

Rules Assessment

Operative Far North District Plan 'ODP'

Site Zoning	
Zone	Rural Production
Overlays/Controls	None
Designations	None

Rule	Compliance	Non-Compliance
Rural Production		
8.6.5.1.1 RESIDENTIAL INTENSITY Residential development shall be limited to one unit per 12ha of land		Does not Comply 12 additional residential units are proposed on a site of approximately 4ha. Non-Complying Activity as it cannot comply with the RDA or D standards.
8.6.5.1.2 SUNLIGHT No part of any building shall project beyond a 45-degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary	Before Subdivision - Complies - The proposed buildings across the site will comply with the permitted height in relation to boundary standard.	After Subdivision - The proposed buildings across the site will not comply with the permitted height in relation to boundary standard as they infringe the internal site boundaries. Discretionary Activity as it cannot comply with the RDA standards.

Rule	Compliance	Non-Compliance
8.6.5.1.3 STORMWATER MANAGEMENT The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%		Before Subdivision - The proposed buildings across the site will not comply with the permitted impermeable surface standard. After Subdivision - The proposed lots cannot comply with the 15% maximum impermeable surface area. WILL NOT COMPLY
8.6.5.1.4 SETBACK FROM BOUNDARIES No building shall be erected within 10m of any site boundary.	Before Subdivision – Complies - The proposed buildings across the site will comply with the permitted setback standard of 10m.	After Subdivision - The proposed lots will not be able to comply with the permitted 10m setback from site boundaries. Restricted Discretionary Activity
8.6.5.1.8 BUILDING HEIGHT The maximum height of any building shall be 12m	Complies The proposed buildings across the site will comply with the permitted height standard of 12m. Refer to the Architectural Plans included as Attachment 2 Permitted Activity	
8.6.5.1.10 BUILDING COVERAGE Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.		Before Subdivision - The proposed buildings across the site will not comply with the permitted building coverage standard of 12.5%. After Subdivision – Each of the proposed lots cannot comply with the permitted building coverage standard of 12.5%.

Rule	Compliance	Non-Compliance
		WILL NOT COMPLY
8.6.5.1.11 SCALE OF ACTIVITIES For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater. Provided that: (a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; or		Does Not comply Approximately 6 employees will be on-site operating the propose commercial area. This cannot comply with the RDA rules. Discretionary Activity 8.6.5.4.4 SCALE OF ACTIVITIES When the total number of people engaged at one period of time in activities on a site, other than activities ancillary to farming or forestry, including employees and persons making use of facilities, but excluding people who normally reside on a site or are members of the household, does not comply with Rule 8.6.5.1.11(ii), it is a discretionary activity.

Rule	Compliance	Non-Compliance
(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; or (c) this number may be exceeded where persons are visiting marae.		
Natural and Physical Resources		
12.3.6.1.1 EXCAVATION IN THE RURAL PRODUCTION ZONE Excavation in the Rural Production Zone is permitted, provided that: (a) it does not exceed 5,000m³ in any 12-month period per site; and (b) it does not involve a continuous cut or filled face exceeding an average of 1.5m in height over the length of the face i.e. the maximum permitted average cut and fill height may be 3m.	Complies (a) The proposal results in a total earthwork volume of 3,193m³. Refer to the earthworks plan within the Civil Plans included at Attachment 6. (b) As shown on the civil plans, no cut or fill height will exceed 2.6m. Permitted Activity.	
12.4.6.1.2 FIRE RISK TO RESIDENTIAL UNITS (a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest; (b) Any trees in a deliberately planted woodlot or forest shall be planted at least 20m away from any urban		Does not Comply The proposed residential units will be approximately 20m from the nearest deliberately planted area. Discretionary Activity.

Rule	Compliance	Non-Compliance
environment zone, Russell Township or Coastal Residential Zone boundary, excluding the replanting of plantation forests existing at July 2003.		
Subdivision		
13.7.1.1 Minimum Lot Sizes PA - 20ha CA - 12ha DA – 4ha		Does Not Comply Each proposed residential lot will not be 4ha Non-Complying activity
13..7.2.2 Allotment Dimensions 30m x 30m		Does Not Comply Each Proposed residential lot cannot accommodate a 30 x 30m dimension Non-Complying activity

13.11 NON-COMPLYING (SUBDIVISION) ACTIVITIES

Subdivision is a non-complying activity where:

- (a) If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity; or
- (b) the subdivision is in a Coastal Hazard 1 Area, as shown on the Coastal Hazard Maps;
- (c) the subdivision is in the Recreational Activities and Conservation Zones. Any application for a subdivision in the Recreational Activities and Conservation Zones will be publicly notified; or
- (d) a new boundary line passes through the Outstanding Natural Feature (Appendix 1A) or Outstanding Landscape Feature (Appendix 1B) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977. This clause does not apply within the Puerua Heritage Precinct.

Rule	Compliance	Non-Compliance
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(e) if a subdivision activity does not comply with the standards of Rule 13.8.1 (National Grid Corridor).

The Council will use the assessment criteria in 13.10 as a guide when assessing non-complying subdivision activities in conjunction with the matters set out in Sections 104, 104B, 104D and 106 of the Act.

Transport		
15.1.6A.2.1 TRAFFIC INTENSITY Rural Production 60 or 30 if access is via a State Highway		Does Not Comply Based on the current master plan there is 12 residential units and 10 one-way movements per unit are the permitted standard. Further, 10 one-way movements per 100m ² for the commercial purposes. This would result in about 160 one-way movements which cannot comply with this standard. Restricted Discretionary Activity
15.1.6B.1.1 ON-SITE CAR PARKING SPACES Res unit: 2 per unit Retail 1 per 25m ² GBA	Complies The development provides 34 parking spaces for the residential dwellings and 13 parking spaces for the retail shop. Permitted Activity	
15.1.6B.1.3 KERIKERI ROAD ON-SITE CAR PARKING SPACES Where: (i) an activity establishes; or	Complies None of the parking spaces are located within 2m of the road frontage. Permitted Activity.	

Rule	Compliance	Non-Compliance
(ii) the nature of an activity changes; or (iii) buildings are altered on a site with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive, none of the required public on-site car parking spaces shall be located within that part of the site between the Kerikeri Road boundary and a parallel line 2m therefrom.		
15.1.6B.1.4 ACCESSIBLE CAR PARKING SPACES Where onsite parking is provided or is to be provided for all buildings and activities in accordance with Rule 15.1.6B.1.1, except dwellings, car parking spaces for those with disabilities will be provided as follows: (a) Accessible car parking spaces shall be provided at the following ratio: Number of General Car Parking Spaces Provided Number of Accessible Car Parking Spaces Required 20 or less car parking spaces provided One accessible car parking space.	Complies The development provides one accessible parking space measuring 3.5m wide by 5.0m long. Permitted Activity.	
15.1.6B.1.5 CAR PARKING SPACE STANDARDS (a) The required size of off-street car parking spaces, the manoeuvring space between, and the vehicle circulation routes providing access to them, shall be as set out in Appendix 3D. (b) Stacked parking will be permitted for one of two spaces associated with a specific residential unit. In determining the extent of area required for manoeuvring	Complies For 90-degree casual user spaces, the District Plan requires 2.5m wide spaces by 4.9m long with 8.1m manoeuvring space. The spaces provided measure 2.5m wide by 5.0m long with 8.1m manoeuvring space. Permitted Activity.	

Rule	Compliance	Non-Compliance
space, the Council will be guided by the Tracking Curve diagrams as shown in Appendix 3E. (c) All parking, loading, access drives and manoeuvring areas shall be formed and provided with an all weather surface, drained, marked out and maintained to the satisfaction of the Council, and shall be kept free and available for the uses intended. Where a parking area provides four or more car parking spaces is adjacent to a road, a kerb or a barrier shall be provided to prevent direct access except at the designated vehicle access point.		
15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES (a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan. (b) Minimum access widths and maximum centreline gradients, are set out in the Appendix 3B-1 t. (c) A private accessway may serve a maximum of 8 household equivalents. (d) Where a subdivision serves 9 or more sites, access shall be by public road.	(a) Complies - The requirements for a private accessway for 5-8 housing equivalents in the rural production zone are detailed below. Legal width – 7.5m Carriageway width – 5.0m Max unsealed grade – 1:5 The private accessway measures 6.0m wide and features gradients less than 1:5. (b) as above complies. (d) before subdivision – the site access arrangements will comply. (e) Complies - The access locations are existing and are being upgraded as part of the proposal. The nearest intersection is over 170m to the north. The Kerikeri	Does not Comply (c) The private accessway serves 12 new residential dwellings plus the existing dwelling. (d) After Subdivision – the access is not proposed to be utilised as a public road. Discretionary Activity

Rule	Compliance	Non-Compliance
(e) Access shall not be permitted: (i) onto a State Highway or a Limited Access Road; (ii) onto an arterial or collector road within 90m of its intersection with an arterial road or a collector road; (iii) onto an arterial or collector road within 30m of its intersection with a local road; (iv) onto a local road within 30m of its intersection with an arterial or collector road.	Road access restrictions do not apply to this section of Kerikeri Road.	
15.1.6C.1.3 PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES (a) Where required, passing bays on private accessways are to be at least 15m long and provide a minimum usable access width of 5.5m. (b) Passing bays are required: (i) in rural and coastal zones at spacings not exceeding 100m; (ii) on all blind corners in all zones at locations where the horizontal and vertical alignment of the private accessway restricts the visibility.	Complies The accessway features a 6.0m wide carriageway width for its full length. Permitted Activity	

Rule	Compliance	Non-Compliance
(c) All accesses serving 2 or more sites shall provide passing bays and vehicle queuing space at the vehicle crossing to the legal road.		
15.1.6C.1.4 ACCESS OVER FOOTPATHS The following restrictions shall apply to vehicle access over footpaths: (a) no more than two crossings per site; and (b) the maximum width of a crossing shall be: 6m	Complies No footpath exists at the road frontage. Permitted Activity	
15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES (a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009). (b) Where the access is off a sealed road, the vehicle crossing plus splays shall be surfaced with permanent impermeable surfacing for at least the first 5m from the road carriageway or up to the road boundary, whichever is the lesser. (c) Where the vehicle crossing serves two or more properties the private accessway is to be 6m wide and is to extend for a minimum distance of 6m from the edge of the carriageway.	Complies (a) The private accessway will comply with Council Engineering Standards (b) This will be complied with (c) The vehicle crossings both measures at least 6.0m wide. Permitted Activity	

Rule	Compliance	Non-Compliance
15.1.6C.1.7 GENERAL ACCESS STANDARDS (a) Provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road. (b) All bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle. (c) Any access where legal width exceeds formation requirements shall have surplus areas (where legal width is wider than the formation) grassed. (d) Runoff from impermeable surfaces shall, wherever practicable, be directed to grass swales and/or shall be managed in such a way as will reduce the volume and rate of stormwater runoff and contaminant loads.	Complies (a) All vehicles will enter and exit the site in a forward direction. (b) Vehicle tracking is detailed in Attachment B of the Transport Assessment included as Attachment 4 . (c) Will comply (d) Will comply Permitted Activity	

Proposed Far North District Plan 'PDP'

Site Zoning	
Zone	Horticultural
Overlays/Controls	None
Designations	None

Rule	Compliance	Non-Compliance
Rules and Standards That Have Immediate Legal Effect under the PDP		
Part 2 – District Wide Matters /Hazards and Risks / Hazardous Substances		
HS-R2 Establishment of a New Significant Hazardous Facility	N/A	

Rule	Compliance	Non-Compliance
HS-R5 Significant Hazardous facility Within a Scheduled Site and Area of Significance to Māori	N/A	
HS-R6 Significant Hazardous facility Within a Significant Natural Area	N/A	
HS-R9 Significant Hazardous facility Within a Scheduled Heritage Resource	N/A	
Part 2 – District Wide Matters / Historical and Cultural Values / Heritage Area Overlays		
HA-R1 Maintenance and Repair of Buildings or Structures	N/A	
HA-R2 Additions or Alterations to Existing Buildings or Structures	N/A	
HA-R3 Strengthening or Fire Protection of Scheduled Heritage Resource	N/A	
HA-R4 New buildings or Structures	N/A	
HA-R5 Earthworks	N/A	
HA-R6 Infrastructure and Renewable Electricity Generation Infrastructure	N/A	
HA-R7 Buildings or Structures (including additions and alterations) Located within the Alderton Park Development	N/A	
HA-R8 New Buildings or Structures	N/A	
HA-R9 New Buildings or Structures	N/A	
HA-R10 Infrastructure and Renewable Electricity Generation Infrastructure	N/A	
HA-R11 Activities Not Otherwise Listed in this chapter	N/A	
HA-R12 Relocation of a Scheduled Heritage Resource	N/A	
HA-R13 Demolition of a scheduled Heritage resource not otherwise listed in Rule HA-R13	N/A	

Rule	Compliance	Non-Compliance
HA-R14 Demolition or relocation of a scheduled Heritage Resource	N/A	
HA-S1 Setback From a scheduled heritage resource	N/A	
HA-S2 Heritage Colours	N/A	
HA-S3 Accidental Discovery Protocol	N/A	
Part 2 – District Wide Matters / Historical and Cultural Values / Historic Heritage		
HH-R1 Maintenance and Repair of Scheduled Heritage Resources Buildings or Structures	N/A	
HH-R2 Additions or Alterations of Scheduled Heritage Resources Buildings or Structures	N/A	
HH-R3 Strengthening or Fire Protection of Scheduled Heritage Resource Buildings or Structures	N/A	
HH-R4 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures	N/A	
HH-R5 Earthworks	N/A	
HH-R6 Infrastructure and Renewable Electricity Generation Infrastructure Within a Site Containing a Scheduled Heritage Resource	N/A	
HH-R7 Relocation of a Scheduled Heritage Resource	N/A	
HH-R8 Activities Not Otherwise Listed in this Chapter	N/A	
HH-R9 Demolition of a scheduled Heritage resource not otherwise listed in Rule HH-R10	N/A	
HH-R10 Demolition or relocation of a scheduled Heritage Resource	N/A	
Part 2 – District Wide Matters / Historical and Cultural Values / Notable Trees		
NT-R1 Gardening, Mowing and Cultivation Within the Rootzone Area of a Notable Tree	N/A	

Rule	Compliance	Non-Compliance
NT-R2 Maintenance, Pruning and Trimming of Branches of a Notable Tree	N/A	
NT-R3 Removal or Pruning of an Unsafe or Dead Notable Tree	N/A	
NT-R4 Pruning of a Notable Tree Close to Existing Electricity Lines	N/A	
NT-R5 New Underground Infrastructure (including customer connections) and Upgrading of Existing Underground Infrastructure in the Rootzone Area of a Notable Tree	N/A	
NT-R6 Alterations to the Rootzone Area of a Notable Tree or Trees	N/A	
NT-R7 Earthworks, Impermeable Surfaces, Buildings or Structures within a Rootzone Area of a Notable Tree or Trees	N/A	
NT-R8 Removal or Relocation of a Notable Tree	N/A	
NT-R9 Activities Not Otherwise Listed in This Chapter	N/A	
NT-S1 Qualified Arborist – Level 4	N/A	
NT-S1 Qualified Arborist – Level 6	N/A	
Part 2 – District Wide Matters / Historical and Cultural Values / Sites and Areas of Significance to Māori		
SASM-R1 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures, Earthworks or Indigenous Vegetation Clearance	N/A	
SASM-R2 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures, Earthworks or Indigenous Vegetation Clearance	N/A	
SASM-R3 Activities Not Otherwise Listed in this Chapter	N/A	
SASM-R4 Commercial Activity	N/A	

Rule	Compliance	Non-Compliance
SASM-R5 Plantation Forestry and Plantation Forestry Activity	N/A	
SASM-R6 Mineral Extraction Activity	N/A	
SASM-R7 Destruction or Demolition of a Scheduled Site and Area of Significance to Māori	N/A	
Part 2 – District Wide Matters / National Environment Values / Ecosystems and Indigenous Biodiversity		
IB-R1 Indigenous Vegetation Pruning, Trimming and Clearance and Any Associated Land Disturbance for Specified Activities Within and Outside a Significant Natural Area	N/A	
IB-R2 Indigenous Vegetation Clearance and Any Associated Land Disturbance within a Significant Natural Area for Papakāinga	N/A	
IB-R3 Indigenous Vegetation Clearance and Any Associated Land Disturbance Within a Significant Natural Area	N/A	
IB-R4 Indigenous Vegetation Clearance and Any Associated Land Disturbance Outside a Significant Natural Area	N/A	
IB-R5 Plantation Forestry and Plantation Forestry Activities Within a Significant Natural Area	N/A	
Part 2 – District Wide Matters / Subdivision		
SUB-R6 Environmental Benefit Subdivision	N/A	
SUB-R13 Subdivision of a Site Within a Heritage Area Overlay	N/A	
SUB-R14 Subdivision of a Site That Contains a Scheduled Heritage Resource	N/A	

Rule	Compliance	Non-Compliance
SUB-R15 Subdivision of a Site Containing a Scheduled Site and Area of Significance to Māori	N/A	
SUB-R17 Subdivision of a Site Containing a Scheduled SNA	N/A	
Part 2 – District Wide Matters / General District Wide Matters / Activities on the Surface of Water		
ASW-R1 The Use of Non-Motorised Craft	N/A	
ASW-R2 The Use of Motorised Craft	N/A	
ASW-R3 Structures	N/A	
ASW-R4 Any Activity Not Provided for as a Permitted or Discretionary in This Chapter	N/A	
Part 2 – District Wide Matters / General District Wide Matters / Earthworks		
EW-R12 Earthworks and the Discovery of Suspected Sensitive Material	Complies	
EW-R13 Earthworks and Erosion and Sediment Control	Complies	
EW-S3 Accidental Discovery Protocol	Complies	
EW-S5 Erosion and Sediment Control	Complies	
Part 2 – District Wide Matters / General District Wide Matters / Signs		
SIGN-R9 Signs on or Attached to a Scheduled Heritage Resource	N/A	
SIGN-R10 Signs in the Kororāreka Russell and Kerikeri Heritage Areas	N/A	
SIGN-S1 Maximum Sign Area Per Site	N/A	
SIGN-S2 Maximum Height of Signage	N/A	
SIGN-S3 Maximum Number of Signs	N/A	
SIGN-S4 Traffic Safety	N/A	
SIGN-S5 Sign Design and Content	N/A	

Rule	Compliance	Non-Compliance
SIGN-R6 Sign Setback and Design	N/A	
Part 3 – Area Specific Matters / Special Purpose Zones / Orongo Bay		
OBZ-R14 Comprehensive Development Plan	N/A	

Proposed Regional Plan for Northland – February 2024

Rule	Compliance	Non-Compliance
Proposed Regional Plan for Northland Feb 2024		
C.3 Damming and Diverting Water		
C.3.1.1 Off-stream damming and diversion – permitted activity The damming or diversion of rainfall runoff, including in sediment ponds and stormwater detention structures, or water in an artificial watercourse are permitted activities, provided: 1) the activities do not dam or divert water in a continually or intermittently flowing river, natural wetland or lake, and 2) the activities do not adversely affect the reliability of water supply of an authorised water take, and 3) a one percent annual exceedance probability flood event must be accommodated by the dam or an overland flow path without increasing flood levels upstream or downstream of the structure beyond the land or structures owned or controlled by the person undertaking the activities, and 4) the dammed or diverted water does not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded, and 5) the activities must not cause change to the seasonal or annual range in water level of any natural wetland, and 6) the level of a lake or downstream flow in a continually or intermittently flowing river is not reduced below a minimum flow or minimum level, and	1) The proposal will not divert water to any continually or intermittently flowing river, natural wetland or lake 2) N/A 3) Will comply 4) Will comply 5) N/A 6) N/A 7) Will Comply 8) N/A	

Rule	Compliance	Non-Compliance
7) the structure must be maintained in a sound condition, and functioning for the purpose it was designed for, and at all times be capable of withstanding a one percent annual exceedance probability flood without structural failure or risk to people or other property, and 8) if the maximum reservoir capacity of the dam is more than 20,000 cubic metres, the person doing the activity must notify the Regional Council's Compliance Manager (in writing or by email) prior to the activities occurring with: a) the name, address, and phone number of the person undertaking works, and b) the location of the dam, and c) the reservoir capacity and dam structure height.		
C.4 Land Drainage and Flood Control		
C.4.1.1 Land drainage – permitted activity The damming, diversion and discharge of water associated with land drainage are permitted activities, provided: 1) the activity complies with all relevant conditions of C.4.1.9 Land drainage and flood control general conditions, and 2) any resulting land subsidence or slumping does not cause adverse effects on structures or infrastructure on other property, and 3) the discharge is in or from the same catchment in which the water would naturally flow, and 4) the discharge is not within the catchment of an Outstanding Lake or a dune lake with outstanding or high ecological value, and 5) a new drain is not constructed within 15 metres of an existing wastewater disposal area.	1) The proposal will comply with all relevant conditions of C.4.1.9 2) Will comply 3) Will comply 4) Will comply 5) No new drain will be constructed within 15 meters of any existing wastewater area.	
C.4.1.9 Land drainage and flood control general conditions General conditions apply to activities when referred to in the rules of C.4.1 Land drainage and flood control. 1) There is no adverse flooding, erosion or over-drainage effects on other property.	1) no adverse flooding, erosion or over-drainage effects on other property will occur. 2) N/A 3) N/A	

Rule	Compliance	Non-Compliance
2) The activity does not alter the course of a lake or continually or intermittently flowing river. 3) New land drainage does not occur within 50 metres of any natural wetland. 4) Drainage does not cause any change to the seasonal or annual range in water level of a natural wetland to an extent that may adversely affect the wetland's natural ecosystem. 5) No vegetation, soil or other debris generated from the activity is placed in a position where it may be carried into a river or natural wetland, lake or the coastal marine area. 6) There is no damage to a flood defence or any other authorised structure. 7) Fish passage is maintained, unless an existing authorisation provides otherwise, or temporary works to enable repair and replacement works are being carried out. 8) Eels, fish (other than pest fish), kōura (freshwater crayfish) and kākahi (freshwater mussels) unintentionally removed during mechanical clearing of drainage channels are returned to the drainage channel as soon as practicable, but no later than one hour after their removal. 9) Refuelling of machinery does not take place in the bed of a river or lake. 10) Any discharge of drainage water does not contain concentrations of contaminants which have or are likely to have significant adverse effects on aquatic life in any river, wetland, or the coastal marine area. 11) The discharge to the water body or coastal marine area does not, beyond the zone of reasonable mixing: a) result in any conspicuous oil or grease films, scums or foams, or floatable or suspended material except where caused by natural events in the receiving water, and b) cause the pH of the receiving water to fall outside the range of 6.5 to 9.0 (except where caused by natural events, or when natural background levels fall outside that range), and	4) N/A 5) N/A 6) Will comply. 7) – 9) N/A 8) Will comply. 9) N/A. 10) Will comply. 11) – 16) N/A	

Rule	Compliance	Non-Compliance
c) cause any emission of objectionable odour in the receiving water, and d) cause any conspicuous change in colour or visual clarity of the receiving water, and e) cause the natural temperature of the receiving water body to be changed by more than three degrees Celsius, except in an Outstanding Freshwater Body where it must not be changed by more than one degree Celsius, and f) cause contamination which may render freshwater taken from a mapped priority drinking water abstraction point (refer I Maps Ngā mahere matawhenua) unsuitable for human consumption after existing treatment. 12) Any discharge of sediment associated with repair and maintenance activities does not occur for more than five consecutive days and must not occur for more than 12 hours on any one day. 13) Where in-river works involve bed disturbance from mechanical vegetation clearance or sediment removal: a) if undertaken between 1 August and 31 December, a visual inspection of the works area must be undertaken, immediately prior to in-river work starting. If a shoal of whitebait is present, no inriver works shall be undertaken until the shoal passes; and b) the works shall not occur more than once in any area between 1 August and 31 December of any year. 14) River bank disturbance is limited to one side of the waterway, at any one time. 15) When mechanically clearing aquatic vegetation, a weed bucket shall be used with a curved flat base and a slatted back. 16) The activity does not take place in an inanga spawning site between 1 March and 30 September.		
C.6 Discharges to Land and Water		

Rule	Compliance	Non-Compliance
C.6.1.3 Other on-site treated domestic wastewater discharge – permitted activity The discharge of domestic type wastewater into or onto land from an on-site system and the associated discharge of odour into air from the on-site system are permitted activities, provided: 1) the on-site system is designed and constructed in accordance with the Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012), and 2) the volume of wastewater discharged does not exceed two cubic metres per day, and 3) the discharge is not via a spray irrigation system or deep soakage system, and 4) the slope of the disposal area is not greater than 25 degrees, and 5) for wastewater that has received secondary treatment or tertiary treatment, it is discharged via: a) a trench or bed system in soil categories 3 to 5 that is designed in accordance with Appendix L of Australian/New Zealand Standard On-Site Domestic Wastewater Management (AS/NZS 1547:2012); or b) an irrigation line system that is dose loaded and covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and 6) for the discharge of wastewater onto the surface of slopes greater than 10 degrees: a) the wastewater, excluding greywater, has received at least secondary treatment, and b) the irrigation lines are firmly attached to the disposal area, and c) where there is an up-slope catchment that generates stormwater runoff, a diversion system is installed and maintained to divert surface water runoff from the up-slope catchment away from the disposal area, and 159		The proposed onsite system will result in 4,410L/day for the residential units and will result in 3,390L/day for the commercial areas. This will exceed 2m³ per day. Discretionary Activity

Rule	Compliance	Non-Compliance
d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or f) the irrigation lines are covered by a minimum of 100 millimetres of topsoil, mulch, or bark, and 7) the disposal area and reserve disposal area are situated outside the relevant exclusion areas and setbacks in Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems, and 8) for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and 9) the following reserve disposal areas are available at all times: a) one hundred percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or b) thirty percent of the existing effluent disposal area where the wastewater has received secondary treatment or tertiary treatment, and 10) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and 11) the discharge does not contaminate any groundwater water supply or surface water, and 12) there is no surface runoff or ponding of wastewater, and 13) there is no offensive or objectionable odour beyond the property boundary.		

Rule	Compliance	Non-Compliance																																												
Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems <table><tr><th>Feature</th><th>Primary treated domestic type wastewater</th><th>Secondary and tertiary treated domestic type wastewater</th><th>Greywater</th></tr><tr><td colspan="4">Exclusion areas</td></tr><tr><td>Floodplain</td><td>5% annual exceedance probability</td><td>5% annual exceedance probability</td><td>5% annual exceedance probability</td></tr><tr><td colspan="4">Horizontal setback distances</td></tr><tr><td>Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is down-slope of the disposal area</td><td>5 metres</td><td>5 metres</td><td>5 metres</td></tr><tr><td>River, lake, stream, pond, dam or natural wetland</td><td>20 metres</td><td>15 metres</td><td>15 metres</td></tr><tr><td>Coastal marine area</td><td>20 metres</td><td>15 metres</td><td>15 metres</td></tr><tr><td>Existing water supply bore</td><td>20 metres</td><td>20 metres</td><td>20 metres</td></tr><tr><td>Property boundary</td><td>1.5 metres</td><td>1.5 metres</td><td>1.5 metres</td></tr><tr><td colspan="4">Vertical setback distances</td></tr><tr><td>Winter groundwater table</td><td>1.2 metres</td><td>0.6 metres</td><td>0.6 metres</td></tr></table>	Feature	Primary treated domestic type wastewater	Secondary and tertiary treated domestic type wastewater	Greywater	Exclusion areas				Floodplain	5% annual exceedance probability	5% annual exceedance probability	5% annual exceedance probability	Horizontal setback distances				Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is down-slope of the disposal area	5 metres	5 metres	5 metres	River, lake, stream, pond, dam or natural wetland	20 metres	15 metres	15 metres	Coastal marine area	20 metres	15 metres	15 metres	Existing water supply bore	20 metres	20 metres	20 metres	Property boundary	1.5 metres	1.5 metres	1.5 metres	Vertical setback distances				Winter groundwater table	1.2 metres	0.6 metres	0.6 metres		
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C.6.4.2 Other stormwater discharges – permitted activity The diversion and discharge of stormwater into water or onto or into land where it may enter water from an impervious area or by way of a stormwater collection system, is a permitted activity, provided: 1) the discharge or diversion is not from: a) a public stormwater network, or b) a high-risk industrial or trade premises, and 2) the diversion and discharge does not cause or increase flooding of land on another property in a storm event of up to and including a 10 percent annual exceedance probability, or flooding of buildings on another property in a storm event of up to and including a one percent annual exceedance probability, and 3) where the diversion or discharge is from a hazardous substance storage or handling area:	1) complies 2) will comply, the Civil Infrastructure Report included as Attachment 6 outlines all proposed stormwater details. 3) N/A 4) N/A 6) will comply 7) will comply 8) will comply	Does not Comply 5) The entire site has been identified as a HAIL site. Discretionary Activity C.6.4.6 Stormwater discharges onto or into contaminated land or from high-risk industrial or trade premises – discretionary activity																																												

Rule	Compliance	Non-Compliance
a) the stormwater collection system is designed and operated to prevent hazardous substances stored or used on the site from entering the stormwater system, or b) there is a secondary containment system in place to intercept any spillage of hazardous substances and either discharges that spillage to a trade waste system or stores it for removal and treatment, or c) if the stormwater contains oil contaminants, the stormwater is passed through a stormwater treatment system designed in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998) prior to discharge, and 4) where the diversion or discharge is from an industrial or trade premises: a) the stormwater collection system is designed and operated to prevent any contaminants stored or used on the site, other than those already controlled by condition 3) above, from entering stormwater unless the stormwater is discharged through a stormwater treatment system, and b) any process water or liquid waste stream on the site is bunded, or otherwise contained, within an area of sufficient capacity to provide secondary containment equivalent to 100 percent of the quantity of any process water or liquid waste that has the potential to spill into a stormwater collection system, in order to prevent trade waste entering the stormwater collection system, and 5) the diversion or discharge is not into potentially contaminated land, or onto potentially contaminated land that is not covered by an impervious area, and 6) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and 7) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and		

Rule	Compliance	Non-Compliance
8) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing: a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or b) a conspicuous change in the colour or visual clarity, or c) an emission of objectionable odour, or d) the rendering of freshwater unsuitable for consumption by farm animals, or e) the rendering of freshwater taken from a mapped priority drinking water abstraction point (refer I Maps Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.		
C.6.8.1 Investigating potentially contaminated land – permitted activity The disturbance of land for a site investigation to assess the concentration of hazardous substances in soil, water or air is a permitted activity, provided: 1) the site investigation is certified by a suitably qualified and experienced practitioner, and 2) the person or organisation initiating the site investigation provides a copy of the site investigation report to the Regional Council within three months of the completion of the investigation, and 3) site investigations undertaken to assess the concentrations of contaminants in soil are undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011).	Complies 1) A DSI has been prepared by Land Development & Engineering. 2) this report will be provided to NRC within 3 months. 3) The DIS has been undertaken in accordance with with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011). Permitted Activity	
C.6.8.2 Discharges from contaminated land – permitted activity The passive discharge of a contaminant from contaminated land into water, or onto or into land where it may enter water is a permitted activity, provided: 1) in sensitive groundwater the concentration of a contaminant at the	The report prepared by LDE included as Attachment 10, details compliance with all of these requirements.	

Rule	Compliance	Non-Compliance
property boundary or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed: a) the relevant contaminant concentrations in the Drinking Water Standards for New Zealand 2005 (revised 2008), and b) the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 80 percent protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and 2) in non-sensitive groundwater the concentration of a contaminant at the property boundary, or within 50 horizontal metres of the contaminant source (whichever is less), does not exceed the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 80 percent protection of species, except for benzene which is to be applied at a level of 1 milligram per litre (95 percent protection of species), and 3) in surface water, the concentration of a contaminant, at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), or immediately adjacent to any surface water or coastal water, does not exceed the relevant contaminant concentrations measured as dissolved concentrations in Table 3.4.1 in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1 (ANZECC 2000) at the level of 95 percent protection of species, and 4) concentrations of chlorinated solvents in soil gas do not exceed the land use specific Interim Health Investigation Levels for soil gas at one metre depth in Table 1A(2) of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater) of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (updated 2013) at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and		

Rule	Compliance	Non-Compliance
5) concentrations of petroleum hydrocarbons in soil gas do not exceed the land use specific target soil air concentrations at one metre depth in Appendix 4J of the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Ministry for the Environment, 2011) at the property boundary or within 50 horizontal metres of the contaminant source (whichever is less), and 6) light non-aqueous phase liquids (LNAPLs)²⁴ must have a LNAPL transmissivity of less than 0.07 square metres per day, or a suitably qualified and experienced practitioner must certify that the LNAPL is unlikely to be mobile using a lines of evidence approach, and 7) for dense non-aqueous phase liquids (DNAPL)²⁵ a suitably qualified and experienced practitioner must certify that the DNAPL is unlikely to be mobile and in free phase form using a lines of evidence approach, and 8) non-aqueous phase liquids do not extend across the property boundary, and 9) a site investigation has been certified by a suitably qualified and experienced practitioner that the passive discharge complies with conditions (1) to (7) of this rule as relevant, and 10) the site investigation report demonstrates that the passive discharge of the contaminants of concern is equal to or less than the relevant contaminant concentrations set out in conditions (1) to (7) above.		
C.8 Land use and disturbance activities		
C.8.3.1 Earthworks		
Earthworks outside the bed of a river, lake, wetland, inanga spawning site and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities provided: 1) the area and volume of earthworks at a particular location or associated with a project complies with 5,000m²	2) No geothermal surface features within 20m. 3) Sediment control will comply. 4) Will comply.	Does Not Comply 1) The total earthworks will occur over an area of approximately 7,606m² Controlled Activity

Rule	Compliance	Non-Compliance
2) the discharge is not within 20 metres of a geothermal surface feature, and 3) except for coastal dune restoration activities, good management practice erosion and sediment control measures equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and 4) batters and side castings are stabilised to prevent slumping, and 5) exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, and 6) earth and debris are not deposited into, or in a position where they can enter, a natural wetland, a continually or intermittently flowing river, a lake, an artificial watercourse, or the coastal marine area, and 7) the earthworks activity does not: a) reduce the height of a dune crest in a coastal riparian and foredune management area, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or b) exacerbate flood or coastal hazard risk on any other property, or c) create or contribute to the instability or subsidence of land on other property, or d) divert flood flow onto other property, and 8) any associated damming, diversion and discharge of stormwater does not give rise to any of the following effects in the receiving waters beyond the zone of reasonable mixing: a) any conspicuous change in colour or visual clarity, or b) the rendering of freshwater unsuitable for consumption by farm animals, or	5) Will comply. 6) N/A 7) Will comply. 8) Will comply. 9) Will comply. 10) Will comply.	

Rule	Compliance	Non-Compliance
c) contamination which may render freshwater taken from a mapped priority drinking water abstraction point (refer I Maps Ngā mahere matawhenua) unsuitable for human consumption after existing treatment, and 9) information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request, and 10) the Regional Council's Compliance Manager is given at least five working days' notice (in writing or by email) of any earthworks activity being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in sand dunes within a coastal riparian and foredune management area.		