

Appendix 6

Rules Assessment

APPENDIX 6: COMPLIANCE WITH RELEVANT PLANNING PROVISIONS

District Wide Matters

Transport	Compliance	Consents required / areas of non-compliance
TRA-R2 Required Spaces Permitted if constructed in accordance with TRA Appendix 1.	1 bicycle space required. A maximum of 10 car parks and a minimum of 1 bicycle parking space are proposed. Permitted Activity	
TRA-R3 Location and Identification 1. All car parking spaces and loading spaces are: a. Not located on any footpath, access, manoeuvring or outdoor living court area. b. Not located within any strategic road protection area. c. Permanently marked or delineated, except where they are: i. Associated with a residential unit which is not part of a multi-unit development.	The proposed car parking spaces for the café will comply. No spaces are required as part of the proposed subdivision. Permitted Activity	
TRA-R4 Parking Gradient All car parking spaces, loading spaces and associated manoeuvring areas do not have a gradient steeper than: a. 1 in 16 for surfaces at 900 to the angle of the parking. b. 1 in 20 for surfaces parallel to the angle of the parking.	All proposed car parking spaces and manoeuvring areas for the café will comply. No spaces are required as part of the proposed subdivision. Permitted Activity	
TRA-R5 Vehicle Crossing design and location 1. Permitted where constructed in accordance with TRA Appendix 2. 2. A shared private access serves no more than 8 principle residential units. 3. The vehicle crossing is not fronting a state highway. 4. Any unused vehicle crossings are reinstated to match the existing footpath and kerbing.	1. A number of vehicle crossings are proposed to be constructed at time of subdivision to ensure location does not interfere with parking bays and services. Locations of remaining crossings will be confirmed at time of site development. 3. N/A	2. Three access lots are proposed: Lot 300: - serving lots 12 and 14 Lot 301 – serving lots 16 and 17 Lot 302 –serving lots 65 – 74 Lot 302 will serve 10 lots. Restricted Discretionary Activity

5. The vehicle or pedestrian crossing is not over a railway corridor.	4. Existing vehicle crossings at 131 and 189 Three Mile Bush will be decommissioned and reinstated. 5. N/A	
TRA-R6 Setbacks 1. The new vehicle crossing is located at least: a. 30m from a railway level crossing. b. 8m from a dedicated pedestrian crossing facility (including pedestrian crossing, midblock pedestrian signals, refuge islands and traffic signalled intersections). c. 2m from a separate vehicle crossing.	1. Vehicle crossings are not proposed at time of subdivision as locations will be confirmed at time of site development. Permitted Activity	
TRA-R7 Manoeuvring Space 1. All areas provide sufficient on-site manoeuvring space: a. To ensure that no vehicle is required to reverse either onto or off the site, except for front sites where: i. Access is gained from an Access or Low Volume Road; and ii. Less than 3 car parking spaces are required on-site under TRA Appendix 1. b. That enables vehicles occupying a car parking space or loading space to have ready access to the road at all times, without needing to move any other vehicles occupying other car parking spaces or loading spaces, except for: i. Parking associated with an individual residential unit. ii. Staff parking areas associated with an individual activity; or ... d. For every car parking space, to accommodate the 90th percentile car tracking curves in Figure TRA 1 so that only one reverse manoeuvre is required to manoeuvre in or out of any car parking space. e. For every loading space, to comply with the tracking curves set out in	1. A number of vehicle crossings are proposed to be constructed at time of subdivision to ensure location does not interfere with parking bays and services. Locations of remaining crossings will be confirmed at time of site development. All proposed residential allotments are of a sufficient size to provide compliant onsite manoeuvring. 10 car parks are proposed within lot 22 to service a future café. All manoeuvring will comply. Permitted Activity	

the NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007) so that only one reverse manoeuvre is required to manoeuvre in or out of any loading space.		
TRA-R8 Vehicle Crossing, Access and Parking Area 1. Vehicle crossings accessing a sealed road are sealed to a standard not less than that of the adjoining road surface. 2. On-site access and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances: a. Urban Zone sites. e. Any accessway serving more than 5 principal residential units.	1. Vehicle crossings are proposed to be constructed at time of subdivision for specified lots - Will comply. Permitted Activity	
TRA-R9 Setbacks (Strategic Road Protection)	N/A Permitted Activity.	
TRA-R9A New Buildings, Excluding Minor Buildings (Strategic Railway Line Protection)	N/A Permitted Activity.	
TRA-R10 Landscaping Within Parking Areas. Permitted where; 1. Uncovered ground level parking area: a. 20-200 adjacent parks provide landscaping within or adjacent to parking area to a minimum of 5% of the total parking area.	1.a. Less than 20 uncovered ground level parking are proposed for the proposed café. Permitted Activity.	
TRA-R11 Tree Planting Within Parking Areas. Permitted where; 1. All uncovered grown level parking areas where at least 20 parks are required to provide at least 1 tree for every 20 parks and each tree: a. Is planted within or adjacent to parking area. b. Has a minimum height of 4m above ground at maturity. c. Has a minimum canopy shade of 30m ² at maturity.	N/A Permitted Activity.	

TRA-R12 Electric Vehicle Charging Station All parking areas, except those associated with a residential activity, where 50 or more car parking spaces are required by TRA Appendix 1 sets aside space for at least 1 parking space for an electric vehicle charging station per every 50 required car parking spaces.	1. Less than 50 car parks are proposed for the proposed café. Permitted Activity.	
TRA-R13 Subdivision Controlled Where: 1. The site does not contain an indicative road or a strategic road protection area. 2. Subdivision results in all sites having access and crossings which comply with TRA-R5 – R6. 4. Subdivision results in a shared access which serves no more than 8 allotments.	1. N/A	2 and 4. Proposed commonly owned access lot 302 will serve more than 8 lots, failing to comply with TRA-R5. Restricted Discretionary Activity
TRA-R14 Any Activity Activity Status: Restricted Discretionary Where, with respect to Table TRA 15: 3. Any subdivision proposes more than 25 vacant allotments; or 4. Subdivision is proposed of an allotment that existed at 15 April 2021 and the area of the parent allotment is equal to or larger than: b. 1ha within the General Residential Zone or Rural Village Residential Zone.		3. The subdivision, proposes 76 vacant allotments. 4. The proposal includes the subdivision of a 4.99ha site, larger than 1ha in the General Residential Zone. Restricted Discretionary Activity Note: Integrated Traffic Assessment has been prepared to comply with REQ.2 see Appendix 7.
TRA-R15 Any Activity Activity Status: Restricted Discretionary Where, with respect to Table TRA 16: 3. Any subdivision proposes more than 50 vacant allotments; or 4. Subdivision is proposed of an allotment that existed at 15 April 2021 and the area of the parent allotment is equal to or larger than: b. 2ha within the General Residential Zone or Rural Village Residential Zone.		
TRA-R16 Construction of Any New Public Road or Service Lane		The proposed subdivision includes a new loop road and

Restricted Discretionary Activity		intersection with Three Mile Bush Road.
TRA- R17 Major Roading Alteration to an Existing Public Road Restricted Discretionary Activity.		Restricted Discretionary Activity Note: Integrated Traffic Assessment has been prepared to comply with REQ.3 see Appendix 7.
Three Waters Management	Compliance	Consents required / areas of non-compliance
TWM-R2 Stormwater Restricted Discretionary Where: All allotments are designed for: a. The collection, treatment and disposal of stormwater that meets the following requirements: i. Any attenuation is able to accommodate an additional 20% for climate change. ii. The primary stormwater system is capable of conveying a 50% AEP storm event (+20%) where the system is a piped network with no surcharge. iii. The primary stormwater system is capable of conveying a 20% AEP storm event (+20%) where the system is a piped network allowing a discharge within 0.3m of the lid level. iv. The secondary stormwater system is capable of conveying the 1% AEP storm event (+20%) within a defined path to ensure that surface water will not enter buildings (excluding detached garages). v. The stormwater system will not connect or overflow to any wastewater system. vi. The stormwater system is designed and constructed for an asset life of at least 50 years. b. Connection to a public reticulated stormwater network where the allotment is located within a reticulated stormwater area.		The proposed subdivision includes the construction of three stormwater ponds which have been designed with capacity to mitigate post development flows refer to Three Waters Design Report – Appendix 8. Restricted Discretionary Activity
TWM-R3 Wastewater Restricted Discretionary Where: 1. All allotments (excluding any allotment for access, roads, utilities		All residential allotments proposed are designed and located to ensure that collection, treatment and disposal of wastewater will be by way of connection to public

and reserves) are designed and located so that provision is made for: a. Collection, treatment and disposal of wastewater. b. Connection to a public reticulated wastewater network where the allotment is located within a reticulated wastewater area.		reticulation. As detailed in Three Waters Design Report – Appendix 8 . Restricted Discretionary Activity
TWM-R4 Water Supply Restricted Discretionary Where: 1.All allotments (excluding any allotment for access, roads, utilities and reserves where no irrigation is required) are designed and located so that provision is made for: a. A water supplies. b. Connection to a public reticulated water supply network where the allotment is located within a reticulated water supply area.		All residential allotments proposed are designed and located to ensure potable water will be supplied by way of connection to public reticulation. As detailed in Three Waters Design Report – Appendix 8 . Restricted Discretionary Activity
TWM-R5 Integrated Three Waters Assessments Controlled Where: The subdivision results in 8 or more additional allotments from one parent allotment which existed.		The proposed subdivision will result in 76 allotments. Controlled Activity Note: Integrated Three Waters Assessment has been prepared to comply with REQ.1 see Appendix 8 .
Critical Electricity Lines and Substations	Compliance	Consents required / areas of non-compliance
CEL.1.2.1 Permitted Activity Land Use The following activities are permitted activities: 1. Within 10m of a CEL or the designation boundary of a substation: i. Any building or structure that does not require building consent; or ii. Alteration of any building or major structure (excluding minor buildings) that does not exceed outside the envelope or footprint of the existing building or major structure (excluding minor buildings); or	Northpower Critical Electricity Line – Overhead CEL are located within the north-eastern corner of 189 Three Mile Bush Road. The CEL was converted to an underground line as part of the neighbouring subdivision at 115 Three Mile Bush Road (The James). The proposal will not result in any building or structure, earthworks that will result in	The proposal will result in rehabilitation planting within 20m of the CEL. Restricted Discretionary Activity

<p>iii. Earthworks, gardening or cultivation that: a. Are not directly above an underground cable(s); and b. Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and c. Are in accordance with NZECP 34:2001.</p> <p>2. Within 20m of a CEL or the designated boundary of a substation: i. Planting of trees other than shelterbelts, plantation forestry or commercial horticultural operations</p>	<p>the reduction in ground clearance distances.</p> <p>Permitted Activity.</p>	
<p>CEL.1.4.1 Restricted Discretionary Activities – Subdivision</p> <p>Subdivision within 32m of the centre line of a CEL, or within 32m from the designation boundary of a substation shall be a restricted discretionary activity.</p>		<p>The proposal includes the subdivision of 189 Three Mile Bush Road which is traversed by a CEL.</p> <p>Restricted Discretionary Activity.</p>
Historic Heritage (HH)	Compliance	Consents required / areas of non-compliance
<p>BH.1.7.10 Dry Stone Walls – Discretionary Activity</p> <p>Works to existing dry stone walls in any Zone only for:</p> <p>a. Repairs or maintenance in situ using traditional methods, design and materials.</p> <p>b. Removal of up to a total 6m length of wall per site for access purposes only, where no alternative access exists.</p>		<p>Two dry stone walls will be relocated within the existing site.</p> <p>The dry stone wall that runs along the southern (roadside) boundary of the site, existing gaps in the wall will be replaced, with a section being removed to provide for the proposed road.</p> <p>Discretionary Activity.</p>
<p>BH.1.8.4 Subdivision – Dry Stone Walls – Discretionary Activity</p> <p>Subdivision of any site (including allotments used for utility, road, reserve, or access purposes) where removal of dry-stone walls is proposed.</p>		<p>Two dry stone walls will be relocated within the existing site.</p> <p>The dry stone wall that runs along the southern (roadside) boundary of the site, existing gaps in the wall will be replaced, with a section being removed to provide for the proposed road.</p> <p>Discretionary Activity.</p>

Landscapes and Features	Compliance	Consents required / areas of non-compliance
LAN.3.1 – 3.5 Land use activities (ONL)	No buildings or structures, earthworks or indigenous vegetation (other than maintenance of tracks) are proposed within the Outstanding Landscape. Permitted Activity.	
LAN.4.1 Subdivision (ONL) Subdivision where a proposed boundary is within an Outstanding Natural Landscape outside of the Coastal Area is a discretionary activity.	The proposed subdivision will not result in a proposed boundary being located within the ONL. Permitted Activity.	
LAN.5.1 – 5.4 Land use activities (ONF)	The northern portion of the site is identified as Hurupaki Scoria Cone Category B ONF. No buildings or structures, earthworks or indigenous vegetation (other than maintenance of tracks) are proposed within the Outstanding Feature. Permitted Activity.	
LAN.6.1 Subdivision (ONF) Subdivision where a proposed boundary is within an Outstanding Natural Feature outside of the Coastal Area is a discretionary activity.	The proposed subdivision will not result in a proposed boundary being located within the ONF. Permitted Activity.	
Subdivision	Compliance	Consents required / areas of non-compliance
SUB-R2 Any Subdivision Controlled where: 1.The land contains a Site of Significance to Maori or area of historic heritage – contained entirely within one allotment. 2.The land contains existing buildings or major structures – proposed allotments result in compliance with relevant zone permitted activity.		1. No site of significance to Maori or area of historic heritage is identified within the subject site. 2. Existing buildings and structures will be removed. 3. a. Every allotment proposed will be supplied with connection to

<p>3. Every allotment is provided with:</p> <p>a. An underground connection or easements to secure connection to a reticulated electrical supply system at the boundary of the allotment.</p> <p>b. A connection, or the ability to connect to a wireless, above ground, or underground telecommunications system. (131 Three Mile Bush Only)</p> <p>5. Every allotment is provided with:</p> <p>a. The ability to connect, to an electrical supply at the boundary of the allotment.</p> <p>b. A connection to a wireless, above ground, or underground telecommunications system. (189 Three Mile Bush Only)</p> <p>8. The most efficient route for electrical supply to any allotment(s) is across other allotments or other land owned by the subdivider, and easements are provided to secure the route.</p>		<p>reticulated electricity supply to the boundary of each allotment.</p> <p>3.b Every allotment will be provided with the ability to connect to wireless telecommunications system.</p> <p>5a and b - As above.</p> <p>8. The most efficient route for electrical supply to all allotments has been proposed.</p> <p>Controlled Activity.</p>
<p>SUB-R5 Subdivision in GRZ</p> <p>Controlled where:</p> <p>1. Every vacant allotment:</p> <p>b. For subdivisions involving parent sites equal to or greater than 1ha:</p> <p>i. Has a net site area of at least 320m² ; and</p> <p>ii. The average net site area of all proposed allotments is at least 400m²</p> <p>2. Every allotment can contain a rectangle of at least 8m by 15m; and</p> <p>4. The allotment is is vacant, contains an identified building area of at least 100m² within which a residential unit can be built so there is compliance:</p> <p>a. As a permitted activity with the General Residential Zone.</p> <p>b. As a controlled activity with NAV.6.6.</p> <p>Note: 131 Three Mile Bush Only</p>		<p>1.b The parent site is greater than 1ha, every lot proposed has a net site area larger than 320m² and an average net site area larger than 400m².</p> <p>2. Every allotment can contain a rectangle of at least 8m by 15m.</p> <p>4. Every allotment contains an identified building area of at least 100m².</p> <p>Controlled Activity.</p>
<p>SUB-R12 Subdivision of Consented Residential Units</p> <p>Activity Status: Restricted Discretionary</p> <p>Where:</p>	N/A	

1. The subdivision enables the creation of allotments for residential units that have an approved land use consent under GRZ-R15.1, GRZ-R21, Note: 131 Three Mile Bush Only		
Earthworks	Compliance	Consents required / areas of non-compliance
EARTH-R1 Earthworks Associated with Subdivision Controlled where: 1. The earthworks do not occur within: a. A Site of Significance to Māori. b. 10m of any archaeological site. c. Three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (Agathis Australis). 2. A site suitability report is provided which certifies that: a. A 100m ² building area within each allotment is suitable to construct a building either: i. In accordance with NZS 3604/2011; or ii. With specific engineering design of foundations. b. Access to the certified building area within each allotment is suitable to construct.	1.a. No recorded site of significance to Maori is located within the site. 1.c. No Kauri Trees are located within the portion of the site subject to subdivision and associated earthworks. 2. A geotechnical report has been provided refer to Appendix 9. Controlled Activity.	1b. The dry stone walls are identified as archaeological sites, earthworks will occur within 10m of existing stone walls. Restricted Discretionary Activity.
Lighting	Compliance	Consents required / areas of non-compliance
LIGHT-R7 Any Subdivision Controlled where: 1. Artificial lighting is provided for all streets, walkways, cycleways and roads created by the subdivision. 2. The artificial lighting complies with the AS/NZS1158 series of standards.		All lighting within the proposed subdivision will comply. Controlled Activity.
Noise and Vibration	Compliance	Consents required / areas of non-compliance
NAV.6.1 Noise Arising from Activities	All proposed activities will comply with NAV.6.1 limits. Permitted Activity.	
NA.6.2 Construction Noise Noise construction, shall comply with the guidelines and recommendations	All proposed activities will comply with NAV.6.2 limits.	

of NZS 6803: 1999 "Acoustics - Construction Noise". Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise".	Permitted Activity.	
--	----------------------------	--

Area Specific Matters

Rural Production Zone (RPZ) 189 Three Mile Bush ONLY	Compliance	Consents required / areas of non-compliance
RPZ.2.3.4 Any building or major structure: a. That exceeds a maximum height of 10m above ground level. b. Within 8m of a site boundary. c. That results in site coverage exceeding 20% of the net site area. d. Within 27m of mean high water springs (excluding bridges, culverts and fences). e. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).		Seeking a consent for a building infringing the 8m setback from boundary and infringing 20% site coverage within proposed lots 55- 76 – Discretionary Activity.
RPZ.3.1.4 Eligibility Rule Any non-complying subdivision that proposes environmental protection and on-going management of an area or feature shall comply with information requirement rules RPZ.3.5.6 and RPZ.3.5.7.	The proposed subdivision is a non-complying activity. Refer to landscape report (Appendix 10) and ecological report (Appendix 11).	
RPZ.3.1.7 Eligibility Rule 7. Any subdivision that does not meet rules RPZ.3.3.1, RPZ.3.3.2(d) or RPZ.3.4 is a non-complying activity.		The proposed subdivision is a non-complying activity. See below. Non-Complying Activity.
RPZ.3.3 Controlled Activities 1. Subdivision where every proposed allotment: a. Has a minimum net site area of 20ha. b. Can accommodate a minimum 100m2 building area on which a residential unit can be built	1.b. The proposed allotments can accommodate a 100m2 building area.	1.a The proposed allotments are less than 20ha in net site area. Non-Complying Activity.
RPZ.3.4 Discretionary Activities 1. Subdivision of existing lawfully established residential units... 2. Subdivision where any proposed allotment is unable to accommodate a minimum 100m2 building area on which a residential unit can be built.	2. The proposed allotments can accommodate a 100m2 building area.	1. Subdivision of existing lawfully established residential units is not proposed. 3.a The site is less than 20ha, environmental

<p>3. Subdivision of a site greater than 20ha that existed on 12 December 2018:</p> <p>a. For categories A and C, that are outside areas of ONL, ONF, ONCA or HNCA and do not contain a Heritage Building or SOSM.</p> <p>b. Where the environmental protection area is:</p> <p>i. For Category A, an existing area of wetland or indigenous vegetation of significant ecological value as determined by Appendix 5 of the Northland Regional Policy Statement 2016.</p> <p>ii. For Category B:</p> <p>a) An area of land identified in the District Plan Resource Area Maps as one or more of the following: ONF, ONL, ONC or HNC; or</p> <p>b) A Heritage Building or SOSM; and</p> <p>c) To include a covenant forming a legally established buffer of 50m around any area of ONL, ONC or HNC to be protected, preventing future buildings and major structures and access.</p> <p>iii. For Category C:</p> <p>a) An unvegetated area or area in pasture or non-indigenous plants to be retired and rehabilitated identified either as Highly Erodible Land or as land within a riparian margin of a stream, river, or estuary located within Acutely or Chronically threatened land environments associated with Land Environments of New Zealand Level 4.</p>		<p>protection does not comply.</p> <p>Non-Complying Activity.</p>
<p>General Residential Zone</p> <p>131 Three Mile Bush ONLY</p>	<p>Compliance</p>	<p>Consents required / areas of non-compliance</p>
<p>GRZ-R18 Food and Beverage Activity.</p> <p>Activity Status: Permitted Where:</p> <p>1. The activity is an ancillary activity to a residential unit on the site.</p> <p>2. The principal operator of the activity is a permanent resident on the site.</p> <p>3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</p> <p>4. The activity generates less than 20 traffic movements per site, per day. 5. There is no car parking between the residential unit and the road.</p> <p>6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</p> <p>7. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.</p> <p>8. The total area of signage is less than 0.25m², per site.</p>	<p>The proposed café will be located within proposed lot 22.</p> <p>3. Will comply via conditions consent.</p> <p>8. Total signage will not exceed 0.25m².</p> <p>9. No moving or illuminated signage is proposed.</p> <p>10. N/A</p>	<p>1. The proposed café will not be ancillary to a residential unit on the site lot.</p> <p>2. The proposed café will not be operated by a permanent resident onsite.</p> <p>4. It is anticipated that the proposed café will generate more than 20 traffic movements.</p> <p>5. No residential unit is proposed on site.</p> <p>6. More than two other persons will be engaged.</p>

<p>9. There is no illuminated or moving signage.</p> <p>10. Each visitor accommodation unit provides an outdoor living court of at least 6m² and at least 1.8m depth.</p>		<p>7. The café will be the principal activity onsite.</p> <p>Discretionary Activity.</p>
--	--	---