

APPENDIX B RULE COMPLIANCE

HAMILTON CITY OPERATIVE DISTRICT PLAN RULE CHECK

Maps 57, 58, 64 & 65	
Peacocke Structure Plan (Appendix 2 - Figures 2-1 to 2-3)	
<u>ZONING MAPS</u>	<u>FEATURE MAPS</u>
Peacocke Character Zone	Significant Natural Area 48 - Riverbank kanuka opposite Hammond Park (57B)
Natural Open Space Zone	Significant Natural Area 54 - Riverside kanuka, Peacocke (58B, 65B)
Transport Corridor Zone	Significant Archaeological Site A100 - Borrow Pits Lot 4 DPS 81210, Lot 2 DPS 81210 (S14/176) – Group 2 Archaeological and Cultural Site
Peacocke Structure Plan	Peacocke Terrace and Hill Character Areas
	Waikato River and Gully Hazard Area
	Designation A106 - Southern Links, HCC, Road (56, 57, 63, 64, 67)
	Conical Obstacle Limitation Surface

TABLE 1: CHAPTER 5 – SPECIAL CHARACTER ZONES

ACTIVITY	ASSESSMENT OF COMPLIANCE
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Rule 5.3.3.1 Master Plan – Process within the Peacocke Character Zone

<p>a) Urban development in the Peacocke Character Zone will be subject to the preparation and approval of a Master Plan. (Refer to Volume 2, Appendix 1.2.2.3 for what is required in a Master Plan).</p> <p>b) The Peacocke Character Zone has been divided into a number of neighbourhood areas (Volume 2, Appendix 2, Figure 2-3), each of which is required to have a Master Plan prepared prior to urban development occurring.</p> <p>c) The Master Plan must be prepared for the whole neighbourhood according to Volume 2, Appendix 1.2.2.3. The development of the master planned neighbourhood can proceed on a staged basis if staging has been defined as part of the consent granted for the Master Plan.</p> <p>d) Land use consents required under 5.4.13 may be incorporated into the consent process for a Master Plan as Discretionary Activities.</p>	<p>A range of land use activities require consent and will be consolidated into a separate single master plan land use consent. Refer below.</p> <p>The consent application covers all of Neighbourhoods 3 and 7 and parts of Neighbourhoods 6 and 8.</p>
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Rule 5.3.3.3 Activity Status – Peacocke Character Zone

<p>Permitted (forming part of the Master Plan process and approval):</p> <p>e) Single dwelling: first residential unit per site</p> <p>gg) Demolition or removal of existing buildings ...</p>	<p>Each proposed lot within the subdivision will be able to accommodate a single dwelling as a Permitted Activity, subject to other relevant standards.</p> <p>Demolition of existing buildings (dwellings and farm buildings) is a Permitted Activity.</p>
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<p>Discretionary (forming part of the Master Plan process and approval):</p> <p>pp) Walkways and cycleways.</p>	<p>Discretionary Activity. The proposal involves provision of walkways and cycleways. These activities require land use consent.</p>
<p>Rule 5.4.1 Density</p>	
<p>The minimum area of land (net site area) required for each residential unit shall be:</p> <p>a) Single dwellings – front, corner and through site: 400m² per unit (Terrace Area) 400m² per unit (Hill Area – slope <5 degrees) 800m² per unit (Hill Area – slope >5 degrees)</p> <p>b) Single dwellings – rear site: 400m² per unit (Terrace Area) 400m² per unit (Hill Area – slope <5 degrees) 800m² per unit (Hill Area – slope >5 degrees)</p>	<p>Will comply. The proposed density is as per the lot sizes (refer scheme plans).</p> <p>All lots within the Terrace Area will exceed 400m² and will comply.</p> <p>Following the subdivision earthworks the land slope within the Hill Area will be <5 degrees. All lots will exceed 400m² and will comply.</p>
<p>Rule 5.4.2 Site Coverage</p>	
<p>a) Front sites: Maximum 40% (Terrace Area) Maximum 40% (Hill Area – slope <5 degrees) Maximum 35% (Hill Area – slope >5 degrees)</p> <p>b) Rear sites: Maximum 40% (Terrace Area) Maximum 35% (Hill Area – slope <5 degrees) Maximum 35% (Hill Area – slope >5 degrees)</p>	<p>Will comply.</p> <p>Following the subdivision earthworks the land slope within the Hill Area will be <5 degrees.</p> <p>All lots within both the Terrace Area and the Hill Area will be capable of containing dwellings in compliance with these standards (or else land use consent will be required at individual lot level prior to building).</p>
<p>Rule 5.4.3 Permeable Surface and Planting</p>	
<p>a) Permeability across the entire site: Minimum 20% (Terrace Area) Minimum 35% (Hill Area – slope <5 degrees) Minimum 40% (Hill Area – slope >5 degrees)</p> <p>b) Front sites, corner sites, through sites only: permeability of the front setback excluding vehicle access provisions required by Rule 5.4.6 be planted in grass, shrubs or trees: 100% (all areas)</p>	<p>Will comply.</p> <p>Following the subdivision earthworks the land slope within the Hill Area will be <5 degrees.</p> <p>All lots within both the Terrace Area and the Hill Area will be capable of containing dwellings in compliance with these standards (or else land use consent will be required at individual lot level prior to building).</p>
<p>Rule 5.4.4 Building Height</p>	
<p>a) Front, corner and through site: Maximum 12m (Terrace Area) Maximum 10m (Hill Area – slope <5 degrees) Maximum 10m (Hill Area – slope >5 degrees)</p> <p>b) Rear site: Maximum 12.5m (Terrace Area) Maximum 10m (Hill Area – slope <5 degrees) Maximum 10m (Hill Area – slope >5 degrees)</p>	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>
<p>Rule 5.4.5 Height in Relation to Boundary</p>	
<p>a) No part of any building shall protrude through a height control plane rising at an angle of 28 degrees between northwest (315 degrees) and northeast (45 degrees), and rising at an angle of 45 degrees in all other directions. This angle is measured from 3m above ground level at all boundaries.</p> <p>Except that:</p> <p>i. Where buildings are attached, no setback is required between those buildings.</p>	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>

<ul style="list-style-type: none"> ii. Where there are two or more dwellings on the same site, the plane shall be measured at a line midway between the two dwellings rising at an angle of 45 degrees and with this angle measured from 3m above ground level at the midway line. iii. Where a boundary adjoins a transport corridor or access, the 45 degree angle applies to that boundary, measured 3m above the boundary. iv. Where the buildings are part of an approved Master Plan within the Peacocke Character Zone. 	
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Rule 5.4.6 Building Setbacks

<ul style="list-style-type: none"> a) From a boundary with any collector or local transport corridor (as part of a Master Plan): Minimum 3m (all areas) b) From a boundary with any arterial transport corridor (as part of a Master Plan): Minimum 5m (all areas) c) Where a garage or carport faces a transport corridor it shall be set back a minimum of 8m. d) Front, corner and through site – side and rear boundaries: Minimum 1.5m (all areas) e) Waikato Riverbank and Gully Hazard Area 6m 	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building). All existing buildings which are proposed to be removed will be progressively removed from the site as development occurs to ensure compliance with these standards.</p> <p>A 6m setback from the Waikato Riverbank and Gully Hazard Area will apply to Lots 75 and 76. Land use consents may be required for future dwellings on these two lots if encroachment within the setback is required. I concur with the applicant's further information response dated 27 March 2019, that given the lots and adjacent area will be subject to subdivision earthworks before building occurs on the lots, any encroachment of the setback would be a technical failure, as the purpose of the setback to manage potential stability effects will be alleviated.</p>
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Rule 5.4.7 Interface Between Public and Private

<ul style="list-style-type: none"> a) These standards apply to front, corner and through sites only. b) Location of accessory buildings within the front setback <ul style="list-style-type: none"> i. All detached accessory buildings shall be located no further forward of the front building line of the dwelling than 0.5m. ii. Accessory buildings that are an integral part of the design and construction of the dwelling shall, if the garage door is to face the street be located no further forward of the front building line of the dwelling than 0.5m. iii. Accessory buildings that are an integral part of the design and construction of the dwelling, if the garage door is 90 degrees to the street it shall be forward of the front line of the dwelling (but not encroaching into the front setback), by no more than 8m. 	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>
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<p>c) At least one habitable room shall have a clear glazed window facing the transport corridor. For corner sites, this shall be required only on the transport corridor frontage from which vehicular access is provided.</p>	
<p>Rule 5.4.8 Fences and Walls</p>	
<p>a) Fences and walls shall have a maximum height of 1.8m, except as provided below.</p> <p>b) Fences and walls within the Special Residential Zone ... shall have a maximum height of 1.2m for front and side boundary fences or walls located forward of the front building line of the dwelling.</p>	<p>Will not comply. Some of the proposed retaining walls, which will be constructed as part of the subdivision works, will exceed 1.8m in height. The indicative height of the proposed retaining walls is shown on the engineering drawings. There are very few retaining walls overall given the size of the subdivision. The indicative heights are up to 3.3m but typically less.</p> <p>The retaining walls are internal to the site. No specific conditions required to manage amenity effects. Some retaining walls may be required adjacent to an internal road and the applicant states these will be attractively designed. The retaining walls will be detailed at engineering design stage for certification.</p> <p>All other fences and walls will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>
<p>Rule 5.4.9 Residential Buildings – Separation and Privacy</p>	
<p>a) Residential buildings shall be set back at least 3m from the nearest part of any other residential building, except:</p> <ol style="list-style-type: none"> i. No separation is required between buildings that are attached. ii. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings, separation distance is a minimum of 1.5m. <p>b) A balcony at upper-floor level shall be set back at least 5m from boundaries (see Figure 5.4.9a). This does not apply to a boundary along a transport corridor, access way, right-of-way, private way, access lot, or entrance strip less than 6m wide.</p>	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>
<p>Rule 5.4.11 Outdoor Living Area</p>	
<p>a) ...</p> <p>b) Each residential unit shall be provided with an outdoor living area that is:</p> <ol style="list-style-type: none"> i. For the exclusive use of each residential unit. ii. Readily accessible from a living area inside the residential unit. iii. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas. iv. Located on a side of the residential unit which faces north, east or west (refer Figure 5.4.11e below). For the purpose of this standard, a side that faces north, east or west means the area to the: 	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>

<ul style="list-style-type: none"> • West of the westernmost and/or easternmost corners of the dwelling, and/or • West of the west facing façade aligned at no more than 15 degrees to the north-south axis; and/or • East of the east facing façade aligned at no more than 15 degrees to the north-south axis. <p>c) Outdoor living areas for residential units shall have areas and dimensions as follows: Single dwellings: Minimum 60m², capable of containing a 6m diameter circle, no dimension less than 2.5m.</p> <p>d) The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.</p>	
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Rule 5.4.12 Service Areas

<p>a) ...</p> <p>b) Every site, including first residential unit:</p> <ol style="list-style-type: none"> i. At least 20m² ii. Minimum dimension 3m <p>h) All service areas:</p> <ol style="list-style-type: none"> i. Readily accessible from each residential unit ii. Not visible from a public space 	<p>Will comply. All future buildings will be designed to comply with the standards (or else land use consent will be required at individual lot level prior to building).</p>
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Rule 5.5.11 Retail activities within the Peacocke Character Zone and Temple View Zone

<p>a) Retail activities within the Peacocke Character Zone need to be in general accordance with the Peacocke Structure Plan</p> <p>b) Retail activities within the Peacocke Character Zone or Temple View Zone that are part of an approved Master Plan or Comprehensive Development Plan shall be required to comply with the associated rules in Chapter 6: Business Zones 1 to 6 as follows:</p> <ol style="list-style-type: none"> i. Business Zone 5 when located in the defined Suburban Centre <p>once a Master Plan or a Comprehensive Development Plan has been implemented.</p>	<p>Not applicable. Resource consent is not being sought for retail activities. The master plan has included spatial planning for the future suburban centre. The subdivision incorporates the future suburban centre within super lots which will be subject to further resource consents (land use and subdivision) in the future.</p>
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TABLE 2: CHAPTER 18 – TRANSPORT CORRIDOR ZONE

ACTIVITY	ASSESSMENT OF COMPLIANCE
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Rule 18.4 Rules – Activity Status Table (Transport Corridor Zone)

<p>Permitted:</p> <p>b) Any new works either partly or fully in accordance with the function of the transport corridor as defined in Volume 2, Appendix 15-5: Transport Corridor Hierarchy Plan and Definitions.</p>	<p>Upgrades are proposed to three existing transport corridors, being Peacockes Rd, an unformed paper road and Stubbs Rd. The upgrades are in accordance with the function of the transport corridor and are permitted subject to the relevant standards being met (refer below).</p>
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Rule 18.6.1 Any New Works

<p>a) Any new works to an existing transport corridor shall be:</p> <ul style="list-style-type: none"> i. Designed and constructed to be consistent with the criteria outlined in Table 15-7a of Volume 2, Appendix 15-7: Criteria for the Form of Transport Corridors as appropriate for the land use environment and transport corridor type. ii. In accordance with the specific designation for the transport corridor; or iii. In accordance with the conditions of an approved resource consent. 	<p>Will not comply. The upgrades to Peacocks Rd will be to a collector road standard suitable to meet the needs of the proposed subdivision, unless HCC takes the opportunity to upsize the road to its final minor arterial standard that is identified in the district plan and under the designation.</p> <p>Upgrades to the unformed paper road and Stubbs Rd will achieve the criteria for local roads outlined in Table 15-7a of Volume 2, Appendix 15-7 with the exception of the carriageway width for Stubbs Rd which will be 5.6m rather than 6m.</p>
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TABLE 3: CHAPTER 19 – HISTORIC HERITAGE

ACTIVITY	ASSESSMENT OF COMPLIANCE
Rule 19.3 Rules – Activity Status Table (Historic Heritage)	
<p>Permitted:</p> <p>y) Any earthworks on a site in Group 2.</p>	<p>The proposal involve earthworks which will impact on a Group 2 archaeological and cultural site (A100). This is a permitted activity, subject to other standards in the district plan.</p>

Rule 19.4.2 Archaeological and Cultural Sites

<p>a) In the event that during earthworks on any site any archaeological feature, artefact or human remains are found, the Accidental Discover Protocol within Volume 2, Appendix 8-2 will be complied with.</p>	<p>Will comply. It is expected that conditions of consent will be imposed regarding accidental discovery.</p> <p>Condition recommended</p>
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TABLE 4: CHAPTER 20 – NATURAL ENVIRONMENTS

ACTIVITY	ASSESSMENT OF COMPLIANCE
Rule 20.3 – Rule – Activity Status Table (Natural Environments)	
<p>Permitted (within a SNA):</p> <p>d) Planting and management of eco-sourced indigenous vegetation or trees</p>	<p>No planting or management of trees is proposed within the SNAs.</p>
<p>Restricted Discretionary (within a SNA):</p> <p>f) Removal of exotic trees</p>	<p>No removal of trees is proposed within the SNAs, aside from the works outlined below for which consent is being sought under Rule 20.3(g).</p>
<p>Non-Complying (within a SNA):</p> <p>g) The following activities located within any Significant Natural Area Schedule 9C (Volume 2, Appendix 9)</p> <ul style="list-style-type: none"> i. Earthworks ii. The laying of forming of any impervious surface iii. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s) iv. The placement and/or construction of any building or structure 	<p>Non-Complying Activity. One subsoil drain will be located within the SNA (refer to drawing 141842-9052). The drain will comprise a drilled pipe and an outlet structure. The outlet structure will be carefully sited at detailed design stage to minimise earthworks and vegetation disturbance.</p> <p>Earthworks conditions recommended.</p>

v.	Directional drilling or boring	
vi.	The storage of chemicals or other toxic substances	
vii.	Removal of, or transplanting indigenous vegetation	

TABLE 5: CHAPTER 22 – NATURAL HAZARDS

ACTIVITY	ASSESSMENT OF COMPLIANCE
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Rule 22.3 – Rule – Activity Status Table (Natural Hazards)

<p>Permitted (within the Waikato Riverbank and Gully Hazard Area):</p> <p>a) Removal of trees or other vegetation b) Planting of trees or other vegetation c) Trimming and maintenance of trees or other vegetation</p>	<p>Vegetation removal, planting and maintenance of trees will be required. These activities are permitted.</p>
<p>Discretionary (within the Waikato Riverbank and Gully Hazard Area):</p> <p>h) New buildings p) Earthworks not otherwise identified in this table bb) Any residential activity</p>	<p>Discretionary Activity.</p> <p>New buildings are proposed within the Waikato Riverbank and Gully Hazard Area, including one dwelling on Lot 299 (refer drawing 141842-9051) and potentially a retaining wall on Lot 1101 (refer to drawings 141842-1216 and 141842-9054).</p> <p>Residential activities are proposed on Lot 299.</p> <p>This lot was removed as part of the redesign of the development in the north-east part of the site. There are no proposed dwellings located within the Waikato Riverbank and Gully Hazard Area.</p> <p>Earthworks are proposed within the Waikato Riverbank and Gully Hazard Area. Refer to drawings 141842-9051-9056. The earthworks include land contouring work as well as works required to construct stormwater discharge outlet structures in some locations along the riverbank and gully. The structures will be carefully sited to minimise disturbance of vegetation and to minimise earthworks. Construction will be undertaken using drilling of pipes and structures will be built from the river. Refer to AEE for further details.</p>

Rule 22.4.1 Impermeable Surfaces

<p>a) The maximum area of impermeable surface in that part of a site within a Hazard Area shall be 40%.</p> <p>b) This standard does not apply to transport corridors.</p>	<p>Will not comply. The area of impervious surfaces on Lot 299 will exceed 40%. Up to 80% impermeable surfaces is proposed (refer drawing 141842-9051). This is consistent with the area of impermeable surfaces permitted elsewhere in the Terrace Area.</p> <p>Refer above. This standard is no longer applicable</p>
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Rule 22.5.4 Removal of Trees and Other Vegetation

<p>a) The following standards apply within the Waikato Riverbank and Gully Hazard Area only.</p> <p>b) The removal of any tree or other vegetation shall not:</p> <p>i. Result in the subject site or any other site becoming unstable, or</p>	<p>Will comply. There will be minimal vegetation removal within the Riverbank and Gully Hazard Area. Vegetation along the riverbank will generally be preserved and where vegetation removal is required it will be carefully managed to ensure that the site remains stable.</p> <p>Earthworks conditions recommended.</p>
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ii. Create or exacerbate any natural hazards at the subject site or any other site.	
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TABLE 6: CHAPTER 23 – SUBDIVISION RULES

RULE	ASSESSMENT OF COMPLIANCE
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Rule 23.3 (Table 23.3c) Rules – Activity Status Table (Subdivision)

v. Fee simple subdivision c) Fee Simple Subdivision within the Peacocke Character Zone for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas.	The activity status of subdivision is Non-Complying without an approved Master Plan and Discretionary with an approved Master Plan. This consent application forms part of a Master Plan so the subdivision is a Discretionary Activity (subject to other relevant standards). Refer rule 23.6.11c) below which deems subdivision a Non-Complying Activity.
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedule 8A and 8B.	Not applicable. The heritage site (A100) is contained in Schedule 8C (not 8A or 8B).
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C.	The activity status for subdivision of an allotment containing a Significant Natural Area is Discretionary (with or without an accompanying Master Plan). The site does contain a Significant Natural Area so the subdivision is a Discretionary Activity (subject to other relevant standards).

Rule 23.5.1 Telecommunication, Electricity, Gas and Computer Media

a) Telecommunication, electricity, gas and ducting for computer media shall be provided at the time of subdivision, in accordance with the requirements of the relevant network utility operator and the relevant standards of the applicable zone.	Will comply. Confirmation of supply availability has been received from the network utility operators. Condition recommended
b) Telecommunication, electricity, gas and ducting for computer media shall be underground where possible.	Will comply.

Rule 23.5.2 Provision of Esplanade Reserves and Strips

a) An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of: <ul style="list-style-type: none"> i. The Waikato River. 	Will comply. An esplanade reserve with a minimum width of 20m is proposed. Refer to scheme plans.
ii. The margins of Lake Rotoroa (Hamilton Lake).	N/A.
iii. Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.	There are no watercourses within the site which have an average bed width of 3m or more.
iv. Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then	In one location there is a paper road alongside the river (which will remain) but its width is greater than 20m.

additional land shall be vested to increase the minimum width to 20m.	
Rule 23.5.3 Provisions in Other Chapters	
<p>a) The provisions of the following chapters apply to activities within this chapter where relevant.</p> <ul style="list-style-type: none"> • Chapter 3: Structure Plans • Chapter 25: City-wide 	
Rule 23.6.11 Subdivision in the Peacocke Character Zone	
<p>c) Fee Simple Subdivision for lots less than 2ha in the Terrace Area and less than 5000m² in the Gully and Hill Areas</p>	
<p><u>Terraced Area</u> 1. Lots Less than 2ha</p> <p>i. Provide full urban infrastructure</p>	<p>Will comply. All lots will be serviced with full urban infrastructure.</p> <p>Note – the majority of the site is within the Terraced Area. However, a small part of the site is within the Hill Area (refer below).</p>
<p>ii. Connection to the existing wastewater network to the satisfaction of Council</p>	<p>Will comply.</p>
<p>iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network</p>	<p>Will not comply. Subdivision consent is therefore required as a Non-Complying Activity (refer 23.6.11(i) below).</p>
<p><u>Gully Area and Hill Areas</u> 2. Lots less than 5000m²</p> <p>i. Provide full urban infrastructure</p>	<p>Will comply. All lots will be serviced with full urban infrastructure.</p>
<p>ii. Connection to the existing wastewater network to the satisfaction of Council</p>	<p>Will comply.</p>
<p>iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network</p>	<p>Will not comply. Subdivision consent is therefore required as a Non-Complying Activity (refer 23.6.11(i) below).</p>
<p>e) Any subdivision, other than for urban purposes, shall be required to have a consent notice placed on all titles issued from the subdivision (including the parent lot) requiring the payment of any outstanding development contributions prior to the subdivision of the title for urban purpose being allowed.</p>	<p>The subdivision is for urban purposes, other than two rural balance lots.</p>
<p>f) Except that the lots approved via subdivision consents (Council Consent Reference Numbers: 11.2009.20620, 11.2009.20621, 11.2099.20769, 11.2009.20770, 11.2007.18574, and 11.2011.22366) granted over the land described as Pt Lot 6 DP 34164, Lot 1 DPS 12991, Lot DPS 78023, Lot 1 DPS 76734, Lot 5 DPS 45202, Lot 2 DP 23381, Lot 5 DP 17475 Lot 8 DP 34164, Allotment 87, Pt Allotment 93 and Pt Allotment 94 Te Rapa PSH, Lot 3 DPS 45202, lots 1, 2 and 3 DPS</p>	<p>Not applicable.</p>

<p>40592 and Lots 1, 2, 3, and 4 DPS 81210 can be used to create up to 52 lots for urban purposes without complying with Rule 23.6.10(c)1 or 2 provided that:</p> <ol style="list-style-type: none"> i. A wastewater system sufficient to service urban purposes is provided and certified by Council. ii. A stormwater disposal solution is provided and certified by Council. iii. A Master Plan for the area of not less than one neighbourhood, as identified within Volume 2, Appendix 2, Figure 2-3. Refer to Volume 2, Appendix 1.2.2.3 for information requirements. iv. No further subdivision creating additional allotments is permitted unless Rule 23.6.11(c)1 or 2 is complied with. 	
<p>g) Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Catchment Management Plan.</p>	<p>Complies. The subdivision consent application is being lodged with a Sub-Catchment ICMP.</p>
<p>h) Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Transport Assessment.</p>	<p>Complies. The subdivision consent application is being lodged with a Broad ITA.</p>
<p>i) Any subdivision within the Peacocke Character Area which does not comply with the standards in Rule 23.6.11 will be a non-complying activity.</p>	<p>Subdivision consent is required as a Non-Complying Activity due to non-compliance with Rule 23.6.11(c)(1)(iii) and Rule 23.6.11(c)(2)(iii).</p>

23.7.1 Allotment Size and Shape

<p>l) <u>Peacocke Character Zone (Terrace Area)</u></p>	
<p>Minimum Net Site Area 200m²</p>	<p>All lots will comply. All lots will have a minimum site area of at least 400m².</p>
<p>15m diameter circle Medium density Residential – N/A</p>	<p>Will not comply. Shape factor circles are shown on the scheme plans. There are 12 corner lots within the Terrace Area which do not achieve compliance. From my assessment there are 14 lots that will not comply (Lots 181, 191, 193, 275, 361, 365, 426, 617, 619, 633, 752, 755, 831 & 835 based on the revised subdivision plans). The non-compliance is due to encroachment into the front setback. As noted in the applicant's urban design report these lots are at least 16.5m wide so that a 12m wide dwelling can fit without encroaching the front and side setback requirements. Given the shape and size of the lots I concur that a reasonable size dwelling and required on-site amenities can be accommodated in compliance with the District Plan development standards.</p>
<p>n) <u>Peacocke Character Zone (Hill Area where slopes are less than 5 Degrees)</u></p>	
<p>Minimum Net Site Area 400m²</p>	<p>N/A. The pre-existing slopes in the part of the site that is within the Hill Area exceed 5 degrees.</p>
<p>Max Net Site Area 800m²</p>	<p>N/A. The pre-existing slopes in the part of the site that is within the Hill Area exceed 5 degrees.</p>

15m diameter circle	N/A. The pre-existing slopes in the part of the site that is within the Hill Area exceed 5 degrees.
o) <u>Peacocke Character Zone (Hill Area where slopes are greater than 5 Degrees)</u>	
Minimum Net Site Area 800m ²	Will not comply. Some of the proposed lots within the Hill Area are less than 800m ² . All lots exceed 400m ² . This area comprising some 50 lots and from my assessment all the lots are less than 800m ² (refer Fig 3.3 of Applicant's AEE, pg 19). This area is not of an undulating nature compared to the other hill areas within the Peacocke Structure Plan. Minor earthworks within this area will result in the lots having slope less than 5 degrees. In my view the proposed lot sizes are appropriate for the finished land contour (which does not involve extensive earthworks) and the minimum lot sizes comply with n) above for Hill Area where slopes are less than 5 degrees.
15m diameter circle	Will not comply. Shape factor circles are shown on the scheme plans. There is 1 corner lot (Lot 805, now Lot 787) within the Hill Area which does not achieve compliance. Same comment as for l) above.
y) Where the shape factor circle standard applies to any subdivision, unless otherwise specified, each allotment shall be of a shape that can accommodate a circle of the specified diameter in a position which does not infringe any required front yard requirements of the respective zone.	Will not comply. The 13 lots (15 lots) which do not comply with the shape factor rule are corner lots. The non-compliances are due to the shape factor circles encroaching into the front yard areas of the lots along one front boundary.
23.7.2 Subdivision Suitability	
a) All subdivisions creating additional allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone, and where subdivision is around existing structures that are to be retained comply with bulk and location provisions for the relevant zone.	Will comply. All existing buildings/structures will be progressively removed based on the staging of the subdivision to ensure compliance. The only existing building that might be retained (other than on balance lots) is the dwelling on Lot 25 for potential re-use in the future for activities such as a café/sales office. Note: the land use application does not include for the potential re-use of the dwelling. These activities will require a separate land use consent. A condition can be imposed to require compliance with the bulk and location provisions for all buildings at all stages of the subdivision.
23.7.3 General Residential Zone, and All Special Character Zones	
a) 15m minimum transport corridor boundary length for a front site (except in the Terrace area of the Peacocke Character Zone and within CDP Area 1 and CDP Area 2 of the Temple View Zone)	Will not comply. This standard is relevant to the proposed lots within the Hill Area. Lot dimensions are shown on the scheme plans. Lots 797, 798 and 832 will not achieve compliance with the minimum 15m requirement. Based on the definition of a front site in the District Plan only Lot 832 (now Lot 814) will not comply. The lot can accommodate a complying shape factor circle and is of a size that is able to accommodate a reasonable size dwelling.
b) 10m minimum transport corridor boundary length for a front site within the Terrace area	Will not comply. Lot dimensions are shown on the scheme plans. Lots 275-278 will not achieve

of the Peacocke Character Zone and within CDP Area 1 and CDP Area 2 of the Temple View Zone	compliance with the minimum 10m requirement. Based on the definition of a front site in the District Plan all lots comply.
c) 10m minimum rear boundary length of a front site	Will not comply. Lot dimensions are shown on the scheme plans. Lots 432, 462, 544, 562 and 611 will not achieve compliance with the minimum 10m requirement. All the lots can accommodate a complying shape factor circle and are of a suitable shape and size to be able to accommodate a reasonable size dwelling.
d) Maximum of 6 allotments served by a single private way	Will not comply. There are two instances of more than 6 lots being accessed from a private way. This includes the jointly owned access lots servicing Lots 31-38 and Lots 839-842 (now Lots 821-824), and 849-853 (now Lots 831-835). The first instance the lots have an outlook onto an adjacent amenity reserve and local road and the in the second instance only 3 lots do not have frontage to the road. Both situations in my opinion will create a good urban design outcome and amenity for the future occupiers.
e) 3.6m minimum private way width serving 1-3 allotments	Will comply.
f) 4.5m minimum private way width serving 4-6 allotments	Will comply.
g) 1:5m maximum private way gradient	Will comply.
h) 50m maximum private way length	Will not comply. There are four instances where private ways are greater than 50m in length. This includes the jointly owned access lots servicing Lots 31-38, Lots 824-826, Lots 836-838 and Lots 839-842 and 849-853. Refer comments on d) above. In addition, the private ways comply with the minimum widths and achieve visibility along their lengths.
i) 150m maximum cul-de-sac length, including private way	Will comply. No cul-de-sacs longer than 150m are proposed.
j) Maximum of 1 private way accessing directly on to a cul-de-sac	Will not comply. There is one instance of more than one private way accessing from a cul-de-sac. This is the jointly owned access lots servicing Lots 824-826 (now Lots 806-808) and Lots 836-838 (now Lots 818-820). The private ways are serving lots that all have frontage to a public road but enables rear vehicle access to the lots via the private way. enhancing streetscape amenity for the development of these lots
k) Maximum of 0 culs-de-sac accessing directly on to a cul-de-sac	Will comply. There are no cul-de-sacs proposed which provide access to another cul-de-sac.
l) 80m maximum pedestrian accessway length through a block	Will not comply. There is one pedestrian accessway (Lot 1505) which is longer than 80m. This accessway adjoins the northern boundary of the Knoll neighbourhood reserve with a length of approximately 90m. Due to the re-design in the north-eastern part of the site pedestrian access (Lot 1504) also exceeds this standard with a length of approximately 15m. The non-compliances are not significant, and the straight length ensures CPTED principles are not compromised.

m) Minimum pedestrian accessway width through a block 40m or less in length: 6m wide	Not applicable.
41m – 60m in length: 9m wide	Not applicable.
61m – 80m in length: 12m wide	Will not comply. There are three locations where pedestrian accessway widths do not meet this standard. The pedestrian access reserve Lots 1503, 1504 and 1505 are all 10m wide. There are now only two pedestrian accessways (Lots 1504 & 1505). The proposed width is still considered satisfactory and given the straight alignment will ensure CPTED principles are not compromised.

TABLE 7: CHAPTER 25 - CITYWIDE

RULE	ASSESSMENT OF COMPLIANCE
25.2.3 Rules – Activity Status Table (Earthworks)	
Permitted: a) Earthworks (excluding earthworks covered by Rule 25.2.3 b) and i)) b) Earthworks and vegetation removal involving trenching, pole installation and replacement, slab foundation (not exceeding 2m in depth) and pile foundations for telecommunication masts, for infrastructure and network utilities c) Trimming, maintenance or removal of vegetation or trees not otherwise mentioned in this Plan	Earthworks other than those works covered by (f) and (g) below are permitted subject to compliance with standards (refer below).
f) Earthworks and vegetation trimming, maintenance or removal within a: i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Waikato Riverbank and Gully Hazard Area	Refer to Chapter 22: Natural Hazards.
g) Earthworks and vegetation maintenance, trimming or removal affecting: i. An archaeological and cultural site in Schedule 8B of Volume 2, Appendix 8 ii. A significant tree in Schedule 9D of Volume 2, Appendix 9 iii. A significant natural area in Schedule 9C of Volume 2, Appendix 9	Refer to Chapter 19: Historic Heritage and Chapter 20: Natural Environments.
25.2.4.1 Earthworks in All Zones	
a) Where fill material is used it is required to be clean fill.	Will comply.

b)	All earthworks or areas of bare earth not being worked for three months or more shall be stabilised and sown with ground cover.	Will comply.
c)	All earthworks shall retain sediment on site through implementation and maintenance of sediment controls. This standard does not apply to the transportation of material off site.	Will comply.
d)	All earthworks activities shall be managed to avoid material deposits on public roads from any vehicles operating on site.	Will comply.
e)	Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.	Will comply.
g)	<p>Within any Residential Zone or Special Character Zone (outside any Natural Hazard Area) earthworks must not exceed the following maximums in any single activity or cumulative activities in any 12 month period:</p> <p>i. 500m³ of material within the building footprint identified on a building consent that is obtained prior to any earthworks commencing, inclusive of the volume of material required for earthworks outside the building footprint that are necessary to maintain stable slopes for the construction work that has been authorised by that building consent.</p> <p>ii. 100m³ of material (excluding any volume provided for under i above), except in the Special Natural Zone and the Rototuna North East Character Zone where the maximum volume shall be 40m³.</p>	<p>Will not comply. Approximate earthworks volumes are as follows: Cut – 780,000m³ Fill – 630,000m³</p> <p>The earthworks will be undertaken over a long period but in each 12 month period the earthworks will still significantly exceed the permitted volume. Accordingly, resource consent is required for earthworks as a Restricted Discretionary Activity.</p> <p>Management of earthworks to address off-site effects can be addressed by recommended consent conditions.</p>
h)	Rules 25.2.4.1 f) and g) do not apply to:	N/A
	<p>i. activities identified in Rules 25.2.3 b) and i) or within the Transport Corridor Zone; or</p> <p>ii. activities authorised by a consent for a Concept Plan for a Major Facility prepared under Chapter 17, or a Concept Plan Consent for a Precinct prepared under Chapter 8, or any other land use consent, that includes conditions managing the adverse effects of earthworks.</p>	N/A

25.8.3.2 Construction Noise

a)	All construction noise shall comply with the relevant noise levels stated in NZS6803: 1999, section 7.2 'Recommended numerical limits for construction noise' and shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'.	Will comply. Can be addressed by recommended condition.
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25.8.3.3 Construction Vibration

a) Construction vibration received by any building on any other site shall comply with the provisions of and be measured and assessed in accordance with German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures.	Will comply.
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25.8.3.4 Design and Construction of New and Altered Roads

a) Application of this standard. i. This standard shall apply only to new and altered roads predicted to carry at least 2000 annual average daily traffic (AADT) at the design year	Peacockes Road will carry more than 2000 AADT, however, all local roads within the site will carry less than 2000 AADT.
b) This standard shall not apply: i. In circumstances where NZS 6806: 2010 does not apply, as listed in paragraph 1.3.1 of NZS 6806: 2010. ii. To local transport corridors identified within Volume 2, Appendix 15-5, Figures 15-5b to 15-5f. iii. To altered roads where the vertical or horizontal alignment changes relate solely to providing pedestrian footpaths, cycleways, dedicated passenger transport or high-occupancy vehicle lanes, vehicle stopping or parking whereby that part of the carriageway dedicated to usual vehicle movement does not move closer to any protected premises and facilities.	None of the exclusions are relevant to the proposed upgrades to Peacockes Road.
c) Road-traffic noise shall be measured and assessed in accordance with NZS 6806:2010 'Acoustics – Road traffic noise – New and altered roads'.	Will comply. The noise assessment that accompanied the Southern Links designation (which included upgrading Peacockes Road to minor arterial standard) confirmed that compliance would be achieved with NZS6806 at all PPFs in the vicinity of the Adare site without mitigation.
d) Subject to 25.8.3.4(a) and (b) above, new or altered roads are designed and constructed to mitigate road-traffic noise in compliance with NZS 6806: 2010 'Acoustics – Road traffic noise – New and altered roads'.	Not applicable. Refer above.

25.11.3 Smoke, Fumes, Odour and Dust

a) No objectionable or offensive dust, smoke, fumes or odour shall have adverse effects at any other site.	Will comply. The proposed earthworks activities have the potential to generate dust but the earthworks will be managed to ensure compliance with this rule. Can be managed through recommended condition.
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25.13.3 Rules – Activity Status Table (Three Waters)

Restricted Discretionary Activity: a) Any activity required to prepare a Water Impact Assessment by rule 25.13.4.6.	Restricted Discretionary Activity. A WIA is required for the subdivision (refer below).
Restricted Discretionary Activity:	Restricted Discretionary Activity. An ICMP is required for the subdivision (refer below).

b) Any activity required to prepare an Integrated Catchment Management Plan by rule 25.13.4.1(b).	
25.13.4.1 Integrated Catchment Management Plan	
a) Where a full ICMP already applies to an area, development of Three Waters infrastructure shall be undertaken in accordance with it. This will be considered a means to achieve compliance with the standards in Rules 25.13.4.1(b) and 25.13.4.2 to 25.13.4.4.	Not applicable. There is currently no full ICMP for the Peacockes area.
b) In areas where an ICMP does not exist an ICMP as described in Volume 2, Appendix 1.2.2.6 shall be prepared for development or subdivision: <ul style="list-style-type: none"> i. Creating more than 40 additional residential units on any site. ii. Creating more than 40 additional allotments. iii. Of any land involving more than 3ha 	Will comply. The proposal involves subdivision of more than 40 lots. A Sub-Catchment ICMP has been prepared and accompanies the subdivision consent application.
25.13.4.2 Stormwater	
a) A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and protect property from damage caused by surface water.	Will comply.
b) Stormwater management measures shall be in place and operational upon the completion of subdivision and/or development to ensure that the rate of stormwater discharge offsite is at or below pre-development rates. Stormwater management measures shall be implemented, as appropriate, in accordance with the following drainage hierarchy: <ul style="list-style-type: none"> i. Retention for reuse ii. Soakage techniques iii. Detention and gradual release to a watercourse iv. Detention and gradual release to stormwater reticulation. 	Will comply. The proposal includes a suite of tools for managing stormwater, including soakage within private lots and within the road reserve. Conditions are recommended to address stormwater management.
25.13.4.3 Wastewater	
a) An adequate, reliable, safe and efficient wastewater service shall be provided.	Will comply.
b) Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for a wastewater system as follows. <ul style="list-style-type: none"> i. The installation or upgrading of the wastewater network and/or wastewater pump stations to serve all proposed allotments and/or buildings, and 	Will comply. Conditions are recommended to address wastewater management.

<p>ii. Connection to the wastewater network from each proposed allotment or building.</p>	
<p>25.13.4.4 Water</p>	
<p>a) An adequate, reliable, safe and efficient supply of potable water shall be provided.</p>	<p>Will comply.</p>
<p>b) Where any subdivision or development results in additional allotments or buildings to be used for urban purposes, provision shall be made for:</p> <p>i. Water metering infrastructure, and either</p> <p>ii. A connection from the public water supply reticulation to each proposed residential allotment or existing building, or</p> <p>iii. A public water supply reticulation system extending from the main trunk water supply system (or from an existing water supply reticulation if appropriate) to allow a service to be connected from the transport corridor frontage of each non-residential allotment.</p>	<p>Will comply. Conditions are recommended to address provision of a potable water supply.</p>
<p>d) A reticulation system shall be provided which is adequate for fire-fighting purposes and for estimated domestic and commercial consumption.</p>	<p>Will comply. Condition is recommended to address water supply system adequate for fire-fighting purposes.</p>
<p>e) Where a development results in high-use allocation from the water supply reticulation system, evidence of satisfactory water supply shall be provided.</p>	<p>Not applicable. There will be no high water use activities.</p>
<p>25.13.4.5 Water Efficiency Measures</p>	
<p>a) In addition to Low Flow Fixtures, at least one water sensitive technique for stormwater shall be incorporated, connected to, achieved or maintained as part of any new development as identified below.</p> <p>i. New residential units</p> <p>ii. Other buildings containing a kitchen, laundry or bathroom.</p>	<p>Future development on the lots will be subject to compliance with this standard. A consent notice condition is recommended to ensure the water efficiency measure provided at building consent stage adheres to the measure proposed in the applicant's Sub-Catchment ICMP.</p>
<p>b) Rainwater tanks with a capacity of <10,500 litres are exempt from the following bulk and location provisions of the relevant zone.</p> <p>i. Site coverage</p> <p>ii. Permeable surfacing.</p> <p>iii. Rear or side boundary setbacks.</p>	<p>Future development on the lots will be subject to compliance with this standard.</p>
<p>c) Low flow fixtures shall be incorporated in alterations or additions to any existing building that add an extra toilet, kitchen, laundry or bathroom.</p>	<p>Future development on the lots will be subject to compliance with this standard.</p>
<p>25.13.4.6 Water Impact Assessments</p>	

<p>a) A Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5, is required for any development or subdivision:</p> <ul style="list-style-type: none"> i. Creating four or more additional residential units on any site. ii. Creating four or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors). iii. Involving more than 1ha of land. iv. ... 	<p>Will comply. The proposal involves subdivision of more than 4 lots.</p> <p>A WIA is not required where an ICMP exists and satisfies the requirements for a WIA (refer below). In this case, the SC-ICMP addresses some (but not all) of the requirements for a WIA. The remaining requirements for a WIA are addressed in the Civil Infrastructure Report.</p>
<p>c) This rule does not apply in areas where an ICMP exists and satisfies the information requirements for Water Impact Assessments in accordance with Table 1.2.2.5b of Volume 2, Appendix 1.2.2.5, or where all information that a Water Impact Assessment would otherwise include, or the matters it would otherwise address, are incorporated in a Water Supply Agreement with Council or other documents, assessed and approved under any other provision of this District Plan or the Waikato Regional Plan.</p>	<p>The information requirements for Water Impact Assessments in Table 1.2.2.5b of Volume 2, Appendix 1.2.2.5 are addressed between the SC-ICMP and the Civil Infrastructure Report. Refer to the Civil Infrastructure Report for further details.</p>

25.14.3 Rules – Activity Status Table (Transportation)

<p>Restricted Discretionary Activity:</p> <p>a) Any activity required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3.</p>	<p>Restricted Discretionary Activity. A Broad ITA is required (refer below).</p>
<p>Restricted Discretionary Activity:</p> <p>b) New transport corridors</p>	<p>Restricted Discretionary Activity. New transport corridors are proposed as part of the subdivision and development.</p>

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

<p>a) Distance between vehicle crossings on the same transport corridor frontage: Shall be either less than 2m or meet the relevant separation requirements in Table 15-1a of Appendix 15-1, Volume 2.</p>	<p>Will not comply. Typically complies based on preliminary design, however, there are some locations (cul-de-sac turning heads) where compliance cannot be practically achieved. I concur with the applicant's s92 response that compliance is not practical at these locations and given traffic speeds will be low the potential for conflicts to arise is low.</p>
<p>c) Minimum distance between any vehicle crossing and a transport corridor intersection: Shall meet the relevant separation requirements in Tables 15-1c and 15-1d measured in accordance with Fig 15-1e of Appendix 15-1, Volume 2.</p>	<p>Will not comply. There are a number of locations along Peacockes Road (proposed minor arterial) and other roads within the development where compliance cannot be practically achieved. The non-compliances are in relation to corner lots and will also occur for lots proposed opposite intersections. The safest location will be identified through the detailed design stage.</p>
<p>d) Minimum distance from a dedicated pedestrian crossing facility (e.g. pedestrian crossing, mid-block pedestrian signals, refuge islands, kea crossings): The closest edge of the vehicle crossing shall be at least 7m from the centre of the pedestrian</p>	<p>Will comply based on preliminary design. To be addressed as part of detailed design and at engineering approval stage.</p>

crossing facility measured in accordance with Fig 15-1f of Appendix 15-1, Volume 2.	
e) Minimum sight distance from any vehicle crossing: Shall meet the requirements in Table 15-1g measured in accordance with Fig 15-1h of Appendix 15-1, Volume 2.	Will comply based on preliminary design. To be addressed as part of detailed design and at engineering approval stage.
f) Maximum number of vehicle crossings for any site within a Residential or Special Character Zone: One	Will comply.
h) Vehicle crossing and internal vehicle access dimensions shall: i. Comply with the relevant dimensions identified in Tables 15-1i and 15-1j of Appendix 15-1, Volume 2, and ii. Be formed and drained with a permanent sealed or paved all weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site.	Will comply. Formation standards are expected to be included as consent conditions and will be designed to comply at engineering plan approval stage. Given the limited space in the frontage of the residential lots due to raingardens, parking bays, pedestrian facilities and street trees formation of all residential lot crossings is required at time of subdivision. The location of all crossings will need to be identified at detailed design stage.
i) Any internal vehicle access shall be provided with sufficient clearance from the edge of the formation to buildings, fences and other structures to enable the safe and unobstructed operation of the vehicle access.	Will comply.
j) Passing bays shall be provided along an internal vehicle access which serves more than one allotment or more than five car parking spaces, in cases where: i. The access is less than 5.5m wide and has a length greater than 70m, or ii. Unrestricted visibility is not available over its full length.	Not applicable. There are only two internal vehicle accesses which will be greater than 70m in length (Lots 1250 and 1257) and both will have a formation width of at least 5.5m. Lot 1250 may have potential restricted visibility due to the landscape treatment of the adjacent amenity reserve. A passing bay should be provided and can be accommodated within the legal width of the private way. Can be addressed by consent condition.

25.14.4.3 Integrated Transport Assessment Requirements

a) A Simple or Broad Integrated Transport Assessment shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds: Any activity with significant (>1500 vpd) trip generation requires a Broad ITA.	Will comply. The proposal involves trip generation of >1500 vpd. A Broad ITA has been prepared and accompanies the subdivision consent application.
k) All ITAs shall be completed by suitably qualified professionals and should generally follow the approach and guidelines of NZTA's "Research Report 422: Integrated Transport Assessment Guidelines, November 2010". Requirements and report format for ITAs are included in Tables 15-3a Simple ITA and 15-3b Broad ITA of Volume 2, Appendix 15-3.	Will comply. The Broad ITA has been prepared by suitably qualified professionals from TDG and meets these requirements.

25.14.4.5 Height of Structures – Horizontal and Conical Obstacle Limitation Surface

a) No building, mast, tree or other object shall penetrate any of the horizontal and conical obstacle limitation surfaces surrounding Hamilton Airport as shown in Appendix 15-9.

The site is located partly within the Horizontal Obstacle Limitation Surface area and partly within the Conical Obstacle Limitation Surface area. The applicant has demonstrated in the s92 response (Item 107) that there is no risk of buildings, masts, trees or other objects penetrating the obstacle limitation surfaces.