

Appendix 7 – District Plan Relevant Provision Compliance Assessment

Table 1: Relevant District Plan Rule Compliance Assessment

Relevant Rule	Compliance Comment
Section 4A - General	
Rule 4A.1.4 – Activities not provided for.	Complies. Planting incidental to the existing rural use of the southern boundary strip which is zoned Rural is considered a permitted activity. Planting will be carried out in this location in accordance with the Structure Plan.
Rule 4A.5 - Earthworks	Does not comply. The earthworks proposed are ancillary to industrial development of the site, for which resource consent for a Non-Complying Activity is required. Therefore not permitted by 4A.5(b).
Section 4B – Transportation	
4B.4 – Transportation Activity Performance Standards	Complies. Access into the development would be via a single entrance point from Te Puna Station Road (local road). Sufficient space for on-site parking and manoeuvring is also required. All applicable rules under 4B.4 assessed to be met with the exception of 4B.4.10, see below.
4B.4.10 – Formation of parking	Does not comply. Industrial areas are proposed to be surfaced with compacted metal. Ample parking space is able to be accommodated in these locations, however they will not necessarily be sealed. Therefore resource consent as a Restricted Discretionary Activity (pursuant to Rule 4B.3.2) is required.
Section 4C - Amenity	
4C.1 – Noise and vibration	Complies. See Operational Noise and Vibration Assessment prepared by experts Earcon Acoustics Ltd in respect of the proposed development.
4C.2 – Storage and disposal of solid waste	Complies. No storage or disposal of solid waste to land proposed.
4C.3 – Lighting and welding	Complies. Whilst some welding activities (repair of containers, repair of vehicles at transport depot) are anticipated, this would be restricted to daytime hours to easily comply with these requirements. Night-time illuminance would be complied with given proposed operation hours.
4C.4 – Offensive Odours, Effluent Aerosols and Spray Drift	Complies. No components of the proposed industrial uses generate potential effects in this regard.
4C.5 - Screening	Complies. The landscape strategy to the perimeter of the proposed lease areas ensure compliance with this standard. See LVIA for further assessment and confirmation.
Section 4D - Signs	
4D.3.4.1 – Te Puna Business Park	Complies. Signage at the entrance to this part of the Business Park, and to any lease from the internal road, would comply with the permitted activity conditions.
Section 8 – Natural Hazards	
8.3.3(c) – Earthworks in Floodable Area greater than 5m ³ .	Does not comply. Earthworks volumes to form the extent of usable lease areas would exceed 5m ³ within the mapped Floodable Area applying to part of the site. Resource consent is required as a Restricted Discretionary Activity (pursuant to Rule 8.3.3(c)).
Section 9 – Hazardous Substances	
9.3.2 – Permitted Hazardous Substance Storage	Complies. No hazardous substances are stored on site. Future activities will need to similarly comply or obtain consent in respect of any non-compliance.
Section 10 – Infrastructure and Network Utilities	

10.3(d) and (e) – Telecommunications and electricity lines.	Not applicable (10(3)(d)). Existing lines not to be altered. Any new lines to be underground. Complies with Rule 10(3)(e).
10(ab) and (ac) – Underground pipelines for three waters.	Complies. Underground networks in the case of potable water and wastewater. Open stormwater drains as per 10(ac) for stormwater.
10(ah) – Road widening (Te Puna Station Road)	Complies within the road reserve of Te Puna Station Road.
10(ak) – New roads, parking areas	Complies. Will be established in conjunction with the resulting Land Use Consent as sought by this application.
Section 11 – Financial contributions	
The requirement to pay financial contributions in respect of receiving/supplying water supply and transport networks as specified within Section 12.4.16 of the District Plan is acknowledged and will be paid in accordance with the development process.	
Section 12 – Subdivision and Development - General	
12.4.1(a) – Site suitability	Does not completely comply (inundation). WBOPDC have advised 100-year flood levels are used in determining whether or not a building site is ‘free from inundation’ as required by this rule. It is proposed to cut and fill the proposed lease areas to achieve a level of +/- 2.5m NZVD (2.72m Moturiki) (variation only to enable stormwater to runoff into proposed stormwater network). This level has been determined by consulting engineers WSP to be above the 50-year flood event which corresponds to building consent requirements, and WBOPDC Development Code requirements for industrial sites. This level is 100mm below the modelled 1 in 100-year event to result at the site in conjunction with all stormwater mitigation measures (2.6m NZVD16). Erosion, subsidence and slippage risks are addressed in the derived methodology for earthworks at the site as explained in the geotechnical report at Appendix 4 . The site is not considered to be subject to these hazards when following the proposed geotechnical methodology.
12.4.1(g) – Access to infrastructure	N/A. These provisions apply to new lots, and subdivision is not proposed by this application. Outcomes consistent with the intent of these rules is proposed by way of the integrated and robust servicing solution proposed by this application.
12.4.3.2 – Extension of utility services	Complies. An extension of the reticulated utility services from the road (potable water only available) into the site is proposed.
12.4.4.2 – Proposed roads	Does not comply. Private roads up to 100m long are provided for as permitted activities. The proposed length is 335m long. Requires resource consent as a Restricted Discretionary Activity (pursuant to Rule 12.3.4.1).
12.4.4.4 – Property access	Complies. No new lots proposed with all leases to have access to an internal private way served by a legal formed, public road.
12.4.5, 12.4.6, 12.4.7 – Stormwater, Wastewater, Water Supply	N/A. These provisions apply to new lots, and subdivision is not proposed by this application. Outcomes consistent with the intent of these rules is proposed by way of the integrated and robust servicing solution proposed by this application. See also specific infrastructure requirements and commentary pursuant to 12.4.16 of the District Plan below.
12.4.9.4 – Structure plan compliance	Resource consent specifically required for a Non-Complying Activity due to non-compliance with structure plan requirements (see below) (as stated otherwise in the District Plan – Rule 21.3.12 specifies non-compliance with Structure Plans in Industrial Zones as a Non-Complying Activity).
Section 12.4.10 – Stormwater General – Structure Plans	

<p>12.4.10.1-12.4.10.8 – Stormwater requirements in Structure Plan areas</p>	<p>Complies. All of these provisions are met. Stormwater is disposed of in a manner consistent with the planned pond and overland flowpath/wetland provisions of the Structure Plan. Relevant attenuation requirements are met.</p> <p>Auckland Council TP10 standards can be achieved (advised by WSP).</p> <p>Water management features are shown in the proposed plans at Appendix 3.</p> <p>Vesting can occur with Council in due course following appropriate establishment and operation to the satisfaction of Council.</p>
<p>Section 12.4.16 – Subdivision/Development in Te Puna Business Park</p>	
<p>12.4.16 – General accordance with Structure Plan Sequencing within Te Puna Business Park</p>	<p>Does not comply. Development of stormwater management infrastructure is necessary within Stages 3 and 4 of the Structure Plan to enable Stages 1 and 2 to be serviced. As such, the specified sequencing of Stages 1 and 2 in advance of Stages 3 or 4 inherently cannot be met.</p> <p>Through road not proposed to 245 Te Puna Station Road at this point in time.</p> <p>Requires resource consent as a Non-Complying Activity (pursuant to Rules 12.4.9.4 and 21.3.12).</p>
<p>12.4.16.1 – General accordance with landscaping requirements</p>	<p>Complies. The general provisions of the structure plan in respect of landscaping requirements (encompassing landscape bunding and planting, and stormwater pond and network creation) are reflected and given effect to in the proposed plans for development within the business park. See LVIA for further explanation as to how the intent and deliverables related to landscaping within the Structure Plan are met.</p>
<p>12.4.16.2 – Road upgrades</p>	<p>Does not completely comply. This provision requires an upgrade to the left turn from Te Puna Station Road into State Highway 2. This upgrade is not proposed to be carried out based on the findings and recommendations of the Transport Assessment Report at Appendix 6. 200m distance to OLP site entrance not achieved (132m achieved). Requires resource consent as a Non-Complying Activity (pursuant to Rules 12.4.9.4 and 21.3.12). The other roading upgrade, capacity and monitoring requirements have already been complied with (as evidenced in Transportation Assessment Report, Appendix 6). This includes the form of the intersection into the site, which is designed to exceed the requirements stipulated at 12.4.16.2(d)(ii) of the District Plan.</p>
<p>12.4.16.3 – Landscape planting and stormwater management</p>	<p>Does not completely comply. This provision requires all planted land at the periphery of the business park, at the roadscape, and all stormwater features of the Te Puna Business Park Structure Plan to vest with Council and be established prior to any industrial activities commencing. This physical establishment requirements of this rule will be met in a manner consistent with the Structure Plan, however are only proposed to be complied with insofar as the subject site and other nearby land (in particular road reserve) within the applicant’s reasonable control. It is also not proposed to complete the vesting process at the time of establishment. Requires resource consent as a Non-Complying Activity (pursuant to Rules 12.4.9.4 and 21.3.12).</p>
<p>12.4.16.4 – Maintenance programme and dates</p>	<p>Complies. Landscaping and planting has been chosen as low-maintenance given the industrial adjacent uses. A three-year outline maintenance plan has been provided. Any further detailed maintenance plan can be provided and approved as a condition of resource consent.</p>
<p>12.4.16.5 – Water supply</p>	<p>Complies. Water supply to the required pressure will be available and the associated financial contribution paid as required by this provision.</p>

Section 18 – Rural Zone	
See commentary in respect of Rule 4A.1.4 above.	
Chapter 21 - Industrial	
21.3.1 – Permitted activities in the Industrial zone	Complies. Manufacturing (within the definition of Industry, Rule 21.3,1(a)) and Depots (Rule 21.3.1(l)) are the proposed industrial uses at this time, and are permitted under this rule. The vacant spaces are to be marketed for uses compliant with this rule.
21.3.3 – Additional permitted activities in the Te Puna Business Park	Complies. None of these thresholds are breached or use types proposed, therefore there is no non-compliance with this rule specific to the Te Puna Business Park.
21.3.7 – Additional controlled activities in the Te Puna Business Park	Does not comply. Workshop enclosure has a footprint of 290m ² , being a two-bay workshop of 145m ² to each bay. Exceeds 100m ² limit. Controlled Activity.
21.3.8 – High risk facilities	Complies. The repair component of the ContainerCo operation has been confirmed to contain no activities specified as a ‘High Risk Facility’ as per the Schedule at Rule 21.8 of the District Plan. Therefore no resource consent required in this respect.
21.3.12 – Non-Complying activities	Does not completely comply. Development not in general accordance with relevant structure plan – the proposal does not meet all roading infrastructure and sequenced delivery requirements, therefore is a Non-Complying Activity.
21.4 – Industrial Activity Performance Standards	
21.4.1(a) – Height and daylighting	Complies. Buildings/stacked containers would not exceed 9m in height nor the 2m + 45 degree daylighting plane applied from neighbouring Rural-zoned properties
21.4.1(b) – Yards	Complies. A 10m yard to the southern boundary, and 20m yard from the northern boundary (being the two boundaries and yards adjacent to Stage 1 of the proposed development of the site) as required are proposed. These would be landscaped in accordance with the provisions of the Te Puna Business Park Structure Plan, with any buildings beyond the landscaping measures set back to comply.
21.4.1(c) – Visual amenity (streetscene)	N/A
21.4.1(d) – Visual amenity (reflectivity)	Complies. All buildings to be constructed of lowly-reflective materials recessive in colour.
21.4.1(e) and (f)	N/A
21.4.1(g) – (s)	See commentary above
21.4.2 – Additional control, subdivision and development	Does not comply – see commentary above under Chapter 12, and 12.3.12, therefore is a Non-Complying Activity.