Contaminated Site Management Plan has also been prepared to address the management, monitoring, handling and disposal of soil during the works. Accordingly, the soil disturbance is a Controlled Activity under Regulation 9(1) .



	(d) the timing and nature of the review of the conditions in the resource consent: (e) the duration of the resource consent.		
9(5) No public notification of application for resource consent.	(3) The consent authority must not give public notification of an application for a resource consent to do any of the activities.	Does Comply	The Project requires a Controlled Activity consent under Regulation 9 for soil disturbance within identified pieces of land. In accordance with Regulation 9(3), the consent authority must not publicly notify the application for that consent.



Waikato Regional Plan

Table No. 1

Waikato Regional Plan – Water Module			
Rule Number	Rule Provision	Compliance/ Activity Status	Comments
3.3 – Water Takes			
3.3.4.12 Permitted Activity Rule – Supplementary Groundwater Takes	In addition to the taking of groundwater as allowed by s14(3)(b) of the RMA 1. The taking of up to 1.5 cubic metres per day on sites equal to or less than one hectare; or 2. The taking of up to 1.5 cubic metres per day on sites where the well is within 600 metres of the coastal marine area; or 3. The taking of up to 15 cubic metres of groundwater per day on all other sites By means of a well is a permitted activity subject to the following conditions: a. The take(s) shall be within a single site. b. The site of the activity shall not be within 100 metres of a Significant Geothermal Feature except for those features that are Recent Sinter or Hydrothermal Eruption Craters containing no geothermal pools or discharging geothermal features in which case the take shall not be located within 20 metres of the feature. c. The activity shall not result in salt water intrusion or any other contamination of the aquifer. d. The total of all takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6.	Does not comply	The proposed groundwater take will exceed the permitted volume of 15m ³ per day. The proposal therefore does not comply with this rule.
3.3.4.13 Permitted Activity Rule – Supplementary Surface Water Takes	In addition to the taking of surface water as allowed by s14(3)(b) of the RMA 1. The taking of up to 1.5 cubic metres per day of water (calculated on a net take basis) from sites equal to or less than one hectare; or 2. The taking of up to 30 cubic metres per day of water (calculated on a net take basis) from the main stem of the Waipa River downstream of Otorohanga (SH 31 bridge at Otorohanga) or from the main stem of the Waikato River downstream of Lake Taupo from sites that adjoin either of those rivers; or	Does not comply	Temporary dewatering associated with construction may result in groundwater being intercepted within excavations and trenches and subsequently pumped from those excavations. Once intercepted and present above ground, that water is treated as surface water for the purposes of the Waikato Regional Plan. The proposed surface water take may



	3. The taking of up to 15 cubic metres per day of water (calculated on a net take basis) from all other sites. <u>Exception</u> This rule does not apply to: • The taking of geothermal energy and water; or to • Takes from wetlands or lakes (excluding artificial lakes and Lake Taupo). • The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.		exceed 15 m ³ per day and therefore does not comply with this rule.
3.3.4.14 Permitted Activity Rule – Temporary Takes	The taking of up to 150 cubic metres of water per day (calculated on a net take basis for surface water takes) for no more than five days per annum from any river or aquifer is a permitted activity subject to the following standards and terms: a. The net rate of the take, assessed in combination with all other authorised water takes, shall not exceed 100 percent of the primary allocable flows for catchments specified in Table 3-5. b. For groundwater takes the well is not within 600 metres of the coastal marine area and the total rate of the take in combination with all other takes from the aquifer does not exceed the Sustainable Yield if listed in Table 3-6. c. The intake structure shall comply with the screen and velocity standards as set out in the Water Management Class for that water body (see Chapter 3.2 of this Plan) and with the provisions in Rule 4.2.10.1 of this Plan. d. This rule shall not apply when water restrictions are in place in accordance with Standard 3.3.4.27. e. Written notice of the location, time and duration of take shall be provided to the Waikato Regional Council 10 working days before works commence. <u>Exceptions</u> This rule does not apply to: • the taking of geothermal energy and water; or to • takes from wetlands or lakes (excluding artificial lakes and Lake Taupo). • The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.	Does not comply	The proposed water take will exceed five days per annum. The proposal therefore does not comply with this rule.



3.3.4.16 Controlled Activity rule – Taking of Surface Water	Except as permitted by Rules 3.3.4.13 and 3.3.4.14 of this Plan, the taking of surface water up to and including 70 percent of the allocable flow identified in Table 3-5 is a controlled activity (requiring resource consent) subject to the following standards and terms: - The net rate of the take, assessed in combination with all other authorised water takes (all calculated on a net take basis), shall not exceed 70 percent of the primary allocable flows for catchments specified in Table 3-5 - The water take location shall not be within a water body classified as Natural State Water on the Water Management Class Maps. - Where the take is for a domestic or municipal supply a water management plan which meets the requirements of Method 8.1.2.2 shall be provided. - All applications to take water under this rule shall be assessed on a net take basis.	Controlled	Temporary dewatering associated with construction may result in surface water being pumped from excavations at rates exceeding the permitted activity thresholds in Rules 3.3.4.13 and 3.3.4.14. The take is not for domestic or municipal supply, and the abstracted water will not be consumptively used. Water will be returned within the same catchment such that the activity is a net zero take. Accordingly, the proposed take will remain within 70% of the primary allocable flow specified in Table 3-5 and requires resource consent as a Controlled Activity under Rule 3.3.4.16 .
3.3.4.24 Discretionary Activity Rule – Groundwater Takes	The taking of groundwater that, when assessed in combination with all other authorised takes from the same aquifer: - Is a supplementary take, temporary take or well and aquifer testing take that does not comply with Rules 3.3.4.12, 3.3.4.14 or 3.3.4.15; or - Is a non-qualifying s14(3)(b) take described by Policy 10 c); or - Does not exceed the Sustainable Yield if listed in Table 3-6; or - Is from an aquifer that is not listed in Table 3-6; or - Is for domestic or municipal supply takes where a water management plan is provided that meets the requirements of Method 8.1.2.2 of this Plan. is a discretionary activity (requiring resource consent) <u>Exception</u> This rule does not apply to the taking of geothermal energy and water.	Discretionary	Proposed groundwater takes are temporary, and do not comply with Rules 3.3.4.12 or 3.3.4.14. As such, the proposed dewatering requires resource consent as a Discretionary Activity .
3.5 – Discharges			
3.5.4.5 Discretionary Activity Rule – Discharges	Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, that is not specifically provided for by any rule, or does not meet the conditions of a permitted or a controlled	Not applicable	The operational stormwater discharges are specifically provided for under the stormwater discharge provisions in Section 3.5.11 and are therefore assessed under Rules 3.5.11.4 and 3.5.11.8 accordingly. This rule is therefore not applicable.



	activity rule in this Plan, is a discretionary activity (requiring resource consent).		
3.5.11.4 Permitted Activity Rule – Discharge of Stormwater to Water	The discharge of stormwater to surface water (including geothermal water) is a permitted activity subject to the following conditions: a. The discharge shall not originate from a catchment that includes any high risk facility, contaminated land, operating quarry or mineral extraction site unless there is an interceptor system* in place. b. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. c. The catchment shall not exceed one hectare for discharges that originate from urban areas. d. There shall be no adverse increase in water levels downstream of the discharge point which causes flooding on neighbouring properties, as a result of the discharge. e. The discharge shall comply with the suspended solids standards in Section 3.2.4.6. f. The discharge shall not contain any material which will cause the production of conspicuous oil or grease films, scums or foams, or floatable suspended materials at any point downstream that is a distance greater than three times the width of the stream at the point of discharge. g. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment. h. There shall be no discharge to any Significant Geothermal Feature. For the purposes of conditions a) and g) levels of hazardous substances in stormwater or sediments that comply with the following guidelines and standards, in relation to the substances that they address will be deemed to be complying with the conditions: i. Licences under the Hazardous Substances and New Organisms Act 1996 for the use of the substance in New Zealand specifying discharge and receiving water standards for the substance.	Does not comply	The Project will discharge stormwater from the proposed industrial development to the Mangaheka Stream and Te Rapa Stream. The contributing urban stormwater catchments exceed the maximum catchment area of 1 ha specified by Condition 3. Accordingly, the discharges are not permitted under this rule.



	ii. Health and Environmental Guidelines for Selected Timber Treatment Chemicals (Ministry for the Environment, Ministry of Health, 1997). iii. Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998). iv. Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (Ministry for the Environment, August 1997). v. Australian/New Zealand Water Quality Guidelines For Fresh And Marine Waters, (Australian & New Zealand Environment & Conservation Council, 2001). For the purposes of this Rule, 'urban area' includes the inner city or town and built up environments, irrespective of local body administrative boundaries, that are serviced by roads where the speed limit is 80 kilometres an hour or less.		
3.5.11.5 Permitted Activity Rule – Discharge of Stormwater Onto or Into Land	The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions: a. The discharge shall not originate from a catchment that includes any high risk facility²⁶ or contaminated land* unless there is and interceptor system* in place. b. The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater. Any exceedance shall go into designated overland flow paths. c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. e. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment. For the purposes of conditions a) and e) of this rule, the levels of hazardous substances in stormwater or sediments that comply with the following	Permitted	The Project provides for stormwater soakage/infiltration to land where practicable, including through future on-lot measures and potentially public stormwater devices where feasible. Any such discharges will be designed so that they do not cause flooding outside the designated soakage area, uncontrolled overland flow to surface water, except in 10% AEP stormwater events whereby overland flow will be conveyed via designated flow paths to surface water and will not cause surface water effects. Any future discharge to land would not result in erosion, or adverse effects from hazardous substances. Accordingly, future stormwater discharges to land are expected to comply with the permitted activity conditions of this rule. Refer to the Stormwater Management Plan for further details for design standards.



	guidelines and standards, in relation to the substances that they address will be deemed to be complying with the condition: - Licences under the Hazardous Substances and New Organisms Act 1996 for the use of the substance in New Zealand specifying discharge and receiving water standards for the substance. - Health and Environmental Guidelines for Selected Timber Treatment Chemicals (Ministry for the Environment, Ministry of Health, 1997). - Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998). - Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (Ministry for the Environment, August 1997). - Australian/New Zealand Water Quality Guidelines For Fresh And Marine Water, (Australian & New Zealand Environment & Conservation Council, 2001).		
3.5.11.8 Discretionary Activity Rule – Discharge of Stormwater	The discharge of stormwater into water, and/or into or onto land which does not comply with Rules 3.5.11.4, 3.5.11.5, 3.5.11.6 and 3.5.11.7.	Discretionary	As the proposed stormwater discharges to water do not comply with Rule 3.5.11.4, they require resource consent as a Discretionary activity under this rule . Stormwater will be treated prior to discharge through a treatment train comprising source controls, conveyance treatment, raingardens and constructed wetlands. as detailed in the SWMP.
3.6 – Damming and Diverting			
3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water	- The damming of water and its diversion, taking, and discharging related to its passage through, past or over the dam, in any off-stream area or ephemeral river or stream or artificial watercourse, and - The use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream, where: - the catchment area is less than one square kilometre (100 hectares), and - the maximum retained water depth in the pond is less than three metres, and - the dam retains not more than 20,000 cubic metres of water except that:	Not applicable	Temporary damming and diversion is proposed within the Mangaheka Stream and Te Otamanui Stream, however these watercourses are not off-stream areas, ephemeral rivers or streams, or artificial watercourses and therefore the proposed activities are not provided for as permitted activities under this rule



	a. the damming shall not affect Significant Geothermal Features b. the dam shall not occur in a cave system; is a permitted activity subject to the following conditions: a. The dammed water is not a Natural State Water Body as identified in the Water Management Class Maps. b. The dammed water shall not raise water levels on neighbouring properties. c. Any erosion or scour as a result of the dam and associated discharges shall be remedied as soon as practicable. d. The damming or discharge of water from the dam shall not increase the potential for land instability. e. A spillway must be constructed to prevent the dam being overtopped, and the spillway shall be designed to pass the probable maximum flood. f. The spillway shall be constructed on underlying parent material. g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h. In the event of any waahi tapu that is not subject to condition g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. i. The structure shall be maintained in a structurally sound condition at all times. j. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21.		
3.6.4.8 Permitted Activity Rule – Diversions and Discharges in Artificial Watercourses	Unless restricted by Rule 3.7.4.6, the diversion and any consequent discharge of water within an established artificial watercourse* or drainage system, undertaken after the date of notification of this Plan is a permitted activity subject to the following conditions: a. The catchment area above the diversion shall not exceed two square kilometres.	Does not comply	The Project will progressively divert flows within the existing artificial farm-drain network as drains are infilled, piped, modified or replaced by the proposed stormwater conveyance system. The diversions will remain within the existing receiving catchments and will be undertaken in accordance with the Stream Works Management Plan, including erosion and



and Drainage Systems	b. No discharge shall be made outside of the natural catchment of the drainage system. c. The activity shall be undertaken and structures maintained in a manner that does not increase adverse effects of flooding on any land or property owned or occupied by any person. d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's State Recording Scheme or by the Historic Place Trust except where Historic Places Trust approval has been obtained. e. In the event of any waahi tapu that is not subject to condition d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. f. Any discharge from construction works associated with the structure shall comply with the suspended solid standards as set out in Section 4.2.21. g. The structure shall provide for the safe passage of fish both upstream and downstream. h. Where the diversion occurs in a waterway classified as Indigenous Fisheries in the Water Management Class Maps the operator of the diversion shall notify the Waikato Regional Council of its location three weeks prior to the construction of the diversion. i. Any erosion occurring as a result of the activity shall be remedied as soon as practicable.		sediment controls, maintenance of drainage function and applicable fish management requirements. However, the catchment area upstream of the relevant diversion exceeds 2km² (200 ha) and therefore does not comply with Condition 1 of this rule. The diversion is therefore assessed as a Discretionary Activity under Rule 3.6.4.13.
3.6.4.13 Discretionary Activity Rule – Stop banks, diversions and any associated discharges of water	Where the diversion and subsequent discharge of water does not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3 any: 1. Damming or diversion of water by way of a stop bank, and 2. Diversion of water, and 3. The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that: i. is undertaken after the date of notification of this Plan, or ii. affects a Significant Geothermal Feature iii. does not occur in a cave system; is a discretionary activity (requiring resource consent).	Discretionary	Temporary damming and diversion of surface water will be required to facilitate works within the Mangaheka Stream, Te Otamanui Stream and existing artificial farm-drain network. The Project will also result in permanent groundwater diversion through interception by the constructed stormwater wetlands, vegetated swales and deepened Mangaheka Stream. As these activities do not comply with the applicable permitted activity rules, they require resource consent as a Discretionary Activity under Rule 3.6.4.13.



3.8 – Drilling			
3.8.4.3 Permitted Activity Rules – Discharge of drilling fluids	The discharge of water and drilling fluids from holes or wells onto or into land, or into ground water, is a permitted activity subject to the following conditions: a. There shall be no discharge to surface water, or discharge to land where contaminants may enter surface water. b. Drilling fluids shall be freshwater-based or air-based. c. Bentonite, and cement may be used. Other products, including polymers and surfactants, may be used provided that the product is not a hazardous substance in terms of the Hazardous Substances and New Organisms Act 1996. d. The discharge shall not be located within 20 metres of any Significant Geothermal Feature*.	Permitted	Any drilling associated with the Project will be undertaken in accordance with the applicable permitted activity requirements and drilling standards. Where drilling fluids are required, they will comply with the requirements of this rule, including the use of freshwater- or air-based fluids and appropriate management of any discharge.
3.8.4.6 Permitted Activity Rule – Temporary Drilling below the Water Table	Except where classified as a non-complying activity by Rule 3.8.4.9, the drilling of holes below the water table is a permitted activity, subject to the following conditions: a. Holes drilled shall be sealed and abandoned within two days of the completion of drilling. b. Holes drilled shall be at least 100 metres from any water supply well. c. Holes drilled shall be sealed and managed such that leakage of water or contaminants to or from the ground surface is prevented. d. Holes drilled shall be sealed and abandoned in a manner that prevents cross contamination between different water bodies, or changes in water pressure. e. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. f. In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. g. Within any geothermal system, the depth of any holes drilled shall not be greater than 250 metres vertically down from the well head. <u>Exclusion:</u>	Does not comply	Temporary dewatering wells/bores will be drilled below the groundwater table to enable construction of wastewater infrastructure and stormwater wetlands. As the wells/bores will remain in place for the duration of the relevant dewatering works and will therefore not be sealed and abandoned within two days of completion of drilling, the activity does not comply with Condition (a) of this rule.



	The drilling of blast holes, seismic shot holes or similar, where the hole will be destroyed upon construction, and where the adverse effects on ground water are addressed through resource consents, are exempted from conditions a), b), c) and d) of this Rule.		
3.8.4.7 Controlled Activity Rule – Drilling below the Water Table	The drilling of holes or wells below the water table where the hole or well is not permitted by, or does not comply with, Rule 3.8.4.6 and which is not classified as a non-complying activity by Rule 3.8.4.9, is a controlled activity (requiring resource consent) subject to the following standards and terms: - All drilled holes/wells shall be constructed, maintained and/or abandoned so that they shall not cause cross-contamination between hydraulic units (aquifers) in any water including ground water and geothermal water. - Holes drilled shall be at least 100 metres away from and Significant Geothermal Feature and shall not be into geothermal water within a Protected or Research Geothermal System. - All holes/wells shall be managed and maintained such that leakage of water or contaminants to or from the ground surface is prevented. - Materials used for well construction shall be of such quality and strength to enable the well to be completed without casing or seal leakage during construction or subsequent well operation. - Wells used for potable water supply shall be located at least 30 metres from any on-site sewage disposal system. - Wells used for water supply purposes, shall be located at least 50 metres from a lake or stream, and 100 metres from Mean High Water Springs*. - A log for each drilled hole/well shall be forwarded to the Waikato Regional Council within two months of completion of drilling. Each log shall show: - the location of the hole/well - date of completion - duration of drilling - depth and diameter of the hole/well - the method of drilling - full construction details - the subsurface geology - results of any tests undertaken during drilling, including permeability, temperature and water quality - a site diagram.	Controlled	Drilling is proposed below the water table to install a bore for the purposes of dewatering to allow for construction of wastewater and stormwater infrastructure. Given the holes drilled will not be sealed and abandoned within two days of the completion of drilling, the proposal does not comply with the permitted standards of Rule 3.8.4.6 and requires resource consent as a Controlled Activity .



	h. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. i. In the event of any waahi tapu that is not subject to standard and term g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.		
3.8.4.10 Permitted Activity Rule – Discharge of Water from drilling	The discharge of up to 30 cubic metres of water arising from drilling activity into water, and onto or into land is a permitted activity subject to the following conditions: a. The discharge shall not cause visually noticeable iron flocculation in the receiving waters. b. Any discharge to water shall comply with the suspended solid standards as set out in Section 3.2.4.5. c. The discharge shall not result in flooding on any downstream property. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. e. The discharge shall not cause a temperature change of more than 3^o C at any point downstream which is three times the stream width at the point of discharge or which in any instance does not exceed 200 metres from the point of discharge. f. There shall be no discharge to any Significant Geothermal Feature.	Permitted	Any discharge of water arising from drilling activities will be managed in accordance with the conditions of this rule, including the applicable volume, water quality, flooding and erosion requirements.

Table No. 2

Waikato Regional Plan – River and Lake Bed Module			
Rule Number	Rule Provision	Compliance	Comments
3.2 – River and Lake Bed Structures			
4.2.4.4 Discretionary Activity Rule – Structures In, On, Under or	The use, erection, reconstruction, placement, extension, alteration or demolition or removal of any structure in, on, under or over the bed of any lake or river that is not specifically provided for by any rule, or does not comply with the conditions of a permitted or controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).	Discretionary	Stormwater discharge structures into the Mangaheka Stream. As the outlet structures exceed the dimensional limits of Rule 4.2.10.1, they require resource consent as a Discretionary Activity under this rule.



Over the Beds of Rivers and Lakes			
4.2.8.1 Permitted Activity Rule – Bridges	1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any single span bridge not exceeding 10 metres in length, and necessary bed disturbance, in, on, under or over the bed of any river, and 2. Any discharge of sediment associated with construction activities; and 3. Any deposition of necessary construction materials are permitted activities subject to the following conditions: a. Any such bridge shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b. The soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest. c. The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent. d. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. e. The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris. f. The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood. g. The structure shall be maintained in a structurally sound condition at all times. h. All materials and equipment used shall be removed from the river or lake bed and floodway and the floodplain on the completion of that activity. i. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. j. The owner of the structure shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencing construction, of the location of the structure where that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority.	Does not comply	The proposed bridge structures across the Mangaheka Stream have spans of approximately 20 m and therefore exceed the maximum 10 m bridge length provided for by this permitted activity rule. The bridges are assessed under Rule 4.2.8.2.



	k. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. l. In the event of any waahi tapu that is not subject to condition k) being identified while undertaking the use, erection, reconstruction, placement, alteration or extension of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. m. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. n. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.		
4.2.8.2 Controlled Activity Rule – Bridges	1. Any activity unable to comply with Rule 4.2.8.1, or 2. Unless controlled by Rule 4.2.5.1, the use, erection, reconstruction, placement, alteration or extension of any bridge exceeding a length of 10 metres that has no pier(s) and any necessary bed disturbance, in, on, under or over the bed of any river, and 3. Any discharge of sediment associated with construction activities 4. Any deposition of necessary construction materials are controlled activities (requiring resource consent) subject to the following standards and terms: a. Any such bridge shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b. The soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest. c. The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent. d. The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris. e. The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood.	Controlled	The bridges will be designed to maintain flood conveyance and avoid adverse upstream flooding effects in accordance with the standards and terms of this rule. Accordingly, resource consent is required as a Controlled Activity .



	f. The structure shall be maintained in a structurally sound condition at all times. g. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. h. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. i. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. j. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. k. The structure shall not be located in, on, under or over the bed of a river or lake that is identified as a Significant Geothermal Feature.		
4.2.9.2 Permitted Activity Rule – Culverts for Catchment Not Exceeding 100 hectares	Unless controlled by Rule 4.2.9.1 and Rule 4.2.5.1 the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of a river or lake for a catchment area not exceeding one square kilometre (100 hectares) upstream of the culvert, and 2. The subsequent diversion and discharge of water through the culvert, and 3. Any discharge of sediment associated with construction activities; and 4. The associated deposition of construction materials are permitted activities subject to the following conditions: a. Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b. The structure shall provide for the safe passage of fish both upstream and downstream. c. There shall be no obstruction of debris that causes flooding on neighbouring properties. d. The culvert invert shall be submerged when water is flowing. e. Culverts shall be designed to safely overtop without causing structural failure, or include a spillway to ensure safe passage of flood flows where the two percent annual exceedance probability flood flow will overtop the embankment over the culvert.	Permitted	The upstream catchment area for the proposed Te Otamanui Stream Culvert O.1 is approximately 6.50 ha and therefore does not exceed the 100 ha threshold specified by this rule. The culvert will be designed and constructed to comply with the listed permitted activity conditions, including requirements relating to flood conveyance and overtopping, fish passage, debris management, culvert embedment, suspended solids, construction materials, contaminants and erosion. Waikato Regional Council will also be notified at least 10 working days prior to construction. Accordingly, the Te Otamanui Stream culvert is a permitted activity under this rule.



	f. The structure shall not cause; i. water depth upstream to exceed three metres, and ii. the water level immediately upstream to exceed the water level immediately downstream by more than three metres. g. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. h. This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan. i. All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. j. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. k. The owner of the structure shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencing construction, of the location of the structure and whether that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority. l. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. m. In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. n. Any erosion occurring as a result of the structure or diversion and discharge of water shall be remedied as soon as practicable. o. No discharge shall be made outside of the natural catchment. p. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.		
4.2.9.3 Controlled Activity Rule – Culverts for catchment	Any activity unable to comply with Rules 4.2.9.1 or 4.2.9.2 or unless controlled by Rule 4.2.5.1, the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of	Controlled	The upstream catchment areas for the proposed Mangaheka Stream culverts are approximately 476 ha for Culvert M.1 and 361 ha for Culvert M.2, and therefore fall within the 100–500 ha catchment range provided for by this rule. The culverts will be



areas not exceeding 500 hectares	a river or lake for a catchment area exceeding 100 hectares but not exceeding 500 hectares upstream of the culvert, and 2. The subsequent diversion and discharge of water through the culvert, and 3. Any discharge of sediment associated with construction activities; and 4. The associated deposition of construction materials are controlled activities (requiring resource consent) subject to the following standards and terms: a. Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b. The structure shall provide for the safe passage of fish both upstream and downstream in water bodies classified as Significant Indigenous Fisheries and Fish Habitats c. There shall be no obstruction of debris that causes flooding on neighbouring properties. d. This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan. e. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. f. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. g. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h. Any erosion occurring as a result of the structure and diversion and discharge shall be remedied as soon as practicable. i. No discharge shall be made outside of the natural catchment. j. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.		designed to comply with the listed standards and terms, including requirements relating to flood conveyance, fish passage, debris management, erosion, construction materials and discharges. Accordingly, resource consent is required as a Controlled Activity for culverts M1 and M2. The Te Otamanui Stream culvert has an upstream catchment of approximately 6.5 ha and is therefore technically not subject to this rule.
4.2.10.1 Permitted Activity – Rule Discharge and	1. Unless controlled by Rule 4.2.5.1, 4.2.9.1, 4.2.9.2 and 4.2.9.3 the use, erection, reconstruction, placement, alteration or extension of a discharge or intake structure and associated bed disturbance, in, on, under or over the bed of any river or lake, and	Does not comply	The Project includes a number of stormwater discharge structures that discharge to the Mangaheka Stream. The proposed outlet structures will exceed the 300mm dimensional limits specified



Intake Structures	2. Any discharge of sediment associated with construction activities; are permitted activities subject to the following conditions: - Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres. - The intake or discharge structure shall not extend more than five metres, horizontally from the river or lake bank, or for more than 10 percent of the river bed width, whichever is the lesser. - The structure shall be kept free of debris. - The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. - The structure shall be maintained in a structurally sound condition at all times. - Where the water body exceeds 10 metres wide the presence of the structure shall be clearly indicated to river users by the use of signs. - All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity. - No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. - The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic laces Trust approval has been obtained. - In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. - The structure shall provide for the safe passage of fish both upstream and downstream. - Any erosion occurring as a result of the structures shall be remedied as soon as practicable. - This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature. - The structure shall be consistent with the provisions specified in the Water Management Classes in Section 3.2.4. of this Plan.	by this permitted activity rule. Accordingly, the discharge structures do not comply with Rule 4.2.10.1 and require resource consent under Rule 4.2.4.4. Final outlet configuration and dimensions will be confirmed through detailed design. The proposal does not comply with the permitted activity rule, therefore deferring assessment to Rule 4.2.4.4 above.
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4.2.15.1 Permitted Activity Rule – Erosion Control Structures	Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities. in, on or over the bed of a lake or river, for the purposes of erosion control are permitted activities subject to the following conditions: a. The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of debris. b. The structure shall not decrease the cross sectional area of the river. c. For any stretch of river or lake bank measuring up to one bank kilometre in length, the combined length or erosion control structures shall not exceed 50 metres in length. d. The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete, placed such that there is no visible steel in the finished work. e. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. f. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. g. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. h. Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river. i. The structure shall be maintained in a structurally sound condition at all times. j. The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 works days prior to work commencing. k. The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps. l. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.	Does not comply	The Project includes erosion-control structures within the Mangaheka Stream associated with the seven stormwater wetland outlets and Culverts M.1 and M.2. Based on the current concept design, approximately 105 m of rip-rap is anticipated at the wetland outlets and approximately 80 m associated with the culvert inlet and outlet locations. This equates to approximately 102 m of erosion-control structures per kilometre of stream bank. The proposed erosion-control structures therefore exceed the permitted activity limit of 50 m per kilometre specified in Condition (c) of this rule. The activity is assessed under Rule 4.2.15.2.
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	m. In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. n. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. o. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature. p. The structure shall provide for the safe passage of fish both upstream and downstream. q. The structure shall be constructed against the eroding stream or lake bank and be physically attached to it.		
4.2.15.2 Controlled Activity Rule – Erosion Control Structures	Unless controlled by Rule 4.2.5.1 and Rule 4.2.15.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure not exceeding 200 metres combined length per kilometre, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities in, on or over the bed of a lake or river, for the purposes of erosion control are controlled activities (requiring resource consents) subject to the following standards and terms: a. The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of obstructions. b. The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete placed such that there is no visible steel in the finished work. c. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. d. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. e. Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river. f. The structure shall be maintained in a structurally sound condition at all times.	Controlled	Based on the current concept design, approximately 185 m of rip-rap erosion protection is anticipated along the Mangaheka Stream, comprising protection associated with the seven stormwater wetland outlets and Culverts M.1 and M.2. This equates to approximately 102 m of erosion-control structures per kilometre of stream bank and is therefore within the maximum combined length of 200 m per kilometre provided for by this rule. The final extent, location and design of erosion-control structures will be confirmed through detailed design and will be required to remain within the 200 m per kilometre threshold and comply with the applicable standards and terms of Rule 4.2.15.2. Accordingly, resource consent is required as a Controlled Activity under Rule 4.2.15.2.



	g. The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps of this Plan. h. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. i. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. j. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.		
4.2.18.1 Discretionary Activity – Maintaining access for maintenance purposes	Any of the following activities within 10 metres of an artificial watercourse, modified watercourse or river bed, that is managed by the Waikato Regional Council or a territorial authority, (except in the Hauraki District Council and Aka Aka Otua Drainage areas where a 15 metre distance shall apply,) within drainage districts and those parts of the rivers or streams that are the full responsibility of Waikato Regional Council or territorial authorities for maintenance purposes, as listed in Table 4-1. 1. The planting of trees, shrubs, and the construction of any structure, or 2. The placement of fences perpendicular to a watercourse without a gate, or 3. The placement of fences greater than 1,200 millimetres high parallel to watercourses (except in the Hauraki District Council area where a 750 millimetre fence height shall apply) , or 4. The placement of fences parallel to watercourses that prevents access for maintenance, or 5. The placement and maintenance of an artificial watercourse without a culvert perpendicular to a watercourse; are discretionary activities (requiring resource consent). Exclusion to Rule 4.2.18.1: This rule shall not apply where the activities are undertaken by Waikato Regional Council or territorial authorities within drainage districts or river control scheme area managed by those authorities.	Discretionary	The Mangaheka Stream/McBeth Drain forms part of the WRC-managed drainage network, and the Project includes planting and structures within 10 m of the watercourse as part of the proposed stream enhancement and stormwater corridor works. Accordingly, the activities are subject to Rule 4.2.18.1 and require resource consent as a Discretionary Activity . The Project design provides for on-going maintenance access to the watercourse.
4.2.20.2 Permitted Activity Rule – Removal or	1. The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and 2. Any discharge of sediment associated with removal or demolition;	Permitted	The Project includes the removal of existing culverts and associated structures within the Mangaheka Stream to facilitate the proposed stream works and stormwater design. The structures and associated



Demolition of Structures	are permitted activities subject to the following conditions: - There shall be no use of explosives in the water except by a person who holds a current certificate of competence as a construction blaster, (issued by Occupational Safety and Health, under the Health and Safety Regulations 1995) that would allow demolition of a structure in, on, under or over the bed of a river or lake where the Waikato Regional Council is notified at least 10 days prior to the activity commencing and 24 hours in the case of an emergency. - The structure, or part thereof, being removed or demolished shall be removed from the river or lake bed, and/or any material or temporary structures required to undertake the activity shall be removed. - The activity shall not result in the removal of, or damage to, any lawfully established flood protection or erosion control structures, or linear bank protection structures or plantings undertaken for flood or erosion control. - The activity shall not reduce the ability of the channel to convey flood flows or floating debris. - The removal or demolition works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. - This Rule shall not apply to any structure records on the Historic Places register (in accordance with s22 of the Historic Places Act 1993). - No submerged piles or parts of structures shall be left in the river or lake bed which might catch debris or obstruct navigation. - The Waikato Regional Council shall be notified in writing of the removal or demolition at least 10 working days prior to commencement of the activity. - The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. - In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the removal or demolition, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. - This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.		construction materials will be completely removed from the river bed, and subsequent works within the stream will be undertaken in accordance with the Stream Works Management Plan and applicable erosion and sediment controls. The removal works are expected to comply with the conditions of this permitted activity rule.
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4.2.21 Suspended Solids Discharge Standards for Permitted Activity Rules in Chapters 4.2 and 4.3	a. In any river or stream (including Hydro Electricity Reservoirs): the suspended solids concentrations as a result of works associated with a structure in the stream downstream of the structure shall not exceed the suspended solids concentration as measured at the same time in the stream immediately upstream of the structure. b. In any lake (excluding Hydro Electricity Reservoirs): as a result of works associated with a structure the suspended solids concentration in the lake shall not exceed the ambient lake concentration (i.e. as measured in the lake in areas unaffected by the discharge). c. The restrictions in a) and b) shall not apply with regard to the erection, reconstruction, placement, alteration or removal of a structure within a water body within any 24 hour period within 30 days from commencement of the works, except in: i. Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive. ii. Significant Trout Fisheries and Trout Habitat class waters during May to September inclusive. The point at which compliance with standards a) and b) shall be measured is: i. For rivers and streams (including Hydro Electricity Reservoirs): at a distance downstream of the discharge point (or site of the activity) which is three times the width of the river or stream and which in any instance does not exceed 200 metres from the point of discharge. ii. For lakes (other than Hyrdo Electricity Reservoirs): at a distance of 15 metres from the location of the discharge or the activity.	Complies	Rule 4.2.21 specifies the suspended solids discharge standards applying to permitted activities within Chapters 4.2 and 4.3. Of the activities assessed above, compliance with these standards is expressly required under Rules 4.2.8.1 (bridges), 4.2.10.1 (discharge and intake structures), 4.2.15.1 (erosion control structures) and 4.2.20.2 (removal or demolition of structures). In-stream works will be undertaken in accordance with the Stream Works Management Plan and associated erosion and sediment controls to manage sediment discharges. The proposal has been assessed as not being able to comply with the permitted activity rules 4.2.8.1, 4.2.10.1 and 4.2.15.1 and consents are therefore sought as outlined above. Compliance is expected to be achieved with Rule 4.2.20.2, given the relevant, including compliance with the applicable standards in this rule. The project therefore complies with the rules.
4.3 – River and Lake Bed Disturbances			
4.3.8.1 Permitted Activity Rule – Introduction and Planting of Plants	1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering* of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and 2. The associated deposition of construction material, and 3. The associated discharge of sediment, and 4. The associated bed disturbance is a permitted activity subject to the following conditions:	Permitted	The Project includes extensive indigenous riparian and streambank planting associated with the restoration and enhancement of the Mangaheka Stream. Planting will comprise appropriate native species within the streambanks, batter slopes and riparian margins for streamside enhancement, habitat improvement and bank stabilisation. The planting will be undertaken in accordance with the Mangaheka Stream Enhancement Plan and is provided for as a permitted activity under this rule.



	a. The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed. b. All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. c. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. d. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. e. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. f. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. g. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. h. Any erosion occurring as a result of the activity shall be remedied as soon as practicable. i. Plants shall not replace indigenous flora or have the potential to smother indigenous flora.		
4.3.8.2 Prohibited Activity Rule – Introduction and Planting of Plant Pests	The introduction or planting of any, or part of any, of the following plant species in, on or under the bed of any river or lake in the Waikato Region is a prohibited activity: 1. Alligator weed (<i>Alternanthera philoxeroides</i>) 2. Bladderwort (<i>Utricularia gibba</i>) 3. Bogbean (<i>Menyanthes trifoliata</i>) 4. Clasp pondweed (<i>Sagittaria graminea</i> ssp. <i>platyphylla</i>) 5. Eel grass (<i>Vallisneria gigantea</i>) 6. Egeria oxygen weed (<i>Egeria densa</i>) 7. Floating sweetgrass (<i>Glyceria maxima</i>) 8. Freshwater eel grass (<i>Vallisneria</i> spp.)	Not applicable	Planting will not include any species listed in this prohibited activity rule.



	9. Fringed water lily (<i>Nymphoides peltata</i>) 10. Hornwort (<i>Ceratophyllum demersum</i>) 11. Hydrilla (<i>Hydrilla verticillata</i>) 12. Lagarosiphon (<i>Lagarosiphon major</i>) 13. Manchurian wild rice (<i>Zizania latifolia</i>) 14. Marshwort (<i>Nymphoides geminata</i>) 15. Nardoo (<i>Marsilea mutica</i>) 16. Parrot's feather (<i>Myriophyllum aquaticum</i>) 17. Phragmites (<i>Phragmites australis</i>) 18. Sagittara (<i>Sagittara graminea</i> spp. <i>Platyphylla</i>) 19. Senegal tea (<i>Gymnocoronis spilanthoides</i>) 20. Salvinia (<i>Salvinia molesta</i>) 21. Spartina (<i>Spartina</i> spp.) 22. Water poppy (<i>Hydrocleys nymphoides</i>) 23. Water primrose (<i>Ludwigia peploides</i> spp. <i>Montevidensis</i>) 24. Yellow flag (<i>Iris pseudacorus</i>) 25. Yellow water lily (<i>Nuphar lutea</i>) 26. Water hyacinth (<i>Eichhornia crassipes</i>) 27. Pussy willow (<i>Salix x reichardtii</i>) 28. Grey willow (<i>Salix cinerea</i>)		
4.3.9.2 Permitted Activity Rule – Vegetation Clearance	Except as provided for in Rule 4.3.9.3 the clearance of vegetation in, on or under the beds of rivers and lakes is a permitted activity subject to the following conditions: - Floating debris and plant material shall be prevented from drifting away causing obstructions to the river or lake bed, spreading plant pests (as listed in Rule 4.3.8.2) or creating a navigation hazard. - The activity shall not cause any increase in flooding on neighbouring properties. - The activity shall not take place in Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Trout Fisheries and Trout Spawning Habitat class waters during May to September inclusive. - All materials from the vegetation clearance activity and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. - The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the	Permitted	Vegetation clearance will be required within and adjacent to the Mangaheka Stream and Te Otamanui Stream to facilitate the proposed works. Clearance will be undertaken in accordance with the Stream Works Management Plan and applicable erosion and sediment controls, and in such a way that will comply with the standards of this rule.



	Historic Places Trust except where Historic Places Trust approval has been obtained. f. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. g. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. h. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. i. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. j. Any erosion occurring as a result of the activity shall be remedied as soon as practicable. k. The activity shall not be located in, on, or under the bed of a river or lake that is identified as a Significant Geothermal Feature.		
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Table No. 3

Waikato Regional Plan – Land and Soil Module			
Rule Number	Rule Provision	Compliance	Comments
5.1 – Accelerated Erosion			
5.1.4.11 Permitted Activity Rule – Soil Disturbance, roading and tracking and vegetation clearance	1. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air; 2. Any roading and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;	Does not comply	The Project involves large-scale soil disturbance, roading, tracking and vegetation clearance associated with bulk earthworks and stream works. While erosion and sediment controls will be implemented in accordance with the Earthworks Management Plan, the works will not be able to comply at all times with the suspended solids standards in Section 5.1.5. Accordingly, the activity does not comply with this permitted activity rule and is assessed under Rule 5.1.4.13



	3. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative; are permitted activities subject to the conditions in Section 5.1.5. In addition 5.1.4.11(3) is subject to the following conditions: a. Provided that replanting of planted production forest does not occur within: i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and ii. ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares iii. five metres on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope; b. On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective.		
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, roading and tracking and vegetation clearance	1. Any soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11; 2. Soil cultivation within two metres of the bed of a river or lake that does not comply with Rule 5.1.4.12; are discretionary activities (requiring resource consent).	Discretionary	The proposed soil disturbance, roading, tracking and vegetation clearance do not comply with Rule 5.1.4.11, including because the suspended solids standards in Section 5.1.5 cannot be achieved at all times during construction. Accordingly, resource consent is required as a Discretionary Activity under this rule . Erosion and sediment effects will be managed through the Earthworks Management Plan and associated erosion and sediment controls.
5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roothing and Tracking and Vegetation Clearance,	Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: 1. Roothing and tracking activities between 100 and 2,000 metres in length, or 2. Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or 3. Soil disturbance activities between 0.2 and 2.0 hectares in area, or	Does not comply	Earthworks within the Mangaheka Stream corridor may occur within areas classified as high risk erosion areas. The scale of soil disturbance associated with the proposed stream modification works exceeds the thresholds provided for as a Controlled Activity under this rule and is therefore assessed under Rule 5.1.4.15 .



Riparian Vegetation Clearance in High Risk Erosion Areas	4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance between 30 and 120 metres in length, or 5. Vegetation Clearance of between one and five hectares with the exclusion of planted production forests, plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State water body as shown on the Water Management Class Maps 6. Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy. 7. Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of: a. Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or b. Vegetation associated with riparian enhancement programmes. 8. Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres of that bridge or culvert; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.		
5.1.4.15 Discretionary Activity Rule	Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: 1. Roading and tracking activities exceeding 2,000 metres in length 2. Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure) 3. Soil disturbance activities exceeding two hectares in area	Discretionary Activity	The proposed Mangaheka Stream modification works involve substantial soil disturbance within areas that may be classified as high risk erosion areas. The scale of these works exceeds the applicable volume and/or area thresholds in this rule and therefore requires resource consent as a Discretionary Activity .



	4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance exceeding 120 metres in length 5. Vegetation clearance exceeding five hectares with the exclusion of planted production forests (except those restricted by Rule 5.1.4.16), and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 6. Riparian vegetation clearance which is within five metres on either side of the banks of a perennial water body which exceeds 100 metres in length per kilometre, with the exclusion of planted production forests, riparian enhancement programmes and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 7. Any riparian vegetation clearance within five metres of a Natural State water body as shown on the Water Management Class Maps except: i. that which is required as part of the construction of a walking track no greater than two metres width, and ii. the control of plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 8. Any activity specified in Rules 5.1.4.14 and 5.1.4.16, that does not comply with the conditions and standards and terms in Section 5.1.5; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities.		
5.2 – Discharges onto or into land			
5.2.5.4 Permitted Activity Rule – Small Scale Cleanfill Disposal Outside of High Risk Locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air when occurring outside of: 1. A high risk erosion area 2. A floodplain of a river 3. The catchment of, or within 10 metres of, whichever is the lesser, a sink hole* or cave entrance 4. Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna 5. A significant geothermal feature* and where the total volume of cleanfill does not exceed 2,500 cubic metres per annum, is a permitted activity subject to the following conditions:	Does not comply	The Project may involve the importation and placement of more than 2,500m ³ of cleanfill per annum. Accordingly, the volume threshold for permitted cleanfill disposal under this rule will be exceeded and the activity is assessed under the applicable controlled or discretionary activity rule.



	a. Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. b. Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received. c. The cleanfill has no acid producing potential.⁴³ d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan (28 September 1998), in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. e. In the event of any waahi tapu that is not subject to condition d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. f. Where the site is to receive a total volume of more than 1,000 cubic metres of cleanfill (loose measure) the operator shall notify the Waikato Regional Council in writing of the accurate location of the site seven working days prior to commencing operation. g. The placement of the material shall be undertaken and maintained in a manner so as to ensure its long-term stability. h. The activity shall not cause any increase in flooding on neighbouring properties. i. The concentration of suspended sediment in any discharge to a water body arising from this activity shall comply with the suspended sediment criteria as set out in Section 3.2.4.6.		
5.2.5.5 Controlled Activity Rule – Large Scale Cleanfill Disposal outside High Risk Locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air that does not comply with Rule 5.2.5.4 when occurring outside of: 1. A high risk erosion area 2. A floodplain of a river 3. The catchment of, or within 10 metres of, whichever is the lesser, a sink hole* or cave entrance	Controlled	The Project may involve the placement of more than 2,500 m ³ of cleanfill in areas outside the identified high risk locations. As the permitted volume threshold in Rule 5.2.5.4 may be exceeded, cleanfill placement in those areas requires resource consent as a Controlled Activity under this rule.



	4. Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna 5. A significant geothermal feature* is a controlled activity (requiring resource consent) subject to the following standards and terms: - Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. - Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received. - The cleanfill has no acid producing potential. - The placement of the material shall be undertaken and maintained in manner so as to ensure its long-term stability. - The activity shall not cause any increase in flooding on neighbouring properties.		
5.2.5.6 Discretionary Activity Rule – Cleanfill disposal in high risk locations	The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air in a manner that does not comply with Rules 5.2.5.4 and 5.2.5.5 is a discretionary activity. Exclusions to Rule 5.2.5.6: - This Rule does not apply to discharges of contaminants into land that will affect significant Geothermal Features. - This Rule does not apply to soil disturbance activities where cleanfill is reused, such as land contouring, and roading and tracking which are addressed by methods and rules in Section 5.1.4.	Discretionary	Cleanfill placement may occur within high risk locations, including high risk erosion areas associated with the Mangaheka Stream corridor. Accordingly, the activity requires resource consent as a Discretionary Activity under this rule.
5.2.9.1 Permitted Activity Rule – Use of Dust Suppressants	The discharge of contaminants (excluding waste oil*) onto or into land for the purpose of dust suppression is a permitted activity subject to the following conditions: - If the dust suppressant is a hazardous substance or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996). - The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water.	Permitted	Water will be used as the primary dust suppressant during construction. If any alternative dust suppressant is required, it will be selected and applied in accordance with the conditions of this rule, including requirements relating to hazardous substances, runoff to surface water and discharges to air.



	c. Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.		
5.3 – Contaminated Land			
5.3.4.6 Permitted Activity Rule – Discharges from remediation of contaminated land	Any discharge arising from remediation of contaminated land is a permitted activity, subject to the following conditions: a. any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. b. No contaminants from the remediation of the contaminated land shall be discharged into water or onto land unless discharged to a landfill authorised in Section 5.2.7. c. The Waikato Regional Council shall be provided with the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) prior to commencement of land remediation: i. detailed site investigation report ii. site remedial action plan d. After remediation is completed, copies of the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) must be provided to the Waikato Regional Council: i. site validation report ii. ongoing monitoring and management plan. e. Any updates of these reports shall be provided to the Waikato Regional Council if a change in investigation, remediation and monitoring strategy occurs.	Permitted	A Controlled Activity consent is being sought under the NES-CS for soil disturbance and disposal within identified HAIL areas. However, the PSI/DSI confirms that contaminant concentrations do not exceed the applicable NES-CS Soil Contaminant Standards and the Site does not meet the Waikato Regional Plan definition of contaminated land. Accordingly, the contaminated land discharge rules in Section 5.3 do not apply.



National Environmental Standards for Freshwater

National Environmental Standards for Freshwater – Part 3 Standards for Other Activity that relate to Freshwater			
Rule Provision	Rule Provision	Compliance	Comments
Subpart 2 – Reclamation of Rivers			
56A – Meaning in this subpart of applying effects management hierarchy	In this subpart, a requirement to apply the effects management hierarchy includes a requirement to apply clause 3.24(3) of the National Policy Statement for Freshwater Management as if a reference in that clause to a regional council were a reference to the consent authority.	N/A	N/A
57 – Discretionary Activities	(1) Reclamation of the bed of any river is a discretionary activity. (2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first- (a) Satisfied itself that there is a functional need for the reclamation of the riverbed in that location; and (b) Applied the effects management hierarchy.	Discretionary	The Project will permanently reclaim approximately 212 m of Watercourse M13, which falls within the definition of a river for the purposes of the NES-F. Resource consent is therefore required under Regulation 57 as a Discretionary Activity . The functional need for the reclamation and application of the effects management hierarchy are addressed in the EclA and Substantive Application Report.
Subpart 3 – Passage of fish affected by structures			
62 – Requirements for all activities: information about structures and passage of fish	(1) This regulation applies to any activity that – (a) Is the placement, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river to connected area: (i) A culvert; (ii) A weir; (iii) A flap gate (iv) A dam (v) A ford; and (b) Is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working days after the activity is finished, -	Complies	The proposed culverts will be designed and constructed in accordance with the applicable NES-F fish passage requirements. The information required by Regulation 62 will be collected and provided to Waikato Regional Council following completion of the works, as reflected in the proposed consent conditions.



	(a) For a permitted activity; or (b) As a condition of a resource consent granted for the activity, for another class of activity. (3) The information is- (a) The type of structure: (b) The geographical co-ordinates of the structure: (c) The flow of the river or connected area (whether none, low, normal, or high): (d) Whether the water is tidal at the structure's location: (e) At the structure's location, - (i) The width of the river or connected area at the water's surface; and (ii) The width of the bed of the river or connected area: (f) Whether there are improvements to the structure to mitigate any effects the structure may have on the passage of fish: (g) Whether the structure protects particular species, or prevents access by particular species to protect other species: (h) The likelihood that the structure will impede the passage of fish: (i) Visual evidence (for example photographs) that shows both ends of the structure, viewed upstream and downstream.		
63 – Requirement for culvert activities: information about culverts	(1) This regulation applies to any activity that – (a) Is the placement, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area; and (b) Is a permitted activity, or a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) The information specified in this regulation must be collected and provided to the relevant regional council, together with the time and date of its collection, within 20 working day after the activity is finished, - (a) For a permitted activity; or	Complies	The proposed culverts will be designed and constructed in accordance with the applicable NES-F requirements. The culvert-specific information required by Regulation 63 will be collected and provided to Waikato Regional Council following completion of the works, as required by the proposed consent conditions.



	(b) As a condition of a resource consent granted for the activity, for another class of activity. (3) The information is – (a) The culvert’s asset identification number, if known: (b) Whether the culvert’s ownership is – (i) Held by the Crown, a regional council, a territorial authority, the New Zealand Transport Agency, or KiwiRail Holdings Limited; or (ii) Held publicly by another person or organisation; or (iii) Held privately; or (iv) Unknown (c) The number of barrels that make up the culvert: (d) The culverts shape (e) The culverts length (f) The culverts diameter or its width and height (g) The height of the drop (if any) from the culvert’s outlet (h) The length of the undercut of erosion (if any) from the culverts outlet (i) The material from which the culvert is made: (j) The mean depth of the water through the culvert: (k) The mean water velocity in the culvert (l) Whether there are low-velocity in the culvert (m) The type of bed substrate that is in most of the culvert (n) Whether there are any remediation features in the culvert (o) Whether the culvert has wetted margins (p) The slope of the culvert (q) The alignment of the culvert (r) The numbers of each other type of structure to which this subpart to which this subpart applies, or of wingwalls or screens, on the culvert (s) If there is any apron or ramp on the culvert, the information required by regulation 68 for each of them.		
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68 – Requirement for certain structure activities: information about aprons and ramps	Apron (1) The following information relating to an apron is required: (a) The apron's length (b) The height of the drop (if any) from the apron's downstream end: (c) The material from which the apron is made: (d) The mean depth of the water across the apron: (e) The mean water velocity across the apron (f) The type of bed substrate that is across most of the apron Ramp (2) The following information relating to a ramp is required: (a) The ramp's length (b) The slope of the ramp (c) The type of surface that the ramp has (d) Whether the ramp has wetted margins	N/A	Aprons will be provided at stormwater outfall structures within the Mangaheka Stream. The information required by Regulation 68, including apron dimensions, materials, hydraulic characteristics and bed substrate, will be confirmed through detailed design and provided to Waikato Regional Council in accordance with the proposed consent conditions.
69 – Condition of resource consent for activities: monitoring and maintenance	(1) This regulation applies to any activity that— (a) is the placement, use, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area: (i) a culvert: (ii) a weir: (iii) a flap gate (whether passive or non-passive): (iv) a dam: (v) a ford; and (b) is a class of activity that requires a resource consent, whether under this subpart or otherwise. (2) A resource consent granted for the activity must impose conditions that— (a) require monitoring and maintenance of the structure that is sufficient to ensure that its provision for the passage of fish does not reduce over its lifetime; and (b) require a plan for that monitoring and maintenance that includes— (i) how the monitoring and maintenance will be done; and	N/A	Although the proposed culverts are permitted under Regulation 70 of the NES-F, resource consent is required for the culvert works under the Waikato Regional Plan. Regulation 69 therefore applies, and the proposed consent conditions include requirements for ongoing monitoring and maintenance to ensure fish passage is maintained over the life of the structures, together with the associated monitoring, reporting and review requirements.



	(ii) The steps to be taken to avoid any adverse effects on the passage of fish; and (iii) the steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and (iv) how often, as specified by the consent authority, the information must be provided under paragraph (c) (for the purposes of reassessing the structure's effect on the passage of fish); and (v) a process for providing that information; and (c) require an updated version of the information relating to the structure that was required for the original resource consent to be provided to the consent authority at the following times: (i) at the intervals required by the plan; and (ii) each time a significant natural hazard affects the structure.		
70 – Culverts Permitted activities	(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity it is complies with the conditions. <i>Conditions</i> (2) The conditions are that – (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 (b) The culvert must be laid parallel to the slope of the bed of the river or connected area; and (c) The mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and (d) The culvert's width where it intersects with the bed of the river or connected area(s) and the width of the bed at that location (w), both measured in metres, must compare as follows: (i) Where $w < 3$, $s > 1.3 \times w$:	Complies	The proposed culverts will be designed and constructed to comply with the fish passage and design requirements of Regulation 70, including requirements relating to culvert alignment, water velocity, sizing, embedment, bed substrate and continuity of geomorphic processes. Accordingly, the culvert works are a permitted activity under the NES-F.



	(ii) Where $w > 3$, $s > (1.2 \times w) + 0.6$; 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 (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 (g) The culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris). <i>Information requirements.</i> (3) See also regulations 62 and 63 for information requirements that apply to the permitted activity (unless the activity is use).		
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