

Hearings Commissioner

Notice of Meeting

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

**Friday
3 December 2010
9.15 am**

**Application by
GS and RV Burnard**

**Volume One
Environmental Planner (Consents) Report and
Attachment One – Initial Application (Superseded)**

**Commissioner
Giles Bramwell**

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Report to Hearings' Commissioner Giles Bramwell on Resource Consent Application By:



GS and RV Burnard seeking consent to subdivide a 4.385 hectare site held in two certificates of title, creating five lots in three stages ranging in size from 2,100 m² to 1.38 hectares. The overall subdivision layout is as per the plan '*Lots 1 – 5 being a proposed subdivision of Lots 2 and 5 DP 158068 completed development*' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 1 of 4, dated October 2009.

The site is located at Tutukaka Block Road, Whangaumu Bay. It has a split zoning under the operative provisions of the Whangarei District Plan of Coastal Countryside Environment (being Lot 5 DP 158068 of 3.94 hectares held in C.T. 94D/577) and Living 3 Environment (being Lot 2 DP 158068 of 4,450 m² held in C.T. 94D/580). There are no resource area overlays affecting the site.

Overall, the proposal has a non-complying activity status in terms of the allotment areas proposed in the Coastal Countryside Environment. It is a restricted discretionary activity with respect to the access provisions applying in the Coastal Countryside Environment.

This report was written and peer reviewed by the following signatories:

Environmental Planner (Consents): *Liz Jolley* Date:

Team Leader (Consents): *Heather McNeal* Date:

Resource Consents Manager: *Alister Hartstone* Date:

Resource Management Act 1991

Hearing By: Hearings' Commissioner Giles Bramwell of a non-complying subdivision proposal by GS and RV Burnard to create five lots in three stages in the Coastal Countryside Environment and Living 3 Environment, ranging in size from 2,100 m² to 1.38 hectares.

The site is located at Tutukaka Block Road, Whangaumu Bay, being legally described as Lot 2 DP 158068 (C.T. 94D/577) and Lot 5 DP 158068 (C.T. 94D/580).

Evidence By: Liz Jolley (BREP)

File Refs: RC40946 P037464.SD

TRIM 10/122927

Dated: 22 November 2010

1. The Proposal

1.1 GS and RV Burnard lodged an application on the 21st April 2008 initially seeking approval to subdivide a 4.385 hectare area creating eight rural-residential allotments ranging in size from 2,100 m² to 1.38 hectares. Following full notification of the proposal and receipt of submissions, the applicants submitted a revised application on the 7th April 2010, re-configuring the subdivision layout and reducing the number of lots to five as follows:

- Lot 1 1.331 hectares
- Lot 2 8,430 m² net
- Lot 3 1.38 hectares (including an existing residential unit)
- Lot 4 2,100 m²
- Lot 5 2,350 m² (including an existing residential unit)

1.2 The revised proposal is to be completed in three stages:

Stage I Subdivide Lot 5 DP 158068 of 3.94 hectares in the Coastal Countryside Environment creating Lot 1 of 2.56 hectares and Lot 3 of 1.38 hectares to be serviced by separate crossings. Lot 1 includes a recommended building site and Lot 3 includes an existing residential unit. Landscape planting is proposed to screen the designated building site on Lot 1 from Tutukaka Block Road. There is an existing bush covenant on Lot 3 (as shown on the subdivision plan).

Stage I is as per the plan '*Lots 1 and 3 being a proposed subdivision of Lot 5 DP 158068 Stage I*' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 2 of 4, dated October 2009

Stage II Subdivide Lot 1 of Stage I to create Lot 1 of 1.331 hectares and Lot 2 of 8,430 m² net. Lot 1 will be served by right of way A over Lot 2.

A right of way easement pursuant to section 348 of the Local Government Act 1974 is also proposed over right of way A in favour of Lot 2 DP 158068. Lot 1 includes the building site identified as part of Stage I and Lot 2 includes a recommended building site. The application indicates that the building site in Lot 2 is within an existing cleared area below the native bush on site.

An easement in gross is proposed over right of way A for drainage purposes, with private easements for drainage purposes shown over Lots 1 and 2 (easements A, C and AB).

Stage II is as per the plan *'Lots 1 and 2 being a proposed subdivision of Lot 1 of Stage I (being part Lot 5 DP 158068) Stage II'* prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 3 of 4, dated October 2009.

Stage III Lot 4 that includes a recommended building site will be serviced by right of way A over Lot 2 of Stage II. Lot 5 will be serviced via an independent crossing currently servicing the existing residential unit on the lot.

Private easements for drainage purposes are shown over Lot 1 of Stage II and Lot 4 (easements C and D).

Stage III is as per the plan *'Lots 4 and 5 being a proposed subdivision of Lot 2 DP 158068 Stage III'* prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 4 of 4, dated October 2009.

Lots 1, 2 and 3 are included within the Coastal Countryside Environment. Lots 4 and 5 are within the Living 3 Environment.

The final subdivision layout is as per the plan *'Lots 1 – 5 being a proposed subdivision of Lots 2 and 5 DP 158068 completed development'* prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 1 of 4, dated October 2009:

- 1.3 Overall, the proposal has a non-complying activity status in terms of the allotment areas proposed in the Coastal Countryside Environment. It is a restricted discretionary activity with respect to the access provisions applying in the Coastal Countryside Environment.
- 1.4 *'Attachment 1'* includes a copy of the initial application that was prepared by Birt and Currie Surveyors Ltd and lodged on the 21st April 2008. It also includes a revised assessment of effects prepared by Birt and Currie Surveyors Ltd and an amended engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 28th January 2009, both submitted to the Council on the 3rd February 2009.

These documents which relate to the initial eight lot development proposal have now been superceded. They are only relevant in so far as they were part of the documentation included in the notification pack which submissions relate to and they have been appended to the agenda on this basis.

- 1.5 The following assessment is based upon the '*Amended Subdivision Proposal*' document as prepared by Hewson Planning Ltd dated April 2010 and submitted to the Council on the 7th April 2010, included within '*Attachment 2*'. The '*Amended Subdivision Proposal*' relates to the current five lot development proposal. It is supported by:
- ♦ an '*Amended Engineering Report*' prepared by Richardson Stevens Consultants (1996) Ltd dated the 18th February 2010 (superceded, refer to note below),
 - ♦ an '*Assessment of Landscape and Visual Effects G and R Burnard Subdivision – Tutukaka Block Road Whangaumu Bay*' prepared by LA4 Landscape Architects dated February 2010, and
 - ♦ the site record form relating to New Zealand Archaeological Association site Q06/483.

Note: The above engineering report has been superceded by further information submitted to the Council on the 7th September 2010 which included a revised engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*' and a peer review of this report completed by Hawthorn Geddes Engineers and Architects Ltd dated the 13th August 2010. A copy of this information is included in '*Attachment 3*'.

- 1.6 Section 2.4.6 of the '*Amended Subdivision Proposal*' outlines the mitigation measures proposed by the applicant, these include designating building sites; registering consent notices addressing stormwater attenuation, effluent disposal and foundation design; mitigation planting on proposed Lot 1; and registering a consent notice against Lots 1, 2 and 4 restricting the external finish and reflectivity of buildings on the lots.
- 1.7 The applicant seeks to defer construction of the shared access servicing Stage II until after the titles have issued, intending to negotiate a bond for these works. The Council's Team Leader Environmental Engineering William Bryant does not support this approach and the Senior Environmental Engineering Officer has recommended conditions requiring its formation.

2. The Site and its Setting

- 2.1 The site is comprised of two certificates of title, shown in red on the adjacent plan, totalling 4.345 hectares in area. The larger of the two parcels that is Lot 5 DP 158068 of 3.94 hectares is zoned Coastal Countryside Environment. It extends north from land zoned for concentrated residential development in the Living 1 Environment of the coastal settlement of Whangaumu. It encircles a 2.1308 hectare cluster of six lots within the Living 3 Environment intended for large lot residential development. This includes the smaller 4,450 m² land parcel affected by the development that is legally described as Lot 2 DP 158068.

- 2.2 The site is located on the north-western side of Tutukaka Block Road, commonly referred to as 280 and 312 Tutukaka Block Road. It is approximately 80 metres north of the intersection of Tutukaka Block Road and Whangaumu Street. Each lot includes a single residential unit, with their location indicated on the adjacent aerial. The site has views towards Ngunguru Bay to the south-west. It is characterised by moderately sloping bush clad land descending to a flat alluvial plain of semi-improved pasture where an open drain serves a valley catchment of approximately 8.5 hectares. This drains runs through the centre of Lot 1.
- 2.3 As discussed previously, there is a 'node' of Living 3 Environment zoning adjacent to the site. This includes Lot 2 DP 158068 and comprises six lots ranging in size from 2,007 m² to 5,259 m² fronting Tutukaka Block Road. Land parcels in the vicinity beyond this, between the intersection of Dolphin Place to the north and the established Living 1 zoning abutting Whangaumu Street to the south, is generally larger and zoned Coastal Countryside Environment. Lot 11 DP 323553 adjoining the western boundary of the subject site, has an area of 12.3415 hectares while lots on the eastern side of Tutukaka Block Road opposite the site range in size from 1.0498 hectares to 4.5407 hectares. 'Attachment 4' includes a parcel lot size map, location/cadastral plan and aerial.
- 2.4 The 'Assessment of Landscape and Visual Effects G Burnard Subdivision – Tutukaka Block Road, Whangaumu Bay' prepared by LA4 Landscape Architects dated February 2010 (included as attachment 4 to the revised application) provides a useful overview of the landscape character and values of the site and surrounding area and quotes statements from the Whangarei District Coastal Landscape Assessment 1997. These extracts describe the landscape character with regards to the natural character of the coastal environment. Photographs appended to the report include viewpoints looking across the site, looking south towards the site from Tutukaka Block Road, mitigation planting at 298 Tutukaka Block Road, looking north from the intersection of Tutukaka Block Road and Whangaumu Street, and looking from Whangaumu beach reserve towards the site.
- 2.5 Consent notice C961494.5 which is registered against Lot 2 DP 158068 requires that any buildings constructed on the lot proceed only in accordance with the requirements and restrictions detailed in an engineering report prepared by Richardson Stevens Consultants Ltd dated the 22nd October 1992 and correspondence from the engineering company to the Department of Conservation dated the 4th November 1992. With respect to Lot 2 of the subdivision referred to (being Lot 2 DP 158068), the engineering report commented as follows "The proposed Lot 2 contains an existing house and we understand the lot has been developed following professional engineering advice and we do not have any comment on engineering aspects of this lot".
- 2.6 Conservation covenant C961494.7 which is registered against Lot 5 DP 158068 establishes a 1.2525 hectare fenced conservation covenant area on the lot. The house site on proposed Lot 2 is to the west of the conservation covenant.
- Note: The revised application prepared by Hewson Planning Ltd does not include a copy of the above documents however these are included within the initial documentation that is included as 'Attachment 1'.
- 2.7 The Council's XPLview GIS database shows New Zealand Archaeological Association midden site Q06/483 within the site, generally in the location of right of way A and extending into Lot 2 DP 315693 that abuts the southern boundary of the site. The applicant's agent has confirmed however that the archaeological site is located in two parts along the far boundary of the neighbouring site, estimating a separation distance of 34 metres from the archaeological site to the closest boundary of the subject site. The revised application includes a copy of the Association's site record form.
- 2.8 The Council's XPLview GIS database shows the flat alluvial plain as susceptible to flooding, with low, medium and high instability hazards identified on site. The Council's Senior Environmental Engineering Officer assessing the application, Dean Murphy, has commented on these matters. A copy of Mr Murphy's assessment is included in 'Attachment 6'.
- 2.9 The site has mixed land use capability classifications. The northern part of the site including Lot 3 and land to the north of the recommended building site on Lot 2 has a classification of VI

which includes land with moderate limitations for arable use under perennial vegetation such as pasture or forestry. The remainder of the site is classified as III which includes land with moderate limitations for arable use but suitable for cultivated crops, pasture or forestry.

- 2.10 Lot 5 DP 158068 is affected by public Plan Change 95 'Coastal Countryside Environment Review'. This plan change proposes rezoning properties from Countryside to Coastal Countryside Environment, and vice versa. It does not appear to affect the zoning of land in the vicinity. 'Attachment 7' includes a copy of planning map 31 indicating the current zoning of the site and the planning map associated with plan change 95.

3. Operative Whangarei District Plan Assessment

- 3.1 The 'site' has a split zoning of Coastal Countryside Environment and Living 1 Environment under the operative Whangarei District Plan (as shown in section 2.1 previously), with no resource notations shown on planning map 31. 'Attachment 7' shows the District Plan Environments in the immediate locality. As the proposed lot boundaries follow the zone boundaries, the rules of the respective Environments will apply to the lots as follows:

- ◆ Stage I Creating Lot 1 of 2.56 hectares and Lot 3 of 1.38 hectares in the Coastal Countryside Environment. For a controlled activity, Rule 73.3.1 'Allotment Area' requires a minimum net site area of 20 hectares. This rule also makes provision for subdivision as a discretionary activity where a number of qualifications are met and an average net site area of ten hectares is achieved. As the applicant proposes an average net site area of 3.94 hectares Stage I does not comply with the standards for a controlled or discretionary activity. Therefore it is a non-complying activity under Rule 73.3.1.

Rule 73.3.7 'Property Access' requires vehicle access to a road to be shared where there are two or more allotments in the subdivision. As separate access will be maintained to each of the lots, Stage I is a restricted discretionary activity in this regard. The Council's discretion is reserved to the following matters:

- i. *The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 1998;*
- ii. *The adequacy of the access for the anticipated use;*
- iii. *The ability of the access to contain required services;*
- iv. *Traffic safety and visibility;*
- v. *The need for acceleration and deceleration lanes;*
- vi. *Type, frequency and timing of traffic;*
- vii. *Access design, number and location of vehicle crossings;*
- viii. *Efficiency and safety of roads;*
- ix. *Need for forming or upgrading of roads in the vicinity of the site;*
- x. *Need for traffic control, including signs, signals and traffic islands;*
- xi. *The need for access to the allotment;*
- xii. *The safe and efficient movement of people, vehicles and goods;*
- xiii. *The ability of the road structure to withstand anticipated loads;*
- xiv. *The effects of water runoff.*

Stage I satisfies the controlled activity criteria of the subdivision rules relating to building area, existing buildings, sites of significance to Maori (none identified on site), vehicle crossings (only one new crossing proposed), provision for extension of services, water supply, stormwater, sewage, electricity, telecommunications, and earthworks (the applicant's

agent has confirmed that no earthworks will take place within 10 metres of an archaeological site).

- ♦ Stage II Creating Lot 1 of 1.331 hectares and Lot 2 of 8,430 m² in the Coastal Countryside Environment. As the applicant proposes an average net site area of 1.087 hectares Stage II does not comply with the standards for a controlled or discretionary activity. Therefore it is a non-complying activity under Rule 73.3.1.

Stage I satisfies the controlled activity criteria of the subdivision rules relating to building area, existing buildings, sites of significance to Maori (none identified on site), property access, vehicle crossings (only one new crossing proposed), provision for extension of services, water supply, stormwater, sewage, electricity, telecommunications, and earthworks (the applicant's agent has confirmed that no earthworks will take place within 10 metres of an archaeological site).

- ♦ Stage III Creating Lot 4 of 2,100 m² and Lot 5 of 2,350 m² in the Living 3 Environment. Stage III is a fully controlled activity.

3.2 Overall, the subdivision in the Coastal Countryside Environment has a non-complying activity status under the allotment area rule, also requiring consent as a restricted discretionary activity under the rules relating to property access. The subdivision in the Living 3 Environment is a fully controlled activity.

4. Consultation, Public Notification and Submissions

4.1 The applicant did not lodge any written approvals in support of the proposal, requesting full notification. Hence the Council's reporting planner at the time, Heather McNeal, recommended that the proposal be fully notified.

4.2 The application was publicly notified in the prescribed form on the 4th March 2009 with the closing date for receiving submissions lapsing on the 31st March 2009. The Council served copies of the application upon 60 private landowners, in addition to the Northland Regional Council, the Department of Conservation, the New Zealand Historic Places Trust, Tutukaka Coast Promotions Inc, Tutukaka Coast Residents and Ratepayers Association, Ngatiwai Trust Board, Ngunguru Marae Committee, Ngati Taka Hapu, and Te Waiariki me Ngati Korora Hapu. The Council received 16 submissions within this timeframe, with four supporting and not wishing to be heard, eight opposing and requesting to be heard, three opposing and not wishing to be heard, and one neutral submission making comment. Ten submitters have requested that consent be declined.

4.3 The Council received two late submissions, from Nigel Thomson Family Trust (opposing) and S and R Campbell (opposing and requesting to be heard).

4.4 '*Attachment 8*' includes a full copy of the submissions. '*Attachment 9*' includes a submission summary and location plan of submitters. '*Attachment 10*' includes a copy of a '*Late submission memorandum*' wherein the Council accepts the late submissions from Nigel Thomson Family Trust and S and R Campbell, extending the timeframe for receiving these submissions until the 8th April 2009. The reasons for extending the timeframe are outlined in the memorandum.

4.5 Following notification, the applicant requested the deferral of a hearing to allow the applicant to obtain a peer review of the engineering design relating to stormwater.

4.6 The '*Amended Subdivision Proposal*' in '*Attachment 2*' relating to the current five lot development proposal was circulated to submitters on the 12th April 2010. Recognising that the further information was intended to address submitter concerns, the Council asked that submitters consider the amended proposal and matters raised within their submission, forwarding any additional comments to the Council by the 27th April 2010. The New Zealand Historic Places Trust confirmed in correspondence dated the 17th April 2010 that they did not

wish to make any changes to their submission. S and R Campbell confirmed that they continued to object to the subdivision on the basis of the matters raised in their submission. Peter Bryan raised comments with respect to future road damage, sightline distances and flood prevention work. These comments are included within 'Attachment 11'.

4.7 A copy of the revised engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled 'Subdivision suitability report' and a peer review of this report completed by Hawthorn Geddes Engineers and Architects Ltd dated the 13th August 2010 was circulated to submitters on the 29th September 2010 requesting any further comment by the 13th October 2010. The Northland Regional Council, and S and R Campbell commented. A copy of their responses are included in 'Attachment 12'.

4.8 The key points of submission raised are:

- i. Impact on already inefficient and overloaded stormwater system, and potential for additional flooding. Existing drainage issues need to be resolved before the development is considered.
- ii. Need for a full engineer's report and detailed plans/drawings showing all new drains, sizeable retention ponds and stormwater retention etc.
- iii. Wastewater and stormwater treatment and disposal have not been adequately addressed.
- iv. Request for proposal to be put on hold as a number of resource consent applications are required from the Northland Regional Council.
- v. Road safety issue - the road is already too narrow, and requires widening or allowance for a footpath. The effects of the increase in traffic have been under-recognised. Sightlines are disputed as it is a steep, blind corner. Road may be blocked by heavy vehicles/trucks/diggers during development.
- vi. Land is a slip and instability hazard – potential risk of undermining road.
- vii. Does not represent consolidated development and will encourage the spread of urban sprawl within the area.
- viii. Lot sizes - the proposal is a non-complying activity.
- ix. Proposal is inconsistent with the District Plan objectives and policies.
- x. If granted, the proposal will undermine the integrity of the District Plan, setting a precedent for similar development. No offsets are proposed to justify granting consent.
- xi. Majority of surrounding development was undertaken prior to the Environment Court's ruling in 2006 which increased the minimum lot size for controlled activity development in the Coastal Countryside Environment to 20 hectares.
- xii. Many historical subdivisions in the locality also resulted in the protection of significant areas of native vegetation. No mitigation proposed to reduce the impacts on the ecological values of native vegetation in the vicinity (kiwi habitat).
- xiii. Negative landscape impact and no mitigation measures proposed.
- xiv. No protection offered for any values associated with the land.
- xv. Will require significant earthworks to establish suitable building and curtilage areas.
- xvi. The Tutukaka Structure Plan has no status and should not be given any weighting in considering the proposal.
- xvii. There are an ample number of properties at Whangaumu Bay.

4.9 It is important to note that the submissions relate to the more intensive eight lot development as initially proposed. Whilst the points of submission have been taken into account in the context of this report and various staff reports as attached, it is considered appropriate at this stage to make general comment on three of the broader matters raised by submitters.

Consents required from Northland Regional Council

The application confirms that the construction of the Stage II access and stormwater mitigation measures relating to maintaining the existing pond capacity will require approximately 1,200 m³ of earthworks within a 'Riparian Management Zone'. Accordingly additional consent is required from the Northland Regional Council as a discretionary activity. Given the costs likely to be incurred, the applicant seeks to obtain subdivision consent from the district council before seeking approval from the regional council. The district council's Senior Environmental Engineering Officer has not opposed this approach.

The Northland Regional Council's initial submission requested that the proposal be placed on hold under section 91 of the Resource Management Act 1991 until the applicant lodges all the necessary resource consent applications. In further comment dated the 12th October 2010 and relating to the revised engineering report and peer review, the regional council advised that they no longer had specific concerns relating to wastewater management or flooding, recommending two conditions of consent relating to wastewater management. In terms of land disturbance, the regional council confirmed that resource consent would be required for land disturbance activities in the 'Riparian Management Zone' and associated diversion and discharge of stormwater. The regional council advised that they no longer wished to be heard in support of their submission.

On the basis of the regional council's comments relating to the revised proposal for five lots and their recommended conditions, it is assumed that they no longer have any concerns with respect to the lodgement of outstanding resource consent applications with the regional council. The applicant has elected to defer lodgement of these applications until the district council's decision is known.

Status of application

The operative Whangarei District Plan does not prevent applications such as this proposal being lodged for the Council's consideration, with the Resource Management Act providing for a range of activities, from the prohibited to the permitted activity status. In between are non-complying, discretionary, restricted discretionary and controlled activities. There is a clear difference between a prohibited activity and a non-complying one. An application may be lodged and consent may be granted for the latter but not for the former.

A non-complying activity means an activity which is provided for as a non-complying activity, by a rule in a plan or a proposed plan; or contravenes a rule in a plan or a proposed plan, and is allowed only if a resource consent is obtained in respect of the activity. In both respects resource consent is required and may be granted as per section 104D of the Act (refer to section 5.5 of this report). In exercising the discretion to grant or refuse consent the Council will have regard to those matters outlined in section 104 of the Act that are relevant to the proposal (refer to section 5.3 of this report).

The issue relating to this subdivision proposal is not whether the operative Whangarei District Plan allows or supports the development but rather whether it is appropriate to allow it. Section 104D recognises that a non-complying activity may not be permitted by the District Plan yet it may be granted. In considering the application the Council will therefore have regard to sections 104 and 104D.

Market Demand

One of the overall objectives of the District Plan is to encourage development patterns that promote sustainable resource management with the emphasis being upon controlling development patterns as opposed to development supply.

Whilst it is accepted that the zoning pattern itself does impact upon the supply of lots, the Council cannot specifically consider the market dynamics of supply and demand through the resource consent process.

5. Resource Management Act 1991

5.1 As the application was lodged on the 21st April 2008, the Resource Management (Simplifying and Streamlining) Amendment Act 2009 is not relevant to the proposal.

5.2 Part 2

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. Section 5(2) defines "*sustainable management*" as:

"... 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."*

Comment: From the information provided I regard the proposal as consistent with the Act's purpose, in that the subdivision will not reduce the versatility of land which already has limited productive capacity by virtue of its size, topography, hazards, land use capability classification, the area of the existing bush covenant and the extent of '*Proposed Natural Area 06/099 – Rehuotane Headland*'.

I believe that the proposal is consistent with the purpose of the Act as the site is located within an area already fragmented by a pattern of large lot residential lifestyle development within the coastal environment which has been identified through preliminary investigations as likely suited for more intensive residential expansion on the urban-coastal/rural interface. (Refer to section 11.1 of this report for comment on the '*Whangarei Coastal Management Strategy – Structure Plan: Tutukaka*').

Despite the pattern of surrounding mixed development in the adjacent Living 1, Living 3 and Coastal Countryside Environments, I had some initial concerns with respect to the treatment of coastal/rural land within identified growth areas and the potential for the development to undermine the future structure plan process that will assist in integrating land uses, identifying key natural resources, transport and infrastructure requirements, and any potential constraints to development. With suitable development restrictions, I am however of the opinion that with adequate on-site servicing any adverse effects on the environment will be adequately avoided, remedied or mitigated.

The proposal is also regarded as unlikely to foreclose any future development patterns anticipated through the structure plan.

Section 6 of the Act, '*Matters of national importance*', lists seven matters of national importance. The site is not located in an Outstanding Landscape Area and therefore the matters that I regard as most relevant to the proposal relate to subsections (a) and (c):

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

Comment: In having regard to the preservation of the natural character of the coastal environment, it is appropriate in this instance to recognise the implications of the site's split zoning. Despite its close proximity to the coastal environment and the potential for future development to detract from the natural character of the locality, Stage III in the Living 3 Environment is not regarded as an inappropriate form of development as it meets the environmental outcomes anticipated by its zoning (section 5.6 of this report comments on the status of Stage III).

Therefore, the primary focus falls to the density of development proposed in Stages I and II as a non-complying activity within the Coastal Countryside Environment. The Council's consultant landscape architect, Simon Cocker of Simon Cocker Landscape Architecture, has had regard to the development's potential impact on natural character and is satisfied that with appropriate mitigation measures the effects will be no more than minor. A copy of Mr Cocker's assessment dated the 24th October 2010 is included in 'Attachment 13'.

In terms of the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the Council's XPLview GIS database indicates that Lot 3, the northern half of Lot 2 (including the recommended building site on Lot 2), and part of Lots 4 and 5 (appearing to include part of the recommended building site on Lot 4) are within 'Proposed Natural Area 06/099 – Rehuotane Headland' (PNA 06/099).

Pages 207 to 209 of the 'Natural Area of Whangaruru Ecological District – reconnaissance survey report for the Protected Natural Areas Programme' prepared by the Department of Conservation in 2005 comments on PNA 06/099. PNA 06/099 has an estimated area of 134 hectares. In terms of significance, the presence of several threatened and regionally significant species have been recorded within PNA 06/099. 'Attachment 5' includes a copy of pages 207 to 209. The Council database also shows the site as fully contained within an area of kiwi presence.

The applicant has not commented on PNA 06/099 or the site's ecological values. In terms of the underlying subdivision creating Lot 4 DP 158068 in the Coastal Countryside Environment (being SD93/036 granted on the 2nd March 1993 to GS and RV Burnard to create four residential allotments from a 5.4 hectare property) I note that whilst the area of the conservation covenant on the approved subdivision plan for SD 93/036 appeared to correspond with the boundaries of the PNA area, the current certificate of title shows a reduced area. (Appendix 2 of the original application relating to the certificate of title demonstrates this – refer to 'Attachment 1' for this detail). I have reviewed the underlying subdivision file and it is unclear as to why the area of the conservation covenant was reduced, particularly as the applicant's surveyors confirmed that the boundary on the survey plan showed the edge of the bush.

I have also reviewed the private plan change initiated by the applicant (Council reference 95/18/81 lodged on the 8th June 1992, operative 3rd March 1993) that rezoned Lot 2 DP 158068 from Rural AC to Coastal (Rural-Residential) in the County section of the Transitional District Plan. In considering the private plan change, the Council recognised the 'significant amount of native bush on the property with the applicants intending upon formally protecting the bush and scrub margins'. As outlined above, there is some question as to whether the level of bush protection intended corresponds with the existing bush covenant.

Note: The Council's Policy and Monitoring Manager Paul Waanders has confirmed that land in the Coastal (Rural-Residential) zone was generally rolled over into the Proposed District Plan as Living 3 Environment, hence the current zoning of Lot 2 DP 158068.

The applicant, as the consent holder for SD93/036 and initiator of the private plan change, may be able to comment on the boundaries of the existing bush covenant and the PNA. It would also be of some assistance if the applicant provided comment from an ecologist regarding the value of bush beyond the covenant boundaries. I believe that if the boundaries of the conservation covenant area were extended to include the outer limits of the PNA bush area and any regenerating areas beyond this (including provision for weed and animal pest management), then the application would fulfil section 6(c) of the Act. This may however require the applicant to revise the location of the recommended building site on Lot 2 and the Council will need to be satisfied with respect to its suitability.

I note that point 2 of the assessment by Simon Cocker Landscape Architecture relating to mitigation measures also lends support for the permanent protection of vegetation outside of the existing conservation covenant –

"In a similar vein, it is noted that the future building on Lot 2 will be afforded integration by existing native vegetation within that lot where it is relatively contiguous with vegetation within the existing conservation covenant. It is recommended that the vegetation of importance, in terms of its integration potential is delineated and is provided some form of legal protection. As noted previously, one of the 'key visual components' identified in the ALVE was 'the main ridges and foothills covered in native forest and shrubland framing the main beach and settlement'. It was stated in this peer review that the containment provided by the native bush to the existing residential development along the lower portion of Tutukaka Block Road this component is considered to be of particular significance, and protection of the contiguous vegetation would assist with maintenance of this key component."

On the basis of the above, I believe the proposal could be amended to achieve the matters of national importance outlined in the Act.

Section 7 of the Act, 'Other matters', states:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity value:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed.*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon:*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy.*

Comment: As the site is not part of an outstanding landscape; subsections (c), (d) and (f) are regarded as most relevant to the proposal. In terms of the value of ecosystems, as previously discussed this issue can be addressed via extending the existing bush covenant area. With respect to sections 7(c) and 7(f), these matters are discussed further in section 6.3 of this report wherein I conclude that the development density proposed is not contrary to the pattern of mixed development already existing in the locality, with the amenity values on the northwestern side of Tutukaka Block Road unlikely to be significantly compromised. Recognising and accepting the level of mixed residential/lifestyle amenity currently found in the vicinity of the site, the application and supporting documentation are in my view consistent with section 7 of the Act.

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. There is no evidence of previous habitation or reference to cultural or environmental issues on the site, it is not identified as being subject to any recorded archaeological features (as verified by the applicant), and is not listed in the District Plan as being of significance to Maori. I also note that a copy of the application was served upon the New Zealand Historic Places Trust, Ngatiwai Trust Board, Ngunguru Marae Committee, Ngati Taka Hapu, and Te Waiariki me Ngati Korora Hapu as part of the public notification process and no submissions were forthcoming from local iwi.

As the Historic Places Act 1993 provides protection for unrecorded sites, it is not anticipated that the subdivision would impact adversely upon the relationship of Maori and their culture and traditions with their ancestral lands, water, sites of waahi tapu and other taonga. Therefore the proposal is considered to satisfy section 8 in that it is unlikely to undermine the principles of the Treaty of Waitangi. The New Zealand Historic Places Trust has advised as per their submission that they do not consider that heritage values will be at any increased level of risk from the proposal. An advice note can be attached to any consent granted indicating the protective provisions of the Historic Places Act 1993.

5.3 Section 104

Section 104 of the Act sets out those matters that, subject to Part 2, the Council must have regard to when considering an application for resource consent. Section 104 (1) is as follows:

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: and*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

In terms of section 104(1)(a), it is only the effect of a non-complying activity as it impacts upon the environment that is relevant, and not any precedent effect of the grant of the resource consent. The precedent effect may however be considered under section 104 (1)(b)(vi) and (1)(c).

There are no national environmental standards or national policy statements relevant to the current proposal. Given the location of the site, the '*New Zealand Coastal Policy Statement*' is applicable.

Section 104 (2) states that “*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*”.

Under section 104 (3)(a)(ii), when considering an application the consent authority must not have regard to any effect upon a person who has given written approval to an application (unless this approval has been withdrawn). With respect to the current application, the applicant has not submitted any written approvals.

Under section 104 (6), a consent authority may decline an application for resource consent on the grounds that it has inadequate information to determine the application. I believe that the information provided is sufficient to establish whether consent should be granted or refused.

5.4 Section 104B

Section 104B of the Act provides that the Council may grant or refuse the application for a non-complying activity, and if granted, may impose conditions under section 108 of the Act.

5.5 Section 104D

Being a non-complying activity, the proposal is subject to the thresholds outlined in section 104D of the Act, ‘*Particular restrictions for non-complying activities*’. Under section 104D, the Council cannot consider granting consent unless it is satisfied that:

- (a) *The adverse effects on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or*
- (b) *The application is for an activity which will not be contrary to the objectives and policies of the operative Whangarei District Plan.*

These thresholds are not tests, the passing of which would justify the grant of consent but are limits, which if passed, enable the Council to consider granting consent to the proposal.

Subject to at least one of the above thresholds of section 104D being satisfied, after considering an application for non-complying resource consent, the Council may grant or refuse the application, and if it grants the application, may impose conditions under section 108 of the Act.

5.6 Section 104A

Whilst the overall status of the subdivision is non-complying, I believe that in considering the effects of the proposal it is important to recognise the individual status of the various stages, particularly with respect to Stage III which is a controlled activity in the Living 3 Environment.

Section 104A of the Act, ‘*Determination of applications for controlled activities*’ provides that the Council must grant a controlled activity resource consent application, and may impose conditions under section 108 of the Act only for those matters over which it has reserved its control under the operative District Plan.

Notwithstanding section 104A of the Act, section 106, ‘*Consent authority may refuse subdivision consent in certain circumstances*’, outlines a number of instances whereby consent may however be declined regardless of the status of the activity. This includes instances where:

- (a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

The Council's Senior Environmental Engineering Officer, Dean Murphy, has considered the hazards affecting the site (as outlined in section 2.8) and submitter concerns regarding flooding, land stability, and traffic safety and efficiency. As Mr Murphy is satisfied that any potential adverse effects in this regard can be mitigated, I am of the opinion that the Council is obligated to grant approval to Stage III of the development creating Lot 4 of 2,100 m² and Lot 5 of 2,350 m² as a controlled activity in the Living 3 Environment.

A copy of Mr Murphy's assessment is included in 'Attachment 6' and Mr Murphy will be available at the hearing to provide any further clarification. In adopting this stance, the following assessment focuses upon addressing the adverse effects of Stages I and II of the subdivision which are non-complying activities in the Coastal Countryside Environment.

- 5.7 The following sections of this report address those matters considered relevant to this application - including the 'New Zealand Coastal Policy Statement', the 'Regional Policy Statement for Northland' and the 'Regional Water and Soil Plan for Northland'. An assessment of the environmental effects and an analysis of the proposal against the objectives and policies of the operative Whangarei District Plan, will follow in order to reach a conclusion as to whether the application should be granted or declined pursuant to section 104D of the Resource Management Act 1991.

6. Actual and Potential Effects on the Environment

- 6.1 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.”

6.2 Permitted baseline -

In terms of having regard to the actual and potential effects of the subdivision, section 104 (2) of the Act provides that the Council 'may' have regard to permitted baseline comparisons, i.e. a comparison between the environment as it exists at the time that the application is being considered, in addition to that which would exist if the land were used in a manner permitted as of right. Technically, because there is no permitted activity subdivision in the District, these standards cannot be taken into account in determining the permitted baseline. The standards relating to land use activities can however be considered with respect to determining the permitted baseline and development densities. In this instance it is considered appropriate to have regard to density restrictions i.e. the number of residential units.

The existing physical environment includes a single residential unit on each title area, with one title within the Living 3 Environment and one within the Coastal Countryside Environment. In terms of land uses –

- ♦ The provisions in the Living 3 Environment allow for two residential units as of right on Lot 2 DP 158068, provided that a minimum net site area of 2,000 m² is identified for each unit. Hence, assuming that complying access is established, the subdivision will not establish any additional residential development beyond the permitted baseline.
- ♦ The additional development of the land area within the Coastal Countryside Environment is limited. The existing physical environment includes a single dwelling on a site of 3.94 hectares.

In terms of land uses, Rule 38.4.1 of the District Plan requires land use resource consent to alter the bulk and location of the existing residential unit on site as a restricted discretionary activity. In assessing such an application, the Council will have regard to the extent of visual intrusion from the building, colour and design, landscaping, effects on landscape values, size and shape of the site, alternative building locations, effects on the character of the coastal environment, location, visibility from road and public places, and the effect on the appearance of skylines and ridgelines.

One minor 70 m² residential unit within 15 metres of the existing residential unit can however be established on the site as a permitted activity. Whilst there is no limit upon the number of accessory buildings provided that the bulk and location criteria are satisfied, Rule 38.4.1 applies where they are regarded as accessory to a residential use and resource consent would be required as a restricted discretionary activity.

Subject to the requirements of Rule 38.4.1, the District Plan also allows for:

- ♦ Building coverage over 5% of the net site area of the property. Hence building coverage up to 1,970 m² is permitted on the area of the site within the Coastal Countryside Environment, with no requirement for any landscaping or screening to soften the effects of the built development.
- ♦ Building coverage is however restricted by the District Plan's limitation upon indigenous vegetation clearance applying in contiguous areas of 5 hectares or more of predominantly indigenous vegetation – which in this instance would generally allow up to 500 m² of clearance where it is for the express purpose of providing a house site and/or access to a house site. There is already an existing dwelling on site.
- ♦ As the site is not included within a landscape area, notwithstanding the indigenous vegetation clearance rules, there is no restriction upon the level of earthworks allowed on site or cut and/or fill.

Whilst future land use consent will be required for any residential units under Rule 38.4.1, it is reasonable to assume that the subdivision proposal would provide for one residential unit on each of the three title areas proposed, with the possibility of a minor residential unit on Lots 1 and 3.

I believe that regard to the permitted baseline in the Coastal Countryside Environment should be limited as:

- ♦ land use resource consent will still be required under the current District Plan to establish a residential unit on each of the lots, wherein matters relating to local amenity will be further addressed, and
- ♦ the pattern of surrounding development which includes more intensive residential/lifestyle development should be acknowledged.

6.3 Effects on environment

In this instance the primary effects of the subdivision are considered to relate to visual and rural/coastal amenity effects, cumulative effects, indigenous vegetation protection, site servicing, and traffic safety and efficiency. Given the pattern of surrounding land use, reverse sensitivity matters have not been regarded as an issue.

Visual and rural/coastal amenity effects –

As previously indicated, given the status of the proposal in the Living 3 Environment and that no issues have been identified under section 106 or Part 2 of the Act, I believe that the Council is obliged under the Act to grant approval to Stage III of the development creating Lot 4 of 2,100 m² and Lot 5 of 2,350 m² as a controlled activity in the Living 3 Environment. Taking this into account, the following assessment focuses upon addressing the adverse effects of Stages I and II of the subdivision which are non-complying activities in the Coastal Countryside Environment. As Lot 3 contains an existing dwelling, essentially any effects will relate to the additional building sites on Lots 1 and 2, and the cumulative effects of the built development. (Cumulative effects are addressed below.)

Chapter 5 of the District Plan includes objectives and policies relating to amenity values. It indicates that the Coastal Countryside Environment generally has high amenity values characterised by low development intensities, the provision of public facilities, high landscape qualities, recreational qualities, access to daylight and sunlight, and limited vehicular traffic. As described below, I don't believe that the site typifies these qualities, particularly given its size and proximity to built up residential development.

Despite its proximity to the coast, Stages I and II of the subdivision development are unlikely to impact adversely upon the natural character of the coastline and its associated environment. The site is not part of a pristine or isolated environment. It is not part of a 'Notable' or 'Outstanding' landscape area. It occupies a transitional area of different landscape characters where distant views of the site would be seen in the context of the adjacent residential development.

The site is included within an area where the natural character has been compromised by intensive residential development in the Living 1 Environment adjacent to the coast in the foreground to the site and within the cluster of lots within the Living 3 Environment that Stage III falls within. The development within the adjacent Living Environments provides a framework that will assist with the integration of future built development on the proposed lots. Development of the site as proposed is unlikely to be perceived as a significant extension to the residential area of the Whangaumu coastal settlement. Although located within the Coastal Countryside Environment, I believe that the site could be regarded as part of the settlement rather than a significant extension to it. On this basis I don't believe that it warrants stringent protection.

Rule 38.4.1 of the operative District Plan will also provide for more specific assessment of the effects of future residential buildings on the lots in the Coastal Countryside Environment through the land use resource consent process, thereby ensuring the successful integration of future built structures within the local environment. This subdivision proposal will not override this requirement. In assessing such applications, the Council will have regard to the extent of visual intrusion from the respective building, colour and design, landscaping, effects on landscape values, size and shape of the site, alternative building locations, effects on the character of the coastal environment, location, visibility from road and public places, and the effect on the appearance of skylines and ridgelines.

The subdivision will not reduce the productive value of the land which already has limited productive capacity by virtue of its size, topography, natural hazards, land use capability classification, the area of the existing bush covenant and the extent of '*Proposed Natural Area 06/099 – Rehuotane Headland*'.

As mentioned earlier, I believe that the subdivision offers potential ecological benefits by extending the existing conservation covenant (a matter which I expect the applicant to comment further on in the hearing). With appropriate weed and animal pest management enhancing the quality of such bush, this will to a small degree also contribute to local amenity values.

The applicant has submitted an '*Assessment of Landscape and Visual Effects G and R Burnard Subdivision – Tutukaka Block Road Whangaumu Bay*' prepared by LA4 Landscape Architects (LA4) and dated February 2010.

LA4 recommends mitigation planting to establish a vegetative buffer with a minimum area of 200 m² between Tutukaka Block Road and a future residential unit on Lot 1. Restrictions on building materials and the use of recessive colours are also suggested. Whilst the applicant has not offered any restrictions on the scale of built development (i.e. height, coverage or built form), the applicant is volunteering to restrict the location of built development to the recommended building sites.

LA4 concludes that *“the proposed subdivision could be visually accommodated within the landscape without adversely affecting the character, aesthetic value and integrity of the coastal countryside environment. Overall the visual and landscape effects would be no more than minor”*.

The Council's consultant landscape architect, Simon Cocker of Simon Cocker Landscape Architecture, has reviewed LA4's assessment and visited the site. Mr Cocker has had regard to impacts on natural character. He concurs with the LA4 assessment and is satisfied that with appropriate mitigation measures the effects will be no more than minor. Mr Cocker recommends mitigation measures:

- ♦ supporting the mitigation planting on Lot 1 subject to including a statement of intent to clarify the planting objectives,
- ♦ establishing vegetative screening and/or vegetation to soften the effects of built development on Lots 2 and 4,
- ♦ recommending colour control of the external finishes of buildings, and
- ♦ restricting the colour of materials for accessways.

A copy of Mr Cocker's assessment dated the 24th October 2010 is included in 'Attachment 13'. Whilst I support Mr Cocker's assessment, I believe that it is important to recognise that a second dwelling could be established on the area of Lot 4 in the Living 3 Environment as of right with no mitigation planting. On this basis I believe that further discussion is required regarding mitigation planting for Lot 4 and have not included this as a recommended condition of consent. In terms of addressing cumulative effects, I do however acknowledge that it may be necessary to include such a requirement.

In terms of the planting on Lots 1 and 2, I also note that these matters can be addressed through the land use resource consent required under Rule 38.4.1 and recommend that such requirements be deferred until the specifics of future development is known.

I support the recommended colour control restrictions.

The application does not comment on the District Plan provision which would allow for a minor residential unit on Lots 1 and 3 as a permitted activity (minor residential units are discussed in section 6.2 above). It may be appropriate for the applicant to consider volunteering a condition forfeiting this right via consent notice if the landscape architects are of the opinion that there may be more than minor adverse effects associated with the clustering of such development with the primary residential units, particularly with respect to Lot 1.

In summary, having regard to the existing development pattern, the potential for additional bush protection/enhancement which will increase local amenity values and strengthen the landscape pattern, and the development restrictions that may be imposed, I am of the opinion that the potential adverse visual effects and adverse effects on rural/coastal amenity will be no more than minor.

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.”

When considered in combination with the effects of the other residential development in the vicinity, there is the potential that the proposal could have adverse cumulative effects on the fragmentation of land and on local character in the coastal environment that are more than minor through the on going intensification of subdivision and development in this locality.

In section 4 of their assessment, LA4 Landscape Architecture describes the viewing audience. In having regard to this assessment which indicates the visibility of the lots as variable dependent on the viewpoint, with ‘low’ visual and landscape effects when taken in the context of the surrounding development, I am of the opinion that through the mitigation measures offered by the applicant and those landscaping requirements recommended by Mr Cocker (as outlined above), the subdivision offers the opportunity for future site development to be successfully integrated within the existing landscape. On this basis, 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, the local traffic environment or factors contributing to the local amenity (i.e. noise and privacy).

Indigenous vegetation protection -

Section 5.2 of this report comments on the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Whilst this requires further comment from the applicant, I believe that if the boundaries of the conservation covenant area were extended to include the outer limits of the PNA bush area and any regenerating areas beyond this, the proposal will allow for more positive ecological benefits. The requirement for a weed and animal pest management plan as a condition of consent is regarded as an important means of maintaining indigenous biodiversity. This bush area is part of a wider catchment area and there are ecological benefits in covenanting the bush as it provides feeding and protection nesting for local species with a threat ranking.

Site servicing -

The application is supported by a ‘*Subdivision suitability report*’ prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 and a peer review of this report completed by Hawthorn Geddes Engineers and Architects Ltd dated the 13th August 2010, included in ‘*Attachment 3*’. The engineering report addresses stability, flooding, access, stormwater and wastewater issues for the five lot subdivision. The report concludes that there is a suitable building site on each of the lots, recommending that:

1. Foundations for any buildings and site earthworks including filling should be specifically designed by a suitably qualified Chartered Professional Engineer.
2. Construction of the subdivision should be carried out in accordance with the Council’s Environmental Engineering Standards. Engineering plans are to be certified by a Chartered Professional Engineer.
3. On-site wastewater management utilising secondary treatment should be specifically designed by a suitably qualified Chartered Professional Engineer at the building consent stage.
4. Construction of any filled platforms, right of way and driveways should be carried out so as to not decrease the current available storage area in the flood basin of Lot 1.
5. Stormwater attenuation for each lot has been allowed for in the subdivision design.

6. Western drain should be widened to provide additional 137 m³ of storage for stormwater attenuation.

Hawthorn Geddes Engineers and Architects Ltd's peer review supports the engineering assessment by Richardson Stevens Consultants (1996) Ltd. The peer review places additional emphasis upon the requirement for a consent notice limiting the impervious area on each lot based upon an approved engineering design for the drain widening, and the need for an easement to ensure that the drain is not filled by future owners.

The Council's Senior Environmental Engineering Officer, Dean Murphy, has visited the site, assessed the site suitability report and its peer review, considered the site hazards and topography, and reviewed the submitter concerns (particularly as they relate to the stormwater system, wastewater and stormwater treatment, and earthworks). Mr Murphy concurs with the engineering report findings that the site is suitable for the proposed development, recommending that consent be granted subject to conditions requiring:

- ♦ Design detail plans of the widening of the western drain on Lot 1.
- ♦ Easements over services and overland stormwater flow paths.
- ♦ The registration of consent notices imposing the restrictions and recommendations identified in engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*' unless an alternative engineering report is approved by Council.

'Attachment 6' includes a copy of Mr Murphy's assessment of the proposal and comments on the submissions. On the basis of Mr Murphy's assessment, I accept that any adverse effects associated with site servicing can be appropriately avoided, remedied or mitigated through conditions of consent. Mr Murphy and the applicant's engineering consultant will be available at the hearing to provide further clarification if necessary.

Traffic safety and efficiency –

Some submitters have raised concern that Tutukaka Block Road is already too narrow and requires widening or allowance for a footpath. They also query the sightline distance available from right of way A. In terms of land stability, the issue of earthworks destabilising Tutukaka Block Road has been raised.

The submitters have not commented on the use of the two existing crossings independently servicing Lots 3 and 5. Given the boundary configuration, the location of the existing dwellings and site topography, I recognise that it would be impractical for Lots 1, 2 and 3 that are in the Coastal Countryside Environment to share a vehicle crossing.

The '*Subdivision suitability report*' prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 confirms the following:

- ♦ Tutukaka Block Road has a posted speed environment of 70 km/hr. The speed environment in the vicinity of the site is assessed at 65 km/hr requiring minimum sightline distances of 75 metres as per Appendix 6I '*Minimum Sight Distances from Vehicle Crossings*' of the District Plan. The sightline distances from right of way A are measured as 85 metres to the south and 88 metres to the north.
- ♦ Right of way A is likely to have no more than six right hand turn movements into the development per hour, requiring only a basic level of right hand turn treatment. This treatment is widening of the shoulder to maintain a minimum sealed width of 6 metres. Tutukaka Block Road is a collector road requiring a minimum carriageway width of 7 metres. As the existing seal width ranges from 6.4 metres to 7 metres, exceeding the minimum width specified for basic right hand treatment, no further improvements are proposed.

- ♦ In terms of Lot 1 and the issue of earthworks destabilising Tutukaka Block Road, given the slope, high soil strengths and the results of modelling, the stability risk for the slope is regarded as low. The report includes recommendations requiring specific engineering design of foundations, with all earthworks to be reviewed by a Chartered Professional Engineer.

Mr Murphy concurs with Richardson Stevens Consultants (1996) Ltd, and is satisfied that any effects upon traffic safety and efficiency will be no more than minor provided that:

- ♦ A new sealed vehicle crossing is constructed for Lot 1 in accordance with sheet 3 of Council's Environmental Engineering Standards (2007 edition).
- ♦ Right of way A is constructed in accordance with the Table 3.2 privateway (two lots) of Council's Environmental Engineering Standards (2007 edition).
- ♦ A site specific Traffic Management Plan is prepared for all works to be carried out within the road reserve.
- ♦ The consent holder obtains a Road Opening Notice, with all works to be carried out within the road reserve in accordance with Council's Environmental Engineering Standards (2007 edition).
- ♦ The consent holder reinstates the Council's berms.

Conditions can be recommended to this effect.

- 6.4 On the basis of the above assessment, I am of the opinion that the adverse effects on the environment will be minor. Hence the proposal satisfies one of the thresholds of section 104D of the Act and the Council can consider granting consent to the proposal.

7. The New Zealand Coastal Policy Statement (NZCPS)

- 7.1 The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act with respect to the coastal environment. The NZCPS is of relevance to the proposal due to its location within the coastal environment. The following policies (with comments) are considered to be the most relevant to the proposal.

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) Encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling and sporadic subdivision, use or development in the coastal environment.*
- (b) Taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- (c) Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

Comment: The mitigation measures volunteered by the applicant with respect to the location and limitation upon the number of building sites will ensure that future built development will be consistent with the intent of Policy 1.1.1.

Policy 3.1.1

Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

Policy 3.2.1

Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.4

Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.

Comment: The subdivision will not impact adversely on the coastal environment. Whilst it is arguable that the proposal will intensify development, I do not consider the level of intensification as inappropriate or beyond the capacity of the local environment, with future development likely to be of similar character and effect to existing adjacent residential development.

8. Regional Policy Statement for Northland (RPS)

- 8.1 A principal purpose of the Regional Policy Statement (RPS) is to provide for policies and methods which achieve integrated management of the Region's natural and physical resources. In this instance there are two relevant objective and policy sections in the RPS – soil conservation and land management, and transportation. As the site does not include any identified outstanding natural features and outstanding landscape section 19 of the RPS has not been considered relevant to the site.
- 8.2 Section 20 of the RPS that addresses '*Soil Conservation and Land Management*' places emphasis upon ensuring that discharges onto or into land do not result in any toxic or potentially toxic accumulation of contaminants, significant loss of soil fertility, or any significant adverse effects on riparian vegetation and habitat, water quality, aquatic ecosystems, or cultural or spiritual values associated with the soil or water resource. The Regional Water and Soil Plan for Northland that is discussed below implements the methods to achieve this via the control of discharges.
- 8.3 The overall emphasis of Section 29 of the RPS, '*Transport*' is placed upon impacts on the region's major transport network (particularly strategic and arterial roads and railways). One of the issues identified in the RPS with respect to transport relates to the adverse impact that adjacent land use development and subdivision can have upon the efficiency and safety of railways and roads, particularly heavily trafficked routes in rural areas. As outlined in section 6.3 of this report relating to traffic safety and efficiency, the Council's Senior Environmental Engineering Officer does not have any concerns in this respect.
- 8.4 In summary, the application is regarded as achieving the relevant issues, objectives and policies of the Regional Policy Statement for Northland.

9. Regional Water and Soil Plan for Northland (RWSP)

- 9.1 The RWSP covers the land and water resources of the Northland region, it controls discharges and land disturbance activities. The Plan aims to prevent activities occurring which would result in unacceptable adverse effects.
- 9.2 The Council's Senior Environmental Engineering Officer has considered matters relating to site servicing, and is satisfied that with appropriate conditions of consent, combined with the requirements of the RWSP for additional resource consent, future development will likely achieve the environmental results anticipated by the RWSP.
- 9.3 As per correspondence from the regional council dated the 12th October 2010 (refer to '*Attachment 12*'), the regional council is not opposed the proposal provided that consent notices are imposed as follows:

1. *On Lot 1, 2 and 3, a wastewater treatment system capable of treating the domestic wastewater generated by the dwelling(s) to a secondary standard, shall be installed and the treated wastewater shall be discharged to land by way of subsurface drip irrigation line at a rate not exceeding 2.86 millimetres per day (equivalent to 20 millilitres per week). A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person and that person shall supervise the construction and commissioning of the system.*
2. *On Lots 1, 2 and 3, a maintenance contract for the on-site wastewater system shall be in place at all times which includes programmed inspections and maintenance of both the wastewater treatment and disposal systems.*

The regional council has also highlighted the outstanding requirement for resource consent under the RWSP. In the event of subdivision consent being granted, the onus will be upon the applicant to ensure that these are obtained. A copy of any consent issued will be forwarded to the regional council.

10. Objectives and Policies of the Operative Whangarei District Plan

- 10.1 In terms of the objectives and policies of relevance to the proposal, these are included within Chapter 5 '*Amenity Values*', Chapter 8 '*Subdivision and Development*', and Chapter 10 '*The Coast*'. A full copy of these chapters is included in '*Attachment 14*'.
- 10.2 Plan Change 92 re-writes the objectives and policies of Chapter 6 '*Built Form and Development*'. There are currently three appeals to the plan change, however as the appellants are seeking additional provisions and other minor amendments for consistency and legibility purposes, the Council is placing almost full weighting upon the plan change. A copy of this plan change is also included in '*Attachment 14*'.
- 10.3 Section 5 of the LA4 landscape and visual assessment, and section 5.2.2 of the assessment by Hewson Planning Ltd comment on the objectives and policies included within Chapters 5 and 8 of the District Plan. I agree with the relevance of these objectives and policies, and concur with their assessments which demonstrate that the proposal is not contrary to their intent. The following includes my general overview of the relevant objectives and policies in Chapters 5, 8 and 10 of the District Plan and Plan Change 92.
- 10.4 The District Plan objectives and policies seek to:
 - ♦ ensure that the characteristic amenity values of a locality are not compromised, particularly in terms of the coastal environment,
 - ♦ address the effects of activities on the natural character of coastal areas and the need to preserve natural character from inappropriate use and development,
 - ♦ to retain trees and vegetation that contribute to the amenity values of an environment, unless the effects of removal are adequately remedied or mitigated,
 - ♦ provide for the protection of, and where appropriate enhance, the District's natural features, coastal landscapes, and significant ecological areas,
 - ♦ further develop, within existing built areas, so as to avoid sporadic 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,
 - ♦ direct rural-residential development to appropriate locations adjacent to existing settlements (consolidation), rather than allowing sporadic development throughout rural and coastal areas,

- ♦ ensure that adverse effects of subdivision and development on indigenous vegetation and habitats of indigenous fauna that contribute to the natural character of the rural and coastal environment are avoided, remedied or mitigated,
- ♦ maintain, and where appropriate, restore or rehabilitate, the natural character of the coastal environment by avoiding inappropriate building development adjoining Mean High Water Springs, on notable ridgelines, or which is incompatible in scale and character with the surrounding coastal landscape values,
- ♦ ensure that buildings and structures are of a scale, design and location that, where possible, avoids adverse visual effects on landscape character and values, and otherwise mitigates such adverse effects to the maximum extent practicable,
- ♦ ensure that adverse visual effects of earthworks scarps on outstanding natural features and landscapes are avoided and that the adverse visual effects on notable landscapes, coastal landscapes and other landscapes are avoided, remedied or mitigated far as practicable, by encouraging re-vegetation of earthworks scarps, and
- ♦ protect indigenous vegetation, which contributes to the character and visual quality of landscapes from inappropriate subdivision, use and development.

Overall, the proposal is considered to be consistent with the emphasis of the above objectives and policies. Recognising the pattern of residential development already existing in the Living 1 and 3 Environments, and the juxtaposition of the site with these residential areas, I do not regard the proposal as a form of sporadic subdivision or 'scattered form of residential development'. It is not a significant departure from the existing form of lifestyle development characterising the locality. It fits within the context of the existing development pattern, consolidating rather than expanding Whangaumu settlement.

Any additional protection in perpetuity of the bush area within PNA 06/099 is consistent with the objectives and policies relating to amenity values, and indigenous vegetation and habitat; including those which seek protection and enhancement of indigenous vegetation and its ecological values, retention of trees and vegetation that contribute to the amenity values of the environment, and maintenance and enhancement of the characteristic amenity values of each Environment. Notwithstanding this, the subdivision incorporates a low impact, holistic design approach locating building sites within existing cleared areas and minimising vegetation removal.

Overall it is assessed that the proposal is not contrary to the intent of the objectives and policies, particularly as they relate to amenity, landscape, and indigenous vegetation and habitat.

11. Other Matters (Section 104(1)(c))

11.1 Whangarei Coastal Management Strategy – Structure Plan: Tutukaka

The Council adopted the '*Whangarei Coastal Management Strategy – Structure Plan: Tutukaka*' on the 11th February 2010. The site is included within the Structure Plan area, which shows an indicative future zoning of Community zone (Living 1 Environment or similar) over the site, including the Living 1 Environment to the south of the site and extending to the north of the site. (Refer to the maps below for an indication of the extent of the proposed area that the Council has suggested could be rezoned, shown as tan.) A map of the Structure Plan is included in '*Attachment 15*'. '*Attachment 15*' also includes some background detail relating to the subject site and the Structure Plan.

This Structure Plan does not have any legal status or statutory effect as it is yet to be incorporated into a statutory planning document, such as the District Plan via a public plan change and the Long Term Council Community Plan. Structure planning is accepted by the Council as 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.

The Council's Team Leader Policy, Nick Williamson, has confirmed that the Council is not actively progressing the Structure Plan at this point in time. Therefore having regard to the current status of the Structure Plan and recognising that further feasibility studies may alter the indicative zonings, I am of the opinion that virtually no weighting should be afforded to the Structure Plan in the following assessment. Mr Williamson concurs with this approach. It is however recognised that the Council will be conducting a review of the structure plan area that may or may not lead to a change of rules applying to the subject site and the study is considered relevant in that it has arisen as a consequence of the ongoing pressure for subdivision in the area.



Operative zoning



Structure plan zoning

11.2 Precedent effects

The recent Environment Court decision of **Berry v Gisborne District Council [2010] 16 ELRNZ 88** comments on precedent effects as follows:

"We have said in many other decisions, and must say again, that this argument does tend to be overused, and needs to be treated with some reserve. The short and inescapable point is that each proposal has to be considered on its own merits. If a proposal can pass one or other of the s104D thresholds, then its proponent is entitled to have it considered against the range of factors in Part 2 and s 104. If it does not measure up, it will not be granted. If it does, then the legislation specifically provides for the possibility of it being granted a consent as a true exception to what the relevant Plan generally provides for...."

Nevertheless, as the Judgment goes on to say, a decision maker in such an application would look to see whether there might be factors which take the particular proposal outside the generality of cases."

"Only in the clearest cases, involving an irreconcilable clash with the important provisions, when read overall, of the Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity will be imperilled to the point of dictating that the instant application should be declined."

I have a concern that the application may have wider implications in undermining the future development pattern anticipated by the District Plan in the Coastal Countryside Environment. These concerns extend to the likelihood that granting consent to the subdivision layout as proposed may lead to further dispersed and uncoordinated growth via the lodgment of similar applications.

Whilst the District Plan contains some objectives and policies discouraging applications of this type, the site is considered to exhibit sufficient special circumstances in that it is generally contained by the bush to the north and the landform, and maintains a close association with adjacent residential land uses within the Living Environments. It is considered that a distinction can be drawn between land in the general District included within the Coastal Countryside Environment and the similarly zoned strip of land that is part of Stages I and II of the subdivision development. The strip of land would appear to have limited productive potential, with the bush-line capable of forming a natural buffer between rural and residential land uses to the north.

Whilst the subdivision will enable potential use and development of rural land that may diminish the rural character and amenities of the locality, it is not considered that the local area would be significantly altered by the proposal, with the longer term effects on the environment being a limited increase in built development on larger lots adjacent to urban land uses. The proposal is therefore unlikely to result in significant fragmentation and/or loss of the rural character and amenity that forms a backdrop to the Whangaumu settlement, with a minor impact on the environment and landscape effects. I am of the opinion that these factors place the proposal outside of the generality of cases.

Having said this, I recognise that there may be concern that landowners could also seek to establish a similar pattern of development on the southeastern side of Tutukaka Block Road which extends from the Living 1 Environment to the south to the Living 3 Environment to the north, and is also zoned Coastal Countryside Environment. I am however of the opinion that as this land displays differing characteristics in terms of its topography and visibility, the proposed development is unlikely to set a precedent for the similar development of this land. In terms of the topography of the land on the southeastern side of Tutukaka Block Road, I don't believe that it maintains as close an association with the Living 1 Environment as the subject site. The cluster of land zoned Living 3 Environment on the northwestern side of the road also lends support for the proposed subdivision.

In summary, I believe that the development of the property as proposed would be unlikely to have wider implications beyond the site, and precedent effects and the integrity of the District Plan would not be a significant issue. It is important to recognise that any future built residential development on Lots 1 and 2 within the Coastal Countryside Environment will require additional land use resource consent under the current District Plan rules wherein more development orientated restrictions can be imposed further mitigating the visual effects of development within the coastal settlement.

12. Conclusion

- 12.1 Given its non-complying activity status, in order for the Council to consider granting consent the application must pass one of the thresholds under section 104(D) of the Resource Management Act. The two limbs of section 104(D) require the Council to assess whether the effects of the proposal will be no more than minor, or whether the proposal will not be contrary to the relevant objectives and policies of the District Plan. The application satisfies each of these limbs and therefore the Council can consider granting consent to the proposal.
- 12.2 Having considered the application against the relevant provisions of the Act, I recommend that consent be granted subject to the mitigation measures volunteered by the applicant, the additional landscape mitigation measures recommended by Simon Cocker Landscape Architecture, and the conditions outline by the Northland Regional Council.

Recommendation

THAT pursuant to sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, Commissioner Giles Bramwell **grants** consent to GS and RV Burnard (RC40946) to subdivide Lot 5 DP 158068 (C.T. 94D/577) and Lot 2 DP 158068 (C.T. 94D/580), creating five lots in three stages ranging in size from 2,100 m² to 1.38 hectares.

The 'site' has a split zoning under the operative provisions of the Whangarei District Plan of Coastal Countryside Environment (being Lot 5 DP 158068 of 3.94 hectares) and Living 3 Environment (being Lot 2 DP 158068 of 4,450 m²). There are no resource area overlays affecting the site.

Overall, the proposal has a non-complying activity status in terms of the allotment areas proposed in the Coastal Countryside Environment. It is a restricted discretionary activity with respect to the access provisions applying in the Coastal Countryside Environment. It is a controlled activity in all respects in the Living 3 Environment.

Consent is issued subject to the following conditions:

Conditions:

Stage I To subdivide Lot 5 DP 158068 of 3.94 hectares in the Coastal Countryside Environment creating Lot 1 of 2.56 hectares and Lot 3 of 1.38 hectares to be serviced by separate crossings

1. **That before the survey plan is approved pursuant to section 223 of the Act 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 for Stage I shall be in general accordance with the layout shown on the subdivision plan '*Lots 1 and 3 being a proposed subdivision of Lot 5 DP 158068 Stage I*' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 2 of 4, dated October 2009 (copy attached to this decision). The plan shall show the boundaries of the recommended building site nominated on Lot 1 whereby the boundaries shall correspond with the areas shown on the preliminary subdivision plan.
 - (b) That **conservation covenant ###** shall be shown on the survey plan as either subject to a conservation covenant under the Reserve Act 1977, Queen Elizabeth II National Trust Covenant or other similar legally binding covenant. (*To be discussed within the hearing*).
 - (c) That an integrated '*Weed and animal pest management and monitoring plan*' relating to **conservation covenant ###** shall be prepared by a suitably qualified ecologist and implemented, targeting possums, rats, mustelids, feral cats and other mammalian predators, as well as monitoring for any future invasions of ecologically threatening pest plants. It shall be submitted for the prior written approval of the Council's Resource Consents Manager or their delegated representative.

The plan is to detail a programme of the proposed works, and the methods of ongoing control of all weeds and animal pests that pose a threat to the ecological values of the covenanted area. Details of the methods of ongoing control of all animal pests and weeds that pose a threat to the ecological values of the covenanted area/s shall be included. It shall include a schedule of the costs of the associated works for the first three years.

Alternatively, where a Queen Elizabeth II National Trust Covenant is entered into, the Council shall accept evidence of the covenant agreement that will specify the responsibilities of the landowner and the Trust.

Where a Queen Elizabeth II National Trust Covenant is entered into, the Council shall accept evidence of the covenant agreement that will specify the responsibilities of the landowner.

- (d) That the consent holder shall submit a detailed set of engineering plans prepared in accordance with the Council's Environmental Engineering Standards (2007 Edition). The engineering plans are to be submitted to the Council's Senior Environmental Engineering Officer 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 the Council and hold a current status to submit design work.

All work needing design/certification by a Council approved IQP/CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

The Plans are to include but are not limited to:

- i. Design details of the widening of the western drain on Lot 1 as recommended in the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*'. This design is to be certified by a Chartered Professional Engineer/IQP.
 - ii. Design details of the construction of a new sealed vehicle crossing for Lot 1 in accordance with sheet 3 of the Council's Environmental Engineering Standards (2007 Edition).
- (e) That the consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with the Council's Environmental Engineering Standards (2007 edition) and show necessary easements on the survey plan to the approval of the Subdivision Officer.
- (f) That the consent holder shall create easements over services and overland stormwater flow paths (1%AEP +20%) to the approval of the Council's Senior Environmental Engineering Officer.
- Note: Overland flow paths are to be assessed in accordance with Section 4.7 of the Council's Environmental Engineering Standards (2007 edition) and are to be certified by an IQP/CPEng.
- (g) That all easements shown on the subdivision plan are to be duly granted and reserved.
- (h) That the consent holder shall submit a site specific Traffic Management Plan (TMP) for approval compiled by a qualified Site Traffic Management Supervisor (STMS) for all works to be carried out within the Council road reserve to the approval of the Subdivision Officer.
- (i) That the consent holder shall submit a 'Road Opening Notice' application for all works to be carried out within the Council road reserve in accordance with Council's Environmental Engineering Standards (2007 edition) to the approval of the Subdivision Officer.

2. Before a certificate is issued pursuant to section 224(c) of the Act the following requirements are to have been satisfied:

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

All work needing design/certification by a Council approved IQP/CPEng will require completion of a producer statement (construction) (EES-PS4 or similar).

All staged details of construction works (e.g. road construction) shall be accompanied by the necessary test results in accordance with Council's Environmental Engineering Standards (2007 edition) requirements and good engineering practice, to the approval of the Senior Environmental Engineering Officer.

In the case of works to remain in private ownership, these may be inspected and approved by a Council approved IQP who has been certified to design/construct such works.

A producer statement (construction) is to be provided by the Council approved IQP, along with copies of all test results/photographs etc. The Senior Environmental Engineering Officer 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 Senior Environmental Engineering Officer may observe the inspection/testing if so desired.

All works that are to be vested in Council require the presence of the SEEO their delegated representative at all inspections/testing.

Failure to comply with these requirements may result in the work not being accepted as complying with the resource consent conditions/Environmental Engineering Standards (2007 edition). No construction works are to commence onsite until the engineering plans required in condition 1(d) have been approved and all associated plan inspection fees have been paid.

- (b) The consent holder shall notify the 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 Council's Senior Environmental Engineering Officer 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.
- (c) A copy of the approved engineering plans, conditions of consent and the above letter shall be held on site at all times during construction.
- (d) That 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 Council's Environmental Engineering Standards (2007 edition) to the approval of the Senior Environmental Engineering Officer.
- (e) Spoil from the site must be controlled by the consent holder and not be tracked out onto the Council road formation.
- (f) Dust nuisance must be controlled onsite (by use of a watercart or similar) by the consent holder so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- (g) The consent holder must reinstate Council berms similar to surrounding environment to the satisfaction of Council's Senior Environmental Engineering Officer or their delegated representative.
- (h) Following completion of construction of the widening of the western drain on Lot 1, the consent holder shall provide a works producer statement certified by a Chartered Professional Engineer/IQP certifying that all works have been completed in accordance with the approved engineering plans and the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*'.
- (i) That a Conservation Covenant pursuant to section 77 of the Reserves Act 1977 in respect of **conservation covenant ###** (refer to condition 1(b)) is to be prepared and registered at the consent holder's expense. The Conservation Covenant is to allow for:
 - i. Pest and weed management is the responsibility of the land owner, and shall be undertaken in accordance with the '*Weed and animal pest management and monitoring plan*' approved in condition 1(c). Covenanted areas will be inspected periodically by the 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 Council's Resource Consents Manager or their delegated representative.
- iv. The location of dripper lines for effluent disposal within the covenanted area.

OR

A Queen Elizabeth II National Trust Open Space Covenant is to be registered on the title in respect of **conservation covenant ###** referred to in *condition 1(b)*. The applicant is to provide the Council with the written confirmation from the Queen Elizabeth II National Trust that these areas have been accepted for the purposes of an Open Space Covenant.

- (j) Complete all initial works as shown on the approved '*Weed and animal pest management and monitoring plan*' as approved under *condition 1(c)*. Confirmation of completion of all initial works is to be provided to the Councils Resource Consents Manager by way of a written statement from a suitable qualified ecologist confirming that all works have been completed and that suitable measures are in place to ensure compliance with the Plan, as defined in the approved Plan.
- (k) That pursuant to section 108(1)(b) of the Act, a cash or bank bond shall be entered into in respect of the approved '*Weed and animal pest management and monitoring plan*' (*refer condition 1(h)*) to cover ongoing implementation and maintenance costs over a 5 year period from the date of issue of the section 224(c) certificate. The value of the bond shall be based on the information supplied in the approved '*Weed and animal pest management and monitoring plan*' and calculated by a suitably qualified person. Details of the bond and operations covered by the bond are to be submitted to the Resource Consents Manager for approval.

The bond shall be prepared at the consent holder's expense. The bond may be either a cash bond or bond that is guaranteed by a recognised trading bank in New Zealand. The bond shall be reduced by an amount up to 20% in any one year on certification by an appropriately qualified person that any works/management, replacement planting or supplementary planting identified in the plan has been effectively carried out.

Upon satisfactory proof of transfer of the title by the consent holder to a new owner of any one or more of the lots, the Council shall accept from the new registered proprietor a bond in substitution of the existing bond prepared at that new registered proprietor's expense and to the reasonable satisfaction of the Council's solicitor. Such bond shall include the same terms and conditions as are included in the initial bond securing performance of the '*Weed and animal pest management and monitoring plan*' for the subject lot. The substituted bond may be either a cash bond or a guaranteed bond at the discretion of the new proprietor's.

Notes: This does not apply to any Queen Elizabeth II National Trust Covenant that is subject to a separate agreement with the Trust.

Where the value of the works is less than \$1,500, the works shall not be bonded.

- (l) That the following conditions are to be complied with by the consent holder and/or their successor in title to Lot 1 on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holders cost and registered on the titles to the relevant allotments referred to in the conditions:

- i. That all built development shall be located within the recommended building site shown on the survey plan. Built development excludes retaining walls less than 1.5 metres in height, a water tank, any structure 300 mm or less in height, and any structure which is 2.2 metres or less in height and which has 9 m² or less ground coverage.
- ii. That the boundaries of **conservation covenant ###** are to be permanently fenced to exclude stock 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 prior to any stock being kept on site (such fencing shall not be required if no livestock are to be kept/grazed on the lot).
- iii. That all works associated with the '**Weed and animal pest management and monitoring plan**' approved under *condition 1(c)* is the responsibility of the landowner and shall be implemented, maintained and protected in perpetuity by the respective owners. Covenanted areas will be inspected periodically by the Council or their chosen representative (*This does not apply to any Queen Elizabeth II National Trust Covenant that is subject to a separate agreement with the Trust.*)
- iv. Restrictions and recommendations identified in the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*', unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- v. A wastewater treatment system capable of treating the domestic wastewater generated by the dwelling(s) to a secondary standard, shall be installed and the treated wastewater shall be discharged to land by way of subsurface drip irrigation line at a rate not exceeding 2.86 millimetres per day (equivalent to 20 millilitres per week). A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person and that person shall supervise the construction and commissioning of the system.
- vi. A maintenance contract for the on-site wastewater system shall be in place at all times which includes programmed inspections and maintenance of both the wastewater treatment and disposal systems.
- vii. That all shared access ways and private sealed driveways will be formed with natural materials, e.g. metal, or paved with other materials e.g. concrete or seal, using oxide additives which reduce brightness and visibility in the landscape.
- viii. The exterior cladding and roofs of all building/structures (including water tanks and retaining walls) shall have recessive natural colour schemes. Joinery, and other small architectural features or highlights (totalling not more than 10% of the surface area) are exempt from this requirement. The assessment criteria for selecting surface colour should refer to BS5252 as the base information colour selection is made from the following indicators:
 - ♦ Hue (colour) – all colours from 00 – 24 are acceptable.
 - ♦ Reflectance value (RV) and Greyness Groups – The predominant wall colours, have an RV rating of no more than 60% for greyness groups A and B, and no more than 40% for greyness group C.
 - ♦ Roofs – An RV rating of no more than 40% with greyness groups A, B and C.

The reflectance value of a material or colour is the amount of light (and heat) they will reflect and is indicative of their likely visibility in the landscape. Reflectance values and greyness group information is illustrated in colour charts with black having a reflectance value of 0% and white having a reflectance value of 100%.

Stage II To subdivide Lot 1 of Stage I to create Lot 1 of 1.331 hectares and Lot 2 of 8,430 m² net.

A right of way easement pursuant to section 348 of the Local Government Act 1974 is also proposed over right of way A in favour of Lot 2 DP 158068.

3. That Stage II shall be carried out in conjunction with or following the completion of Stage I.
4. **That before the survey plan is approved pursuant to section 223 of the Act 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 for Stage II shall be in general accordance with the layout shown on the subdivision plan 'Lots 1 and 2 being a proposed subdivision of Lot 1 of Stage I (being part Lot 5 DP 158068) Stage II' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 3 of 4, dated October 2009. The plan shall show the boundaries of a recommended building site nominated on Lot 2 whereby the boundaries shown on the preliminary subdivision plan shall be amended to have regard to any bush protection covenant established under Stage I. Where the location of the building site alters, approval shall be obtained from the Council's Senior Environmental Engineering Officer to ensure its suitability.
- (b) That the consent holder shall submit a detailed set of engineering plans prepared in accordance with the Council's Environmental Engineering Standards (2007 Edition). The engineering plans are to be submitted to the Council's Senior Environmental Engineering Officer 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 the Council and hold a current status to submit design work.

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

The Plans are to include but are not limited to:

- i. Design details of the construction of right of way A in accordance with the requirements of Table 3.2 private way (two lots) of Council's Environmental Engineering Standards (2007 Edition), including a typical cross section, earthworks cross sections, long section, culverts, drainage flow paths and overland flow paths. Certification is required from IQP/CPEng that the capacity of the western drain is in accordance with the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*'.
- (c) That the consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with the Council's Environmental Engineering Standards (2007 edition) and show necessary easements on the survey plan to the approval of the Subdivision Officer.
- (d) That the consent holder shall create easements over overland stormwater flow paths (1%AEP +20%) to the approval of the Council's Senior Environmental Engineering Officer.

Note: Overland flow paths are to be assessed in accordance with Section 4.7 of the Council's Environmental Engineering Standards (2007 edition) and are to be certified by an IQP/CPEng.

- (e) That all easements shown on the subdivision plan are to be duly granted and reserved.

5. Before a certificate is issued pursuant to section 224(c) of the Act the following requirements are to have been satisfied:

- (a) That all work on the approved engineering plans in condition 4 (b) are to be carried out to the approval of the Senior Environmental Engineering Officer or their delegated representative.

All work needing design/certification by a Council approved IQP/CPEng will require completion of a producer statement (construction) (EES-PS4 or similar).

All staged details of construction works (e.g. road construction) shall be accompanied by the necessary test results in accordance with Council's Environmental Engineering Standards (2007 edition) requirements and good engineering practice, to the approval of the Senior Environmental Engineering Officer.

In the case of works to remain in private ownership, these may be inspected and approved by a Council approved IQP who has been certified to design/construct such works. A producer statement (construction) is to be provided by the Council approved IQP, along with copies of all test results/photographs etc. The Senior Environmental Engineering Officer 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 Senior Environmental Engineering Officer may observe the inspection/testing if so desired.

All works that are to be vested in Council require the presence of the SEEO their delegated representative at all inspections/testing.

Failure to comply with these requirements may result in the work not being accepted as complying with the resource consent conditions/Environmental Engineering Standards (2007 edition). No construction works are to commence onsite until the engineering plans required in condition 4 (b) have been approved and all associated plan inspection fees have been paid.

- (b) The consent holder shall notify the 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 Council's Senior Environmental Engineering Officer and include the following details:
- v. Name and telephone number of the project manager.
 - vi. Site address to which the consent relates.
 - vii. Activities to which the consent relates.
 - viii. Expected duration of works.
- (c) A copy of the approved engineering plans, conditions of consent and the above letter shall be held on site at all times during construction.
- (d) That 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 Council's Environmental Engineering Standards (2007 edition) to the approval of the Senior Environmental Engineering Officer.
- (e) Spoil from the site must be controlled by the consent holder and not be tracked out onto the Council road formation.
- (f) Dust nuisance must be controlled onsite (by use of a watercart or similar) by the consent holder so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- (g) The consent holder must reinstate Council berms similar to surrounding environment to the satisfaction of Council's Senior Environmental Engineering Officer or their delegated representative.

- (h) Following completion of the construction of right of way A, the consent holder shall provide certification from an IQP/CPEng that the capacity of the western drain is in accordance with the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*'.
- (i) That the following conditions are to be complied with by the consent holder and/or their successor in title to Lot 2 on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holders cost and registered on the titles to the relevant allotments referred to in the conditions:
- i. That all built development shall be located within the recommended building site shown on the survey plan. Built development excludes retaining walls less than 1.5 metres in height, a water tank, any structure 300 mm or less in height, and any structure which is 2.2 metres or less in height and which has 9 m² or less ground coverage.
 - ii. Restrictions and recommendations identified in the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*', unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - iii. A wastewater treatment system capable of treating the domestic wastewater generated by the dwelling(s) to a secondary standard, shall be installed and the treated wastewater shall be discharged to land by way of subsurface drip irrigation line at a rate not exceeding 2.86 millimetres per day (equivalent to 20 millilitres per week). A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person and that person shall supervise the construction and commissioning of the system.
 - iv. A maintenance contract for the on-site wastewater system shall be in place at all times which includes programmed inspections and maintenance of both the wastewater treatment and disposal systems.
 - v. That all shared access ways and private sealed driveways will be formed with natural materials, e.g. metal, or paved with other materials e.g. concrete or seal, using oxide additives which reduce brightness and visibility in the landscape.
 - vi. The exterior cladding and roofs of all building/structures (including water tanks and retaining walls) shall have recessive natural colour schemes. Joinery, and other small architectural features or highlights (totalling not more than 10% of the surface area) are exempt from this requirement. The assessment criteria for selecting surface colour should refer to BS5252 as the base information colour selection is made from the following indicators:
 - ♦ Hue (colour) – all colours from 00 – 24 are acceptable.
 - ♦ Reflectance value (RV) and Greyness Groups – The predominant wall colours, have an RV rating of no more than 60% for greyness groups A and B, and no more than 40% for greyness group C.
 - ♦ Roofs – An RV rating of no more than 40% with greyness groups A, B and C.

The reflectance value of a material or colour is the amount of light (and heat) they will reflect and is indicative of their likely visibility in the landscape. Reflectance values and greyness group information is illustrated in colour charts with black having a reflectance value of 0% and white having a reflectance value of 100%.
6. That pursuant to section 348 of the Local Government Act 1974, the Council grants consent to the application to grant a right of way over Lot 2 of RC40946 in favour of Lot 2 DP 158068 (C.T. 94D/580). The right of way is shown as right of way A on the plan '*Lots 1 and 2 being a proposed subdivision of Lot 1 of Stage I (being part Lot 5 DP 158068) Stage II*' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 3 of 4, dated October 2009.

Stage III To Subdivide Lot 2 DP 158068 of 4,450 m² in the Living 3 Environment creating Lot 4 of 2,100 m² and Lot 5 of 2,350 m².

7. That Stage III shall be carried out in conjunction with or following the completion of Stage II.

8. **That before the survey plan is approved pursuant to section 223 of the Act 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 for Stage III shall be in general accordance with the layout shown on the subdivision plan '*Lots 4 and 5 being a proposed subdivision of Lot 2 DP 158068 Stage III*' prepared by Birt and Currie Surveyors Ltd, reference 618, sheet 4 of 4, dated October 2009. The plan shall show the boundaries of a recommended building site nominated on Lot 4 whereby the boundaries shown on the preliminary subdivision plan shall be amended to have regard to any bush protection covenant established under Stage I. Where the location of the building site alters, approval shall be obtained from the Council's Senior Environmental Engineering Officer to ensure its suitability.

(b) That the consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with the Council's Environmental Engineering Standards (2007 edition) and show necessary easements on the survey plan to the approval of the Subdivision Officer.

(c) That the consent holder shall create easements over overland stormwater flow paths (1%AEP +20%) to the approval of the Council's Senior Environmental Engineering Officer.

Note: Overland flow paths are to be assessed in accordance with Section 4.7 of the Council's Environmental Engineering Standards (2007 edition) and are to be certified by an IQP/CPEng.

(d) That all easements shown on the subdivision plan are to be duly granted and reserved.

9. **Before a certificate is issued pursuant to section 224(c) of the Act the following requirements are to have been satisfied:**

(a) That the following conditions are to be complied with by the consent holder and/or their successor in title to Lot 4 on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holders cost and registered on the titles to the relevant allotments referred to in the conditions:

i. That all built development shall be located within the recommended building site shown on the survey plan. The building area shall be permanently identified on the site to the satisfaction of the Council's Resource Consents Manager.

ii. Restrictions and recommendations identified in the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*', unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.

iii. A wastewater treatment system capable of treating the domestic wastewater generated by the dwelling(s) to a secondary standard, shall be installed and the treated wastewater shall be discharged to land by way of subsurface drip irrigation line at a rate not exceeding 2.86 millimetres per day (equivalent to 20 millilitres per week). A detailed design report shall be prepared at building consent stage by a suitably qualified and experienced person and that person shall supervise the construction and commissioning of the system.

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

Advice Notes

1. It is important to recognise that any future built residential development on Lots 1 and 2 within the Coastal Countryside Environment will require additional land use resource consent under the current District Plan rules wherein more development orientated restrictions can be imposed further mitigating the visual effects of development within the coastal settlement.
2. Building Consents may be required for retaining structures.
3. 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 and sediment control and dust suppression requirements.
4. Given the costs likely to be incurred, the applicant has sought to obtain subdivision consent from the district council before seeking the necessary approvals from the regional council. It will be the consent holder's responsibility to obtain any outstanding resource consents required from the Northland Regional Council.
5. 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 the 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.
6. 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. You will be advised of the assessment of the 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 Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Councils web page at www.wdc.govt.nz.
7. Compliance with the Council's specific practices is to be obtained prior to the commencement of any work to Council's roads and/or infrastructure in exercising the conditions of consent.
8. All archaeological sites are protected under the provisions of the Historic Places Act 1993. It is an offence under that Act to modify, damage, or destroy an archaeological site, whether the site is recorded or not. Applications must be made to the Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practiced.
9. 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.
10. The Consent Holder shall pay all charges set by the Council under section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.

11. Section 357B of the Resource Management Act 1991 provides a right of objection in relation to the imposition of additional charges or recovery of costs.

Reasons for the Recommendation

Pursuant to section 113 of the Resource Management Act 1991 the reasons for the decision are:

1. Given its non-complying activity status, in order for the Council to consider granting consent the application must pass one of the thresholds under section 104(D) of the Resource Management Act. The two limbs of section 104(D) require the Council to assess whether the effects of the proposal will be no more than minor, or whether the proposal will not be contrary to the relevant objectives and policies of the District Plan. The application satisfies each of these limbs and therefore the Council can consider granting consent to the proposal.
2. On the basis of the mitigation measures volunteered by the applicant, the development is regarded as consistent with the objectives and policies of the operative Whangarei District Plan and there are no apparent conflicts with Part 2, 'Purpose and Principles', of the Resource Management Act 1991.
3. The proposal is consistent with the intent of the New Zealand Coastal Policy Statement.
4. The development is also regarded as achieving the relevant issues, objectives and policies of the Regional Policy Statement for Northland relating to soil conservation and land management, and transport.
5. Rule 38.4.1 of the operative District Plan will provide for more specific assessment of the effects of future residential buildings on Lots 1 and 2 through the land use resource consent process, thereby ensuring the successful integration of future built structures within the local environment. This subdivision proposal will not override this requirement. In assessing such applications, the Council will have regard to the extent of visual intrusion from the respective building, colour and design, landscaping, effects on landscape values, size and shape of the site, alternative building locations, effects on the character of the coastal environment, location, visibility from road and public places, and the effect on the appearance of skylines and ridgelines.
6. Having regard to the existing development pattern, the potential for additional bush protection/enhancement which will increase local amenity values and strengthen the landscape pattern, and the development restrictions that may be imposed, the potential adverse visual effects and adverse effects on rural/coastal amenity will be no more than minor
7. There are unlikely to be any significant adverse cumulative effects that will result from the intensity of subdivision proposed, either in terms of the existing landscape, the local traffic environment or factors contributing to the local amenity (i.e. noise and privacy).
8. The Council's Senior Environmental Engineering Officer has visited the site, assessed the engineering report prepared by Richardson Stevens Consultants (1996) Ltd dated the 21st July 2010 entitled '*Subdivision suitability report*' and its peer review, considered the site hazards and topography, and reviewed the submitter concerns (particularly as they relate to the stormwater system, wastewater and stormwater treatment, and earthworks). He considers that the site is suitable for the proposed development.
9. The development of the property as proposed would be unlikely to have wider implications beyond the site, and precedent effects and the integrity of the District Plan would not be a significant issue.

