Before the Environment Court
At Auckland

I Mua I Te Kōti Taiao
Tāmaki Makaurau Rohe ENV-2022-AKL-000078

UNDER	The Resource Management Act 1991 ("Act")
IN THE MATTER	Of an appeal under clause 14 of Schedule 1 of the Act
AND IN THE MATTER	Of the Proposed Waikato District Plan Appeals
Between	**Noakes and Fruhling Trust** **Appellants**
And	**Waikato District Council** **Respondent**

Amended Notice of Appeal

Dated: 28 October 2022

Presented for filing by:

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To The Registrar
Environment Court
Auckland

1. Anna Noakes and Fruhling Trust, (**the Appellants**) appeal against certain decisions of the Waikato District Council (the **Council**) on the Proposed Waikato District Plan.

2. The Appellants own a property that operates a farm on a 23-hectare rural block, being Lot 2 DP 176205, adjacent and to the west of the Pōkeno Village Estate residential subdivision and adjacent to part of the proposed Havelock Village development.

3. The Appellants are not trade competitors for the purposes of section 308D of the Act.

4. The Appellants made a submission on the Proposed Waikato District Plan on 9 October 2018. Those submissions are classified as submission 525 and 636 by the Council.

5. The Council's Decision on the Proposed Waikato District Plan (**the Decision**) was formally notified on 17 January 2022. Appeals were required to be lodged by 1 March 2022. The Appellants filed their original notice of appeal on 1 March 2022.

Appeal

6. The Appellants appeal the Decision to approve the Proposed Waikato District Plan (**PDP**).

7. The Appellants are directly affected by the Decision for the following reasons:

(a) The Decision adversely affects the environment in that that the Appellants' land will be adversely affected by stormwater runoff from nearby development.

(b) Urban development will alter the hydrological conditions on the Appellants' property, including the volume, frequency and duration of runoff, the extent of inundation.

(c) This will adversely affect the Appellants' property by:

(i) Limiting and restricting the use of the property of the Appellants for rural activities.

(ii) Limiting the ability of the Appellants to continue grazing stock with the Appellants' property being surrounded by residential land.

(iii) Reducing the usable farming area and impact on the reduction of productive land for farming and associated agricultural activities.

8. The Appellants appeal the Decision in part.

9. The parts of the Decision subject to appeal are decisions relating to the adverse effects of urban development on rural land and the management of stormwater generated by urban development contained in the following hearing reports and chapters of the PDP:

Decision Reports

(a) Decision Report 3: Overview.

(b) Decision Report 5: Strategic Directions.

(c) Decision Report 13: Infrastructure.

(d) Decision Report 22: Rural Zone.

(e) Decision Report 28I: Zoning – Pōkeno.

(f) Decision Report 30: Definitions.

(g) Decision Report 32: Miscellaneous Matters.

Chapters

(h) Part 1_5: Definitions.

(i) Part 2_1: Strategic Directions.

(j) Part 2_12: Water, Wastewater and Stormwater.

(k) Part 2_3: All Infrastructure.

(l) Part 2_15 Natural Hazards and climate change.

(m) Part 2_25: Subdivision.

(n) Part 2_29: Earthworks.

(o) Part 3_Residential Zones.

Reasons for Appeal

10. The reasons for the appeal are that:

(a) Urban stormwater from the Pokeno residential development discharges via two attenuation ponds and outfall structures directly to the Appellants' Property. A part of the proposed Havelock Village Development is also upstream of and in the same catchment as the Appellants' property.

(b) The Appellants' experience has been that the urban discharges to the property have altered the hydrological conditions, including the volume, frequency and duration of discharges, the extent of inundation on the property, and the amount of sediment and water quality and that

this has resulted in loss of productive land, downstream erosion and damage to farm infrastructure.

(c) The cumulative effects of future urban development in the catchment will generate further adverse stormwater effects on the Appellants' property and limit the Appellants' ability to use the property for productive rural activities.

(d) The stormwater, drainage and flooding related definitions in the PDP could result in areas of the Appellants' property that are being subjected to an increase in runoff frequency, volume and duration as a result of upstream development being incorrectly classified as part of the natural stormwater system rather than drains or artificial structures.

(e) Further urban development should not be enabled unless and until the stormwater provisions in the PDP are amended to ensure that adverse stormwater effects are adequately considered and appropriately avoided, remedied or mitigated.

(f) In the absence of the relief sought by the Appellants to address the concerns in this appeal, the PDP:

(i) will be inconsistent with the sustainable management purpose in section 5 of the Resource Management Act 1991 (the **Act**).

(ii) will be inefficient and fail to assess the costs and impact of climate change on the conversion of rural land to urban;

(iii) will be contrary to section 32 of the Act;

(iv) will result in an inefficient and unsustainable pattern of development in the district and limit the

ability of rural land to be used in the manner zoned;

(v) will be inconsistent with, and will fail to give effect to, the relevant national and regional planning instruments; and

(vi) will enable the generation of significant adverse effects on the environment, particularly in relation to the adverse effects of stormwater from urban areas on adjacent rural land.

Relief Sought

11. The Appellants respectfully seek the following relief:

(a) That the stormwater management provisions of the PDP be amended to address the stormwater concerns raised in the appeal and the Appellants' submissions. Specific amendments sought are contained in **Attachment 4**.

(b) Amendments to the stormwater and flooding related definitions in the PDP to ensure that areas subject to an increase in runoff frequency, volume and duration as a result of upstream development are correctly classified as artificial or created or drains as opposed to part of the natural stormwater system.

(c) Unless amendments to the stormwater management provisions are made to address the Appellants' concerns, that the rezoning of Pōkeno in the PDP to be declined until such time as all stormwater infrastructure issues have been resolved to preclude flooding and adverse stormwater effects on the Appellants' land and other rural land.

(d) All consequential amendments to give effect to the relief sought.

(e) Costs of and incidental to the appeal.

Attached are the following documents

(a) A copy of the Appellants' submissions, **Attachment 1**

(b) A copy of the relevant decision, **Attachment 2**

(c) A list of submitters to be served with a copy of the appeal, **Attachment 3**.

(d) A schedule of amendments to the PDP provisions, **Attachment 4**.

Dated: 28 October 2022

ANNA NOAKES AND FRUHLING TRUST by its solicitors
and duly authorised agents Beresford Law

JL Beresford

Address for service

This document is filed by Joanna Louise Beresford, solicitor for the appellants, of the firm Beresford Law. The address for service of the appellants is Level 6, 20 Waterloo Quadrant, Auckland, 1010. Attention Joanna Beresford, Telephone: +64 9 307 1277, Mobile: +64 21 114 1277.

Documents for service on the appellants may be left at that address for service or may be:

(a) posted to the solicitor at PO Box 1088 Shortland Street Auckland 1140; or

(b) emailed to the solicitor at joanna@beresfordlaw.co.nz.

ADVICE TO RECIPIENTS OF COPY NOTICE OF APPEAL

How to become party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

2. To become a party to the appeal, you must,—
    a. within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
    b. within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

3. Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

4. You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38)

How to obtain copies of documents relating to appeal

5. The copy of this notice served on you does not have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

6. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch: https://environmentcourt.govt.nz/contact-us/

ATTACHMENT FOUR

ENV-2022-AKL-000078 Noakes v Waikato District Council – Amended Appeal Relief Sought

Provision	Relief Sought
Part 1 Chapter 5 – Interpretation Definitions	
Annual exceedance probability or AEP	Means the probability of a~~n~~ rainfall event occurring in any one year. The probability is expressed as a percentage and generally refers to storm events of a particular magnitude and duration occurring in any given year. For example, a ~~large~~ flood which may be calculated to have a 1% chance to occur in any one year~~,~~ is described as 1% AEP.
Drain	Means any artificial watercourse, designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses created by discharges from upstream development or used for the conveyance of water for electricity generation, irrigation, or water supply purposes
Impervious surface	Means a surface ~~that is not vegetated, and~~ which prevents or significantly ~~retards~~ reduces or prevents the soakage of water into the ground. It includes: (a) Roofs (b) Paved areas including driveways and sealed/compacted metal parking areas, (c) Patios (d) Sealed and compacted metal roads, and (e) Layers engineered to be impervious such as highly−compacted soil. It excludes: (f) Wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck; (g) Grass and bush areas; (h) Gardens and other vegetated areas; (i) Porous or permeable paving; (j) Green or living roofs; (k) Permeable artificial surfaces, fields or lawns; (l) Slatted decks; (m) Swimming pools, ponds and dammed water; and

	(n) Rain tanks; and (o) Farm tracks.
Infrastructure	Means: (a) Pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; (b) A network for the purpose of telecommunication, as defined in section 5 of the Telecommunications Act 2001; (c) A network for the purpose of radiocommunication, as defined in section 2(1) of the Radiocommunications Act 1989; (d) Facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person: (i) Uses them in connection with the generation of electricity for the person's use; and (ii) Does not use them to generate any electricity for supply to any other person; (e) A water supply distribution system, including a system for irrigation; (f) A constructed or created water, wastewater or stormwater ~~drainage or sewerage~~ system; (g) Structures for transport on, under or over land by cycle ways, rail, roads, walkways, or any other means; (h) Facilities for the loading or unloading of cargo or passengers transported on land by any means; (i) An airport as defined in section 2 of the Airport Authorities Act 1966; (j) A navigation installation as defined in section 2 of the Civil Aviation Act 1990; (k) Facilities for the loading or unloading of cargo or passengers carried by sea, including a port-related commercial undertaking, as defined in section 2(1) of the Port Companies Act 1988; or (l) Anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166 of the Resource Management Act 1991.
Overland flow path	Means a route taken by stormwater runoff not captured in a reticulated (piped) or natural stormwater system. It includes a primary or secondary stormwater flow path.
Part 2 Chapter 1 – Strategic Directions	
SD-O13 Climate Change	Land use is planned to recognise, and avoid, remedy or mitigate the potential adverse effects of climate change induced weather variability (including the potential for increased or decreased rainfall) and sea level rise.
Part 2 Chapter 3 – All infrastructure	

AINF-O1 Development, operation and maintenance of infrastructure	Infrastructure is ~~developed~~located, designed, operated, maintained and upgraded to enhance social, economic, cultural and environmental well-being and to be resilient to the effects of climate change.
AINF-O3 Infrastructure in the community and identified areas	Provision of Infrastructure takes into account the qualities and characteristics of surrounding environments, social and economic and community wellbeing
AINF-O7 Integration of infrastructure with subdivision, land use and development	Infrastructure is provided for, and integrated with, subdivision, use and development and its effects on surrounding land uses are avoided, remedied or mitigated to the extent practicable.
AINF-P25 Provide adequate infrastructure	Ensure adequate provision of infrastructure, including land transport networks, where land is subdivided creating one or more additional lots, excluding reserve or non-housing conservation lots, access and utility allotments, or its use is significantly changed or intensified, needing additional or upgraded infrastructure. In relation to stormwater infrastructure adequate infrastructure means avoiding, remedying or mitigating adverse effects on the environment, community health, safety, and amenity and does not compromise the economic viability of downstream land.
AINF-P26 Infrastructure location and services	(1) Ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including: (a) Three waters (water, wastewater and stormwater management).; In relation to stormwater infrastructure adequate infrastructure means avoiding, remedying or mitigating adverse effects on the environment, community health, safety, and amenity and does not compromise the economic viability of downstream land; (b) Telecommunication services; (c) Electricity services; and (d) Adequate water supply within urban areas for firefighting purposes

AINF-P28 Stormwater, drainage and flood management	(1) Ensure that stormwater and drainage infrastructure for subdivision, land use and development: (a) Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater; (b) Manages stormwater in accordance with a drainage hierarchy, with a preference for at-source management; (c) Minimises impervious surfaces to reduce stormwater run-off; (d) Retains pre-development hydrological conditions including run-off frequency,- volume,, and duration as far as practicable for the development and downstream catchment; (e) Does not increase the frequency, volume and duration of flow of stormwater runoff onto adjoining properties adjacent land and/or flood plains, and/or reduce storage capacity on-site; (f) Provides a stormwater catchment management plan for future urban development and maximum probable development scenario; and (g) Promotes clean water reuse and groundwater recharge where practicable;. (h) Avoids, remedies or mitigates the generation of contaminants from urban development; and (i) Is supported by a stormwater management plan that includes the entire catchment and not limited to the spatial extent of the development. …
AINF-R8	Earthworks activities associated with infrastructure **(1) Activity status: PER** **Activity-specific standards:** (a) Any earthworks associated with infrastructure, including formation and maintenance of access tracks, must comply with all of the following standards: (i) Do not exceed a volume of more than 2,500m^3 for any single activity; (ii) Do not exceed an area of more than 2,500m^2 for any single activity; (iii) Within 10m of a watercourse (excluding artificial watercourses) or 20m of Mean High Water Springs do not exceed a volume of more than 5m^3 and an area of more than 5m^2 for any single activity, excluding existing rail infrastructure; (iv) Erosion and sediment controls are implemented and maintained to retain sediment on the site of the earthworks activity; (v) All fill material used must be clean fill; (vi) Areas exposed by earthworks activities are to be recontoured and replanted within 6 months of the commencement of the earthworks; (vii) Earthworks shall not obstruct or divert any stormwater overland flow path or in such a way as to result in changed stormwater drainage patterns or altered frequency, volume or duration of flow on another site; and (viii) Earthworks are not located within: (1) any Historic Heritage sites identified within SCHED1 – Historic heritage items; (2) any Sites or Areas of Significance to Maaori within SCHED3 – Sites and areas significant to Maaori;

	(3) the dripline of any Notable Tree within SCHED2 – Notable trees; (4) any Heritage precinct; or (5) any Significant Natural Area. (b) Rule AINF-R8(1)(a)(vi) does not apply to earthworks required to establish a foundation or surface that will ultimately be sealed or constructed upon. (c) Earthworks associated with infrastructure in Landscape and Natural Character Areas must not: (i) Exceed 1.5m in height in relation to the cut or fill batter face; and (ii) Use imported soil, other than the placement of aggregate/metal on any access track or in association with laying underground infrastructure or for land transport network infrastructure; and (iii) Disturb or move more than 50m^3 or exceed an area of 250m^2 in a High or Outstanding Natural Character area of the coastal environment over any consecutive 12-month time period; and (iv) Disturb or move more than 50m^3 or exceed an area of 250m^2 in an Outstanding Natural Feature or Outstanding Natural Landscapes over any consecutive 12 month time period. (v) Rule AINF-R8(1)(c)(iv) shall not apply to earthworks associated with land transport network infrastructure. **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (a) Management of sediment and dust, including the staging of works; (b) The volume, extent and depth of the earthworks activities; (c) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site, including Sites and Areas of Significance to Maaori and any Historic Heritage Items; (d) Any flood or land stability risks; (e) Offsite stormwater drainage pattern effects (including the potential to increase the run-off frequency, volume and duration on adjacent land); and (ef) Visual, landscape and amenity effects.
AINF-R16 Service connections for subdivision	**(1) Activity status: PER** **Activity-specific standards:** (a) All new lots created as part of a subdivision other than a utility allotment, access allotment or reserve allotment, must be designed and located so that provision is made for access and service connections up to the boundary of the lot for: (i) Wastewater;

	(ii) Water supply; (iii) Stormwater (a management system that complies with Rule WWS-R1); … **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (a) The adequacy of the service connection; (b) The functional and operational needs of, and benefits derived from, the infrastructure; (c) Subdivision layout; (e) Offsite stormwater drainage pattern effects (including the potential to increase the run-off frequency, volume and duration on adjacent land); and …
Part 2 Chapter 3 – WWS – Water, Wastewater and stormwater	

WWS-R1 Stormwater systems for new development or subdivision	**(1) Activity status: PER** **Activity-specific standards:** (a) New development or subdivision must have a stormwater system that complies with all of the following standards: (i) Operates by gravity; (ii) Manages stormwater through a Stormwater Management Plan in the following manner: (1) Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge and the run-off frequency, volume and duration off-site is at or below pre-development rates; and (2) Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or (3) A controlled discharge to a reticulated network or ~~receiving environment~~waterbody that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed. (iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development; (iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.1°C; [Note: amend for consistency] (v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy: (1) Retention of rainwater/stormwater for reuse; (2) Soakage techniques; (3) Infiltration rate of a minimum of 7mm/hour; (4) Treatment, detention and gradual release to a perennial watercourse in a manner that does not increase the volume, frequency or duration of flow on adjacent land; (5) Treatment, detention and gradual release to a piped stormwater system. (6) Stormwater treatment shall ~~address~~ ensure that water quality; downstream erosion and scour effects; and cumulative volume, frequency and duration of flow ~~e~~effects are managed to pre-development levels. (vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties; (vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded or the volume, frequency or duration of flow on downstream exceeding pre-development levels. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure

	existing capacity will be required. Advice notes: Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline. A stormwater discharge consent may also be required from the Waikato Regional Council. **(2) Activity status where compliance not achieved: RDIS** Council's discretion is restricted to the following matters: (a) The likely effectiveness of the system to avoid flooding, increased frequency, ~~and~~ volume and duratioon of stormwater discharge~~,~~, nuisance or damage (including scouring and erosion) to other buildings and sites; (b) The capacity of the system and suitability to manage stormwater and ensure that pre-development hydrological conditions (including adverse alteration of run-off frequency, ~~and~~ volume and duration of stormwater discharge) are maintained; (c) The potential for adverse effects to the environment in terms of stormwater run-off frequency and ~~quantity~~ (volume and duratio ~~)~~ and stormwater quality effects; and (d) Extent to which low impact design principles and approaches are used.
WWS-R7 Stormwater ponds or wetlands	**(1) Activity status: PER** **Activity-specific standards:** (a) Stormwater ponds or wetlands that comply with the following: (i) The area of the pond or wetland does not exceed the equivalent site building coverage standards applicable to the zone. **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area. (f) The maintenance of pre-development hydrological conditions including the frequency, volume and duration of downstream flows.

WWS-R14 Stormwater ponds or wetlands that serve more than one site or alterations to stormwater ponds and wetland, that serve more than one site, located within: GRZ – General residential zone; Medium density residential zone; …	**(1) Activity status: RDIS** **Activity-specific standards:** Nil. **Council's discretion is restricted to the following matters:** (a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e)The effects on downstream properties resulting from any changes from the pre-development hydrological conditions, ~~(~~including adverse alteration of run-off frequency, ~~and~~ volume and duration. (e) Effects on the specific values, qualities and characteristics of any Identified Area.
Part 2 Chapter 15 – Natural Hazards	
Overview (3)	Outside of these areas, subdivision, use and development is provided for where natural hazard risk can be adequately avoided, remedied or mitigated and the risk is not exacerbated or transferred to adjoining sites and the management of natural hazard risk does not result in increased runoff volume, frequency or duration on downstream sites. .
NH-P7 Managing natural hazard risk generally	Outside of high risk natural hazard areas, provide for subdivision, use and development where: (a) Natural hazard risk has been appropriately identified and assessed; (b) The risk can be adequately avoided, remedied or mitigated;

	(c) The risk does not transfer to adjoining sites; and (d) The risk is not exacerbated. (e)The management of natural hazard risk does not result in increased runoff volume, frequency or duration on downstream sites.
NH-P14 Control filling of land within the 1% AEP floodplain and flood ponding areas	Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes and/or increased run-off frequency and duration on surrounding properties or infrastructure, are avoided or mitigated.
NH-P15 Managing flood hazards through integrated catchment management.	Manage flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based management methods which: (a) Maintain the function of natural floodplains, wetlands and ponding areas including flood storage capacity; and (b) Retain the function and capacity of overland flow paths to convey stormwater run-off; and (c) Do not transfer or increase risk elsewhere within the catchment, or result in increased ~~including~~ run-off volume and frequency and duration elsewhere in the catchment; and (d) Promote best practice stormwater management with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and (e) Minimise impervious surfaces.
NH-P26 Effects of climate change on new subdivision and development.	Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development including new urban zoning throughout the District, including undertaking assessments where relevant that provide for: (a) The projected increase in rainfall intensity, as determined by national guidance, assuming a temperature increase of not less than 2.3˚C by 2120; [Note: amend for consistency] (b) The projected increase in sea level, where relevant, as determined by national guidance and the best available information, but being not less than 1m by 2120; In respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall[1] and RCP 8.5H+ for sea level rise[2];

	(d) In respect to the coastal environment, increases in storm surge, waves and wind; and (e) The ability for natural systems to respond and adapt to the projected changes included in (a) to (d) above.
NH-INFO1 – General	Information Requirements for all resource consent applications addressing natural hazards (3) Consideration of the information contained in the following stormwater catchment management plans, or any approved updated version, where relevant: … (d) Pokeno Catchment Management Plan, 2010 and 2021 Addendum.~~;~~
Part 2 Chapter 25 – Subdivision	
SUB-P2 Residential subdivision	(1) ~~Promote~~ Enable residential subdivision and development that: Designs infrastructure to manage stormwater in a sustainable manner by: (1) Minimising environmental impacts and maintenance costs, and reducing stormwater discharging to existing reticulated network and downstream sites; and (2) Promoting and maintaining riparian margins.
SUB-P4 Servicing requirements	Require subdivision and development in all zones except for GRUZ – General rural zone and RLZ – Rural lifestyle zone to be serviced to a level that will provide for the anticipated activities in a structure plan, or otherwise anticipated within the zone, including through the provision of: … (g) Stormwater collection, treatment, attenuation and disposal that maintains predevelopment hydrological conditions, including run-off volume, ~~and~~ frequency and duration;
SUB-R11 Subdivision General	**(1) Activity status: RDIS** **Activity specific standards:** (a) Subdivision shall comply with all of the following: (i) Proposed lots must have a minimum net site area (excluding access legs) of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest;

	(ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document. **Council's discretion is restricted to the following matters:** (b) Subdivision layout including the grid layout of roads and the number of rear lots; (c) Shape of lots and variation in lot sizes; (d) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (e) Likely location of future buildings and their potential effects on the environment; (f) Avoidance or mitigation of natural hazards (x) avoidance of adverse stormwater effects on downstream properties, including adverse alteration of run-off frequency, ~~and~~ volume and duration; (g) Amenity values; and (h) Potential for reverse sensitivity effects; (i) Streetscape landscaping; (j) Vehicle and pedestrian networks; (k) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and (l) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure; and (m) Provision for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water supply for firefighting purposes.
SUB-R20 Subdivision – PREC4 – Havelock precinct (Slope Residential Area)	**(1) Activity status: RDIS** **Activity specific standards:** (a) Subdivision within PREC4 – Havelock Precinct (Slope Residential Area) where proposed lots (except where the proposed lot is an access allotment, utility allotment or reserve to vest) comply with all of the following standards: (i) Have a minimum net site area (excluding access legs) of 2500m²; and (ii) Are connected to public-reticulated water supply and wastewater. **Council's discretion is restricted to the following matters:**

	(a) Ability of lots to accommodate a practical building platform, including geotechnical stability for building; (b) Likely location of future buildings and their potential effects on the environment; (c) Avoidance or mitigation of natural hazards (x) Avoidance of adverse stormwater effects on downstream properties, including avoidance of alteration of natural drainage paths and avoiding adverse alterations in run-off frequency, volume and duration; (d) Amenity values and streetscape landscaping; (e) Avoidance of creating steeper slopes and ILandscaping of steeper slopes to manage erosion and stability and deposition of sediment on downstream properties; (f) Vehicle and pedestrian networks; (g) Consistency with the Havelock Precinct Plan; and (h) Provision of infrastructure, including water supply for firefighting purposes. **(2) Activity status where compliance not achieved: DIS**
SUB-R31 Subdivision – general Medium Density Residential Zone	**(1) Activity status: RDIS** **Activity specific standards:** (a) Subdivision must comply with all of the following standards: (i) Proposed vacant lots must have a minimum net site area (excluding access legs) of 200m², except where the proposed lot is an access allotment, utility allotment or reserve to vest; and (ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater. **Council's discretion is restricted to the following matters:** (a) Subdivision layout; (b) Shape of lots and variation in lot sizes; (c) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (d) Likely location of future buildings and their potential effects on the environment; (e) Avoidance or mitigation of natural hazards (x) avoidance of adverse stormwater effects on downstream properties, including adverse alteration of run-off frequency, volume and duration.; (f) Opportunities for streetscape landscaping; (g) Vehicle and pedestrian networks; (h) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and

	(i) Provision of infrastructure. **(2) Activity status where compliance not achieved: DIS**
SUB-R62 General subdivision within PREC4 – Havelock precinct	**(1) Activity status: RDIS** **Activity specific standards:** (a) Subdivision within PREC4 – Havelock precinct in the RLZ - Rural lifestyle zone that complies with all of the following standards: (i) The number of lots, whether in a single or several applications, does not exceed a total of 55 and the maximum number identified in each cluster on the Havelock Precinct Plan (APP14 – Havelock precinct plan). (ii) All proposed lots have a net site area (excluding access legs) of at least 2500m² (which may include land within the Environmental Protection Area) and a building platform located entirely within the cluster (APP14 – Havelock precinct plan). (iii) The proposal includes the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide the connection to Bluff Road. (iv) The proposal offers the provision of any sections of the walkway/cycleway/bridleway within or adjacent to the site. (v) The proposal includes a 5m planted landscape yard adjoining any road or indicative road. (vi) The proposal includes legal mechanisms to retain Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting). (b) Rule SUB-R61 does not apply. **Council's discretion is restricted to the following matters:** (a) Consistency with the Havelock Precinct Plan (APP14 – Havelock precinct plan); (b) Adverse effects on amenity values; (c) The provision of infrastructure, including water supply for firefighting where practicable (d) avoidance of adverse stormwater effects on downstream properties, including adverse alteration of natural flow paths and run-off frequency, volume and duration; (~~d~~e) Standard of design and construction of the walkway; (~~e~~f) Standard of design and construction of the indicative road; (~~f~~g) Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area; and (~~g~~h) Provision of planting and management plans to mitigate and offset the landscape and ecological effects earthworks and vegetation removal associated with road construction **(2) Activity status: DIS**

	Where: (a) Subdivision that does not comply with Rule SUB-R62(1)(a)(iv) to (vi). **(3) Activity status: NC** **Where:** (a) Subdivision that does not comply with Rule SUB-R62(1)(a)(i) to (iii)
SUB-R69 Subdivision – building platform within PREC4 – Havelock precinct	**(1) Activity status: RDIS** **Activity specific standards:** (a) Subdivision in PREC4 – Havelock precinct in the RLZ - Rural lifestyle zone that provides a building platform on every proposed lot (other than an access allotment or utility allotment) that meets all of the following standards: (i) Has an area of 500m^2 exclusive of boundary setbacks; (ii) Has an average gradient no steeper than 1:8; (iii) Has vehicular access in accordance with Rule TRPT-R1; (iv) Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform; (v) Is not subject to inundation in a 2% AEP storm or flood event; and (vi) A residential unit could be built on as a permitted activity in accordance with the land-use – building standards of the RLZ – Rural lifestyle zone. (b) Rule SUB-R68 does not apply. **Council's discretion is restricted to the following matters:** (a) Earthworks and fill material required for building platform and access; (b) Geotechnical suitability for a building; (c) Avoidance or mitigation of natural hazards; (d) Effects on landscape and amenity; and (e) Measures to avoid storm or flood events and adverse stormwater effects on downstream properties, including adverse alteration of frequency, ~~and~~ volume an duration.
Part 2 Chapter 29 – Earthworks	
EW-P1 Earthworks in the GRZ –	(1) Manage the effects of earthworks to ensure that: (a) Erosion and sediment loss is avoided or mitigated; (b) Changes to natural water flows and established drainage paths and overland flow paths are avoided, remedied or mitigated;

General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone, SETZ – Settlement zone or OSZ – Open space zone.	(c) Adjoining properties and public services are protected; (d) The importation of cleanfill is avoided in the zone; and (e) Adverse effects on historic heritage are avoided.
EW-R7 GRZ – General residential zone Earthworks – general	**(1) Activity status: PER** **Where:** (a) Earthworks (excluding the use of cleanfill material or fill material) within a site must meet all of the following standards: (b) Be located more than 1.5m horizontally from any waterway, open drain or overland flow path; (c) Not exceed a volume of 250m^3 and an area of not more than 1,000m^2 over any consecutive 12 month period; (d) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (e) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (f) Earthworks are set back at least 1.5m from all boundaries; (g) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of cessation of the earthworks; (h) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (i) Do not divert or change the nature of natural water flows, water bodies or established drainage paths or overland flow paths,; and (x) Do not generate adverse stormwater effects on downstream properties, including adverse alteration of run-off frequency ~~and~~ volume and duration. (j) Provided they are not within a kauri root zone

	(2) Activity status where compliance not achieved: RDIS **Council's discretion is restricted to the following matters:** (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths, overland flow paths and changes to stormwater and hydrological conditions, including adverse alteration to run-off frequency, ~~and~~ volume and; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R8 Earthworks – general GRZ	**(1) Activity status: PER** **Where:** (a) Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, including the use of imported cleanfill material or imported fill material, must meet the following standards: (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and (ii) Provided they are not within a kauri root zone **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material;

	(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths or overland flow paths, and changes to stormwater and hydrological conditions, including adverse alteration to run-off frequency, volume and duration; ; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R9 Earthworks – general GRZ	**(1) Activity status: PER** **Where:** (a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following standards: (i) Not exceed a total volume of 20m^3; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths or overland flow paths, and do not generate adverse stormwater effects on downstream properties; including adverse alteration to run-off frequency, volume and duration and (viii) Provided they are not within a kauri root zone. **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;

	(vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths or overland flow paths, and changes to stormwater and hydrological conditions, including adverse alteration to run-off frequency. volume and duration; ; (xi) Land instability, erosion and sedimentation; and (xii) The risk of earthworks exacerbating Kauri dieback disease.
EW-R13 Earthworks – general MRZ	**(1) Activity status: PER** **Where:** (a) Earthworks (excluding the importation of fill material) within a site must meet all of the following standards: (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 1000m^3; (iii) Not exceed an area of 1ha over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks must not result in any instability of land or structures at, or beyond, the boundary of the site where the land disturbance occurs; (vii) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and (ix) Do not divert or change the nature of natural water flows, water bodies or stablished drainage paths or overland flow paths, do not generate adverse stormwater effects on downstream properties; including adverse alteration of run-off frequency, -volume and duration; and (x) Provided they are not within a kauri root zone **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:**

	(a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths or overland flow paths, and changes to stormwater and hydrological conditions, including adverse alteration of run-off frequency, ~~and~~ volume and duration; ; (j) Land instability, erosion and sedimentation; and (k) The risk of earthworks exacerbating Kauri dieback disease.
EW-R14 Earthworks – general MRZ	(1) Activity status: PER Where: (a) Earthworks for the purpose of creating a building platform for residential purposes within a site, including the use of imported cleanfill material and imported fill material, must meet the following standards: (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and (ii) Provided they are not within a kauri root zone **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability;

	(ix) Flood risk, including natural water flows, ~~and~~ established drainage path or overland flow path~~s~~, and changes to stormwater and hydrological conditions; including adverse alteration of run-off frequency, ~~and~~ volume and duration; (x) Land instability, erosion and sedimentation; and (xi) The risk of earthworks exacerbating Kauri dieback disease
EW-R15 Earthworks – general MRZ	**(1) Activity status: PER** **Where:** (a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following standards: (i) Not exceed a total volume of 50m^3; (ii) Not exceed a depth of 1.5m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths or overland flow paths, or generate adverse stormwater effects on downstream properties, including adverse alteration of run-off frequency, ~~and~~ volume and duration; and (viii) Provided they are not within a kauri root zone **(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability;

	(i) Flood risk, including natural water flows and established drainage paths or overland flow paths, and changes to stormwater and hydrological conditions, including adverse alteration of run-off frequency, ~~and~~ volume and duration; (j) Land instability, erosion and sedimentation; and (k) The risk of earthworks exacerbating Kauri dieback disease
Part 3 Chapter 2 – General Residential Zone	
GRZ-S13 **(1) Activity status: PER** **Where:** The impervious surfaces of a site shall not exceed 70%.	**(2) Activity status where compliance not achieved: RDIS** **Council's discretion is restricted to the following matters:** Site design, layout and amenity; and The risk of flooding, nuisance or damage to the site or other buildings and sites. Adverse stormwater effects on downstream properties, including adverse alteration of run-off frequency volume, and duration.