

Appendix L. Analysis of Permitted Activities

The relevant plans are;

'PRP' Proposed Regional Plan for Northland (June 2020) <https://www.nrc.govt.nz/media/16350/proposed-regional-plan-updated-appeals-version-june-2020.pdf>. The Proposed Regional Plan will not be fully operative until all appeals are resolved. Rules which are under appeal have their equivalent rules referenced from the operative regional plan.

'RWSP' Regional Water and Soil Plan for Northland 2004
<https://www.nrc.govt.nz/media/10761/consolidatedregionalwaterandsoilplanasat2014updated2016web.pdf>

'RAQP' Regional Air Quality Plan for Northland 2003 <https://www.nrc.govt.nz/media/10754/regionalairqualityplanfornorthlandincludingpc1and2web.pdf>

'FNDP' Far North District Plan 2009 <https://www.fndc.govt.nz/Your-Council/District-Plan/Operative-plan>

'Bylaw' Far North District Council Control of Earthworks Bylaw 2019 <https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/bylaws/control-of-earthworks/control-of-earthworks-bylaw-2019.pdf>

Discharges and emissions

Rule No.	Plan	Activity	Comment
8.6.5.1.7	FNDP	Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803P:1984[1999] " <i>The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work</i> ".	Construction noise will comply with the permitted activity standard given setback to the nearest notional boundary of a residence. Construction noise will also be managed according to best practise.
C.7.2.7	PRP	The discharge of a dust into air from the earthworks activity is not specifically regulated under a rule in the PRP and so falls as a permitted activity under Rule C.7.2.7 as it complies with the performance criteria set out in this rule.	The site work will be managed to avoid the dust discharging beyond the boundary of the properties where work is being carried out.

10.1.2	RAQP	<p>The discharge of dust to air from activities associated with earthworks is a Permitted Activity provided that the discharge does not result in any dust nuisance that is offensive or objectionable to neighbouring landowners/occupiers, including their properties.</p>	<p>The site work will be managed to avoid the dust discharging beyond the boundary of the properties where work is being carried out.</p> <p>In addition, the proposal would comply with this rule due to the separation distance to places frequented by people.</p>
Instream crossings			
C.2.1.8	PRP	<p>The erection, reconstruction, placement, alteration, or extension of a structure in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:</p> <ol style="list-style-type: none"> 1) the activities, including any temporary damming and diversions around work sites, comply with all relevant conditions of C.2.3 General conditions, and 2) the activities are not associated with the launching, retrieval, mooring, maintenance or repair of vessels, and 3) for culvert crossings: <ol style="list-style-type: none"> a) the contributing catchment is less than 300 hectares, and b) the culvert length under the crossing parallel to river flow must not exceed 25 metres when necessary for a road or railway line, otherwise it must not exceed 10 metres, and c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and 	<p>Construction of the dam embankment and reservoir basin will require the construction of a permanent culvert in dry conditions.</p> <p>The construction of the culvert will comply with the conditions of the permitted activity rule. It is important to note that the contributing catchment is 93 hectares.</p>

	<p>d) culvert approaches and fill placed on the river or lake bed must be free of organic matter, and e) the total height of the crossing crest must be:</p> <ul style="list-style-type: none">i. no more than 3.5 metres above the invert level of the culvert inlet, andii. within the manufacturer's maximum height specifications for the culvert, andiii. below the river bank level unless it is necessary for a road, and <p>f) the culvert must be either open bottomed or installed so that the base is set a minimum of 25 percent and a maximum of 50 percent of the culvert diameter below the stream bed, and</p> <p>g) on request by the Regional Council, records of structure design and flow calculations must be made available within 10 working days of the request, and</p> <p>h) the culvert is not in a significant wetland, an outstanding freshwater body or mapped (refer I Maps Ngā mahere matawhenua):</p> <ul style="list-style-type: none">i. Outstanding Natural Character Area, orii. Outstanding Natural Feature, oriii. Site or Area of Significance to tangata whenua, and <p>4) For single span bridges:</p> <ul style="list-style-type: none">a) piles are not located in, on or under the bed of a water body, andb) the bridge, its abutments and foundations, are located so as to not decrease the bed width by more than 10 percent, andc) the bridge abutments and foundations are constructed parallel to the river, andd) on request by the Regional Council, records of structure design and flow calculations must be provided within 10 working days of the request, and	
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	<p>e) the bridge is not in a significant wetland, an outstanding freshwater body or mapped (refer I Maps Ngā mahere matawhenua):</p> <ul style="list-style-type: none">i. Outstanding Natural Character Area, orii. Outstanding Natural Feature, oriii. Site or Area of Significance to tangata whenua, and <p>5) For ford crossings:</p> <ul style="list-style-type: none">a) the width of the ford crossing parallel to river flow does not exceed 10 metres, andb) the activity must not result in discontinuity in the flow of water under any flow conditions, andc) the ford is not in a significant wetland, an outstanding freshwater body or mapped (refer I Maps Ngā mahere matawhenua): <ul style="list-style-type: none">i. Outstanding Natural Character Area, orii. Outstanding Natural Feature, oriii. Site or Area of Significance to tangata whenua. <p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none">• Erection, placement, reconstruction, alteration, or extension of a structure in, on, under, or over the bed of a lake or river, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).• Damming, taking or diversion of water around the activity site during the erection, placement, reconstruction, alteration, or extension of a structure (14(2)).• Discharge sediment or water into water incidental to the activity (s15(1)).	
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29.01.03	RWSP	<p>The use, placement, replacement, repair or alteration of a culvert crossing on the bed of a river or lake and any associated excavation or disturbance of the bed, and diversion of water through the structure, is a permitted activity, provided that:</p> <p>(a) The length of the culvert crossing does not exceed 25 metres and is of sufficient size to contain the bankfull flow without causing flooding onto neighbouring properties.</p> <p>(b) There are no adverse flooding or erosion effects on any upstream, adjoining or downstream properties as a result of the activity.</p> <p>(c) The works shall include the provision of an overland flowpath on the same property to ensure the safe passage of a 1 in 100 year period flood flow event.</p> <p>(d) During the disturbance of the bed, upstream flow up to a 1 in 5 year return period storm event, is temporarily diverted around the area of disturbance except where the temporary damming of the water is undertaken in accordance with Rule 28.01.05.</p> <p>(e) The activity does not take place in any dune lake listed in Schedule E; or in an indigenous wetland; or a river, or section of river or lake, deemed to have outstanding values as shown in Appendix 18.</p> <p>(f) It is not regulated by Rule 27.03.02.</p> <p>(g) The activity complies with the Environmental Standards in 29.01.11.</p>	<p>Construction of the dam embankment and reservoir basin will require the construction of a permanent culvert in dry conditions.</p> <p>The construction of the culvert will comply with the conditions of the permitted activity rule.</p>
Construction of Buildings			
8.6.5.1.2	FNDP	<p>No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in Chapter 3 - Definitions), except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.</p>	<p>The proposed embankment will comply with the rule.</p>

		Exemptions: crop protection structures not exceeding 6m in height.	
8.6.5.1.10	FNDP	Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.	The embankment design is currently 1.9086 ha in area which is 1.7% of the gross site area of 114.5ha, therefore well under the 12.5% coverage allowed.
8.6.5.1.4	FNDP	<p>No building shall be erected within 10m of any site boundary; with the following exceptions;</p> <p>(a) no accessory building shall be erected within 3m of boundaries other than road boundaries, on sites less than 5000m² ;</p> <p>(b) no crop protection structures shall be located within 3m of boundaries;</p> <p>(c) no building shall be erected within 12m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive;</p> <p>(d) no building for residential purposes shall be erected closer than 100m from any zone boundary with the Minerals Zone;</p> <p>(e) no building shall be erected within the building line restriction area as marked in Appendix 6C, located immediately north of the Te Waimate Heritage Precinct. Any proposed building to be erected within this building line restriction area shall be deemed a discretionary activity and the Heritage New Zealand Pouhere Taonga will be considered an affected party to any such application made under this rule.</p> <p>Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in Chapter 12.7 – Lakes Rivers Wetlands and the Coastline still apply to below ground components of wastewater treatment systems. Attention is also drawn to the TP58 On-site Wastewater Systems: Design and Management Manual and the Regional Water and Soil Plan for Northland, as consent may be required.</p>	The embankment will be setback more than 10m from the nearest site boundary.

8.6.5.1.11	FNDP	<p>For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed</p> <p>i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater. Provided that:</p> <p>(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; or</p> <p>(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; or</p> <p>(c) this number may be exceeded where persons are visiting marae. In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity. Exemptions: the foregoing limits shall not apply to farming and forestry or Temporary Military Training activities. All other activities shall comply with the requirements of s16 of the Act. Note: a definition of Activities Ancillary to Farming or Forestry, is contained in Chapter 3 and reads as follows: Processing and packaging facilities for farming, forestry, and any rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores and pack houses and rural contractor depots.</p>	<p>Persons who are engaged in constructing or establishing an activity (including environmental enhancement) on the site may exceed 4 persons per site or 1 person per 1 hectare net site area standard. They are not exempt from this rule however.</p>
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