

APPENDIX D

OPERATIVE DISTRICT PLAN RULES ASSESSMENT

OPERATIVE WAIKATO DISTRICT PLAN – PLAN CHANGE 20

Chapter 27 – Country Living Zone Rules		
Rule	Complies	Comment
<p>27.10 Type of activity</p> <p>Any activity that complies with all effects and building rules is a permitted activity except:</p> <ul style="list-style-type: none"> (a) a child care facility for 11 or more children, or (b) a commercial activity (excluding a produce stall), or (c) a community facility, or (d) a comprehensive residential development, or (e) an educational facility, or (f) a funeral parlour, crematorium or cemetery or (g) a health facility, or (h) a hospital or hospice of 10 or more beds, or (i) deleted (j) a residential centre for more than five residents in addition to caregivers, or (k) travellers accommodation, or (ka) an extractive industry, or (kb) an industrial activity, or (kc) a correctional facility, or (kd) a wind energy facility, or (ke) an intensive farming activity. <p>Despite the above, the following are permitted activities if they comply with the conditions for home occupations:</p> <ul style="list-style-type: none"> (l) a commercial activity, or (m) a health facility, or (n) an office, or (o) retailing, other than sale of liquor, or 	No	<p>The proposal is for a commercial activity that does not meet the provisions for a home occupation.</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.10.2.</p>

<p>(p) a homestay that provides accommodation for no more than 4 temporary residents, or</p> <p>(q) an arts and crafts workshop, or</p> <p>(r) a wood working or metal working workshop, excluding panel beating and car wrecking.</p>		
<p>27.13 On-site services</p> <p>Any activity on a site used principally for a residential activity is a permitted activity if:</p> <p>(a) the site is connected to a telecommunications network and energy supply network or has a stand-alone energy supply, and</p> <p>(b) the site is</p> <ul style="list-style-type: none"> i. connected to reticulated water supply, stormwater and wastewater disposal networks where available, or ii. provided with an alternative method of water supply, stormwater and wastewater disposal that <ul style="list-style-type: none"> • complies with Appendix B (Engineering Standards), and • avoids the concentrated discharge of surface water over gully slopes, and • ensures stormwater is not disposed of to ground within 25m of the top contour of a gully shown on the planning maps, and <p>(c) services are placed underground where reticulated services are already underground and</p> <p>(d) no sewage treatment field is located closer than 25m from the top contour of, or within, a gully identified on the planning maps.</p>	Yes	The proposal does not involve a residential activity.
27.14 Network Utility	N/A	The proposal does not involve network utilities.
27.14A Existing electricity and telecommunications lines	N/A	The proposal does not involve the operation, maintenance or repair of any electricity or telecommunications lines.
27.16 Access, vehicle entrance, parking, loading and manoeuvring space	No	Appendix A is assessed if the following section.

<p>Any activity is a permitted activity if:</p> <p>(a) access, vehicle entrance crossing, parking, loading, queuing and manoeuvring space is provided in accordance with Appendix A (Traffic)</p>		<p>From this assessment, the proposed entrances do not provide the required separation distance and sightlines required. In addition, the proposed car parking arrangement does not provide a compliant manoeuvring depth.</p> <p>Accordingly, the proposal is classified as a Restricted Discretionary Activity (as stated in A11 and A14), pursuant to Rule 27.16.2.</p>
<p>27.17 Vehicle Movements</p> <p>Any activity is a permitted activity if:</p> <p>(a) it does not involve more than 30 vehicle movements per day.</p>	No	<p>The estimated traffic generated by the commercial development is between 984vpd to 1,388vpd.</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.17.2.</p>
<p>27.18 Noise</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site does not exceed:</p> <p>(a) 50dBA (L_{10}), 7am to 7 pm Monday to Saturday, and</p> <p>(b) 45dBA (L_{10}), 7pm to 10pm Monday to Saturday, and</p> <p>(c) 40dBA (L_{10}), and 65dBA (L_{max}) at all other times and Public Holidays.</p> <p>Despite the above, construction noise, farming noise, forest harvesting noise, extractive industry noise and emergency sirens are not subject to these standards and are permitted under this rule.</p>	Yes	<p>The potential noise generated by the commercial activity has been assessed by an acoustic specialist.</p> <p>To achieve compliant noise levels overall, an acoustic fence is recommended along the southern boundary, adjoining the consented café site. As the adjoining site operates as a commercial venture, it is no considered practical to provide an acoustic fence along this boundary.</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.18.1</p>
<p>27.19 Construction Noise</p> <p>Any activity is a permitted activity if:</p> <p>(a) it is designed and conducted so that construction noise from the activity complies with Appendix N (Construction Noise).</p>	Yes	<p>The construction site will be managed to achieve compliance with these limits.</p>
<p>27.20 Vibration</p> <p>Any activity is a permitted activity if:</p> <p>(a) vibration arising from the activity complies with Appendix I (Ground Vibration).</p>	Yes	<p>The proposed commercial activity will not give rise to any vibration outside of the permitted threshold of Appendix I.</p>

<p>27.21 Glare and Lighting</p> <p>Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal, does not exceed:</p> <p>(a) 10 lux measured vertically at any other site.</p>	Yes	Any lighting associated with the commercial activity will be designed to comply with this rule.
<p>27.22 Dust, smoke, fumes, odour or ground level</p> <p>Any activity is a permitted activity if:</p> <p>(a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and</p> <p>(b) stockpiles of loose material are contained or maintained to prevent dispersal of material into the air, and</p> <p>(ba) earthworks undertaken within 20m of the centreline of an electricity transmission line with a voltage of 110kV or more do not generate adverse effects of dust on the transmission lines or raise the ground level.</p>	Yes	The commercial activity will not give rise to any objectionable or offensive odours, dust or fumes. The proposal will involve no stockpiling of loose material. There are no 110kV transmission lines in the vicinity of the site.
<p>27.24 Earthworks</p> <p>Any activity is a permitted activity if earthworks:</p> <p>(a) are not in the Flood Risk Area except for filling in accordance with rule 21.26, and</p> <p>(aa) are not in the Huntly East Mine Subsidence Area, and</p> <p>(b) comply with Appendix B (Engineering Standards), and</p> <p>(c) including cut and batter faces or filled areas, are re-vegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and</p> <p>(d) do not remove material from the site, and</p> <p>(e) retain sediment on site through implementation and maintenance of sediment controls, and</p> <p>(f) do not adversely affect other land through changes in natural water flows or established drainage paths, and</p> <p>(h) do not disturb or move more than 100m³ within a site in a single calendar year, and</p> <p>(i) in relation to the height of any cut or batter face does not exceed 2m, and</p>	No	<p>The proposal involves approximately 1,600m³ of earthworks to remove grass and top soil and to prepare a suitable building platform and base course for the parking area, over an area of approximately 5,000m².</p> <p>The site is flat so there will be no significant cut or batter faces.</p> <p>The proposal will otherwise comply with all other relevant provisions of this rule.</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.24.2.</p>

<p>(j) do not exceed 1000m² in area.</p> <p>Despite (h) to (j), the following earthworks are permitted if they comply with (a) to (ga), and</p> <p>(k) the work;</p> <p>(i) is part of an approved subdivision, or</p> <p>(ii) is necessary for building works authorised by a building consent and:</p> <ul style="list-style-type: none"> the area of earthworks is no more than 150% of the area of those building works; or occurs on land with an average gradient no steeper than 1:8, or <p>(iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or</p> <p>(iiia) is for construction and maintenance of existing public roads.</p>		
<p>27.25 Earthworks – filling using imported fill</p> <p>Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p>(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</p> <p>(ii) that is not part of building work:</p> <ul style="list-style-type: none"> does not exceed a volume of 20m³ and a depth of 1m, and does not include a building platform, and does not include placing fill into an area of significant indigenous vegetation or habitat, or <p>(iia) that is for minor upgrading of existing electricity lines does not exceed 50m³.</p>	Yes	Any imported fill material, such as the basecourse for the car park, will be clean fill and will be part of building work that will be carried out in accordance with NZS4431:1989.
<p>27.26 Filling – Flood Risk Area</p> <p>Any activity in a Flood Risk Area is a permitted activity if:</p>	N/A	The site is not identified as being located within a Flood Risk Area under the ODP.

<p>(a) filling is no more than is necessary to</p> <p>(i) provide a foundation for building approved by a building consent, and access to that building, or</p> <p>(ia) enable minor upgrading of existing electricity lines and does not exceed 50m³.</p>		
<p>27.28 Contaminated Land – remediation</p> <p>Any activity is a permitted activity if:</p> <p>(a) remediation of contaminated land</p> <p>i. does not cause a greater risk to the environment than if the work was not done, and</p> <p>ii. is not within:</p> <ul style="list-style-type: none"> • a significant indigenous vegetation or habitat area, or • the Landscape Policy Area, or • the Flood Risk Area, or • 50m of mean high water springs or a water body, and <p>iii. disposes of removed material in a location approved for the receipt of such material, and</p> <p>iv. is reported to the Council by the land owner at the completion of the work detailing:</p> <ul style="list-style-type: none"> • the work done and the results obtained, and • the nature and location of remaining contaminated material on-site, and • as built plans and specifications of any permanent containment structure and <p>(b) the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of</p> <p>i. does not apply to the activity, or</p>	<p>N/A</p>	<p>The subject site has been subdivided in accordance with the NESCS requirements and does not meet the definition of a 'piece of land' per the NESCS requirements.</p>

ii. does apply and the activity meets the permitted activity requirements set out in Regulation 8.		
<p>27.36 Signs</p> <p>Advertising signs</p> <p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <ul style="list-style-type: none"> (a) relates to goods or services available on the site, or is a property name sign, and (b) is the only sign on the site, and (c) does not exceed 3m in height, and (d) does not exceed 1m² in area, and (e) is not illuminated, flashing or moving, and (f) does not include materials designed to reflect light at night, and (g) is not on a road reserve, except for a traffic sign or safety sign erected by a public authority, and (h) is set back at least 50m from an expressway, or the proposed Waikato Expressway, and (i) is not attached to a heritage item listed in Appendix C1 (Historic Heritage Items), site of significance to Maaori, or a tree identified in Appendix F (Notable Trees), except for the purpose of identification. 	No	<p>The proposed freestanding sign, including structure, has a total combined height of 7m and a width of 2.5m. The signage component of the structure comprises a height of 4.8m by 2.2m. The total area of signage proposed is 10.56m².</p> <p>The total area of attached signage, being that advertising each outlet, comprises an estimated 27m².</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.36.1</p>
<p>27.37 Signs</p> <p>Effects on traffic</p> <p>Any advertising sign directed at drivers is a permitted activity if the sign:</p> <ul style="list-style-type: none"> (a) does not imitate the content, colour or appearance of traffic control signs, and (b) is at least 60m from controlled intersections, pedestrian crossings and another advertising sign, and (c) can be viewed by drivers for at least 250m, and (d) contains no more than 40 characters or 6 symbols, and (e) has lettering that is at least 160mm high, and (f) where the sign directs traffic to a site entrance, it is at least: 	No	<p>All proposed signage associated with the commercial activity will be designed to minimise driver confusion. However, as the proposal comprises several tenancies, each tenancy will have an advertising board which will exceed the number of characters and symbols permitted.</p> <p>Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.37.1</p>

<p>(i) 150m from the entrance on roads with a speed limit of 80 km/hr or less, and</p> <p>(ii) 250m from the entrance on roads with a speed limit of more than 80 km/hr.</p>		
27.40B Impervious Surfaces – Tamahere	N/A	The site is not located in Tamahere.
<p>27.42 Number of dwellings</p> <p>Construction of a dwelling, other than a dependent person's dwelling is a permitted activity if, after completion:</p> <p>(a) there is only one dwelling on the land contained in the certificate of title.</p>	Yes	The proposal is for a commercial activity with no additional dwelling proposed.
<p>27.44 Minimum site area – dwelling</p> <p>Construction or alteration of a dwelling is a permitted activity if:</p> <p>(a) the site is connected to a reticulated wastewater system, or</p> <p>i. the net site area is at least 2500m².</p> <p>ii. Deleted</p>	Yes	The proposal is for a commercial activity on a site greater than 2,500m ² .
<p>27.45 Building Height</p> <p>Construction or alteration of a building or structure is a permitted activity if:</p> <p>(a) height does not exceed 7.5m, and</p> <p>(b) it does not protrude through the obstacle limitation surfaces defined in Chapter 30 (Designations), Designation N1 (Hamilton Airport), and</p> <p>(ba) the highest part of the building is below the 60m contour (Moturiki Datum) on the eastern side of the Hakarimata Range between Elgood and Parker Roads.</p>	Yes	The commercial building will be 7.5m to the apex of the roof, in accordance with the permitted height.
<p>27.46 Daylight admission</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) the building does not protrude through a height control plane rising at an angle of 37 degrees</p>	Yes	The commercial building will comply in full with this control.

commencing at an elevation of 2.5m above ground level at every point of the site boundary.		
27.47 – Building coverage Construction or alteration of a building is a permitted activity if: <ul style="list-style-type: none"> (a) total building coverage does not exceed 10%, and (b) the gross floor area of all accessory buildings does not exceed 80m². 	No	The subject site is 5,029m ² and the proposed building is 1,290m ² . Accordingly, the site coverage is 25.6%. Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.47(a)
27.48 Building setbacks – allotments 1050m² or more Construction or alteration of a building on an allotment 1,050m ² or more is a permitted activity if it is set back at least: <ul style="list-style-type: none"> (a) 7.5m from a road boundary, and (b) 17.5m from the centre line of an indicative road, and (c) 12m from every boundary other than a road boundary, and (d) deleted (da) deleted (e) deleted 	No	The allotment is greater than 1,050m ² . The proposed building is setback a minimum of 8.2m from the road boundary, being compliant with required 7.5m. The building is setback 12.7m from the northern boundary. However, the building is setback a minimum of 10m from the eastern boundary and 7.1m from the southern boundary; where 12m is required. Accordingly, the proposal is classified as a Discretionary Activity pursuant to Rule 27.48.2.
27.49A Building setbacks road boundary – State Highway road boundary (designated boundary of Waikato Expressway, or national route or regional arterial road)	N/A	The site does not share a boundary with a State Highway.
27.51 Dwelling setbacks – intensive farming activity – aggregate extraction policy area	N/A	The proposal does not involve any dwellings.
27.52 Setbacks – wastewater treatment	N/A	The proposal does not involve any dwellings.
27.53 Building near a lake or river Construction or alteration of a building is a permitted activity if: <ul style="list-style-type: none"> (a) the building is set back at least 27.5m from <ul style="list-style-type: none"> i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more, and 	N/A	The subject site is not located near a lake or river.

<p>(aa) the building is set back at least 32.5m from the Waikato River and the Waipa River, and</p> <p>(ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.</p>		
<p>27.54 Buildings near the coast</p> <p>Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 27.5m from mean high water springs, and</p> <p>i. the floor level of any habitable room is at least 3.7m above Moturiki Datum.</p>	N/A	The subject site is not near the coast.
<p>27.54A Buildings near a gully</p> <p>Construction or alteration of a building or building platform is a permitted activity on any site containing a gully shown on the planning maps if:</p> <p>(a) it is not located within the gully, and</p> <p>i. it is set back at least 15m from the top contour of the gully.</p>	N/A	The subject site is not identified in the planning maps as containing a gully.
<p>27.55 Building in Flood Risk Area</p> <p>Construction or alteration of a building on land shown on the Planning Maps as a Flood Risk Area or other land that is subject to flood hazards is a permitted activity if:</p> <p>(a) the floor level of any habitable room is at least 0.3m above the 1% design flood level, and</p> <p>i. the floor level of any non-habitable room is at or above the 1% design flood level, and</p> <p>ii. wastewater and stormwater disposal systems comply with Appendix B(Engineering Standards).</p>	N/A	The subject site is not identified in the planning maps as being within a Flood Risk Area.
<p>27.61A Relocated building</p> <p>Relocation of a used building to a new site is a controlled activity if:</p> <p>(a) the building is delivered to its final position on the site, and connected to its new foundations within 7 days of arrival.</p>	N/A	The proposal does not involve a relocated building.

Appendix A Traffic

Rule	Complies	Comment
<p>A11 Parking, loading bays, service lanes, and manoeuvring space</p> <p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) parking and loading bays are provided that complies with Table 1 and Figures 1, 2 and 3, and Appendix B (Engineering Standards), and (b) bicycle spaces are provided that comply with Table 2, and (c) parking, loading bays and manoeuvring spaces are sealed, drained and permanently marked if 5 or more parking spaces are required, excluding parking spaces required for a dwelling, and (d) parking spaces and loading bays are not located on a shared access or living court, and are not obstructed when not in use, and (e) parking, loading bays and manoeuvring spaces are located on the same site as the activity for which they are required, and 	No	<p>The proposal is for a commercial activity requiring 33 car parking spaces, where 39 are proposed, exceeding that required by the ODP. The proposal is required to provide 3 loading bays however only one is provided.</p> <p>The proposed onsite manoeuvring does not provide for the required manoeuvring dimension, with a minimum of 7.5m is proposed where 8.7m is required.</p> <p>4 cycle spaces are able to be provided within the subject site.</p> <p>The car parks are all unobstructed and are located on the same site as the activity to which they are required, and will be formed and sealed in accordance with Council requirements.</p> <p>Refer to Rule 27.16.2 above.</p>
<p>A12 Manoeuvring space</p> <p>Any activity is a permitted activity if on-site manoeuvring space is provided so that:</p> <ul style="list-style-type: none"> (a) no vehicle is required to reverse to or from a road, or a shared access, and (b) a 90 percentile car, as defined in Figure 2, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling, and (c) a 90 percentile car, as defined in Figure 2, can enter and exit one parking space per dwelling, without making more than one reverse movement, and (d) a 90 percentile truck, as defined in Figure 3, can enter and exit all loading spaces required under Table 1 without making more than one reverse movement. 	Yes	<p>Sufficient space is provided on site so that all vehicles do not have to reverse off the site. All parking spaces and the HGV space are accessible without having to do a three-point-turn.</p>

<p>A13 Queuing space</p> <p>Any activity that provides on-site parking spaces, or is serviced by a drive-through facility, is a permitted activity if:</p> <p>(a) on-site queuing space is provided in accordance with Table 3 for vehicles entering or exiting the parking, loading, manoeuvring or service area.</p>	<p>Yes</p>	<p>Sufficient space, exceeding the minimum required 10.5m, is provided on site for queueing at each entrance.</p>
<p>A14 Access and vehicle entrances</p> <p>Any activity is a permitted activity if:</p> <p>(a) the site has vehicle access to a formed road that is maintained by Council, and</p> <p>(b) no more than 3 activities share a private access, and</p> <p>(c) no access, access leg or right-of-way runs parallel to any road within 30m of the road, except within the Rangitahi Peninsula Structure Plan Area and the primary access route thereto (Opotoru Road) and,</p> <p>(d) every access and road entrance is laid out and constructed to comply with the standards in:</p> <p>(i) Tables 4, 5 and 6, and</p> <p>(ii) Figures 4 to 10, and</p> <p>(iii) Appendix B (Engineering Standards),</p> <p>(e) no new entrance is created from a limited access road, and</p> <p>(f) on a site with legal access to 2 roads, the activity only accesses the road with the lower classification in the road hierarchy in Table 8</p>	<p>No</p>	<p>The site is accessible from a formed road (not a limited access road) and is via two vehicle crossings that are for the exclusive use of the proposal.</p> <p>The proposed vehicle crossings are unable to comply with the minimum sight and separation distance required by this standard.</p> <p>Refer to Rule 27.16.2 above.</p>
<p>A14.A Road Network - Safety and Functions</p> <p>Any activity is a permitted activity if:</p> <p>(a) no new entrance is created from a State highway; and</p> <p>(b) in relation to direct vehicle entrances onto a State highway no increase in Equivalent Car Movements/Day from or to an existing vehicle entrance resulting from any new activity, or expansion of existing activities requiring a resource consent under this Plan, is created; and</p> <p>(c) in relation to all other roads (except in the Industrial Zone) it is a new activity or expansion of an existing activity which:</p>	<p>No</p>	<p>Horotiu Road is not classified as a state highway.</p> <p>The proposal will result in an increase in vehicle movements</p> <p>Refer to Rule 27.17 above.</p>

28 does not generate any additional traffic movements; or		
29 does not require a resource consent under this plan (except for a Controlled Activity): or		