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Office use		Date Received	<u>03/08/17</u>
Name of CSR	<u>Iisena G.</u>	Time Received	<u>8:00</u>
Fees received	\$ <u>1500.00 (chq)</u>	<div style="border: 2px solid black; padding: 5px; text-align: center;">RECEIVED CUSTOMER SERVICES - 3 AUG 2017 WHANGAREI DISTRICT COUNCIL</div>	
Receipt no	<u>90432</u>		
Tech1 app no	<u>SD1700139</u>	RO	<u>Kathleen</u>
Assess	<u>162725</u>	P	<u>126520</u>

Resource consent application - Form 9 RMA

This application for resource consent is made pursuant to Section 88 or 139 of the Resource Management Act 1991 (RMA 1991). Please note that your application will be subject to all other relevant provisions contained within the RMA.

This form is designed to provide the required details, and must be submitted as part of your application. Please note that the public can view all information provided in your application.

District plan rules & maps, application forms and land information are available on Council's website www.wdc.govt.nz

If you have spoken to a member of our planning staff about your proposal, enter their name

1 Application details – It is important that you fully complete all sections

Have you attended a pre-application meeting Yes No

Full Name of party applying for resource consent (Applicant) JAS VINSON

Postal address 37 Tesoro Way, Parahaki, Whangarei

Phone no 021931300 Email sandvinson@xtra.co.nz

I hereby apply to Whangarei District Council for

- Land use consent (s88) Subdivision consent (s88)
 Certificate of compliance (s139) Subdivision and land use consent (s88)

This application also includes

- Right-of-way (s348) Easement cancellation (s243)
 Consent notice (s221) Amalgamation covenant/condition (s240) (s241)
 Conservation covenant (s114) Other _____

Description of activity The proposal is to relocate the boundaries of two existing certificates of title.

Additional consents (i.e. NRC consents)

- No additional resource consents are needed for the proposed activity
 The following additional resource consents are needed for the proposed activity, and have (or have not) been applied for (give details)

Have you applied for a BC or PIM Yes No If yes, state BC or PIM no _____

2 Site detail

Property address 37 and 38 Tesoro Way

Legal description Please see attached CT Please see attached

District plan environment Urban Transition Environment

Property ID _____

3 Site Visit Requirements

(A site visit is generally undertaken by staff processing the application)

3.1 Is there a locked gate or security system restricting access by council staff? Yes No

3.2 Is there a dog on the property? Yes No

3.3 Provide details of any entry restriction or hazards that council staff should be aware of, e.g. health and safety, organic farm, measures to inhibit the transfer of Psa-V etc.

4 Ownership (if different from applicant)

Full legal name of owner _____

Postal address of owner _____

Full legal name of occupier _____

Postal address of occupier _____

Phone no (owner) _____ Email (owner) _____

5 Payer (mandatory)

Full legal name of payer JASJ VINSON

Address of payer 37 Tesoro Lane Way, Parahaki, Whangarei

Phone no 021931300 Email sallyvinson@xtra.co.nz


 Signature (Mandatory)

02.08.2017
 Date

(NB By signing this form you undertake to pay Council's processing fees)

6 Address for services/correspondence (Agent)

Name Reyburn and Bryant Ref no 14519

Telephone Business 094383563 Home - Fax -

Postal address PO Box 191, Whangarei, 0140

Email thomas@reyburnandbryant.co.nz

7 Attachment checklist (mandatory requirements are in bold)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Completed application form | <input checked="" type="checkbox"/> Building activity or site plans | <input type="checkbox"/> Engineering report |
| <input checked="" type="checkbox"/> Certificate of title | <input checked="" type="checkbox"/> 3 copies of application or 1 x USB or CD and 2 colour copies | <input type="checkbox"/> Ecological report |
| <input checked="" type="checkbox"/> Advance fee/deposit | <input checked="" type="checkbox"/> Assessment of environmental effects | <input checked="" type="checkbox"/> Assessment against Part 2 of RMA |
| <input checked="" type="checkbox"/> Assessment against district plan rules, objectives and policies and assessment criteria | <input checked="" type="checkbox"/> Assessment against National Environmental Standards (NES) | |

Iwi consultation
 Other (specify)

Landscape assessment

Written approvals

8 Signature of the applicant(s) or agent

Payment of fees and charges

Please refer to Council's 'Schedule of Fees & Charges' at www.wdc.govt.nz/ratesandpayments/feesandcharges.

You are required to pay an advance fee deposit at time of lodgement.

You will be charged a processing fee when Council has reached a decision on your application. Interim billing may also occur on applications. The processing charge covers tasks such as site visits, report preparation, information searches, and input from other Council staff including engineers. Mileage is also charged for.

Development Contributions

When granting consent to certain activities the council may levy a monetary contribution. Development contributions are levied under the Local Government Act 2002 in accordance with the council's Development Contributions Policy. When such contributions become due the consent holder is responsible for their payment. Unless otherwise advised, the name and contact address of the person responsible for payment of any contributions will be taken as the applicant.

Privacy Information

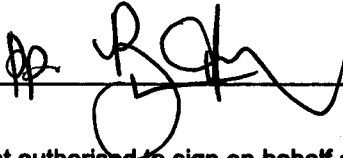
The council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the council. If you would like to request access to, or correction of any details, please contact the council.

Site visit

By signing this form, if you are the owner of the application site, you confirm that the council may undertake a site inspection.

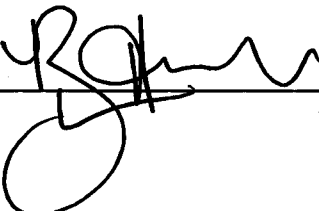
Declaration for the applicant or authorised agent

I/we confirm that I/we have read and understood the notes above.

Applicant's signature  Date 02.08.2017

Declaration for the agent authorised to sign on behalf of the applicant.

As authorised agent for the applicant, I confirm that I have read and understood the above notes and confirm that I have fully informed the applicant of their/its liability under this document, including for fees and other charges, and that I have the applicant's authority to sign this application on their/its behalf.

Agent's signature  Date 02.08.2017

Subdivision Consent Application

JA & SJ VINSON

37 & 38 Tesoro Way, Parahaki

reyburn
& bryant

PLANNERS • SURVEYORS

Subdivision Consent Application
JA & SJ VINSON

37 & 38 Tesoro Way, Parahaki

Prepared by:



Report prepared for:

JA & SJ Vinson

Consent Authority:

Whangarei District Council

Report prepared by:

A handwritten signature in blue ink, appearing to read 'Thomas Keogh'.

Thomas Keogh, *Planner*

Report reviewed by:

A handwritten signature in black ink, appearing to read 'Brett Hood'.

Brett Hood, *Director*

Report reference:

14519.tk

Date:

August 2017

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1. Certificates of Title and Associated Memorials
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ABBREVIATIONS

RMA	Resource Management Act, 1991
WDC	Whangarei District Council
WDP	Whangarei District Plan
PC	Plan Change
EES	Environmental Engineering Standards
NRC	Northland Regional Council
RPS	Regional Policy Statement
AEE	Assessment of Environmental Effects
NES	National Environmental Standard – Soil Contamination

All correspondence in respect to this application should be addressed to:

Reyburn and Bryant
P.O. Box 191
Whangarei 0140
Attention: Thomas Keogh (ref.14519.tk)
Telephone: (09) 438 3563
Fax: (09) 438 0251
Email: thomas@reyburnandbryant.co.nz

1. INTRODUCTION

1.1 Report Basis

This report has been prepared for JA & SJ Vinson in support of a resource consent application to relocate the boundaries of two existing certificates of title located at 37 & 38 Tesoro Way, Parahaki.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 ('RMA').

The report includes an analysis of the relevant provisions of the Whangarei District Plan (WDP) and the National Environmental Standard – Soil Contamination (NES), which is pertinent to the assessment and decision required under s104 of the RMA.

1.2 Property Details

Applicant	JA & SJ Vinson
Landowner(s)	Stephen John Vinson and Jacqueline Anne Vinson Silke Hermine Catharina Groot-Magens
Site Address	37 and 38 Tesoro Way
Legal Description	Lot 3 DP 458227 and Lot 4 DP 458227
Certificates of Title	CFR 595687 and CFR 595688
Total Site Area	8,595m ² and 6.1260ha (total area: 6.9855ha)
District Plan	Whangarei District Plan (WDP)
Zone	Urban Transition Environment (UTE)
Notations	Flood Susceptible (Part CFR 595688)
Plan Change 87	Coastal Area, High Natural Character Area (Part CFR 595688)

1.3 Resource Consents Required

Resource consent is required under the following rule of the WDP:

- UTE.3.1 'Eligibility Rules' – all subdivisions that are not undertaken in accordance with an approved management plan shall be considered as a discretionary activity.

No other consents are required to give effect to the proposal. Overall, the proposal requires resource consent as a discretionary activity.

1.4 Other Approvals Required

Amalgamation Condition

The following amalgamation condition is proposed pursuant to section 220(1)(b)(i) of the RMA:

That Lot 2 hereon be transferred to the owner of Lot 3 DP 458227 (CFR: 595687) and that one computer register be issued to include both parcels.

The amalgamation condition is shown on the scheme plan attached at [Appendix 2](#).

1.5 Relevant Title Memorials

CFR 595687

Transfer 284547: Relates to water rights.

Consent Notice 9378327.2: Contains one condition that is relevant to the subject titles. This relates to an engineering report provided in support of the underlying subdivision.

Easement Instrument 9378327.3: Relates to a right of way, right to convey water, electricity, telecommunications, and a right to drain water and sewage.

CFR 595688

Transfer 284547: Relates to water rights.

Easement Instrument 6196163.4: Relates to a right of way, right to transmit telecommunications, right to convey water, and right to drain sewage.

Easement Instrument 6196163.5: Relates to a right (in gross) to transmit electricity in favour of Northpower Limited.

Conservation Covenant 6196163.6: Relates to conservations created on the subject site under section 77 of the Reserves Act 1977.

Easement Instrument 6498041.1: A land covenant that relates to a no-build area on DP 350803.

Consent Notice 9378327.2: Contains one condition that is relevant to the subject titles. This relates to an engineering report provided in support of the underlying subdivision.

Easement Instrument 9378327.3: Relates to a right of way, right to convey water, electricity, telecommunications, and a right to drain water and sewage.

Easement Instrument 9378327.4: Relates to a right (in gross) to convey electricity, telecommunications and computer media in favour of Northpower Limited.

Easement Instrument 9378327.5: Relates to a right (in gross) to convey telecommunications and computer media in favour of Chorus New Zealand Limited.

Conservation Covenant 9378327.6: Relates to conservation covenants created on the subject site under section 7 of the Reserves Act 1977.

A copy of the memorials are attached at [Appendix 1](#).

1.6 Statutory Context

Section 104B of the RMA states that:

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering an application for resource consent.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

This report focuses on the relevant matters in s104(1), and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The relevant provisions of the WDP (s104(1)(b)(vi)).
- The relevant provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (s104(1)(b)(i)).

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 The Site

Address and Location

The 'subject site' consists of two existing certificates of title that are located at the end of Tesoro Way, Parahaki. Tesoro Way is a private right of way located on the eastern side of Tawhai Place. A location map identifying the site is provided in [Figure 1](#) below.



Figure 1: The subject site at 34B Hawken Road, Maunu (Source: WDC GIS).

Certificates of Title

Lot 3 DP 458227 is associated with CFR 595687. The title has a total area of 8,595m², and was issued in May 2013 following a subdivision of the underlying lot.

Lot 4 DP 458278 is associated with CFR 595688. The title has a total area of 6.1260ha, and was issued in May 2013 following a subdivision of the underlying lot.

Built Development

Both titles contain an existing residential unit. CFR 595687 also contains a large shed, which is located in the southern portion of the site.

Access

Access is provided to both titles via Tesoro Way, which is a private right of way that is located on the eastern side of Tawhai Place.

Topography

The western portions of both titles are relatively flat, although both titles have a relatively steep drop-off to the east of the existing residential units.

Vegetation

CFR 595688 is in a mix of pasture and bush, with the areas of bush protected by conservation covenants. These areas are identified on the scheme plan attached at [Appendix 2](#). There is also an area of bush located in the north-eastern corner of CFR 595687.

Relevant Planning Notations

Both titles are zoned 'Urban Transition Environment', while a small portion of CFR 595688 near the eastern boundary is identified as being Flood Susceptible under the operative WDP.

Neither of the titles are affected by the Rural Environment Plan Change (PC85A-D and 86A-B) or the Landscape Plan Change (PC114). However, a portion of CFR 595688 near the southern boundary is located in the Coastal Area and High Natural Character Area being introduced under PC87.

Both titles are affected by the 'Stability' areas identified on the WDC GIS. These areas are identified on the scheme plan attached at [Appendix 2](#).

The relevant WDC and NRC planning maps are attached at [Appendix 3](#).

2.2 The Surrounding Environment

The subject land forms part of a cluster of rural-residential subdivision and development that is associated with the UTE zoned land located along the eastern and western sides of Konini Street. To the north, east, and north-west of this cluster are a mix of rural-residential and rural landholdings that are zoned Countryside Environment under the WDP. To the south and south-west is a more densely subdivided and developed cluster of Living 1 zoned land. The upper reaches of the Whangarei Harbour are located to the south-east of the subject site.

3. THE PROPOSAL

3.1 General

The proposal is to relocate the boundaries of two existing certificates of title. The proposed lot configuration is depicted in the scheme plan (attached at [Appendix 2](#)), and is summarised as follows:

Lots	Area	Comments
1	5910m ² (5774m ² net)	Contains the existing residential unit located on CFR 595688.
2	5.5350ha (4.6538ha net)	Will be amalgamated with CFR 595687, resulting in a total site area of 6.3945ha (5.5133ha net).

The areas shown above are approximate and are subject to final survey.

3.1 Design Rationale

The rationale for the boundary adjustment is to transfer a 5.6090ha piece of land from the owner of CFR 595688 to the owners of CFR 595687. This transfer will create a more manageable property for the owner of CFR 595688, whilst increasing the land available for use by the owners of CFR 595687.

While both of the proposed lots will exceed 2,500m², both of the existing lots are also larger than 2,500m². Furthermore, Lot 1 (which is reducing in size) is no larger than necessary to accommodate the existing dwelling and the associated services/amenities/curtilage.

In addition to the above, the reasons for not providing the indefinite retention of 50% of the site area are as follows:

- The full development potential of the property has not yet been determined.
- Any further building development on the proposed lots will require a land use consent under UTE.2.1.b.
- The boundary adjustment does not increase the overall potential lot yield under the UTE subdivision rules.

In summary, the proposed subdivision does not compromise the objectives, policies and expected environmental outcomes for the UTE, or facilitate additional development rights beyond what is contemplated for the zone.

3.2 Building Areas

Both lots contain an existing residential unit.

3.3 Access, Water, Wastewater, Stormwater, Electricity and Telecommunications

There are no changes proposed to the existing access, water, wastewater, stormwater, electricity or telecommunications arrangements associated with either lot. Any required easements will be created at the survey stage.

3.4 Amalgamation Condition

The following amalgamation condition is proposed pursuant to section 220(1)(b)(i) of the RMA:

That Lot 2 hereon be transferred to the owner of Lot 3 DP 458227 (CFR: 595687) and that one computer register be issued to include both parcels.

The amalgamation condition is shown on the scheme plan attached as [Appendix 2](#).

3.5 Review of Draft Conditions

It is requested that the processing planner email a copy of the draft conditions of consent to the agent prior to releasing the decision for this application.

4. DISTRICT PLAN RULE ASSESSMENT

4.1 Relevant Zoning

Both titles are zoned 'Urban Transition Environment', while a small portion of CFR 595688 near the eastern boundary is identified as being Flood Susceptible under the operative WDP.

Neither of the titles are affected by the Rural Environment Plan Change (PC85A-D and 86A-B) or the Landscape Plan Change (PC114). However, a portion of CFR 595688 near the southern boundary is located in the Coastal Area and High Natural Character Area being introduced under PC87.

Both titles are affected by the 'Stability' areas identified on the WDC GIS. These areas are identified on the scheme plan attached at [Appendix 2](#).

The relevant WDC and NRC planning maps are attached at [Appendix 3](#).

4.2 Rule Assessment

Resource consent is required under the following rule of the WDP:

- UTE.3.1 'Eligibility Rules – all subdivisions that are not undertaken in accordance with an approved management plan shall be considered as a discretionary activity.

The following rules also require that the application be publicly notified:

- UTE.3.3.a – both of the proposed lots exceed 2,500m².
- UTE.3.3.d – Given that this application is for a simple boundary adjustment, it is not proposed to provide the indefinite retention of 50% of the site area involved with this subdivision.

4.3 Overall Activity Status

Overall, the proposal is a discretionary activity.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Existing Environment

Section 104(1)(a) requires a consideration of any actual and potential effects on the environment of allowing an activity. For the purposes of this consideration, it is necessary to establish the correct environment on which the effects are to be assessed.

As confirmed in *Far North District Council v Te Runanaga-a-iwi o Ngati Kahu COA CA705/2011 [11 June 2013]*, in addition to the existing state of the environment, the word “*environment*” also includes the future state of the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented, and as it might be modified by the utilisation of rights to carry out permitted activities under a District Plan.

The existing environment has been outlined in section 2 of this report. For clarity this includes:

- The existing title arrangement (two individual titles that both exceed 2,500m²).
- The existing dwelling, accessory buildings, access, curtilage and servicing arrangements associated with each title.
- The existing pattern of subdivision and development associated with the surrounding environment, which is described in section 2.2 of this report.

There are no known unimplemented resource consents in the vicinity of the site that would influence the existing environment. Overall, the above forms the environment against which the effects of the proposal must be assessed.

5.2 Permitted Baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan (the WDP in this instance) permits an activity with that effect. This is commonly referred to as the permitted baseline.

The UTE land use provisions are contained in UTE.2.1 of the WDP. These provisions enable the construction of residential units at a density of 1 per 5,000m² (UTE.2.1.r), but also restrict the cumulative GFA to 500m² (UTE.2.1.b). This establishes the permitted baseline with regards to residential development in the UTE.

5.3 Other Matters [s104(1)(c) RMA]

Of more relevance to this application are the expectations for the UTE zone, and more specifically the fact that subdivision in the UTE is expected to be undertaken at a density of 1 lot per 5,000m² (UTE.3.3.b). Given the existing areas of the titles, CFR 595687 (being 8.595m²) cannot be subdivided, while CFR 595688 (being 6.1260ha) can be subdivided into 12 allotments.

Following the boundary adjustment, proposed Lot 1 (being 5170m²) will not be able to be subdivided, while Lot 2 (being 6.4685ha) will be able to be subdivided into 12 allotments. The potential yield following the proposed boundary adjustment is therefore the same as what is available under the current title arrangement.

5.4 Effects of the Boundary Adjustment

The proposal is to relocate the boundaries of two existing certificates of title. Relocating the boundaries will result in a 5.6090ha piece of land being transferred from the owner of CFR 595688 to the owners of CFR 595687. This transfer will create a more manageable property for the owner of CFR 595688, whilst increasing the land available for use by the owners of CFR 595687.

While the proposed boundary adjustment will result in both lots having an area larger than 2,500m², the overall yield for the land will not be increased beyond what currently exists under UTE.3.3.b (refer to section 5.3 of this report).

Furthermore, while 50% of the site area will not be indefinitely protected, this is because the full development potential of the land has not yet been determined, any further development will require a land use consent, while the boundary adjustment does not increase the overall yield under the UTE provisions. Consequently, it is expected that the protection of this land will be achieved if the proposed Lot 2 is ever developed in the future.

Having considered the above, any adverse effects associated with the boundary adjustment will be negligible relative to the existing environment.

6. PLANNING ASSESSMENT

6.1 General objectives for development in the Urban Transition Environment – UTE.1.3

UTE.1.3 sets out a set of general objectives that are applicable to all development in the UTE. The objectives are assessed in respect to the proposal as follows:

1. *Opportunities are provided for people to live in close proximity to urban areas and associated amenities, in a manner that safeguards rural character and ecological and productive values.*

Analysis – No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

2. *Building sites are grouped together to maximise the extent of openness and rural outlook between clusters, and are sensitively located to achieve the maximum available privacy.*

Analysis – No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

3. *Allotment sizes are no larger than necessary to provide sufficient area for dwellings, accessory buildings and curtilage.*

Analysis – Lot 1 (which is reducing in size) is no larger than necessary to accommodate the existing dwelling and the associated services/amenities/curtilage. As no additional lots or building platforms are proposed, Lot 2 (which is increasing in size) will acquire the balance area.

4. *The uninhabited spaces between residential clusters are retained indefinitely, whilst providing for flexibility regarding their ownership, on-going management, and productive uses.*

Analysis – No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

5. *Provision is made for addressing reverse sensitivity issues, where the uninhabited spaces around clusters are, or can be, used for productive agricultural or horticultural activities.*

Analysis – No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

6. *Small scale non-residential activities are provided for where their effects are compatible with a residential lifestyle environment.*

Analysis – Not applicable.

6.2 General policy for development in the Urban Transition Environment – UTE.1.4

UTE 1.4 contains one general policy covering all development in the UTE. The policy is assessed in respect to the proposal as follows:

1. *To preserve rural character and amenity whilst enabling urban development in a transitional environment and maintaining factors that contribute to the rural character including:*
 - *Dominance of natural landforms with building features and roading subservient to and cohesive with these;*
 - *A sense of spaciousness;*
 - *Low night time light levels;*
 - *Dominance of natural features including landforms, watercourses and vegetation.*

Analysis – The proposal is to transfer land between adjoining titles. Both titles already exceed 2,500m², while no additional lots or building sites are proposed. Therefore, the proposal will not affect the rural amenity or character associated with the surrounding environment.

6.3 General Policies [subdivision] – UTE.3.2

UTE 3.2 contains a number of general policies specific to subdivision in the UTE. The policies are assessed in respect to the proposed subdivision as follows:

1. *Lot Size*

To minimise the amount of unproductive land use and unnecessary curtilage by requiring additional allotments to be as small as practicable.

Analysis: Lot 1 (which is reducing in size) is no larger than necessary to accommodate the existing dwelling and the associated services/amenities/curtilage. As no additional lots or building platforms are proposed, Lot 2 (which is increasing in size) will acquire the balance area.

2. *Density*

To limit the maximum yield of subdivision in the Urban Transition Environment to a low level residential density so as to maintain a sense of open space and rural outlook.

Analysis: No additional lots or building sites are proposed. The proposal will therefore not result in an increase in the density of development.

3. *Clustering*

To locate new building sites near any existing or proposed building site so as to maximise the extent of uninhabited space between residential clusters.

Analysis: No new building sites are proposed by this application, and hence this matter is not relevant to the application.

4. *Uninhabited Spaces*

To require the retention of the uninhabited spaces between residential clusters indefinitely by defining where buildings can be located.

Analysis: Uninhabited spaces will not be compromised by this subdivision.

5. *Stormwater and Wastewater*

To demonstrate that, sustainable low-impact management of stormwater, and wastewater using best practicable options and present-day standards can be established prior to s224 certification.

Analysis: Not applicable.

6. *Building Platforms and Access*

To maintain outlook, amenity and privacy by requiring the identification and establishment of building platforms, accessways and any necessary landscaping prior to s224 certification.

Analysis: No additional lots are being created, and hence no additional building platforms or accessways need to be created as part of the subdivision.

7. *Road Setbacks*

To avoid ribbon development and maintain the rural outlook from State Highways and roads shown on the planning maps, by ensuring building platforms are setback from road boundary.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

8. *Roading*

To demonstrate that sustainable, low impact management of the roading network (including State Highways) is achieved in accordance with the Environmental Engineering Standards 2010 prior to s224 certification.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

9. *Site Specific Design*

To require all subdivision proposals to recognise and take into account all site-specific elements and features, and present comprehensive design solutions.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

10. *Land Management*

To require the uninhabited spaces between residential clusters to be contiguous wherever practicable to preserve management flexibility.

Analysis: Uninhabited spaces will not be compromised by the boundary adjustment.

11. Highly Versatile Soils

To require the subdivision design and the location of building sites to take into account and avoid highly versatile soils, at a site-specific level.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

12. Heritage

To require any historic features, stonewalls and Heritage Buildings to be recognised and maintained or enhanced as part of any proposed subdivision or development.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

13. Utilities

To ensure the lifestyle needs of the likely residents within the development and the wider community are provided for in relation to communication and electricity transmission or generation.

Analysis: Not applicable.

14. Fire Protection

To require adequate provision for a fire fighting water supply for every building site at the time of subdivision.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

15. Walking and Cycling

To facilitate the provision of walkways, bridle trails, and cycleways for public access for recreation where desirable.

Analysis: Not applicable.

16. Outlook

To locate and orient building sites in a manner that allows each site to have a rural outlook while achieving a high level of privacy through good, considered design of the sites.

Analysis: No additional lots or building sites are proposed, and hence this matter is not relevant to the application.

17. Environmental Benefit

To consider multi-unit or infill development on those lots smaller than 2500m² where higher densities of development are off-set by significant enhancement of natural and environmental features.

Analysis: Both existing and proposed lots exceed 2,500m², and hence this matter is not relevant to the application.

18. Ecological Corridors

To require any existing natural waterways, ecological features and corridors to be recognised and maintained or enhanced as part of any proposed subdivision or development.

Analysis: Areas of existing bush have already been protected via conservation covenants as part of the underlying subdivision.

19. Significant Natural Areas

To require any existing Significant Natural Vegetation to be recognised and maintained or enhanced as part of any proposed subdivision or development.

Analysis: Areas of existing bush have already been protected via conservation covenants as part of the underlying subdivision.

20. Sites of Significance to Maori

To require any existing Sites of significance to Maori to be recognised and maintained as part of any proposed subdivision or development.

Analysis: There are no known sites of significance to iwi located on the sites.

21. Contaminated Soils

To ensure that subdivision and development proposals for land that may potentially be contaminated, either historically or through current practices, have verified that remediation has, or can be, undertaken prior to habitation.

Analysis: The application has been assessed against the NES in section 6.4 of this report.

22. Staging

To enable subdivision proposals to be carried out in a staged manner only where the full development potential of the site has been considered in a comprehensive manner.

Analysis: The boundary adjustment will not be staged.

6.4 Notification Rules [subdivision] – UTE.3.3

UTE 3.3 contains a list of criteria that relate to notification of subdivision applications. If a subdivision application does not comply with any one of these criteria then the application must automatically be publicly notified. These matters are assessed as follows:

a. *More than 1 allotment larger than 2500m² except that more than 1 allotment larger than 2500m² will be allowed where that allotment in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction.*

Does not comply: The proposed allotments both exceed 2,500m². Accordingly, the application must be publicly notified under this rule.

b. *Yield of a subdivision exceeding one residential lot per 5000m² of net site area.*

Complies: The yield of the subdivision does not exceed one residential unit per 5,000m² of site area.

c. *Location of new residential building sites further than 50m from an existing or proposed residential building site, within the Urban Transition Environment.*

Complies: No new building platforms are proposed.

d. *Indefinite retention of less than 50% of the total site area of the subdivision.*

Does not comply: It is not proposed to provide the indefinite retention of 50% of the total site area of the subdivision. Accordingly, the application must be publicly notified under this rule.

e. *Creation of allotments less than 2000m², where the physical identification of suitable building platforms in accordance with the Environmental Engineering Standards 2010 cannot be demonstrated.*

Complies: No lots less than 2,000m² will be created.

f. *Creation of allotments less than 2000m², where the identification and establishment of access ways in accordance with the Environmental Engineering Standards 2010 cannot be demonstrated.*

Complies: No lots less than 2,000m² will be created.

g. *Location and construction of building platforms within 20m of the boundary of State Highways and roads shown on the planning maps.*

Complies: No new building platforms are proposed.

h. *Establishment and low impact management of the roading network (including State Highways) in accordance with the Environmental Engineering Standards 2010 cannot be demonstrated.*

Complies: No new lots will be created.

6.5 National Environmental Standard – Soil Contamination

All applications that involve subdivision, an activity that changes the use of a piece of land, or earthworks are subject to the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Regulations 2011. The regulation sets out the requirements for considering the potential for soil contamination, based on the HAIL (Hazardous Activities and Industries List) and the risk that this may pose to human health as a result of the proposed land use.

Pursuant to Section 5 clause (8)(c) of the NES, the proposed boundary adjustment will not prevent the land being subdivided to stop being production land . Therefore, notwithstanding whether or not the subject site is a HAIL site, the NES regulations are not applicable to the current application and no further assessment is required under the NES.

6.6 Part 2 Assessment (RMA)

In considering this application under s 104(1), the required assessment is subject to Part 2 of the Resource Management Act.

The purpose of the RMA, as contained in Section 5, is to promote the sustainable management of natural and physical resources. Section 5(2) states that:

- (2) *In this Act, 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.*

The proposal is consistent with the purpose of the RMA for the following reasons:

1. The proposal will allow the owners of both allotments to provide for their economic and social well-being.
2. The proposal will not affect the amenity or character values associated with the surrounding environment.
3. The proposal will not increase the risk associated with any natural hazards.

Accordingly, the proposal is consistent with the purpose and principles of the RMA.

7. NOTIFICATION

As the application does not comply with UTE.3.3.a and UTE.3.3.d, the application must be publicly notified.

8. CONCLUSION

Having regard to the relevant matters outlined in s104B and 104(1) of the RMA, the application can be approved subject to appropriate conditions of consent.

As outlined in section 5 of this report, any actual or potential adverse environmental effects associated with the proposal will be negligible relative to the existing environment. Accordingly, appropriate regard has been given to s104(1)(a) of the RMA.

While both of the proposed lots exceed 2,500m² and 50% of the area involved with the subdivision will not be protected, section 6 of this report confirms that the proposal is generally consistent with the intentions of the UTE provisions. The proposal is also consistent with the purpose and principles of the RMA, while a 'Potentially Contaminated Site' property search has been ordered to address the NES requirements. Accordingly, appropriate regard has been given to s104(1)(b)(i) and s104(1)(b)(vi) of the RMA.

With regards to s95 of the RMA, due to the proposals non-compliance with two of the notification provisions outlined in the UTE chapter of the WDP, the proposal must be publicly notified. These infringements are identified in sections 4.2, 6.4 and 7 of this report.

As noted in section 3.5 of this report, it is requested that the processing planner email a copy of the draft conditions of consent to the agent prior to releasing the decision for this consent.