Appendix 25 – Rule Assessment

Resource Consent Documents

Relevant Planning Documents	
Category	**Relevant Planning Documents**
National	National Environmental Standard for Freshwater
Regional	Waikato Regional Plan
Local	Waipa District Plan

National Environmental Standards

Table 1. National Environmental Standard for Freshwater

National Environmental Standard for Freshwater Assessment		
Rule Number	**Rule Provision**	**Comments**
Restoration, wetland maintenance, and biosecurity of natural inland wetlands		
Regulation 39	**Restricted discretionary activities**	**Applies** The Project involves vegetation clearance within 10m of the identified natural inland wetlands for the purposes of wetland restoration.
	(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) does not comply with any of the conditions in regulation 38(4).	Part of the Project includes vegetation clearance within or within a 10m setback from a natural inland wetland for the proposed restoration and enhancement measures.
	(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) does not comply with any of the conditions in regulation 38(4).	Not applicable.
	(3) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— (a) the activity is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and	Not applicable.

	(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and (d) the activity does not comply with the condition in regulation 38(4)(a).	
	(4) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— (a) the discharge is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and (e) the discharge does not comply with the condition in regulation 38(4)(a).	Not applicable.
	(5) The discretion of a consent authority is restricted to the matters set out in regulation 56.	
	(6) An application for a resource consent for the restricted discretionary activity must include a restoration plan that includes the information set out in Schedule 2.	
	(7) A resource consent for a restricted discretionary activity under this regulation must not be granted unless the consent authority has first applied the effects management hierarchy.	
Urban Development		
Regulation 45C	**Restricted Discretionary Activity**	

	(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.	**Not applicable.** Regulation 45C does not apply because the Project occurs on land that is zoned rural and is not identified for urban development by the regional or district plans.
	(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.	
	(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a restricted discretionary activity if it— *(a) is for the purpose of constructing urban development; and* *(b) results in, or is likely to result in, the complete or partial drainage of all or part of the wetland.*	
	(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— *(a) the activity is for the purpose of constructing urban development; and* *(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and* *(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.*	
	(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if— *(a) the discharge is for the purpose of constructing urban development; and* *(b) there is a hydrological connection between the discharge and the wetland; and* *(c) the discharge will enter the wetland; and* *(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*	

	(6) A resource consent for a restricted discretionary activity under this regulation must not be granted unless the consent authority has first— *(a) satisfied itself that the urban development—* *i. will contribute to a well-functioning urban environment; and* *ii. will provide significant national, regional, or district benefits; and* *(b) satisfied itself that—* *i. there is no practicable alternative location for the activity within the area of the development; or* *ii. every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and* *(c) applied the effects management hierarchy.*	
	(7) A resource consent for a restricted discretionary activity under this regulation must not be granted if the activity— *(a) occurs on land other than land that is identified for urban development in the operative provisions of a regional or district plan; or* *(b) occurs on land that is zoned in a district plan as general rural, rural production, or rural lifestyle.*	
	(8) The limitation in subclause (7) on granting resource consent does not apply if— *(a) the urban development is in the Bay of Plenty region; and* *(b) the activity is necessary for the purpose of urban development in areas specifically identified as planned urban growth areas in the SmartGrowth Programme.*	
	(9) In this regulation, SmartGrowth Programme means the SmartGrowth Urban Form and Transport Initiative Connected Centres Programme incorporated by reference in clause 1.8 of the National Policy Statement for Freshwater Management.	

	(10) The discretion of a consent authority is restricted to the matters set out in regulation 56 and the extent to which— *(a) the urban development will be of significant national, regional, or district benefit; and* *(b) the activity contributes to a well-functioning urban environment; and* *(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and* *(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and* *(e) the effects of the activity will be managed through applying the effects management hierarchy.*	
	(11) The discretion of a consent authority is restricted to the matters set out in regulation 56 and the extent to which— *(a) the urban development will be of significant national, regional, or district benefit; and* *(b) the activity contributes to a well-functioning urban environment; and* *(c) there is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland; and* *(d) an alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and* *(e) the effects of the activity will be managed through applying the effects management hierarchy.*	

Drainage of natural inland wetlands		
Regulation 52	***Non-complying activities***	**Not applicable.** The Project does involve earthworks within 100m setback of the identified natural inland wetlands. However, these earthworks do not result in the drainage of the wetlands.
	(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it— *(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and* *(b) does not have another status under any of regulations 38 to 51.*	
	(2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it— *(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and* *(b) does not have another status under any of regulations 38 to 51.*	
Regulation 53	**Prohibited Activities**	**Applies.** Under Regulation 53(1)-(2) Resource consent as a Prohibited Activity is required. The Project involves earthworks to infill Wetland 3 which provides for Stormwater Pond B. As such, the Project requires resource consent as a **prohibited activity**.
	(1) Earthworks within a natural inland wetland is a prohibited activity if it— *(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and* *(b) does not have another status under any of regulations 38 to 51.*	
	(2) The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it— *(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and* *(b) does not have another status under any of regulations 38 to 51.*	
Other activities		
Regulation 54	**Non-complying activities**	**Applies.** Under Regulation 54, resource consent is required as a Non-complying Activity.
	The following activities are non-complying activities if they do not have another status under this subpart:	

	(a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland: *(b) earthworks within, or within a 10 m setback from, a natural inland wetland:* *(c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—* *(i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and* *(ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:* *(d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—* *(i) there is a hydrological connection between the discharge and the wetland; and* *(ii) the discharge will enter the wetland; and* *(iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*	As demonstrated in the Architectural Plans, the Project will result vegetation clearance within 10m of natural inland wetlands, the damming and diversion of water within 100m of a natural inland wetland and discharging of water within 100m of natural inland wetlands.

Waikato Regional Plan

Table 2. WRP Section 3 – Water Module

Waikato Regional Plan Assessment		
Rule Number	**Rule Provision**	**Comments**
Section 3.3 Water Takes		
3.3.4.12	***Permitted Activity Rule – Supplementary Groundwater Takes*** *(Implements Section 3.3.3 Policy 10 a)ii)* *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.* *Exception*	**Non-compliance.** The project exceeds the permitted volume of 15m^3 per day.

	This rule does not apply to: • *The taking of geothermal energy and water.* • *The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.*	
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* 3. *The taking of up to 15 cubic metres per day of water (calculated on a net take basis) from all other sites* *from surface water is a permitted activity subject to the following conditions:* a. *The take(s) shall be within a single site.* b. *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 100 percent of the primary allocable flows for catchments specified in Table 3-5.* c. *Any water take under this rule shall not be used for the same purpose for which a water take consent is held for the same site (so that the total water allocated to the site is accounted for within the consented amount to ensure no double accounting).* d. *The intake structure shall comply with the screen and velocity standards as set out in the Water Management Class for that water body (refer Chapter 3.2 of this Plan).* e. *The intake structure shall comply with the provisions in Rule 4.2.10.1 of this Plan.*	**Non-compliance.** The dewatering associated with the construction is likely to result in the groundwater being intercepted by excavations and trenches and exposed as surface water. The proposed surface water take will exceed the 15m^3 per day and therefore does not comply with this rule.

	f. The water take shall not be from a water body classified as Natural State Water in the Water Management Class Maps. *Exception* *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.*	
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.* *This rule does not apply to:*	**Non-compliance**. The proposed surface and groundwater takes will exceed five days per annum. Therefore, the Project does not comply with this rule.

	• *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.*	
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:* *a. 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* *b. The water take location shall not be within a water body classified as Natural State Water on the Water Management Class Maps.* *c. 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.* *d. All applications to take water under this rule shall be assessed on a net take basis* *Exception* *This rule does not apply to:* • *The taking of geothermal energy and water.* • *The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.*	Not applicable.
3.3.4.23	***Discretionary Activity Rule – Surface Water Takes*** *The taking of surface water that:* *1. Is a non-qualifying s14(3)(b) take described by Policy 8 c) or*	**Non-compliance.**

	2. *Is a supplementary take or a temporary take described by Policy 8 d), or* 3. *Except as provided for by Rules 3.3.4.17, 3.3.4.18 and 3.3.4.19, is a take that when assessed in combination with all other authorised water takes (all calculated on a net take basis), exceeds the primary allocable flow but is less than the combined primary and secondary allocable flows in Table 3-5, or* 4. *Is an existing take described by Policy 7(e); or* 5. *Is a zero net take described by Policy 7(f); or* 6. *Is a new take for domestic or municipal supply described by Policy 7(g) and Policy 9(d); or*	
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:* 1. *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* 2. *Is a non-qualifying s14(3)(b) take described by Policy 10 c); or* 3. *Does not exceed the Sustainable Yield if listed in Table 3-6; or* 4. *Is from an aquifer that is not listed in Table 3-6; or* 5. *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)* *Exception* *This rule does not apply to the taking of geothermal energy and water.*	**Applies.** In addition to a groundwater take, the Project requires a temporary groundwater take associated with the proposed stormwater ponds, wastewater infrastructure, and earthworks; and a temporary groundwater take for dust suppression. As such, resource consent is required as a **discretionary activity**.
3.3.4.26	***Non-Complying Activity Rule - Water Takes*** *Except as provided in Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24 and 3.3.4.25 and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that:*	**Applies.** In addition to Rule 3.3.4.26, the Applicant seeks a temporary surfacewater take associated with construction dewatering where dewatering is not undertaken in accordance with Rule 3.3.4.24. The Project therefore requires a resource consent as a **non-complying activity**.

	1. *Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or* 2. *Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b); or* 3. *Is for a groundwater take which exceeds the Sustainable Yields (if listed) in Table 3-6, or* 4. *Is for domestic or municipal supply and a water management plan developed in accordance with Method 8.1.2.2 has not been provided to the Waikato Regional Council and to the Waikato River Iwi within whose rohe the take is located.* *is a non-complying activity (requiring resource consent)* *Exception* *This rule does not apply to:* *The taking of geothermal energy and water.* *The taking of water for a dam or diversion. Such takes are managed by the policies and rules in Chapter 3.6.*	
Section 3.5 Discharges		
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 facility25, 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.*	**Non-compliance.** The Project will discharge water from the proposed development into to the watercourse on site which is a Mangapiko Stream tributary. The contributing stormwater catchment exceeds 1 ha. As such, the stormwater discharge to water does not comply with Rule 3.5.11.4.

	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.* 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	***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 facility 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 Exceedence Probability design storm or greater. Any exceedence 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 Exceedence 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 guidelines and standards, in relation to the substances that they address will be deemed to be complying with the condition:*	**Not applicable.** The proposed stormwater management system does not rely on disposal of stormwater solely onto or into land within a design soakage area. Rather, the Project incorporates a comprehensive stormwater network which ultimately discharge to the existing drainage network and receiving water environment.

	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. *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 Water, (Australian & New Zealand Environment & Conservation Council, 2001).*	
3.5.11.6	***Controlled Activity Rule – Discharge of Stormwater Onto or Into Land*** *The discharge of stormwater (including geothermal water) onto or into land that does not comply with Rule 3.5.11.5 is a controlled activity (requiring resource consent) subject to the following standards and terms:* *a. The discharge shall be below a rate that would cause overland flow leading to a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths.*	Not applicable. The proposed stormwater management system does not rely on disposal of stormwater solely onto or into land. Rather, the Project incorporates a comprehensive stormwater network which ultimately discharge to the existing drainage network and receiving water environment.
3.5.11.7	***Controlled Activity Rule – Discharge of Stormwater Into Water*** *The discharge of stormwater to surface water (including geothermal water) that is lawfully established at the time of notification of this Plan (28 September 1998) and does not comply with Rule 3.5.11.4 is a controlled activity (requiring resource consent) subject to the following standards and terms:*	Not applicable. The proposed discharge to surface water is not lawfully established at the of the plan's notification (28 September 1998).

	The discharge shall not contain concentrations of hazardous substances that are causing significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.	
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 is a discretionary activity (requiring resource consent).*	**Applies.** As detailed above, the proposed stormwater discharges to water do not comply with Rule 3.5.11.4 and 3.5.11.7. Therefore, under Rule 3.5.11.8 the Project requires resource consent as a **discretionary activity**.
Section 3.6 – Daming and Diverting		
3.6.4.13	***Discretionary Activity Rule – Stopbanks, 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 stopbank, 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:* *is undertaken after the date of notification of this Plan, or affects a Significant Geothermal Feature does not occur in a cave system;* *is a discretionary activity (requiring resource consent).*	**Applies**. The Project results in the temporary and permanent damming and diversion of water associated with interception with the proposed stormwater ponds, wastewater infrastructure, earthworks, permanent retaining walls, culverts and the proposed building platforms. As such, the Project requires resource consent as a **discretionary activity.**

Table 3. WRP Section 4 – River and Lake Bed Module

Waikato Regional Plan Assessment		
Rule Number	**Rule Provision**	**Comments**
Section 4.2 River and Lake Bed Structures		
4.2.4.4	***Discretionary Activity Rule – Structures In, On, Under or Over the Beds of Rivers and Lakes*** *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).*	**Applies.** The proposed culverts (1-4) and the stormwater discharge structures discharge from the stormwater ponds to the Mangpiko Tributary. The proposed outlet structures exceed the dimensional limits of Rule 4.2.10.1. As such, they require resource consent as a Discretionary Activity.
4.2.10.1	***Permitted Activity Rule - Discharge and Intake Structures*** 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* ***2.*** *Any discharge of sediment associated with construction activities;* ***are permitted activities subject to the following conditions:*** a. *Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres.* b. *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.* c. *The structure shall be kept free of debris.* d. *The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.* e. *The structure shall be maintained in a structurally sound condition at all times.*	**Non-compliance.** The Civil Plan show the Project includes a number of stormwater discharge structures that will discharge to the Mangapiko tributary and exceed 500mm in dimeter. On this basis, the non-compliance requires resource consent as a discretionary activity under Rule 4.2.4.4.

	f. 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. *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 laces Trust approval has been obtained.* *j. 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.* *k. The structure shall provide for the safe passage of fish both upstream and downstream.* *l. 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.*	

Table 4. WRP Section 5 – Land and Soil Module

Waikato Regional Plan Assessment		
Rule Number	**Rule Provision**	**Comments**
Section 5.1 Land and Soil Module		
5.1.4.14	***Controlled Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas*** *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 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* 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.*	Not applicable. The proposed earthworks exceed the standards identified in Rule 5.1.4.14.

	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.* ***Exclusion to Rule 5.1.4.14:*** *This Rule shall not apply to vegetation clearance within high risk erosion areas and riparian vegetation clearance where it is for the express purposes of erosion control or natural hazard mitigation, provided Waikato Regional Council is notified in writing at least ten (10) working days prior to the activity commencing. (Rule 5.1.4.11 applies).* *This Rule shall not apply to the clearance of planted production forest where the clearance is for the express purpose of constructing access across the bed of a river where the crossing structure and associated earthworks are otherwise permitted by this plan or a resource consent.*	
5.1.4.15	***Discretionary Activity Rule – Soil Disturbance, Roading, Tracking, Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas*** *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*	**Applies.** The proposed earthworks and involves soil disturbance within areas that 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**.

2. *Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure)*
3. *Soil disturbance activities exceeding two hectares in area*
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*
    i. *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 (requiring resource consent).

Exclusions to Rule 5.1.4.15:

This Rule shall not apply to vegetation clearance within high risk erosion areas and riparian vegetation clearance where it is for the express purposes of erosion control or natural hazard mitigation, provided

	Waikato Regional Council is notified in writing at least ten (10) working days prior to work commencing. (Rule 5.1.4.11 applies).	
Section 5.2 Discharges onto Land		
5.2.5.4	***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:* 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*	**Non-compliance.** The Project anticipates using approximately 26,846 m of imported pavement material. As such, the Project does not comply with Rule 5.2.5.4.

	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.* ***Exclusions to rule 5.2.5.4:*** *a. This Rule does not apply to discharges of cleanfill for the purpose of erosion control structures in Rule 4.2.5.1.* *b. 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.*	
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*	**Applies.** 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 listed in Rule 5.2.5.4 will be exceeded, cleanfill placement in those areas requires resource consent as a **controlled activity**.

	4. *Any wetlands45 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:* 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 potential46.* d. *The placement of the material shall be undertaken and maintained in manner so as to ensure its long-term stability.* e. *The activity shall not cause any increase in flooding on neighbouring properties.* ***Exclusions to Rule 5.2.5.5:*** a. *This Rule does not apply to cleanfill disposal for the purpose of erosion control structures in Rule 4.2.15.1.* b. *This Rule does not apply to soil disturbance activities where cleanfill is reused, such as land contouring, and roading, tracking which are addressed by methods and rules in Section 5.1.4.*	
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 (requiring resource consent). Exclusions to Rule 5.2.5.6: a. This Rule does not apply to discharges of contaminants into land that will affect significant Geothermal Features.	**Applies**. Cleanfill placement may occur within high-risk locations. Accordingly, the activity requires resource consent as a **discretionary activity** under this rule.

	b. 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.	
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:* *a. If the dust suppressant is a hazardous substance of 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).* *b. 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.* **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.*	**Complies**. Water will be used as the primary dust suppressant during construction. If required, 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. As such, the use of water for dust suppression is a **permitted activity**.

Waipa District Plan

Table 5. WDP Section 4 – Rural Zone

Waipa District Plan Rule Assessment – Section 4 Rural Zone		
Rule Number	**Rule Provision**	**Comments**
Section 4.4.1 – Rural Zone Activity Status Table		
4.4.1.5	*Activity Status Table – Non-complying Activities*	
4.4.1.5(b)	***Non-complying Activities:*** *All other activities not listed in activity status table Rules 4.4.1.1 to 4.4.1.4 and not listed as a prohibited activity.*	**Applies.** The activity is classified as a **non-complying activity** under Rule 4.4.1.5(b), as it is not listed in Rules 4.4.1.1 to 4.4.1.4 and is not identified as a prohibited activity. The proposed land use activities being a retirement village consisting of a care facility, communal facility, and standalone dwellings, duplexes and apartments are not provided for in the Rural Zone.
Section 4.4.2 – Rural Zone Performance Standards		
4.4.2.1	***Rule - Minimum building setback from road boundaries*** *The minimum building setback from road boundaries shall be:* *a. For dwellings, and for buildings less than 100m2 – 15m* *b. For buildings over 100m2 (other than dwellings) – 30m* *Provided that:* *c. For dwellings and buildings adjacent to a designated State Highway – 30m* *d. For dwellings and buildings adjacent to the Waikato Expressway (Designation D20) – 30m*	**Non-compliance**. The Architecture Plans show the following setback non-compliances, based on the proposed State Highway boundary. Non-compliance with performance standard 4.4.2.1(a) requires resource consent as a **non-complying activity**; and non-compliance with performance standard 4.4.2.1(b) and (c) require resource consent as a **discretionary activity.**

4.4.2.2	***Rule - Minimum setbacks from internal site boundaries*** *The minimum building setback from internal site boundaries shall meet the following:* *a. Dwellings – 15m* *b. Dwellings on sites 1ha or less – 10m* *c. Accessory buildings to dwellings less than or equal to 100m2 – 10m* *d. All other buildings less than or equal to 250m2 – 15m* *e. All other buildings greater than 250m2 – 25m* *Provided that buildings may be erected up to any common boundary with an adjoining site which is in the same holding.*	**Non-compliance.** The Project will establish villas within the required 15 m side and rear yard setback, while the serviced apartment and care facility, which exceed 250 m² in gross floor area, are located within 25 m of the side boundary. The Site Setback Compliance Plan shows the Project does not comply with the permitted activity rules 4.4.2.2(a) and (e). Non-compliance with performance standards 4.4.2.2(a) and (e) require resource consent as a **restricted discretionary activity**.
4.4.2.3	***Dwellings adjoining marae***	Not applicable.
4.4.2.4	***Minimum setback for confinement of animals***	Not applicable.
4.4.2.5	***Poultry farming***	Not applicable.
4.4.2.6		
4.4.2.7	***Minimum building setback from the boundary of a significant natural area***	**Non-compliance**. The Site and Setback Plan shows no villas are proposed within 10m of the SNA. However, the landscaping plan shows a timber boardwalk and footbridge associated with the proposed pathway will be located within the SNA. Non-compliance with performance standard 4.4.2.7 requires resource consent as a **restricted discretionary activity**.
4.4.2.8	***Building setback from commercial forestry***	Not applicable.
4.4.2.9	***Height of Buildings*** *Buildings in all areas except for those affected by the approach surfaces, transitional surfaces, horizontal surface, conical surface, as delineated on the Planning Maps for Hamilton International Airport and also in Appendix O9 shall not exceed 12m in height above ground level.*	**Non-compliance .** The Architecture Plans show apartment Blocks B, C, D, and E exceed 12m in height. Non-compliance with performance standard 4.4.2.9 requires resource consent as a **restricted discretionary activity.**

4.4.2.10	***Maximum building coverage*** *The maximum amount of a site which can be covered by buildings is:* *a. 3% for sites of one hectare or more.* *b. 10% for sites less than one hectare.* *Provided that this rule does not apply to the Tokanui Dairy Research Centre or to dwellings.*	**Non-compliance**. The Architecture Plans show the site's total building coverage will be 4.7054 ha or 18% of the site's area. Non-compliance with permitted activity standard 4.4.2.10(a) requires resource consent as a **restricted discretionary activity**.
4.4.2.11	***Special height requirements for Hamilton International Airport***	Not applicable.
4.4.2.12	***Daylight control*** *No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the front boundary, side boundary or rear boundary of a site.*	**Non-compliance**. The Architecture Plans show Apartment Block E exceeds the daylight control by 5.25m vertically and 4.3m horizontally. Non-compliance with performance standard 4.4.2.12 requires resource consent as a **restricted discretionary activity**.
4.4.2.13	***Processing and storage of produce grown on-site***	Not applicable.
4.4.2.14	***Housing and keeping of pigs***	Not applicable.
4.4.2.15	***Rule - Noise*** *Noise generating activity other than that from farm animals including farm dogs, agricultural vehicles (when not being used for recreational purposes), agricultural machinery or equipment (including produce packing facilities where the only produce packed is grown on-site) operated and maintained in accordance with the manufacturer's specifications and in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing and the like, but not including frost fans) and provided that the best practicable option (including the option for the activity to take place at another time of the day), is adopted to ensure that the emission of noise does not exceed a reasonable level; shall be conducted and buildings located, designed and used to ensure that they do not exceed the following limits within the*	**Will comply**. The operational noise of the village will comply with the requirements in performance standard 4.4.2.15.

	notional boundary of any dwelling (excluding dwellings within mineral extraction sites): *a. Day time - 7.00am to 10.00pm – 50dBA (Leq)* *b. Night time - 10.00pm to 7.00am – 40dBA (Leq)* *c. Night time single noise event – 70dBA (Lmax)* *The noise levels shall be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with New Zealand Standard NZS 6802:2008 Acoustics – Environmental noise. Provided that this rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.*	
4.4.2.16	***Mineral extraction air blast over pressure***	Not applicable.
4.4.2.17	***Helicopter noise***	Not applicable.
4.4.2.18	***Vibration***	Not applicable.
4.4.2.19	***Construction noise*** *Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.*	**Will comply**. The operational noise of the village will comply with the requirements in performance standard 4.4.2.19.
4.4.2.20	***Noise: audible bird scaring devices***	Not applicable.
4.4.2.21	***Noise: audible bird scaring devices***	Not applicable.
4.4.2.22	***Noise: wind farms***	Not applicable.
4.4.2.23	***Noise: temporary military activities***	Not applicable.
4.4.2.24	***Noise: temporary military activities***	Not applicable.
4.4.2.25	***Noise insulation: noise sensitive activities***	Not applicable.
4.4.2.26	***Noise insulation: noise sensitive activities*** *Where a noise sensitive activity is proposed to be located within:*	**Will comply**. The proposed villas will be constructed to comply with the requirements listed in performance standard 4.4.2.26.

	a. 40m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or *b. 80m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or* *c. 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority); or* *d. The Cambridge North Road Noise Effects Area as identified on the Planning Maps;* *then the building shall be insulated so that it achieves the following noise levels:* *i. Inside habitable rooms (including bedrooms) 40dB LAeq (24hr)*	
4.4.2.27	***Noise insulation: noise sensitive activities***	Not applicable.
4.4.2.28	***Airport noise***	Not applicable.
4.4.2.29		
4.4.2.30		
4.4.2.31	***Airport noise mitigation programme***	Not applicable.
4.4.2.32		
4.4.2.33		
4.4.2.34		
4.4.2.35		
4.4.2.36		
4.4.2.37		
4.4.2.38		
4.4.2.39		
4.4.2.40		

4.4.2.41		
4.4.2.42	***Frost fans***	Not applicable.
4.4.2.43		
4.4.2.44	***Signs*** *The following signs are permitted:* *a. A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign(s) shall exceed the following:* *i. In the Tokanui Dairy Research Centre the maximum total area of a sign is 3m2 and the total areas of signs on a site shall not exceed 5m2.* *ii. In all other instances 1.2m2 visible in any one direction with a maximum area of 2.4m2.* *b. Signs advertising that the land or premises are for sale or lease. The maximum size of each sign shall be no more than 2m2 and no more than four signs are permitted on a site at any one time.* *c. A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m2 and no more than one sign is permitted on a site at any one time.* *d. Within the Tokanui Dairy Research Centre, signs giving information on forthcoming field days and displayed not more than 90 days before and three days after the event.* *e. Signs of any materials erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.* *f. Health and Safety at Work Act 2015 related signs.* *Provided that in all cases:* *i. Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; and*	**Will comply**. Any associated signs will comply with the requirements listed in Rule 4.4.2.44.

	ii. Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags or be painted in colours that are used on traffic signals; and *iii. All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and* *iv. A freestanding sign shall be placed so that no part is more than 2m above ground level; and* *v. Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and* *vi. Signs shall be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.*	
4.4.2.45	***Signs***	Not applicable.
4.4.2.46	***Solid and liquid waste generated off-site***	Not applicable.
4.4.2.47	***Solid and liquid waste storage and spreading setbacks***	Not applicable.
4.4.2.48	***Solid and liquid waste storage and spreading setbacks***	Not applicable.
4.4.2.49	***Temporary construction buildings*** *Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.*	**Will comply.** The temporary construction buildings will only be used in conjunction with the duration of the construction required to deliver the Project.
4.4.2.50	***Rules - Temporary construction buildings*** *Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum building setback requirements of the Rural Zone.*	**Non-compliance**. Site offices, storage yards, and builders' workshops are proposed to support the construction of the Project over a period likely to exceed one year. Temporary construction buildings are defined as buildings that remain in place for a maximum of one year from the commencement of construction. Given the staged nature of the Project and the anticipated duration of construction, temporary construction buildings

		may be required on-site for longer than one year. On that basis, compliance with Rule 4.4.2.50 cannot be demonstrated. Non-compliance with performance standard 4.4.2.50 will require a resource consent for a **discretionary activity**.
4.4.2.51	***Temporary event***	Not applicable.
4.4.2.52		
4.4.2.53		
4.4.2.54	***Identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps***	Not applicable.
4.4.2.55		
4.4.2.56		
4.4.2.57	***Uplifting of a Quarry Buffer Area***	Not applicable.
4.4.2.58	***Tree planting***	Not applicable.
4.4.2.59	***Harvesting of commercial and/or woodlot forestry***	Not applicable.
4.4.2.60	***Planted indigenous forestry*** *Planted indigenous forestry shall not occur within a significant natural area (Appendix N5), bush stand (Appendix N8) or on other land which meets the criteria for determining significance of indigenous biodiversity as identified in the Waikato Regional Policy Statement.*	Not applicable. The Project proposes enhancement indigenous planting within the SNA. However, the purpose of the planting is for enhancement and not for harvesting or commercial use. Therefore the enhancement planting does not meet the definition of planted indigenous forestry.
4.4.2.61	***Plantation Forestry Activities***	Not applicable.
4.4.2.62	***Home occupations***	Not applicable.
4.4.2.63	***Activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB)***	Not applicable.
4.4.2.64		
4.4.2.65	***External aircraft noise octave band adjustments for sound insulation design***	Not applicable.
4.4.2.66	***Ventilation standards***	Not applicable.
4.4.2.67		
4.4.2.68		

4.4.2.69		
4.4.2.70	***External aircraft noise octave band adjustments for sound insulation design***	Not applicable.
4.4.2.71	***Maximum building coverage of new buildings in the Narrows Concept Plan Area***	Not applicable.
4.4.2.72	***Set back from Waikato River for the Narrows Concept Plan Area***	Not applicable.
4.4.2.73	***Tokanui Dairy Research Centre Core Campus Area***	Not applicable.
4.4.2.74		
4.4.2.75	***Rules - Earthworks*** *Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m^3 in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.*	**Non-compliance**. The IR and Earthworks Plans show the proposed earthworks will exceed 1000 m^3. Non-compliance with performance standard 4.4.2.75 requires resource consent as a **discretionary activity**.
4.4.2.76	***Earthworks***	Not applicable.
4.4.2.77	***Buildings and structures within the National Grid Yard***	Not applicable.
4.4.2.78		
4.4.2.79	***Relocated buildings***	Not applicable.
4.4.2.80	***Farm workers' dwellings***	Not applicable.
4.4.2.81	***Fencing for goat farming***	Not applicable.
4.4.2.82	***Fencing for deer farming***	Not applicable.
4.4.2.83		
4.4.2.84	***Pasture reinstatement***	Not applicable.
4.4.2.85	***Residential Based Visitor Accommodation***	Not applicable.
4.4.2.86		
4.4.2.87		

Table 6. WDP Section 15 – Infrastructure Hazards, Development and Subdivision

Waipa District Plan Rule Assessment – Section 15 Infrastructure, Hazards, Development and Subdivision		
Rule Number	**Rule Provision**	**Comments**
Section 15.4.1 – Rural Zone Activity Status Table		
15.4.1.1	*Activity Status Table* *This table includes rules that apply to all zones and zones specific activity status rules, both of which may be applicable to an activity.* *For all the activities listed in this table the performance standard Rules 15.4.2 will apply. The activity status for activities which fail to comply with the performance standards is identified under each rule. For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.*	**Applies.** The proposal requires resource consent as a **Non-complying Activity** for subdivision not provided for under Rule 15.4.1.1.
Section 15.4.1 – Part A: All development and subdivision		
15.4.2.1(o)	***Net lot area rules***	Non-compliance. The proposed subdivision is residential in nature and does not comply with the minimum net lot area requirements listed in Rule 15.4.2.1. Non-compliance with performance standard requires resource consent as a **non-complying activity**.
15.4.2.1A	***Medium Density Residential Zone subdivision around existing or proposed dwellings***	Not applicable.
15.4.2.2	***Existing consent notices, bonds, and other legal instruments***	Not applicable.
15.4.2.3	***Lot frontage, lot shape factor and vehicle crossings***	Non-compliance.

		The proposed subdivision is for a comprehensive retirement village development. As such, it does not comply with the rural zone standards for minimum frontages, shape factors and vehicle crossings. Non-compliance with performance standard 15.4.2.3 requires resource consent as a **discretionary activity**.
15.4.2.4	***Minimum width of vehicle access to rear lots***	**Non-compliance**. The proposed subdivision is for a comprehensive retirement village development. As such, it does not comply with the rural zone standards for access to rear allotments. Non-compliance with performance standard 15.4.2.3 requires resource consent as a **discretionary activity**.
15.4.2.5	***Lot design***	Not applicable.
15.4.2.6		
15.4.2.7		
15.4.2.8		
15.4.2.9		
15.4.2.10		
15.4.2.11	***Design and layout of development and subdivision adjoining water bodies and reserves***	Not applicable.
15.4.2.12	***Lots within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country***	Not applicable. The subdivision involves creating super allotments around the SNA. However, the Scheme Plans and Architecture Plans shows not development is proposed within the SNA.
15.4.2.13	***Site suitability: General*** *Subdivision and development shall have a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.*	**Complies.** The subdivision gives effect to the land use consent which confirms the location for the proposed buildings.

15.4.2.14	***Site suitability: within or adjoining a Flood Hazard Area*** *Subdivision and development within or adjoining a Flood Hazard Area identified on the Planning Maps, or as shown on the Houchens Road Large Lot Residential Structure Plan at Appendix S13, shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100 year flood level).*	Not applicable. The site is not located within an identified Flood Hazard Area or High Risk Flood Zone.
15.4.2.15	***Site suitability: within or adjoining a Flood Hazard Area*** *No subdivision and development shall occur within a High Risk Flood Zone.*	
15.4.2.16	***Infrastructure servicing in all zones*** *All lots in a subdivision and any sites in a development shall be connected to the following infrastructure services:* *a. Formed public road or new road; and* *b. Electricity; and* *c. Telecommunications; and* *d. Fibre optic cable.*	**Non-compliance**. The subdivision of the super allotments does not provide the infrastructure requirements. The Scheme Plan, Architecture Plans, and Infrastructure Report and Plans confirm the proposed residential allotments will comply with the infrastructure requirements. Non-compliance with performance standard 15.4.2.16 requires resource consent as a **non-complying activity**.
15.4.2.17	***Design, location and maintenance of services for medium density residential development***	Not applicable.
15.4.2.18	***Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits*** *All lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:* *a. Wastewater reticulation and treatment; and* *b. Water supply for domestic, or industrial, or commercial activity; and*	Not applicable. Although the Project is not located within the specified zones, it provides connections for each unit to the wastewater, water supply for domestic and water supply for firefighting services.

	c. *Water supply for fire fighting purposes.*	
15.4.2.19	*Any proposed connection to the mains water supply shall be located in the berm adjacent to the building it is supplying and not require crossing under road carriageways.*	Not applicable.
15.4.2.19a	*An infrastructure capacity assessment by a suitably qualified and experienced person will be required where it is proposed to establish more than two dwellings on a site located within the Infrastructure Constraint Qualifying Matter Overlay to ensure that there is sufficient capacity in the infrastructure network to deal with the additional demand being placed on the existing network from developments.*	Not applicable. The Infrastructure Report confirmed there is sufficient capacity in the network to accommodate the demand of the development.
15.4.2.20	*Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones shall:* a. *Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into Council's reticulation system at pre development levels; and* b. *Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.* c. *Except that a. and b. above shall not apply to the C1 and C2/C3 growth cells where regional and/or district resource consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.*	Not applicable.
15.4.2.21	***When infrastructure services are not provided by Council***	Not applicable.
15.4.2.22		
15.4.2.23		
15.4.2.24	***Wastewater disposal***	Not applicable.
15.4.2.25	***Stormwater***	Not applicable.
15.4.2.26		

15.4.2.27	***Tree Planting on Roads: Residential, Medium Density Residential and Large Lot Residential Zones***	Not applicable.
15.4.2.28		
15.4.2.29	***National Grid Yard***	Not applicable. The site is not subject to areas identified as a National Grid Yard.
15.4.2.30	***Proximity to poultry farming activities***	Not applicable. The site is not identified as being within 500m of a poultry farming activity.
Part B: Development and subdivision for specific activities (not applicable)		
15.4.2.31	***Lots for network utilities***	Not applicable.
15.4.2.32	***Amendments to flats plans cross lease, company lease or unit title***	Not applicable.
15.4.2.33	***Boundary relocations***	Not applicable.
15.4.2.34		
15.4.2.35	***Subdivision of a surplus dwelling in the Rural Zone***	Not applicable.
15.4.2.36		
15.4.2.37		
15.4.2.38		
15.4.2.39		
15.4.2.40		
15.4.2.41	***Activities with land use consents***	Not applicable.
15.4.2.42	***Transferable Development Rights***	Not applicable.
15.4.2.43		
15.4.2.44	***Transferable Development Rights: location of holdings and recipient sites***	Not applicable.
15.4.2.45		
15.4.2.46	***Transferable Development Rights: donor holding rules***	Not applicable.
15.4.2.47		
15.4.2.48	***Transferable Development Rights: recipient site rules***	Not applicable.
15.4.2.49		

15.4.2.50		
15.4.2.51	***Environmental benefit lots: Maungatautari Ecological Island***	Not applicable.
15.4.2.52	***Environmental benefit lots: significant natural areas or features***	Not applicable.
15.4.2.53	***Environmental benefit lots: Te Awa Cycleway in the Rural Zone***	Not applicable.
15.4.2.54	***Environmental benefit lots: biodiversity (river or stream) corridor***	Not applicable.
15.4.2.55	***Environmental benefit lots: additions to significant reserves***	Not applicable.
15.4.2.56	***Esplanade reserves, esplanade strips, and access strips***	Not applicable.
15.4.2.57		
15.4.2.58		
15.4.2.59	***Easements by access strip for access only from lots more than four hectares***	Not applicable.
15.4.2.60	***Esplanade strips***	Not applicable.
15.4.2.61	***Stopped roads to be esplanade reserves or access strips***	Not applicable.
15.4.2.62	***Deleted by PC 26***	Not applicable.
Section 15.4.1 – Part C: Development and subdivision of 7 or more lots in any zone		
15.4.2.63	***Greenfield lot design***	Not applicable.
15.4.2.64	***Design and location of infrastructure services***	Not applicable.
15.4.2.65	***Roads***	Not applicable.
15.4.2.66		
15.4.2.67		
15.4.2.68	***Location and design of reserves***	Not applicable.
Part D: Development and Subdivision in a Structure Plan – Not applicable		
Part E: Comprehensive Development Plan Areas – Not applicable		
15.4.2.63	***Greenfield lot design***	Not applicable.

Table 7. WDP Section 16 – Transport

Waipa District Plan Rule Assessment – Section 16 Transport		
Rule Number	**Rule Provision**	**Comments**
Section 16.4.1 – Transport Activity Status Table		
16.4.1.1(a)	*Permitted, Controlled or Restricted Discretionary activities b. to j. shall comply with the performance standards of 16.4.2. Failure to comply with the performance standards of 16.4.2 will result in the activity being a discretionary activity or as specified in 16.4.2.*	**Applies.** The Project requires resource consent as a **discretionary activity** being an activity generating 100 vehicles or more per day on a State Highway that does not comply with performance standards 16.4.2.2 – Road Hierarchy and 16.4.2.4 – Vehicle Entrance Separation from Intersections and Vehicle Entrances.
16.4.1.1(b)	*Activities that comply with the loading space requirements of Appendix T1.*	**Applies.** The ITA confirms the Project complies with the loading space and amblunace parking requirements. As such, 16.4.1.1(b) confirms this is a **permitted activity** in the Rural Zone.
16.4.1.1(c)	*Activities generating less than 100 vehicles per day that require a new vehicle entrance onto any State Highway or major arterial road.*	Not applicable.
16.4.1.1(d)	*Activities generating 100 vehicles or more per day onto any State Highway or major arterial road.*	**Applies.** In accordance with Rule 16.4.2.22, the proposal requires resource consent as a **restricted discretionary activity**.
16.4.1.1(e)	*Activities generating less than 100 vehicles per day that do not require a new vehicle entrance onto any State Highway or major arterial road.*	Not applicable.
16.4.1.1(f)	*Any activity on sites other than heritage sites that cannot provide vehicle entrances, parking, loading or manoeuvring on-site.*	Not applicable.
16.4.1.1(g)	*Any vehicle access to land providing for an activity, where vehicle access to a road is obtained by crossing a railway line.*	Not applicable.

16.4.1.1(h)	*Any access to land providing for more than one activity, where access to a road is obtained by crossing a railway line.*	Not applicable.
16.4.1.1(i)	*Provision of 25 or more car parks on a site.*	**Applies.** The Project provides more than 25 carparks on the site. Rule 16.4.1.1(i) confirms this is a **permitted activity** in the Rural Zone.
Section 16.4.2 – Performance Standards		
16.4.2.1	***Road hierarchy*** *All structure plans, plan changes, developments, and subdivisions must be consistent with the road hierarchy, as contained in Appendix T5.*	**Complies.**
16.4.2.2	*To maintain the effectiveness of the road hierarchy, a road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy.*	**Non-compliance.** The proposed Collector 1 Road directly connects with a Major Arterial Road (SH3) rather than a Minor Arterial. Non-compliance with performance standard 16.4.2.2 requires resource consent as a **discretionary activity**.
16.4.2.3	*To maintain the effectiveness of the road hierarchy, when a site has two road frontages, vehicle access and egress must be from the lesser road type, as shown in the matrix below:*	**Complies**. All property accesses are proposed to be off either the Collector Road or the Local Roads within the development. No vehicle access or egress will be available directly from the Major Arterial (State Highway).
16.4.2.4	***Vehicular access to sites in all zones*** *Every site shall be provided with vehicle access to a formed road that is constructed to a permanent standard. The vehicle access shall be designed to accommodate the demands of all traffic from the activity on that site, taking into account the form and function of the road.*	**Complies.** All properties within the development are provided with vehicle access conforming to the RITS guidance.
16.4.2.5	***Vehicle entrance separation from intersections and other vehicle entrances*** *The minimum distance of a vehicle entrance (accessway) from an intersection or other entrance shall be as follows, where the values for K, M and N are included in the following table:*	**Non-compliance.** The ITA identifies certain intersections will not comply with the minimum vehicle entrance separation distance.

		Non-compliance with performance standard 16.4.2.5 requires resource consent as a **discretionary activity**.
16.4.2.6	***Vehicle entrance separation from railway level crossings***	Not applicable.
16.4.2.7	***Minimum sight distance requirements for a railway level crossing***	Not applicable.
16.4.2.8	***Vehicle access to compact housing development***	Not applicable.
16.4.2.9	***Vehicle access to sites in the Commercial Zone***	Not applicable.
16.4.2.10		
16.4.2.11		
16.4.2.12	***Vehicle access to sites in the Industrial Zone***	Not applicable.
16.4.2.13	***Parking, loading and manoeuvring area*** *All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide loading/unloading spaces for vehicles on the site as set out in Appendix T1.*	**Complies.** The Project provides one space for a 90-percentile car and one space for an ambulance in the care home and the community hub carpark.
16.4.2.14	*Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:* *a. Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and* *b. Be designed, formed, and constructed to ensure that the surface of the required area provides a dust free environment; and* *c. Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and* *d. Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and*	**Complies**. The ITA confirms the vehicle parking and loading areas comply with the requirements listed in Rule 16.4.2.14.

	e. *Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.15 and 16.4.2.16 apply.* *For the avoidance of doubt, rear sites that are served by an access leg/driveway that is in sole ownership are considered to be part of the site.* *Provided that:* i. *In all zones the vehicle entrance may cross the road boundary setback; and* ii. *For front and corner sites in the Residential Zone and Medium Density Residential Zone where Rules 16.4.2.15 and 16.4.2.16 do not apply, vehicle parking and manoeuvring areas associated with dwellings may encroach into the setbacks, provided that a 1m wide setback is retained at the road boundary, excluding the vehicle entrance; and* iii. *For rear sites in the Residential Zone and Medium Density Residential Zone served by an access leg/driveway, vehicle parking and manoeuvring associated with dwellings may encroach into any setback (refer to diagram following Rule 16.4.2.16); and* iv. *In the St Peters School Zone this rule shall not apply and the provisions of Rule 11.2.4.31 shall apply to all vehicle parking, loading/unloading and manoeuvring areas; and* v. *In the Residential, Medium Density, and Commercial Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained; and* vi. *In the Large Lot Residential, Industrial and Airport Business Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained where granular material or storm water runoff from the area will enter the road corridor; and*	

	vii. In the Rural and Large Lot Residential Zones private rights of way must have an all-weather (metal) surface. Where existing dwellings are located within 15m of a private right of way, the surface must be sealed and drained.	
16.4.2.15 16.4.2.16	***Exemption for on-site vehicle manoeuvring areas in the Residential Zone and Medium Density Residential Zone***	Not applicable.
16.4.2.17	*The design and layout of sites shall ensure that access to each required loading and unloading space, or parking space if provided is directly from the required access or manoeuvring area.*	**Complies**.
16.4.2.18	*Vehicle manoeuvring areas, loading and unloading spaces, and if provided, parking spaces, including those spaces located in a garage, shall be provided on a site, of a standard adequate to accommodate a 99.8 percentile car, or a 99 percentile truck, in order to ensure that all vehicles have the ability to access the adjoining road in a forward direction after no more than a three point turning manoeuvre on the site, except where Rule 16.4.2.16 applies.* *For the avoidance of doubt rear sites that are served by an access leg/driveway that are in sole ownership are considered to be part of the site.*	Not applicable.
16.4.2.19	*All car parks (if provided) shall be marked or delineated on-site, except in the Residential Zone, Medium Density Residential Zone, and in the St Peters School Zone.*	**Complies**. The ITA confirms all the car parks are proposed to be marked within the Care Home and Community Hub car parks
16.4.2.20	***Car park landscaping and lighting*** *Other than in the St Peters School Zone, all car parks must:* *a. Provide at least one tree planted for every 5 car parking spaces at a grade of no less than PB95. For the avoidance of doubt, PB95 is equivalent to a tree that is at least 1.5m tall at the time of planting; and* *b. Ensure lighting is designed to avoid shading areas or isolating areas of public use.*	**Complies**. The Landscaping Plan shows the Project exceeds the tree planting requirements for any common carparking areas.

	Provided that in the Commercial Zone, car parks with more than 25 car parking spaces shall be a restricted discretionary activity.	
16.4.2.21	***Provision of bicycle parking facilities*** *In areas other than the Rural Zone and Pedestrian Frontages, activities employing more than ten people must provide bicycle parking facilities at a rate of one bicycle park for every ten people employed.*	**Not applicable.** The ITA confirms the Project will comply with this performance standard although the site is located within the Rural Zone.
16.4.2.22	***Provision of an integrated transportation assessment*** *A Simple or Broad Integrated Transport Assessment shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds:*	**Complies.** The Project exceeds the vehicles per day onto a Major Arterial Road and has provided an Integrated Transport Assessment (**Appendix 16).** Under Rule 16.4.2.22, the Project requires resource consent as a **restricted discretionary activity**.

Table 8. Section 24 – Indigenous Lake and Biodiversity

Waipa District Plan Rule Assessment – Section 24 Indigenous Lake and Biodiversity		
Rule Number	**Rule Provision**	**Comments**
Section 24.4.1 – Activity Status Tables		
24.4.1.1(a)	***Management of indigenous vegetation***	Not applicable.
24.4.1.1(b)		
24.4.1.1(c)		
24.4.1.1(d)		
24.4.1.1(e)	***Customary activities***	
24.4.1.1(f)	***Construction and maintenance of tracks*** *Trimming, pruning and removal of indigenous vegetation on or within 2m of existing tracks, or water intake structures, required for maintenance purposes*	Not applicable.
24.4.1.1(g)	*Removal of indigenous vegetation for a track up to 3m wide for the Te Awa Cycleway.*	Not applicable.
24.4.1.1(h)	*Removal of indigenous vegetation for construction of new tracks (excluding conservation activities and the Te Awa Cycleway).*	Not applicable. Rule 24.4.1.1 requires resource consent as a restricted discretionary activity for the removal of indigenous vegetation associated with the construction of a new track. While the Project proposes the construction of a new track, no indigenous vegetation within the Significant Natural Area (SNA) will be removed to enable its construction. Accordingly, Rule 24.4.1.1 is not triggered.
24.4.1.1(i)	***Network utilities, electricity transmission and distribution***	Not applicable.
24.4.1.1(j)		
24.4.1.1(k)		
24.4.1.1(l)	***Removal of manuka or kanuka***	Not applicable.
24.4.1.1(m)	***Sustainable harvesting of indigenous vegetation***	Not applicable.

24.4.1.1(n)	***Removal of indigenous vegetation for any other purpose***	Not applicable. Rule 24.4.1.1 requires resource consent as a discretionary activity for the removal of indigenous vegetation associated for any other purpose. In addition to the construction of the track, part of the track requires construction of a boardwalk and bridge which will not involve the removal of any indigenous vegetation. Further, no other indigenous vegetation will be removed from the SNA. Accordingly, Rule 24.4.1.1(n) is not applicable.

Table 9. Section 26 – Lakes and Water Bodies

Waipa District Plan Rule Assessment – Section 26 Lakes and Water Bodies		
Rule Number	**Rule Provision**	**Comments**
Section 26.4.1 – Activity Status Tables		
26.4.1.1	***Permitted Activities***	Not applicable. The Project involves vegetation clearance within 23m of a water body but is not provided for under Rule 26.4.1.1(e).
26.4.1.2	***Controlled activities***	
26.4.1.3	***Restricted Discretionary Activities*** *(a) Activities which fail to comply with Rule 26.4.2.1.*	**Applies.** Under Rule 26.4.1.3(a) the Project requires resource consent as a **restricted discretionary activity** for non-compliance with performance standard 26.4.2.1.
26.4.1.4	***Discretionary activities***	**Not applicable.**
26.4.1.5	***Non-complying activities*** *(a) Any building within 23m of the edge of the Waipā, Waikato, Pūniu, Kaniwhaniwha, Mangapiko, Mangaohoi, Karāpiro and Owairaka rivers/streams as measured at their maximum annual water level, as shown on the Planning Maps, except within the Karāpiro and Arapuni Hydro Power Zone.*	Not applicable.
26.4.1.6	***Prohibited activities***	
Section 26.4.2 – Performance Standards		
26.4.2.1	***23m setback from lakes and water bodies*** *No building, wastewater treatment system, earthworks, vegetation clearance or feed pads shall be erected or undertaken within 23m of the edge of any lake or water body as measured at its maximum annual water level, provided that this rule shall not apply to:* *a. The Karāpiro and Arapuni Hydro Power Zone.*	**Non-compliance.** The Project proposes earthworks (vegetation clearance) within 23 m of the artificial ponds and the natural inland wetlands.

	b. Maimai not exceeding 6m2 in floor area; or *c. Earthworks and vegetation removal associated with conservation planting of river banks and lakes; or* *d. St Kilda Residential Structure Plan Area; or* *e. Clearance of vegetation undertaken in accordance with Rule 26.4.1.1.e. or f.; or* *f. Harvesting of forestry over 5m from a water body.*	
26.4.2.1	*No building shall be erected within 23m of the edge of the Waipā, Waikato, Pūniu, Kaniwhaniwha, Mangapiko, Mangaohoi, Karāpiro and Owairaka rivers/streams as measured at their maximum annual water level, as shown on the Planning Maps, except within the Karāpiro and Arapuni Hydro Power Zone.*	Not applicable. The site is not located within 23m of the identified rivers/streams.