

Hearings Commissioner

Notice of Meeting

A meeting of the Hearings Commissioner will be held in the Whangarei Library, May Bain Room, Rust Avenue, Whangarei on:

**Friday
5 August 2011
10.00am**

**Application by
Pegram Family Trust**

**Commissioner
Les Simmons**

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Report to Hearings Commissioner Les Simmons on Resource Consent Application by:

N. R Pegram Family Trust is seeking consent to undertake a five lot subdivision (comprising three additional allotments) on a site with a combined area of 3.6497 hectares at Waitaua Road, Vinegar Hill, Whangarei.

The subdivision layout is as per the amended scheme plan titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' prepared by Reyburn and Bryant 1999 Ltd, drawing no S11792 (Revision K), dated April 2011.

The site has a zoning of Countryside Environment under the operative provisions of the Whangarei District Plan.

The lot sizes proposed are a non-complying activity under the allotment area provision of the Plan. The remaining aspects of the proposal are to be assessed as either restricted discretionary or controlled activities. Overall, the application is to be assessed as a non-complying activity.

This land use consent application was lodged by Reyburn & Bryant 1999 Ltd on behalf of N.R Pegram Family Trust and was reported on by Council's Consultant Planner (Consents), Kellie Roland.

This report was peer reviewed by the following signatories:



Alister Hartstone
Resource Consents Manager:

25 July 2011

Date:

Statement of Staff Qualifications and Experience

Kellie Roland – Consultant Planner (Consents)

I hold the qualification of a Bachelor of Resource Studies (Environmental Policy and Planning) from Lincoln University. I am an associate member of the New Zealand Planning Institute. I have nine years experience working as a Consultant Planner. My predominant experience has been in statutory land use and subdivision planning in the Northland and Bay of Plenty regions.

Vladimir Rozov – Council Senior Environmental Engineering Officer

I hold the role of a Senior Environmental Engineering Officer for the Whangarei District Council. I am a civil engineer, having qualified from a Polytechnic University (former USSR) in 1981 with a Bachelor degree in Industrial and Civil engineering. I am a graduate member of the Institute Of Professional Engineers New Zealand Inc. I have many years of experience in roading, drainage, earthworks, civil construction and I have worked for the Whangarei District Council as Environmental Engineering Technician, Support Officer, Officer and Senior Officer since 1999.

My position within the Resource Consents department requires me to assess all engineering aspects of resource consent applications based on the evidence provided by the Applicant, and to provide a report as to the viability of the proposal.

The above staff are familiar with the Environment Court's 'Code of Conduct' for expert witnesses and agree to comply with the Code of Conduct in presenting hearing evidence to the Commissioner.

Resource Management Act 1991

Hearing by	Hearings Commissioner Les Simmons of a Non-Complying activity subdivision proposal by N.R Pegram Family Trust to undertake a five lot subdivision within the Countryside Environment. The site is located at Waitaua Road, Vinegar Hill, Whangarei, being legally described as Lot 1 & 2 DP 387891 (Title Identifiers: 351955 and 351956)
Evidence by	Kellie Roland
File Refs	SD1000134 P120282
TRIM Ref	11/8736
Dated	18 July 2011

1 The Proposal

- 1.1 N. R Pegram Family Trust proposes to subdivide the subject site located at Waitaua Road, Vinegar Hill, Whangarei which has a combined area of 3.6497 hectares into five residential allotments. The proposal is a non-complying activity in respect of the allotment area provision applying within the Countryside Environment. The remaining aspects of the proposal are to be assessed as either restricted discretionary or controlled activities. Overall, the application is to be assessed as a non-complying activity.
- 1.2 The application (a copy of which is provided within **Attachment 1**) is supported by:
- An Assessment of Effects prepared by Emma Miller of Reyburn and Bryant dated November 2010;
 - A site suitability report prepared by CPG NZ Ltd, dated October 2010 (revised July 2011);
 - A landscape report prepared by Simon Cocker Landscape Architecture, dated November 2010 (revised June 2011).
- 1.3 A Section 92 request was issued by Council on 8 February 2011. This letter requested written confirmation from Northland Regional Council that the proposed discharge of treated wastewater to land would meet the permitted activity criteria of Section 15 of the Regional Water and Soil Plan for Northland (RWSP). As a consequence of discussions with the applicant's agent, the Northland Regional Council advised (in writing) that they were satisfied with the information supplied in the application and that the application could proceed, with the inclusion of several advice notes. A copy of the Section 92 request and Northland Regional Council's response has been included in **Attachment 6**.
- 1.4 A copy of application was provided to Rebecca Skidmore of RA Skidmore Urban Design Limited to assess the suitability of the recommendations and conclusions by reached Simon Cocker in his report and to review the landscaping and visual amenity matters raised by the submitters. A preliminary report was prepared by Ms Skidmore, which was subsequently provided to the Applicant for consideration. The preliminary landscape assessment concluded that the landscape and visual effects of the proposal would be more than minor and consent to the proposal as lodged was not warranted. A copy of the preliminary landscape assessment by Ms Skidmore is included as **Attachment 9**.
- 1.5 As a consequence of the preliminary landscape assessment, the applicant revised the proposal, reducing the total number of allotments to five, as per the revised scheme plan identified within Figure 1, titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' prepared by Reyburn and Bryant 1999 Ltd, drawing no S11792 (Revision K: Sheets 1- 3), dated April 2011, included as **Attachment 2**. The amended application seeks to undertake the subdivision in two stages with Stage 1 comprising Lot 4 and amalgamated Lots 5 & 10 (balance area). Stage 2 seeks to cancel the amalgamation condition from Stage 1, creating Lot 5 and further subdivision of Lot 10 into Lots 1-3.
- 1.6 A pre-hearing meeting was requested by the Council following the close of submissions for the purpose of addressing issues relating to revised plans provided by the applicant, prior to a formal hearing. All submitters were initially advised in writing by the reporting planner on 4 May 2011 of the intention to hold a pre-hearing meeting on 12 May 2011, providing details of the venue and the

purpose of such meetings. A further letter dated 11 May 2011 amended the date of the meeting to 31 May 2011. Mr Darryn Pegram, representing the applicant, and a total of 10 submitters (all of whom were residents in Waitaua Road), attended the pre-hearing meeting on 31 May 2011. A copy of the pre-Hearing meeting minutes is included as **Attachment 5**. Issues raised at the pre-hearing meeting are included in the meeting minutes and have been addressed throughout this report.

- 1.7 A revised landscape report prepared by Simon Cocker Landscape Architecture (dated June 2011) in response to the preliminary landscape review by Ms Skidmore and the matters raised at the pre-Hearing meeting was provided to Council on the 17 June 2011. A copy of this report is included as **Attachment 7**.
- 1.8 Ms Skidmore reviewed the Simon Cocker Landscape Architecture June 2011 Landscape Assessment and taking into account the revised allotment layout has amended her recommendation accordingly. A copy of Ms Skidmore's revised assessment is included as **Attachment 9**.

2 District Plan Assessment

- 2.1 The site is located in the Countryside Environment of the operative Whangarei District Plan. The site has a low instability hazard designation, as identified on Whangarei District Council's GIS Maps.
- 2.2 The allotment area provision for the Countryside Environment, as stipulated in Rule 73.3.1 *Allotment Area* requires that in order to meet the standards and terms to be considered a controlled activity, every proposed allotment in the Countryside Environment is required to have a minimum nett site area of 20 hectares. The five allotments proposed range between 4149m² (nett site area) to 1.0392 hectares.
- 2.3 The property contains several existing buildings, including a dwelling and garage, both of which are to be located within proposed Lot 4. Rule 73.3.5 *Existing Buildings* requires that the boundaries of all allotments are drawn relative to existing buildings so that the building complies as a permitted activity with the rules in the Plan relating to site coverage, setbacks, daylight angles and outdoor living space. As a consequence of the subdivision, the existing garage will be located within 3 metres of the northern boundary. This non-compliance is to be assessed as a restricted discretionary activity, with discretion limited to:
- Effects on amenity, both on-site and on neighbouring properties, including other allotments in the subdivision;
 - Opportunities to reduce the extent of any existing non-compliance with the rules in this Plan;
 - The additional matters listed in Chapter 70.3;
 - The matters over which control is reserved;
 - Provision for on-site parking, loading, manoeuvring and access;
 - The matters referred to in any land use rules that are not complied with; and
 - Effects on health and safety.
- 2.4 Rule 73.3.7 *Property Access* requires that vehicular access to a road is shared where there are 2 or more allotments in the subdivision. In this instance, two vehicle entrances are proposed off Waitaua Road. Right of Way A is proposed to serve Lots 1 – 4 and Right of Way B is proposed to serve Lots 4 and 5. Both rights of way are to be constructed in accordance with Council's Environmental Engineering Standards 2010. This specific aspect of the proposal is to be assessed as a Restricted Discretionary Activity. Discretion is restricted to the following matters:
- The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 1998 (*Note: The reference to the 1998 standards is subject to a Council initiated Plan Change to ensure all references reflect the latest 2010 standards. Currently, a Council Decision has effectively superseded the 1998 standards*);
 - The adequacy of the access for the anticipated use;
 - The ability of the access to contain required services;
 - Traffic safety and visibility;
 - The need for acceleration and deceleration lanes;
 - Type, frequency and timing of traffic;
 - Access design, number and location of vehicle crossings;
 - Efficiency and safety of roads;
 - Need for forming or upgrading of roads in the vicinity of the site;

- Need for traffic control, including signs, signals and traffic islands;
 - The need for access to the allotment;
 - The safe and efficient movement of people, vehicles and goods;
 - The ability of the road structure to withstand anticipated loads;
 - The effects of water run-off; and
 - The additional matters listed in Chapter 2.3.3.
- 2.5 The subdivision satisfies the relevant standards and terms to be considered a controlled activity under additional subdivision rules relating to building area, sites of significance to Maori (none identified), vehicle crossings, water supply, stormwater, sewage, electricity, telecommunications and earthworks.
- 2.6 Overall, the subdivision is to be considered as a **non-complying** activity.

3 The Site and its Setting

- 3.1 The site and its setting are described in:
- The site description provided within Section 2 of the Application;
 - The site suitability report prepared by CPG NZ Ltd, dated October 2010 (revised July 2011); and
 - The Landscape Assessment prepared by Simon Cocker Landscape Architecture, dated November 2010 (revised June 2011).
- 3.2 As outlined in the above documents, the property is comprised in two existing certificates of title, and has a total area of 3.649 hectares. There is an existing conservation covenant on the north eastern boundary of 351956 and an existing house on 351955.
- 3.3 The site has a gently sloping topography that drops down reasonably steeply in the north eastern corner. A water course is located at the bottom of the hill, but does not dissect the subject site. As outlined, there is some existing protected native vegetation on the site. Additionally, there has been some recent planting to complement and extend the existing protected bush. The only other vegetation on the property is a berberis hedgerow that runs parallel to the western boundary.
- 3.4 The site has a low stability hazard notation, as illustrated on Council's GIS mapping system. There are no other notations registered on the property, as identified on the resource planning maps, contained in the District Plan. A copy of the relevant planning maps, property information maps (including hazard maps) and an aerial photo of the site and locality are included as **Attachment 3**.

4. Consultation, Public Notification and Submissions

- 4.1 The applicant requested that the application be publicly notified in accordance with the provisions of Section 95 of the Act. The application was subsequently notified in the Northern Advocate on 20 November 2010 and served on a number of parties, including the New Zealand Historic Places Trust, Northland Regional Council, Department of Conservation and several Iwi groups.
- 4.2 A total of 16 submissions were received in response to the notification of the application. A summary of the submissions plus a full copy of the submissions received is included in **Attachment 4**.
- 4.3 As outlined above, as a consequence of discussions with the applicant's agent, the Northland Regional Council have advised (in writing) that they are satisfied with the information supplied in the application and have withdrawn their submission on this basis. A copy of the Northland Regional Council's response has been included in **Attachment 6**.
- 4.4 A pre-hearing meeting was requested by the Council following the close of submissions for the purpose of addressing issues relating to revised plans provided by the applicant, prior to a formal hearing. All submitters were initially advised in writing by the reporting planner on 4 May 2011 of the intention to hold a pre-hearing meeting on 12 May 2011, providing details of the venue and the purpose of such meetings. A further letter dated 11 May 2011 amended the date of the meeting to 31 May 2011. Mr Darryn Pegram, representing the applicant, and a total of 10 submitters (all of whom were residents in Waitaua Road), attended the pre-hearing meeting on 31 May 2011. A copy of the pre-hearing meeting minutes is included as **Attachment 5**.

5 Resource Management Act 1991

Part 2 of the Resource Management Act 1991 details the overarching purpose and principles of the Act, which serves to inform all decision making under the Act. An assessment of the application against these matters is undertaken below.

5.1 Section 5 - Purpose

Section 5 sets out the Act's purpose, whilst sections 6, 7 and 8 include principles to assist in achieving that purpose.

The purpose of the Act as outlined in section 5(1) is to promote the sustainable management of natural and physical resources. As outlined in section 5(2), "sustainable management" means:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Section 5(2) has two components, one enabling and one regulatory. The enabling component contained in Section 5(2) makes provision for people and communities to use, develop and protect resources in any way they desire in their pursuit of well-being provided that the regulatory component of that subsection in paragraphs (a) – (c) are satisfied. In undertaking this assessment, sections 6, 7 and 8 of the Act are also relevant

In respect of Section 5(2) of the Act, the development of the land in the manner proposed will allow people who choose to reside in the neighbourhood an enhanced enjoyment of the benefits the development has to offer. The principle issue is whether the regulatory component can be satisfied.

Section 5(2)(a): "Sustaining the potential of natural and physical resources... to meet the reasonably foreseeable needs of future generations"

It is considered that the proposal is in keeping with the above requirements as the proposal seeks to undertake a rural-residential development which is sensitive to its surrounds. Landscape enhancement planting is proposed, coupled with low impact design to minimise the effects of the development on the environment.

Servicing requirements will be met in respect to roading, sewage and stormwater infrastructure in such a way as to ensure that the surrounding receiving environment is not compromised for its use by future generations.

Section 5(2)(b): "Safeguarding the life-supporting capacity of air, water, soil, and ecosystems"

This second regulatory matter concerns the safeguarding of the life supporting capacity of air, water, soil and ecosystems. It is considered that this development does not threaten any of the matters mentioned above since the natural resources have already been heavily modified in the past and it is considered that this development will have no more of an impact on the soil, water and ecosystems than those land use activities that have preceded, if the proposal is carried out as intended.

Section 5(2)(c): "Avoiding, remedying, or mitigating any adverse effects of activities on the environment"

The third and final regulatory matter is associated with avoiding, remedying and mitigating adverse effects. Any change in land use will have an effect, but the test is whether those effects are adverse, and whether they can be remedied, avoided, or mitigated. The assessment of effects contained in this report concludes that any adverse effects would be no more than minor.

5.2 Section 6 – Matters of National Importance

Section 6 of the Act, 'Matters of national importance', lists seven matters of national importance of which (b) 'the efficient use and development of natural and physical resources', (e) 'the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other

taonga and (f) 'the protection of historic heritage from inappropriate subdivision use and development' are relevant to the consideration of this application.

In the context of this application, it is considered that there are no matters of national importance which would restrict the granting of this consent.

5.3 Section 7- Other Matters

With respect to Section 7 matters, section 7(b) - the efficient use and development of natural and physical resources and sections 7(c) and 7(f) - the maintenance and enhancement of amenity values and the quality of the environment, respectively, are relevant for consideration in the assessment of this application.

The amenity values attributed to a site and the subsequent environmental quality afforded to it are closely interrelated. In my opinion the design and planning of the application in its revised form will maintain the current level of amenity afforded by the site and surrounds. To the extent that ecological and landscape restoration enhance the amenity of an area generally, then the proposals put forward by Mr Cocker (i.e., including landscape planting, the covenanting on proposed Lots 1 and 2) will positively respond to section 7(c).

In terms of the efficient use and development of natural and physical resources, I consider that the proposal is appropriate given that it has been designed to avoid, remedy or mitigate adverse effects on the environment.

5.4 Section 8 Treaty of Waitangi

Section 8 of the Act requires that all persons exercising functions and powers under the Act take into account the principles of the Treaty of Waitangi in managing the use, development and protection of natural and physical resources. Local Iwi including Ngati Hau Trust Board, Ngaratahuna Marae Committee, Te Runanga O Ngatihine and Te Parawhau Trust Incorporation were served a copy of the application but no submissions were received regarding this application from these entities. It is therefore considered that through the course of processing this application, regard was had to the Treaty of Waitangi.

5.5 Section 104 – Consideration of Applications

As a non-complying activity the application is subject to the provisions of Section 104, 104B and 104D of the Act.

When dealing with non-complying activities, before granting an application a council must be satisfied that either the adverse effects of the activity on the environment will be minor or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan. This consideration is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under s104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

Section 104 of the Act sets out those matters that, subject to Part II, a Consent Authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a Plan or Proposed Plan, and any other matter the Consent Authority considers relevant and reasonably necessary to determine the application.

Pursuant to Section 104B of the Act, after considering an application for resource consent, a Consent Authority may grant or refuse the application, and if it grants the application, may impose conditions under Section 108 of the Act.

An assessment against the relevant Section 104 matters is undertaken in the following sections of this report.

6 Objectives and Policies of the Relevant Policy Statements and Plans

6.1 Regional Policy Statement for Northland (RPS)

The Regional Policy Statement for Northland covers the management of natural and physical resources in the Northland Region. One of the main purposes of the RPS is to provide for the integrated management of Northland's natural and physical resources. This means considering the

environment as a whole and recognising that changes, or the effects of human activities, in one area or on one resource, can affect other resources. After an assessment of the relevant objectives and policies of the RPS, I am satisfied that the application as proposed is not contrary to it.

6.2 Regional Water and Soil Plan

The RWSP covers the land and water resources of the Northland region, and controls discharges and land disturbance activities. The Plan aims to prevent activities occurring which would result in unacceptable adverse effects.

Assuming future allotments can satisfactorily dispose of wastewater on site (in accordance with the permitted activity thresholds), it is unlikely that regional council consents will be required as a consequence of this development. If however consents are required, it is considered that consistency with the objectives and policies with this document will be addressed at such time consent is obtained under this plan. Notwithstanding this, given the application is supported by a site suitability report there are no apparent conflicts with the provisions of this document at this point in time.

6.3 Whangarei District Plan

6.3.1 The Objectives and Policies of relevance to this application are contained in Section 5 (Amenity Values), Section 8 (Subdivision and Development), and Section 22 (Road Transport) of the District Plan and are concerned with the protection and enhancement of amenity values associated with the site and surrounds, that development is appropriate for its intended use and is not out of character with the surrounding environment and ensuring that the effects of development do not compromise road user and pedestrian safety.

6.3.2 In addition to the above, Plan Change 92 re-writes the objectives and policies of Chapter 6 'Urban Form and Development', and serves to provide strategic direction relating to the location, shape and form of future urban development to accommodate estimated population growth, industrial and economic development, anticipated demographic changes and environmental protection. There are currently appeals to this plan change, however as the appellants are seeking additional provisions and other minor amendments for consistency and legibility purposes, and are not challenging the Plan Change outright, Council is placing substantial, almost full weighting upon the plan change.

6.3.3 Section 5 of the Plan notes that *"the Countryside Environment tends to be used predominantly for primary production, but is also used for low-density residential purposes. When choosing to live in a rural area, people must expect and accept a certain level of odour, noise and other effects which are characteristic of primary production, recognising the scale and intensity of these activities which contribute to rural character. Rural areas do, however, tend to have high amenity values, due primarily to the following characteristics:*

- *The intermittent nature of most agricultural activities;*
- *Open landscapes and views;*
- *A low intensity of development;*
- *Feelings of remoteness and community;*
- *Low noise levels, particularly at night;*
- *A high degree of privacy;*
- *Daylight and sunlight access;*
- *Low levels of vehicular traffic;*
- *Green 'unspoiled' landscape with indigenous vegetation.*

The Countryside Environment is sensitive to activities which have continuous or ongoing effects, or that are located in close proximity to other land uses such as residential units".

6.3.4 The above characteristics are helpful in the consideration of the subject application, specifically in the assessment of the relevant objectives and policies of the plan. As outlined in the Landscape Assessment prepared by Ms Skidmore, the *"south western end of Waitaua Road could be described as having a rural residential character... which extend to the wider area (including the north eastern end of the street). The concentration of dwellings, particularly in close proximity of the street, together with ornamental gardens, contributes to the residential character of the area".*

6.3.5 The report goes onto note *"however, dwellings remain subservient to the natural elements that contribute to the retention of a rural character. These include the natural landform patterns and the fall of the land which affords views to the wider landscape, the general spaciousness with generous separations between dwellings and the low profile of dwellings (some set below general street level),*

affording views across the landscape and the distribution of pockets of mature vegetation and particularly the stands of Totara trees.”

- 6.3.6 The above analysis is particularly relevant in the assessment of the objectives and policies of the Plan as it is appropriate, before commencing an assessment, to define the context of the environment in which the development is to occur.
- 6.3.7 In this instance, it can be surmised that the Waitaua Road environment is a modified rural environment, which is characterised by a number of features that would ordinarily be found within a residential locale. The guidance provided by Ms Skidmore in her assessment has guided my assessment of the relevant objectives and policies of the District Plan as follows:

Objective 5.3.1 The characteristic amenity values of each Environment are maintained and, where appropriate enhanced.

Comment: As per the comments above, it is considered that Waitaua Road is a modified rural environment, which has an apparent rural-residential character, comprising various built form characteristics. The proposed subdivision layout has been amended since notification to include a reduction in the total number of allotments. In addition, specified building platforms have been indicated in an effort to maintain the sense of openness, identified by Ms. Skidmore as being necessary to maintaining the remaining rural character of this environment. Landscape enhancement planting has preceded the application, in the northern corner of the site. This area of planting is proposed to be covenanted. Mitigation planting has also been proposed within the site to mitigate the effects of future buildings. Further, building controls have been suggested which will limit the extent of future buildings on each of the resultant allotments. Overall, it is considered that the characteristic amenity values of this environment will be maintained and as such, it is considered that the proposal is not contrary to Objective 5.3.1 of the Plan.

Objective 5.3.2 Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people’s health and safety.

Comment: The proposed subdivision has been considered carefully by Ms Skidmore, specifically in relation to the proposed mitigation planting and the potential for that landscaping to dominate the environment and generate overshadowing effects. The landscape planting is deemed appropriate for its purpose and will not generate adverse effects which will result in a reduction of amenity below which is desirably for people’s health and safety. Overall, it is considered that the proposal is not contrary to Objective 5.3.2 of the Plan.

Objective 5.3.3 Activities that demand a high level of amenity do not unduly compromise other land uses.

Comment: The proposed subdivision introduces three additional rural-residential allotments into the Waitaua Road environment. While the predominant land use in this area is one of rural-residential living, the property to the immediate south-east of proposed Lots 4 and 5 is utilised as a productive orchard. As outlined by the owner of this property at the pre-hearing meeting they undertake regular spraying on this property and are concerned at the potential for reverse sensitivity effects to result. It was suggested by this party that if the subdivision was to occur, it would be appropriate that any dwelling on Lot 5 was sited at least 100 metres from the common boundary. On the basis that this is not feasible (given the total length of proposed Lot 5 is approximately 99.1 metres), it is suggested that a building platform is indicated on the survey plan which is offset at least 50 metres from the common boundary. This ensures there is separation between the existing horticultural use and any future dwelling. It also provides an opportunity to establish boundary planting within Lot 5 which will provide an additional buffer. It is noted that the owner of the orchard has an obligation to manage their air discharges associated with the orchard operation. Outside of this particular concern, it is considered that the remaining allotments proposed do not unduly compromise any other landuse in this locality. On this basis it is considered that the proposal is not contrary to Objective 5.3.3 of the Plan.

Objective 5.3.5 The actual or potential effects of Subdivision use and development is appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment.

Comment: Referring to the addendum Landscape Assessment prepared by Ms Skidmore, it is noted that the reduction in the number of lots will reduce the intensity of residential activity and concentration of structures on the site and will maintain the rural residential character that has been established in the area. Overall, it is considered that the proposal is not contrary to Objective 5.3.5

of the Plan.

Policy 5.4.5 Countryside Environments *To ensure rural amenity values in the Countryside Environments are protected from subdivision, use or development that is sporadic or otherwise inappropriate in character, intensity, scale or location.*

Comment: It is considered, based on the advice received from Ms Skidmore that the subject site sits within a modified environment, which is characterised by rural-residential activities. The subdivision is not considered to be sporadic or otherwise inappropriate in this location due to the nature of the lots proposed. As concluded by Ms Skidmore, while the proposed subdivision is a significantly higher density than anticipated for the Countryside environment (as a controlled or discretionary activity), it has been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area. On this basis, it is considered that the application as proposed is not contrary to Policy 5.4.5.

Policy 5.4.7 Intensity and Design of Subdivision and Development *To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:*

- *The layout and intensity of subdivision;*
- *The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment.*

Restrictions on density of development and subdivision size may be required to ensure new development does not increase population concentration in noise-sensitive areas.

Comment: Effects resulting from the establishment of five residential sites will be limited by providing two accessways from Waitaua Road, limitations on building location, height and external finish, together with mitigation planting. These aspects of the proposal will serve to reduce the visibility of dwellings from surrounding properties. The proposed subdivision layout and location of building platforms will maintain a level of spaciousness and visual connection into and across the site from surrounding streets. Overall, it is considered that the application is not contrary to Policy 5.4.7.

Policy 5.4.8 Frontage *To encourage sites to present frontage to the street that is appropriate to the function of the site, is compatible with and enhances the overall character of the streetscape, and does not visually dominate the road.*

Comment: Careful consideration has been given to the siting of dwellings within the site. Each of the allotments, with the exception of Proposed Lot 5, has a nominated building platform. The location of the building platform on Lot 1 is setback in the north-western corner of the site, adjacent to the existing conservation covenant area. It is proposed that any future building on Lot 5 is located in close proximity to the common boundary between proposed Lots 4 and 5, with medium height foreground planting to provide screening between the house and Waitaua Road. Due to the location of the house sites proposed, it is considered that the development as proposed will not compromise nor dominate the existing streetscape. Overall, it is considered that the proposal is consistent with Policy 5.4.8.

Objective 8.3.1 *Subdivision and development that achieves the sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment.*

Comment: It is considered that the subdivision as proposed is consistent with the principle of sustainable management on the basis that the allotments can be adequately serviced (in terms of stormwater and wastewater disposal and water supply) and the built form effects will be internalised through the landscape planting proposed. Ecological benefits will result in the covenanting proposed. Overall, it is considered that the application is not contrary to Objective 8.3.1.

Objective 8.3.2 *Subdivision and development that does not detract from the character of the locality and avoids conflicts between incompatible land use activities.*

Comment: As above, the subject site sits within a modified rural environment. While the proposed subdivision is a significantly higher density than anticipated for the Countryside environment, it has

been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area. Issues surrounding reverse sensitivity will be remedied by the recommendation for a building platform to be shown on proposed Lot 5 (as detailed above). It is considered that there are no other sensitive landuses within this environment that would otherwise be compromised by the subdivision as proposed. Therefore, it is considered that the application as proposed is not contrary to Objective 8.3.2.

Objective 8.3.3 *Subdivision and development that ensures consolidated development in appropriate locations and avoids sprawling or sporadic subdivision and ribbon development.*

Comment: It is considered that the development as now proposed is an example of consolidated development in an already modified environment. Careful consideration has been given to the allotment layout and more specifically, the proposed building platforms on each of the allotments. The application is not considered to be contrary to Objective 8.3.3.

Objective 8.3.4 *Subdivision and development that provides for the protection of, and where appropriate enhances, the District's:*

- *versatile soils;*
- *mineral resources;*
- *water quality;*
- *nature features;*
- *landscapes (including coastal landscapes);*
- *open spaces;*
- *significant ecological areas;*
- *biodiversity;*
- *public access to coast, lakes and rivers;*
- *historic, cultural and amenity values, including the cultural values of tangata whenua.*

Comment: The subject site does not contain versatile soils or mineral resources. Ground water quality will be protected through the conditions proposed in relation to stormwater and wastewater management. The existing landscape planting, undertaken by the Applicant in the north-eastern portion of the land (adjacent to the existing covenant area) will be covenanted as part of this application. While the subdivision seeks to create three additional allotments in this locale, a key feature of the revised scheme plan was to preserve the sense of openness and space currently afforded to the site and surrounds. The location of the building platforms in the positions proposed, coupled with the landscape enhancement planting proposed will assist in achieving this aspect of the proposal. Overall, it is considered that the development as proposed is consistent with Objective 8.3.4, as it relates to water quality, natural features and open spaces.

Objective 8.3.5 *Subdivision and development that allows for the efficient and orderly provision of services and infrastructure, including the roading hierarchy and airport.*

Comment: It is considered that the development as proposed allows for the efficient and orderly provision of services and infrastructure. The application, including site suitability report, has been reviewed by Council's Senior Environmental Engineering Officer and conditions of consent have been recommended accordingly, specifically in relation to the servicing and the provision of access to the development. As such, it is considered that the application is not contrary to Objective 8.3.5.

Objective 8.3.5 *The avoidance of subdivision and development in areas where the existing and potential adverse effects, in particular of, noise and natural hazards, cannot be avoided, remedied or mitigated.*

Comment: It is considered that the subject site is not prone to adverse effects, specifically in terms of noise and natural hazards. The site is within a low instability hazard area, however the site suitability report provided with the application confirms that the site can be developed in the manner proposed. Stormwater has been raised as a particular concern by a submitter, who resides to the north-east of the subject site. The submitter noted that stormwater and overland flows are a particular issue in this area. Council's Senior Environmental Engineer has considered this issue and recommended conditions of consent accordingly. On this basis, it is considered that the

application is consistent with Objective 8.3.5.

Objective 8.3.5 *Subdivision and development that provides for comprehensive development of land with a range of allotment sizes and is appropriate to the character of the Environment in which it is located.*

Comment: As outlined, the subdivision has been amended since the time of lodgement. It is considered that the amended allotment layout better reflects the intentions of Objective 8.3.5 in that the allotment sizes now proposed better reflect the existing cadastral pattern of the immediate locale. The proposed building platforms will ensure that the sense of openness and spaciousness currently afforded to this area is maintained. Overall, the amended development is not considered to be contrary to Objective 8.3.5.

Policy 8.4.1 *To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities.*
Incompatible Land use Activities

Comment: It is considered that the revised subdivision layout, coupled with the recommendations in relation to proposed Lot 5, will avoid conflicts between incompatible land use activities in this locality (which are largely restricted to the orcharding activities undertaken at the south-eastern end of Waitaua Road). Overall, it is considered that the proposal is not contrary to Policy 8.4.1.

Policy 8.4.2 *To further develop, within existing built up areas, so as to avoid sporadic consolidated subdivision and ribbon development, particularly in rural areas and along the coast. Any development adjacent to existing built-up areas must be confined to appropriate locations and otherwise be consistent with the policy framework of this Plan.*
Consolidated Development

Comment: The proposed subdivision will be undertaken in a modified rural environment. It is considered that the application as proposed is not demonstrative of sporadic development or ribbon development on the basis of the cadastral pattern that exists in this location coupled with the location of the proposed allotments (and more specifically, the building platforms) in relation to the road frontage. The mitigation proposed will ensure that the character and amenity of the area will not be compromised. Finally, it is considered that the assessment provided in this report demonstrates that the application as now proposed is consistent with the policy framework of the Plan. Overall, it is considered that the application is consistent with Policy 8.4.2 of the Plan.

Policy 8.4.3 *To ensure that subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality.*
Density of Development

Comment: As outlined in the landscape assessment undertaken by Ms Skidmore, the density of the subdivision as proposed is appropriate to the locality (being the Waitaua Road catchment). The building controls and landscape planting will assist further in integrating this development into this environment. Overall, it is considered that the application is consistent with Policy 8.4.3 of the Plan.

Policy 8.4.4 *To ensure that the cumulative effects of on-going subdivision and development do not compromise the objectives and policies of this Plan, in particular those objectives and policies relating to reducing conflicts between incompatible land use activities, the consolidated and orderly development of land and the density of development.*
Cumulative Effects

Comment: Cumulative effects are addressed further in this report, however in short, it is considered that the application will not generate adverse cumulative effects, nor will it compromise the objectives and policies of the Plan. On this basis, it is concluded that the application is not contrary to Policy 8.4.4.

Policy 8.4.5 *To ensure that subdivision and development in, or adjacent to:*
Reverse Sensitivity

- *rural areas;*
- *existing commercial, industrial and mineral extraction activities;*
- *land zoned for commercial, industrial, or mineral extraction activities;*
- *existing infrastructure, including the state highway network and airport.*

is designed and located to avoid, remedy or mitigate reverse sensitivity

effects on existing or permitted activities. Such effects can include noise, odour, spray drift and dust, vibration and traffic.

Comment: As outlined above, given that the Waitaua Road environment is a modified environment, with a predominant rural-residential use evident, reverse sensitivity issues are not a relevant concern for all of the proposed lots. It is acknowledged under the revised plan provided by the applicant, there is no building platform shown on proposed Lot 5 and therefore a dwelling could be established 3 metres from the boundary. As the property to the immediate south-east of proposed Lots 4 and 5 is utilised as a productive orchard, there is the potential for reverse sensitivity effects to result. It was suggested by the owner of this property (at the pre-hearing meeting) that if the subdivision was to occur, it would be appropriate that any dwelling on Lot 5 was sited at least 100 metres from the common boundary. On the basis that this is not feasible (given the total length of proposed Lot 5 is approximately 99.1metres), it is suggested that a building platform is illustrated on the survey plan which is offset at least 50 metres from the common boundary. This ensures there is separation between the existing horticultural use and any future dwelling. It also provides an opportunity to establish boundary planting within Lot 5 which will provide an additional buffer. It is noted that the owner of the orchard has an obligation to manage their air discharges associated with the orchard operation. Outside of this particular concern, it is considered that the remaining allotments proposed do not unduly compromise any other landuse in this locality.

Policy 8.4.6 Buildings and Activities ***To ensure that allotments are capable of accommodating complying buildings and activities.***

Comment: Each of the allotments is sufficiently sized to accommodate complying buildings and activities. The applicant has identified building platforms on each of the allotments, with the exception of Lot 5, which essentially limited the location and form of built development that can occur on the allotments. As such, it is considered that the development is consistent with Policy 8.4.6.

Policy 8.4.12 Services and Infrastructure ***To ensure that all subdivision and development is capable of being provided, by the subdivider or developer, with adequate services and infrastructure (except where the subdivision or development is for specific protection purposes), including:***

- ***Vehicle access, including emergency service vehicle access;***
- ***Water supply, (including for fire fighting purposes), storm water and sewage disposal;***
- ***Energy and telecommunication connections;***
- ***Useable open space in urban areas;***
- ***During the design and construction of the subdivision, measures to reduce storm water runoff.***

Comment: Council's Senior Environmental Engineer has considered the application and recommended conditions of consent accordingly. Overall, it is considered that safe and complying vehicle access can be provided to the proposed allotments, stormwater can be managed on-site without generating adverse off-site effects, a potable water supply can be provided, including sufficient supply to cater for fire fighting purposes and power and telecommunication services can be provided to each allotment in accordance with supplier requirements. On this basis, it is considered that the application is consistent with Policy 8.4.24.

Policy 8.4.18 Consolidated Rural-Residential Development ***To direct rural lifestyle and rural-residential development to appropriate locations adjacent to existing settlements, rather than allowing sporadic development throughout rural and coastal areas.***

Comment: As per previous comments, Ms Skidmore considers that the development as now proposed is appropriate in this location. The development is not illustrative of sporadic development on the basis that the existing cadastral pattern is similar to the allotment sizes proposed. While limited weighting can be afforded to the Tikipunga Structure Plan in the assessment of this application, it is noted that the Plan indicates that the area is earmarked for a denser pattern of residential living (Living 1 Environment) sometime in the future. Overall, it is

considered that the development is not contrary to Policy 8.4.18.

Policy 8.4.24 *Where practicable, to adopt low impact storm water design solutions for Services and storm water management. Infrastructure*

Comment: Council's Senior Environmental Engineer has considered the issue of stormwater (specifically in relation to the potential effects of the subdivision on the property to the north east of the subject site) and recommended conditions of consent accordingly. Overall, it is considered that stormwater can be managed on-site without generating adverse off-site effects. On this basis, it is considered that the application is consistent with Policy 8.4.24.

Objective 22.3.1 *Establish and maintain a safe and efficient road transport network.*

Comment: As outlined in the Senior Environmental Engineering Officers report, Waitaua Road is constructed to an adequate standard to cater for the additional traffic that will result as a consequence of the subdivision. The internal accessways and new vehicle crossing will be required to be constructed in accordance with Council's Environmental Engineering Standards 2010. On this basis, it is considered that the application is consistent with Objective 22.3.1 of the Plan.

Objective 22.3.2 *Avoid, remedy or mitigate any adverse effects of road transport activities on the surrounding environment.*

Comment: As above, it has been assessed that the application as proposed will not result in adverse traffic effects on the local roading network. The effects of traffic will to some degree generate effects on amenity, however in the context of this environment, it is considered that these effects will be minor. Overall, it is considered that the application is not contrary to Objective 22.3.2.

Objective 22.3.3 *Protect the road transport network from the adverse effects of adjacent land use, development or subdivision.*

Comment: As above, as outlined in the Senior Environmental Engineering Officers report, Waitaua Road is constructed to an adequate standard to cater for the additional traffic that will result as a consequence of the subdivision. On this basis, it is considered that the application is consistent with Objective 22.3.3 of the Plan.

- 6.3.8 Overall, it is assessed that the proposal is not contrary to the general intent of the objectives and policies, particularly as they relate to amenity, landscape, subdivision and development, and transportation.

7 Actual and Potential Effects on the Environment

Section 3 of the Act defines the term 'effect' as including –

- (a) any positive or adverse effects; and
- (b) any temporary or permanent effect; and
- (c) any past, present or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes-
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

7.1 The Permitted Baseline

In terms of determining the adverse effects of the proposal, Section 104(2) of the Act provides that Council 'may' have regard to the permitted baseline in order for effects on the environment that are permitted under the Plan (or by way of resource consent) to be disregarded. In this instance, given there are no 'permitted' forms of subdivision under the District Plan, the standards relating to land use activities may be taken into account in order to determine the extent to which the District Plan anticipates and provides for intensification or development 'as of right'.

In terms of permitted land use activities that present effects comparable to the proposed subdivision, it is recognised that an additional residential unit could be established on Lot 2 DP 387891, on the basis that the site comprises two Certificates of Title. In addition, each of the allotments could contain a minor household unit and accessory buildings. The total allowable built form (coverage) on

Lot 1 DP 387891 is 710.55m² and 1,114.3m² on Lot 2 DP 387891. Each of the allotments is entitled to a vehicle crossing off Waitaua Road, with up to 30 vehicle movements permitted from each of these crossings daily. There is no restriction on the type or location of vegetation that could be planted on the site.

The above permitted thresholds have been considered in the assessment of this application and to a minor degree formed the basis of the recommendation proposed.

The actual and potential effects arising from the proposed development relate primarily to effects upon landscape character and visual amenity effects, servicing and access effects which are discussed as follows.

7.2 Landscape Character and Visual Amenity

As discussed previously within this assessment, the application was accompanied by a Landscape Assessment prepared by Simon Cocker Landscape Architecture. This report was assessed by Council's Consultant Landscape Architect, Ms. Skidmore, who provided preliminary comments on the application, noting that the landscape and visual effects of the proposal would be more than minor and consent to the proposal as lodged was not warranted.

The report was subsequently amended by Mr Cocker to take into consideration Ms Skidmore's comments and the revised subdivision scheme plan, which reduced the total number of allotments proposed to five.

Ms Skidmore provided the following conclusions with respect to the development:

Overall, it is concluded that the intensity of development enabled by the revised proposal will maintain the established rural residential character of the area. Effects resulting from the establishment of five residential sites will be limited by providing a single additional accessway from Waitaua Road (2 accessways in total), limitations on building location, height and external finish, together with mitigation planting. These aspects of the proposal will serve to reduce the visibility of dwellings from surrounding properties. The proposed subdivision layout and location of building platforms will maintain a level of spaciousness and visual connection into and across the site from surrounding streets. Protection and enhancement of regenerating bush on the site will further reinforce the natural landscape patterns of the area.

As detailed in the assessment above, in addition to the amendments that have been proposed, the following further amendments are recommended:

- *A limitation on minor household units;*
- *Inclusion of mitigation planting (limited to low and mid level planting) along the street frontage of proposed Lot 5;*
- *Additional detail regarding the design of the communal accessway and entrance to Waitaua Road, demonstrating retention of a rural character.*

With the amendments recommended above, overall, I consider the revised proposal is consistent with the District Plan policy framework that generally seeks to ensure that subdivision and development retains or enhances the amenity values that characterise the different environments of the District. While the proposed subdivision is a significantly higher density than anticipated for the Countryside environment, it has been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area.

I have relied on the advice of Ms Skidmore in the assessment of this application, specifically in relation to character and amenity effects. On the basis of Ms Skidmore's review, I am satisfied that the character and amenity effects of the development as proposed are minor.

7.3 Access and Traffic Effects

Access to the proposed subdivision is via accessways off Waitaua Road. The first accessway (Right of Way A) provides access to Lots 1 – 4. This accessway is required to be formed in accordance with Council's Environmental Engineering Standards 2010.

The second access to the site is via the existing crossing, which lies to the south of Right of Way A. Right of Way 'B' provides access to proposed Lots 4 and 5. This access is to be upgraded in accordance with Council's Environmental Engineering Standards 2010.

Waitaua Road is a short dead end local road accessed from Vinegar Hill Road with a sealed surface in the area of the proposed vehicle access with a speed environment of between 40 to 50 km/h requiring sight lines of 30 to 40m.

Several submitters raised concerns in relation to the current formation standard of Waitaua Road and whether it was adequate to accommodate the additional vehicle movements that would be generated by the subdivision. Council's Senior Environmental Engineering Officer has specifically discussed this concern with Council's Roading Division and they have confirmed that Waitaua Road has been constructed as per the required Table 3.2 Class A standard. As a consequence of the development as proposed, Waitaua Road will still remain as a local Minor Type road (annual average daily traffic ≤ 300) hence there is no need for upgrading the road to a Class B standard.

Overall, the effects of the subdivision in terms of access and traffic are considered to be minor.

7.4 On-Site Servicing

Wastewater

All lots will require onsite treatment and disposal as there is no public system available for connection.

An engineering site suitability report, prepared by CPG (dated October 2010) was submitted in support of this application and included an onsite soil assessment and a general assessment of onsite effluent disposal capability for all lots in accordance AS/NZS 1547: 2000 including effluent field slope gradient, soil category, overland flow path separation, water table depth, and recommended design options.

The report was subsequently amended (July 2011) to address the revised allotment layout. These restrictions and recommendations will be included as part of a consent notice that will be registered on the Computer Freehold Register (CFR) of the subject lots.

Water Supply

Written confirmation has been provided by Council's Works and Infrastructure department confirming that there is sufficient capacity in Council's existing reticulated water system and therefore all lots proposed can be connected to this system. All lots will be connected to the existing Council watermain with a reticulation system to be constructed as part of the proposed development. It is noted that this design must be adequate for fire fighting purposes and the design shall conform with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Stormwater

On-site stormwater attenuation will be required to limit flows from each lot in accordance with Chapter 4 of the Whangarei District Council Environmental Engineering Standards 2010, and more specifically Section 4.11. Furthermore, an on-site stormwater attenuation and disposal system for the rights of way will be required. Both aspects will be required to be addressed at the resource consent post-approval works stage. Conditions of consent have been included to this effect.

7.5 Site Suitability

In terms of stability hazards, Council GIS maps classify the property as having a low instability hazard.

The applicant submitted an engineering site suitability report ref: 702441 compiled by CPG dated 12 October 2010 in support of the application. This report included detailed site investigation records and concluded that subject to restrictions and recommendations the site is suitable for development. As a consequence of the revised proposal, a revised report was provided to Council. This report also concluded that subject to restrictions and recommendations the site was suitable for the development as proposed.

Mr Rozov has not identified any concerns with regards to the stability of the site or capacity constraints with regards to the supporting infrastructure, and has recommended suitable conditions of consent as detailed within his assessment, included as **Attachment 8**.

7.6 Cultural Effects

No archaeological sites are currently recorded on the subject site. No submissions were received from either the New Zealand Historic Places Trust or any group representing a cultural interest in the property, which would suggest that the site does not possess any cultural significance.

That being said, it is noted that any archaeological sites on the subject site are protected under the provisions of the Historic Places Act 1993. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. An application must be made to the New Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised. The Historic Places Act provides for the protection of unrecorded sites by way of accidental discovery protocol, and this requirement may be appropriately reiterated by way of an advice note in this instance. Council's standard advice notes have been included in the draft set of conditions provided for the Commissioners consideration.

7.7 Cumulative Effects

Dye v Auckland Regional Council [2002] 1 NZLR 337 is regarded as the leading case on cumulative effects. In considering the characteristics of cumulative effects, the Court stated "A cumulative effect is concerned with things that will occur rather than with something that may occur, that being the connotation of a potential effect... The concept of cumulative effect arising over time is one of a gradual build up consequence.

The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration."

While the proposed subdivision is a significantly higher density than anticipated for the Countryside environment, it has been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area. I do not consider that there are likely to be any significant adverse cumulative effects that will result from the intensity of subdivision proposed, either in terms of the existing landscape, or factors contributing to the local amenity, including noise and privacy.

8 Other Matters (Section 104(1)(c))

Precedent and District Plan Integrity

Although the Resource Management Act 1991 does not require resource consent applications to be assessed with reference to such matters as district plan integrity, consistent administration and precedent, it is a matter that has been raised within submissions and as such it is considered appropriate to therefore comment in this regard.

The basis of the concern appears to be that the minimum controlled lot size in the zone is 20 hectares, and the application's lots are much less than that in area; indeed, the parent site, at 3.649 hectares is already well below the minimum lot size for the zone.

From my analysis for the purposes of section 104D, I am of the view that if implemented in accordance with the revised scheme and proposed conditions, the application would not, as a whole, be contrary to the relevant objectives and policies of the Plan. Having reached that conclusion, my opinion is that it is difficult to find a basis to conclude that the application will affect the integrity of the Plan or create an adverse planning precedent. I accept that the minimum lot size would not be achieved, but that is the reason why the application is non-complying and not a reason for it to be considered contrary to the objectives and policies.

In spite of the comments above, I have undertaken an analysis of the application to identify its unusual and/or exceptional circumstances that in combination might distinguish it from other similar applications in the Countryside zone in the future:

- The site is set in an area where subdivision of lots to this size is relatively common (refer **Attachment 3**);
- It is proposed voluntarily to covenant 5184m² of land as part of the proposal and retire it from grazing;

- The site is comprised in two Certificates of Title;
- In the context of Waitaua Road, the property has sufficient road frontage to facilitate the development in the manner proposed;
- Unlike other properties within the Waitaua Road catchment, the site has a low instability hazard rating. Properties on the southern side of Waitaua Road are shown as having a medium to high instability hazard rating, which may restrict further rural-residential development, specifically in relation to Section 106 considerations;
- The topography of the site lends itself to the development as proposed. Properties on the southern side of the road slope towards the south making access and the location of building platforms potentially more difficult; and
- The site is well contained with the landform and can support the increased density of development as proposed.

Based on the above reasons, it is my opinion that this application displays sufficient unique characteristics that mitigates against any precedent being created, or any effect on the integrity of the District Plan occurring.

Tikipunga, Glenbervie and Vinegar Hill Structure Plan

The study area of the Tikipunga, Glenbervie and Vinegar Hill Structure Plan encompasses 3,540 hectares and lies to the north east of Whangarei City and includes the shops at the Kiripaka Road roundabout and Paramount Parade, while encompassing the Tikipunga, Glenbervie and Vinegar Hill areas and a range of residential, recreational, commercial and rural land uses.

Structure planning is an important tool in managing the orderly growth of the community to assure that adequate public services are provided, important natural and cultural assets are protected, and the area remains competitive for jobs and investment. The urban structure plans prepared by Council are a direct outcome of the growth philosophy expressed in the Urban Growth Strategy for Whangarei, which was adopted by Council in October 2003. They are a method by which the growth philosophy can be implemented at the local level.

The Tikipunga, Glenbervie and Vinegar Hill Structure Plan was adopted by Council on 11 February 2009. The subject site is illustrated in the Structure Plan as 'Living 1' Environment.

The Structure Plan is a non-statutory policy document. This means that the Plan is not required or enforced by legislation and the provisions in the Plan do not have statutory or legal status until they are incorporated into Council's statutory documents such as the Long Term Council Community Plan (LTCCP), District Plan, and Asset Management Plans.

However, structure planning is a technique that has gained acceptance in the Environment Court as a way of promoting the integrated management of environmental effects, and providing for the well-being, health and safety of current and future residents. While not a legal document, the provisions in a structure plan may be considered as 'other matters' when assessing a resource consent application. In the case of this application, it is my opinion that limited weighting should be given to the Structure Plan.

A copy of the Structure Plan map is included as **Attachment 11** to this report.

9 Part 2 Matters

Taking into account, the overall intensity, scale and location of the proposal, in conjunction with recommended conditions of consent, I am satisfied that the proposal is consistent with the overriding purpose and principles contained within Part 2 of the Act.

10 Conclusion

- 10.1 The proposal is considered to be consistent with the purpose and principles of the Resource Management Act set out within Part 2.
- 10.2 The proposal is consistent with the relevant District Plan objectives and policies, particularly those relating to amenity, subdivision and development.
- 10.3 The resultant subdivision pattern is considered to have no more than a minor adverse effect on the amenity and character (including landscape values) of the receiving environment. While the proposed subdivision is a significantly higher density than anticipated for the Countryside environment, it has been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area.

- 10.4 In terms of servicing and site suitability, the applicant has demonstrated, through the provision of a site suitability report, that the subject site is developable in the manner proposed. No constraints have been identified in terms of the capacity of supporting infrastructure to accommodate the proposal.
- 10.5 Having considered the application against the relevant provisions of the Act, it is therefore recommended that this application be **approved**.

Recommendation

THAT pursuant to sections 104, 104B, 104D, 108, 220 and 221 of the Resource Management Act 1991, Commissioner Les Simmons **grants** consent to NR Pegram Family Trust (SD1000134) to subdivide the subject site located at Waitaua Road, Vinegar Hill with a combined area of 3.6497 hectares into five allotments. The proposal is a non-complying activity in respect of the allotment area provision that applies to the Countryside Environment. The remaining aspects of the proposal are to be assessed as either restricted discretionary or controlled activities. Overall, the application is to be assessed as a non-complying activity.

Staging:

The application may be undertaken in stages as follows:

Stage 1: Lot 4 and amalgamated Lots 5 & 10 to be balance area.

Stage 2: Cancel amalgamation condition from Stage 1, creating Lot 5 and further subdivision of Lot 10 into Lots 1-3.

Conditions:

Stage 1

1. **That before the survey plan is sealed the following requirements are to have been satisfied:**
 - a That subject to incorporating any changes necessitated by the following conditions of consent, the survey plan submitted for approval shall be in general accordance with the layout shown on the subdivision plan prepared by Reyburn & Bryant 1999 Limited titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' drawing no S11792 (Revision K), dated April 2011.
 - b The survey plan shall show the following amalgamation condition:
That Lot 5 and Lot 10 hereon be held in the same computer freehold register
 - c The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with the Whangarei District Council Environmental Engineering Standards (WDC EES) 2010 Edition and show necessary easements on the survey plan to the approval of the Subdivision Officer.
 - d The consent holder must create easements over services and overland stormwater flow paths (1%AEP +20%) to the approval of the Senior Environmental Engineering Officer (SEEO). Note that overland flow paths are to be assessed in accordance with Section 4.9 WDC EES 2010 Edition and are to be certified by an IQP/CPEng.
2. **Prior to issue of a section 224 (c) certificate;**
 - a The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with the Whangarei District Council's (WDC) Environmental Engineering Standards (EES) 2010 Edition to the approval of the Environmental Engineering Officer (SEEO).
 - b The consent holder must provide written confirmation from a Licenced Cadastral Surveyor that the existing septic tank and effluent field servicing the existing dwelling on Lot 4 is decommissioned and upgraded as recommended by engineering site suitability report ref: 702441 rev. A compiled by CPG and dated July 2011, it is contained within the allotment boundaries and comply with section 15.1 (Permitted Activities for Sewage discharges) of the Northland Regional Council Regional Water and Soil Plan for Northland noting the required separation distances to boundaries, water bores, groundwater table & surface water to the approval of the Subdivision Officer.
 - c The consent holder must provide written confirmation from a Licenced Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries.
 - d That all damage to the street footpath, stormwater kerb and channel, road carriageway

formation, street berm and urban services by the demolition and construction works associated with the subdivision and land use activities shall be reinstated at the expense of the consent holder.

- e A detailed Landscape Mitigation Plan shall be prepared by a suitably qualified landscape architect and submitted to Council for approval by Council's Resource Consents Manager. The plan shall be based on the Landscape Integration Plan, prepared by Simon Cocker Landscape Architecture (Drawing Number 10010-01LIP Stg. 1) and submitted with the application and shall address the following issues:
- i. A statement of the mitigation objectives of the proposed planting against which compliance with the condition can be measured.
 - ii. The number, position, spacing, stock size and species of all proposed integration planting.
 - iii. The planting techniques to be utilised, as well as a planting programme (i.e. timeframe).
 - iv. Details of proposed staking and mulch, where appropriate.
 - v. The on-going maintenance of all plantings, including mulching and a plant replacement programme for a period of not less than 5 years.
 - vi. Specification of the minimum height of the proposed hedge plantings.
 - vii. Mitigation planting (limited to low and mid level planting) along the street frontage of proposed Lot 5.
- f Evidence shall be provided from an appropriately qualified person to Council's Resource Consents Manager for approval confirming that the planting required in relation to the landscape plan approved in **Condition 2(e)** has been completed and associated maintenance infrastructure implemented, including confirmation that all areas of revegetation planting have been fenced to a standard equivalent to one of the specimen types of rural fence (excluding electric fences) as provided for in the Second Schedule to the Fencing Act 1978.
- g Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register (CFR) of all Lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i At the time of building consent provide suitable evidence/design to illustrate that, stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of the WDC Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.
 - ii The development of the sites shall be undertaken in accordance with the restrictions and recommendations identified in the CPG engineering site suitability report ref: 702441rev. A dated July 2011 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by WDC.
 - iii On all proposed Lots waste water treatment system designed in accordance with recommendations identified in the CPG engineering site suitability report ref: 702441rev. A dated July 2011 and certified by a Chartered Professional Engineer/IQP shall be installed, unless an alternative system certified by a Chartered Professional Engineer/IQP is approved by the WDC Senior Environmental Engineering Officer in writing. A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person that shall supervise the construction and commissioning of the system.
 - iv On all proposed Lots a maintenance contract for the on-site wastewater system shall be in place at all times which includes inspections and maintenance of both the wastewater treatment and disposal systems.

- v All mitigation planting required under the approved Landscape Mitigation Plan shall be maintained in perpetuity to the standards required by that document by the owners of Lots 1- 5 to the satisfaction of the Council's Resource Consents Manager or their delegated representative.
- vi That all buildings and structures, hard and soft landscaping on Lots 1-5 be designed and constructed in accordance with the design guidelines set out within the Assessment of Visual and Amenity Effects prepared by Simon Cocker Landscape Architecture, dated June 2011 (attached).
- vii Buildings shall be confined to the building platforms identified on the survey plan.
- viii The following height (as defined by the Whangarei District Plan) limits shall apply to the respective allotments:
 - Lot 4 (existing building) – any future building 4.5m;
 - Lot 5 – 5m.
- ix No minor residential units, as defined by the Whangarei District Plan, shall be permitted on the Lot.
- x **For Lot 5 only:** If a primary waste water treatment system is selected, then additional information on groundwater may be required at the building consent stage to demonstrate that 1.2m separation distance from the base of the trench is available (to comply with Rule 15.1.3 (a) of the Regional Water and Soil Plan for Northland).

Stage 2

1. **That before the survey plan is sealed the following requirements are to have been satisfied:**
 - a That subject to incorporating any changes necessitated by the following conditions of consent, the survey plan submitted for approval shall be in general accordance with the layout shown on the subdivision plan prepared by Reyburn & Bryant 1999 Limited titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' drawing no S11792 (Revision K: Sheets 1 -3), dated April 2011.
 - b The survey plan shall show the proposed building platforms on Lots 1 – 4 as shown on the subdivision plan prepared by Reyburn & Bryant 1999 Limited titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' drawing no S11792 (Revision K: Sheets 1 -3), dated April 2011. In addition, a building platform shall be shown on Lot 5, being located at least 50 metres from the common boundary with Lot 2 DP 171599.
 - c Areas 'C' and 'E' shall be shown on the plan of subdivision as being subject to a Conservation Covenant under the Reserves Act 1977 (or a Queen Elizabeth II National Trust Covenant).
 - d The consent holder must submit a detailed set of engineering plans prepared in accordance with Whangarei District Council's (WDC) Environmental Engineering Standards (EES) 2010 Edition. The engineering plans are to be submitted to the SEEO for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by WDC and hold a current status to submit design work.

All work needing design/certification by a WDC approved IQP/CPEng will require completion of a producer statement (design).

Note: Plans have to be prepared noting restrictions and recommendations of engineering site suitability report ref: 702441 compiled by CPG dated 12/10/2010, unless an alternative report compiled by a Chartered Professional Engineer is submitted and approved in writing by the SEEO.

Plans are to include but are not limited to:

- i Design details of the construction of right of way A in accordance with Table 3.7 category F requirements including a typical cross section, long section, culverts, drainage flow paths, attenuation and overland flow paths.
 - ii Design details of the construction of right of way B in accordance with Table 3.7 category E requirements including a typical cross section, long section, culverts, drainage flow paths, attenuation and overland flow paths.
 - iii Design details of the construction of a new vehicle crossings for ROW A & B in accordance with (2010 Edition) Sheet 21 Rural Type 1A Crossing also in accordance with sheets 22 & 23. Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from a property.
 - iv Design details of water connections to all residential lots in accordance with (2010 Edition) Sheet 46 or 47 including fire fighting coverage in accordance with Sheet 45 & Section 6.11.
 - v Design details of water main extensions inclusive of any valves, bulk water meters, fittings and connections necessary to service all residential lot, inclusive of calculations.
- e The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with the Whangarei District Council Environmental Engineering Standards (WDC EES) 2010 Edition and show necessary easements on the survey plan to the approval of the Subdivision Officer.
- f The consent holder must create easements over services and overland stormwater flow paths (1%AEP +20%) to the approval of the Senior Environmental Engineering Officer (SEEO). Note that overland flow paths are to be assessed in accordance with Section 4.9 WDC EES 2010 Edition and are to be certified by an IQP/CPEng.
- g The consent holder is to submit a site specific Traffic Management Plan or Corridor Access Request compiled by a qualified Site Traffic Management Supervisor for all works to be carried out within the Whangarei District Council Road Reserve to the approval of the Senior Environmental Engineering Officer (Refer advisory clauses below).

2 Prior to issue of a section 224 (c) certificate;

- a All work on the approved engineering plans in condition **1 (d)** is to be carried out to the approval of the Senior Environmental Engineering Officer (SEEO) or their delegated representative.

All work needing design/certification by a WDC approved IQP/CPEng will require completion of a producer statement (construction).

All staged details of construction works (e.g. road construction) shall be accompanied by the necessary test results in accordance with WDC EES 2010 Edition requirements and good engineering practice, to the approval of the SEEO.

In the case of works to remain in private ownership, these may be inspected and approved by a WDC approved IQP who has been certified to design/construct such works. A producer statement (construction) is to be provided by the WDC approved IQP, along with copies of all test results/photographs etc. The SEEO is to be advised of any necessary inspections/testing of private works a minimum of 24 hours before they take place in order that the SEEO may observe the inspection/testing if so desired.

Failure to comply with these requirements may result in the work not being accepted as complying with the RC conditions/EES 2010 Edition. No construction works are to commence onsite until the engineering plans required in **condition 1(c)** have been approved and all associated plan inspection fees have been paid. (Note that all works within Public Reserve will require written certification from the controlling authority).

The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer (SEEO) and include the following details:

- i Name and telephone number of the project manager.
- ii Site address to which the consent relates.
- iii Activities to which the consent relates.
- iv Expected duration of works.

A copy of the approved engineering plans and a copy of the resource consent conditions and the above letter are to be held onsite at all times during construction.

- b The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with the Whangarei District Council's (WDC) Environmental Engineering Standards (EES) 2010 Edition to the approval of the Environmental Engineering Officer (SEEO).
- c Provide details of any restrictions relating to the development of any of the sites on Form EES-PO1 - Statement of Professional Opinion on Suitability of Land for Building Construction, or similar and approved.
- d Spoil from the site must be controlled by the applicant and not be tracked out onto the WDC or State Highway Road formations.
- e Dust nuisance must be controlled onsite (by use of a watercart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- f The consent holder must provide written confirmation from a Licenced Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries.
- g That all damage to the street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services by the demolition and construction works associated with the subdivision and land use activities shall be reinstated at the expense of the consent holder.
- h The consent holder must submit a certified and dated "as built" plan of completed works and services in accordance with council's Environmental Engineering Standards to the approval of the Senior Environmental Engineering Officer.
- i The applicant following completion of construction shall provide a works producer statement/s from the suitably qualified contractors who completed the works certifying that the works have been completed in accordance with the approved engineering plans, the WDC Environmental Engineering Standards (EES) 2010 Edition and best trade practise to the satisfaction of the SEEO or their delegated representative.
- j A Queen Elizabeth II National Trust Open Space Covenant is to be registered on the title of the proposed Balance Area in respect to the area of bush identified within Area B on the survey plan prepared by Reyburn & Bryant Limited 1999 Limited, referenced S11268 (pages 1 and 2, Revision C) and dated March 2008. The applicant is to provide council with the written confirmation from the Queen Elizabeth II National Trust that this area has been accepted for the purposes of an Open Space Covenant; or

A Conservation Covenant pursuant to Section 77 of the Reserves Act is to be registered on the title of the proposed Balance Area in respect to the areas of bush identified within Area B on the survey plan prepared by Reyburn & Bryant Limited 1999 Limited, referenced S11268 (pages 1 and 2, Revision C) and dated March 2008, with such covenant to be prepared and registered by the council at the applicant's expense. The Conservation Covenant is to stipulate that:

- i. Weed and pest management is the responsibility of the land owner. Covenanted areas will be inspected periodically by Whangarei District Council or their chosen representative.
- ii. Access to the covenanted area by the landowner to continue by way of any existing track(s) and these track(s) can be maintained to existing standards should the need arise, including minor clearing of vegetation over, and/or adjacent to, the existing track(s); and
- iii. Restoration and/or enhancement and/or pruning of vegetation cover in the covenanted area to be undertaken by the landowner should the need arise,

provided prior approval has been obtained from the Whangarei District Council's Parks Division.

iv. The disposal of effluent is permitted within the covenanted area.

k A detailed Landscape Mitigation Plan shall be prepared by a suitably qualified landscape architect and submitted to Council for approval by Council's Resource Consents Manager. The plan shall be based on the Landscape Integration Plan, prepared by Simon Cocker Landscape Architecture (Drawing Number 10010-01LIP Stg. 1) and submitted with the application and shall address the following issues:

i. A statement of the mitigation objectives of the proposed planting against which compliance with the condition can be measured.

ii. The number, position, spacing, stock size and species of all proposed integration planting.

iii. The planting techniques to be utilised, as well as a planting programme (i.e. timeframe).

iv. Details of proposed staking and mulch, where appropriate.

v. The on-going maintenance of all plantings, including mulching and a plant replacement programme for a period of not less than 5 years.

vi. Specification of the minimum height of the proposed hedge plantings.

vii. Details regarding the design of the communal accessway and entrance to Waitaua Road, which demonstrates the retention of a rural character.

h Evidence shall provided from an appropriately qualified person be submitted to Council's Resource Consents Manager for approval confirming that the planting required in relation to the landscape plan approved in **Condition 2(k)** has been completed and associated maintenance infrastructure implemented, including confirmation that all areas of revegetation planting have been fenced to a standard equivalent to one of the specimen types of rural fence (excluding electric fences) as provided for in the Second Schedule to the Fencing Act 1978.

l Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register (CFR) of all Lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:

i At the time of building consent provide suitable evidence/design to illustrate that, stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of the WDC Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.

ii The development of the sites shall be undertaken in accordance with the restrictions and recommendations identified in the CPG engineering site suitability report ref: 702441 rev. A dated July 2011 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by WDC.

iii On all proposed Lots waste water treatment system designed in accordance with recommendations identified in the CPG engineering site suitability report ref: 702441 rev. A dated July 2011 and certified by a Chartered Professional Engineer/IQP shall be installed, unless an alternative system certified by a Chartered Professional Engineer/IQP is approved by the WDC Senior Environmental Engineering Officer in writing. A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person that shall supervise the construction and commissioning of the system.

iv On all proposed Lots a maintenance contract for the on-site wastewater system shall be in place at all times which includes inspections and maintenance of both the wastewater treatment and disposal systems.

v All mitigation planting required under the approved Landscape Mitigation Plan shall

be maintained in perpetuity to the standards required by that document by the owners of Lots 1- 5 to the satisfaction of the Council's Resource Consents Manager or their delegated representative.

- vi That all buildings and structures, hard and soft landscaping on Lots 1-5 be designed and constructed in accordance with the design guidelines set out within the Assessment of Visual and Amenity Effects prepared by Simon Cocker Landscape Architecture, dated June 2011.
- vii Buildings shall be confined to the building platforms identified on the survey plan.
- xi No minor residential units (as defined by the Whangarei District Plan) shall be permitted on the Lot.
- viii The following height (as defined by the Whangarei District Plan) limits shall apply to the respective allotments:
 - Lot 1 – 6m;
 - Lot 2 – 4.5;
 - Lot 3 – 4.5m;
 - Lot 4 (existing building) – any future building 4.5m;
 - Lot 5 – 5m.

Reasons for the Recommendation:

- 1 The proposal is considered to be consistent with the purpose and principles of the Resource Management Act set out within Part 2.
- 2 The proposal is consistent with the relevant District Plan objectives and policies, particularly those relating to amenity and subdivision and development.
- 3 The resultant subdivision pattern is considered to have no more than a minor adverse effect on the amenity and character (including landscape values) of the receiving environment. While the proposed subdivision is a significantly higher density than anticipated for the Countryside environment, it has been designed in response to the characteristics of the surrounding context and will maintain the established rural residential character of the area.
- 4 In terms of servicing and site suitability, the applicant has demonstrated, through the provision of a site suitability report, that the subject site is developable in the manner proposed. No constraints have been identified in terms of the capacity of supporting infrastructure to accommodate the proposal.

Advice Notes (Relevant to both Stages where Applicable)

- 1 The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991. The applicant will be advised of the charges as they fall.
- 2 Section 120 of the Resource Management Act 1991 provides a right of appeal to this decision. Appeals must be in writing, setting out the reasons for the appeal, and lodged with the Environment Court within 15 working days after the decision has been notified to you. Appellants are also required to ensure that a copy of the notice of appeal is served on all other relevant parties.
- 3 This resource consent will expire **five** years after the date of commencement of consent unless, before the consent lapses:
 - (a) It is given effect to before the end of that period; or
 - (b) An application is made to the Council to extend the period after which the consent lapses and Council decides to grant an extension. The statutory considerations that apply to extensions are set out in section 125(1)(b) of the Resource Management Act 1991.
- 4 All archaeological sites on the subject site are protected under the provisions of the Historic Places Act 1993. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to suspect an archaeological (recorded or unrecorded) may be modified, damaged or destroyed in the course of any activity. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Evidence of archaeological sites may include oven stones, charcoal, shells,

ditches, banks, pits, terraces, stone walls, building foundations, artefacts of Maori and European origin or burials. Application must be made to the New Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised. Prior to the commencement of any works, a copy of the '*Accidental Discovery Protocol*' that is available from the New Zealand Historic Places Trust shall be made available to all contractors

- 5 Pursuant to Section 102 of the Local Government Act 2002, the Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this Policy, the activity to which this consent relates is subject to Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue at a Section 224(c) Certificate. Further information regarding Council's Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Council's web page at www.wdc.govt.nz.
- 6 The applicant is advised of their requirement to obtain all necessary consent(s) under the Regional Water and Soil Plan from the Northland Regional Council prior to commencement of works on-site.
- 7 Spoil from the site must be controlled by the applicant and not be tracked out onto the WDC or State Highway Road formations.
- 8 Dust nuisance must be controlled onsite (by use of a watercart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- 9 A **Corridor Access Request (CAR)** is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by the Whangarei District Council and will be phased in. It provides a single application for Traffic Management Plans/ Road Opening Notice applications. Enquiries as to its use may be directed to Council's Traffic Management Co-ordinator on 430-4230 ext 8258.
- 10 Building Consents may be required for works such as retaining structures, ponds and bridge upgrading.
- 11 Where the 1.2 metre bore hole was drilled, if a primary treatment system is selected, then additional information on groundwater may be required at building consent stage to confirm whether the 1.2 metre separation distance from the base of the trench is available (to comply with Rule 15.1.3(a) of the Regional Water and Soil Plan for Northland).
- 12 The council will not be responsible for vehicle access maintenance beyond the existing council road maintenance termination unless it is constructed within a legal road in accordance with prior approved engineering plans complying with Table 3.2 of the council's Environmental Engineering Standards and to the satisfaction of the Senior Environmental Engineering Officer.
- 13 Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.
- 14 Upon construction of a habitable dwelling, sufficient water volume, pressure and flows be provided in accordance with "NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008" and that this water supply be accessible by emergency vehicles for fire fighting purposes.
- 15 All works to be carried out in the conditions above shall be undertaken on public land unless written right of entry is obtained from the owners of all private land upon which work is to be carried out. Where any necessary written right of entry has not been obtained, any such infrastructure work shall be re-routed to achieve compliance with this condition.
- 16 All earthworks are required to comply with section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.

Attachments:

- 1 The application (as lodged with Council).

- 2 Revised Subdivision Scheme Plan (titled 'Proposed Subdivision of Lots 1 and 2 DP 397891' prepared by Reyburn and Bryant 1999 Ltd, drawing no S11792 (Revision K), dated April 2011).
- 3 Property Information
- 4 Submission Summary and Copies of Submissions Received
- 5 Pre-Hearing Minutes, Tuesday 31 May 2011
- 6 Section 92 request and letter received from Northland Regional Council (withdrawing submission)
- 7 Revised Landscape Assessment prepared by Simon Cocker Landscape Architecture (dated June 2011)
- 8 Engineering Assessment of Senior Environmental Engineering Officer, Vladimir Rozov dated 19 July 2011.
- 9 Landscape Reviews (2) prepared by Rebecca Skidmore of RA Skidmore Urban Design Limited
- 10 Revised Site Suitability Report, prepared by CPG (July 2011)
- 11 Tikipunga, Glenbervie and Vinegar Hill Structure Plan