

# Hearings Commissioner

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## **Notice of Meeting**

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

**Friday  
22 August 2014  
10 a.m.**

**Application by  
John Sands & David Ashby**

**Commissioner  
Les Simmons**

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## Report to Hearings Commissioner Les Simmons on a Resource Consent Application

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John Sands and Dave Ashby are seeking resource consent to undertake a subdivision of the application sites located within the Countryside Environment under the Operative District Plan. The proposal provides for one additional lot, proposed Lot 1, with a net site area of 1.46ha. Proposed Lot 2 is to be amalgamated with an adjacent site (Lot 3 DP 355248) which is first to be de-amalgamated from an existing title containing three lots. Proposed Lot 2 and Lot 3 DP 355248 will have a combined net site area of 5.19ha.

Additionally, a retrospective land use consent is sought by John Sands to legalise the construction of a second residential unit on the site that is subject to the subdivision application.

This resource consent application was lodged by Simpson Shaw & Co Ltd on behalf of John Sands and Dave Ashby, and was reported on by Council's Environmental Planner (Consents), Carine Andries.



8 August 2014

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**Carine Andries, Environmental Planner  
(Consents)**

This report was peer reviewed by the following signatories:

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**Alister Hartstone, Resource Consents Manager**

## Statement of staff qualification and experience

### **Carine Andries – Council Environmental Planner (Consents)**

I hold the qualification of a Bachelor of Business (Management and Communications) from Manukau Institute of Technology and a Master of Resource and Environmental Planning (Honours) from Massey University. I am a Grad-3 member of the New Zealand Planning Institute. I have been employed as an Environmental Planner (Consents) with the Whangarei District Council since 1 August 2011, and prior to this held the role of Policy Planner (Urban) with the same organisation. Previous to working for the Whangarei District Council, I was employed by Duffill Watts and King as a Consents Planner assessing applications for the Kaipara District Council. Overall, my work experience has included reporting on a broad range of subdivision and land use consents, undertaking research and consultation for plan changes, preparing submissions on proposed higher level regulation and undertaking work for Whangarei's growth strategy.

### **Dean Murphy – Council Senior Environmental Engineering Officer**

I hold the role of a Senior Environmental Engineering Officer for the Whangarei District Council. I am a civil engineer, having qualified with a NZCE (Civil) and am a graduate member of the Institute of Professional Engineers New Zealand Inc (GIPENZ). I have 5 years experience in civil construction site engineering and project management, including earthworks, drainage, roading, water treatment plant, sewer scheme & roading maintenance. I have been employed with the Whangarei District Council for the last 7.5 years as a Senior Environmental Engineering Officer.

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

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

## Section 42A Hearing Report

Hearing By: Hearings' Commissioner Les Simmons of a subdivision proposal and retrospective land use consent for the construction of a second residential unit by John Sands and Dave Ashby.

The application sites are located at Walu Lane, Matapouri, and are legally described as Lots 1, 3 and 6 DP 355248, contained in Computer Freehold Register 404916, and Lot 1 DP 380311 contained in Computer Freehold Register 334738. The sites are located within the Countryside Environment under the Operative District Plan.

Evidence By: Carine Andries, Environmental Planner (Consents). MRP (Hons), BBus(Mgmt & Comms), MNZPI (Grad 3).

File Refs: SL1400003 P119051

Dated: 8 August 2014

### 1.0 The Proposal & Background

#### 1.1 The Proposal

1.1.1 The proposal is made up of several components, as follows:

- i. To relinquish an existing amalgamation condition between Lots 1, 3 and 6 DP 355248.
- ii. To subdivide Lot 1 DP 380311 into two new lots.
- iii. To amalgamate proposed Lot 2 with Lot 3 DP 355248 while re-amalgamating Lots 1 and 6 DP 355248 under a new title.
- iv. To legalise the second residential unit on Lot 1 DP 380311 which obtained approval for building consent on the undertaking that the existing dwelling was to be decommissioned prior to occupying the new dwelling. The new dwelling was constructed but the existing one was never decommissioned.
- v. To create a new right of way easements J over Lot 2 DP 380311 in favour of proposed Lots 1 and 2 and a new right of way K over proposed Lot 1 in favour of proposed Lot 2

1.1.2 The applicant does not propose to undertake any upgrading of the accessway, Walu Lane, other than perhaps some minor changes.

1.1.3 A copy of the scheme plan is enclosed as Appendix 1, with a copy of the application provided in Appendix 8.

#### 1.2 Background

1.2.1 The applicant initially lodged an application for subdivision, on 7 August 2013. As part of the processing of this application, the illegal status of the new dwelling came to light. This prompted further information to be requested with regard to the number of users on Walu Lane, the right of way access. This information was received identifying 10 existing users. The applicant opined that the subdivision would not create any additional users onto Walu Lane as Proposed Lot 1 would retain the access assigned to the existing lot (i.e. Lot 1 DP 380311) while Proposed Lot 2 would be amalgamated with Lot 3 DP 355248 which has its own access, being the servient tenement for the right of way.

- 1.2.2 It was noted, however, that the physically constructed driveway on Lot 1 DP 380311 providing access to both dwellings (legal and illegal) on the site, was not established in line with the legal access outlined on the title. Instead, the driveway was formed using the entrance way to Lot 2 DP 380311 without ever creating the necessary legal easement instruments to do so. As such, Council requested that the application be amended accordingly. The applicant subsequently applied for the creation of a new right of way to legalise the existing situation.
- 1.2.3 As part of processing the application, many emails were exchanged between Council and the applicant's agent in relation to the two dwellings on Lot 1 380311. The applicant's agent was of the opinion that the legal status of the dwellings was irrelevant to the processing of the application. Although Council agreed that this was technically correct, Council also could not condone the continued use of an illegal dwelling while waiting for new titles to issue, should subdivision consent be granted. It was Council's advice that, either the first dwelling was to be decommissioned, as was stated in the building consent application, or a land use consent application had to be submitted for a second dwelling. This land use consent could be processed concurrently with the subdivision consent. The applicant selected the latter option and a land use consent was received by Council on 17 January 2014.

## 2.0 Site and Surrounds Description

### 2.1 Zoning, Resource areas and Other Notations

- 2.1.1 Whangarei District Council Operative Planning Map 8 (provided within Appendix 2) demonstrates the application sites are located within the Countryside Environment.

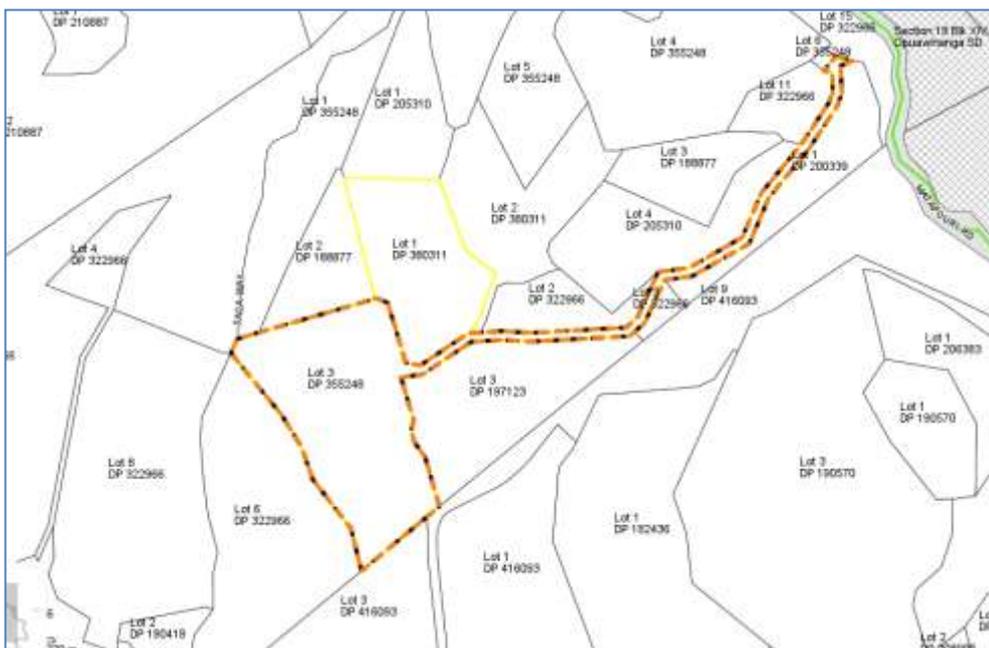


Figure 2: Environment (Zoning) of Application Sites

- 2.1.2 Council's Geographic Information System reveals the sites are located within a kiwi area and indicates the natural environment as being critically under-protected. The north-eastern corner of Lot 1 DP 380311 contains the start of a stream running in a south-west to north-east direction.

### 2.2 Site Description

- 2.2.1 Lot 1 DP 380311 consists of a 2.2ha site with undulating to steep topography. The original dwelling is located towards the south-eastern boundary; the newer dwelling is situated in close proximity to the south-western boundary. A large shed is located in the south-western corner of the property. A small olive grove has been established along the southern and south-eastern boundary, in between the two dwellings. The physical entranceway to the two dwellings is located on the south-eastern boundary, whereas legal access to the site is

provided for along the south-western boundary. The northern half of the property is reasonably steep and unstable, and consists mainly of pastoral land cover.

- 2.2.2 Lot 3 DP 355248 is a vacant site containing mainly pastoral land cover with a couple of pockets of native trees. The site has a mainly western aspect with a reasonably steep slope running down from the top of Walu Lane in the direction of Saqa Way. The total site area comprises 4.43ha.

### 2.3 Surrounding Environment

- 2.3.1 The application site is situated in the context of a modified rural landscape that has seen an incremental intensification of residential activity, consistent with its location in close proximity to the Matapouri coastline. The wider surrounding environment contains a range of allotment sizes predominantly utilised for rural lifestyle and hobby farming activities, although some larger pastoral farming blocks can still be found interspersed with pockets of lifestyle properties.
- 2.3.2 Council records indicate that the immediate receiving environment has been created as a result of no fewer than 8 subdivision applications, taking advantage of provisions under various regimes such as the District Scheme, the Transitional Plan and the now operative District Plan. What was a 129.4ha block of land in 1995, has been developed into a rather dense pattern of lifestyle lots, in light of current rules. Of note is that, prior to 2001, the Whangarei District Council included a controlled activity provision to enable allotment areas to have a minimum area of 1ha in the Countryside Environment. This requirement was subsequently amended to require a minimum allotment area of 4ha in 2001, and amended again further to the direction of the Environment Court in February 2006 to require a minimum allotment area of 20ha to proceed as a controlled activity.
- 2.3.3 A quick survey of surrounding lots reveals approximately four lots under 1 ha; six lots between 1 and 2 ha; four lots between 2 and 3 ha; 3 lots of about 4 ha; 1 lot of 5 ha; 1 lot of 7 ha; 1 lot of 13 ha and 1 lot of 14 ha. A representation of the current development pattern is enclosed as Appendix 3. Due to topography, access arrangements off Matapouri Road and the presence of covenanted native vegetation in between Matapouri Road and this developed block, this dense development pattern is not readily visible to the passing public.

## 3.0 District Plan Assessment

### 3.1 Reasons for Consent

- 3.1.1 The subdivision proposal requires consent as a non-complying activity pursuant to rule 73.3.1 'Allotment Area' as the minimum average net site area of the proposed allotments is less than 4ha. Additionally, the proposal requires resource consent as a non-complying activity given the proposal constitutes further subdivision of an allotment created as a consequence of the discretionary activity averaging requirements of Rule 73.3.1 pursuant to a resource consent granted after the 28th of February 2006 (RC39861).
- 3.1.2 The existing access way does not comply with the current Environmental Engineering Standards and no upgrading of this access is proposed, other than perhaps some minor changes. The applicant, however, has not specified what these minor changes may entail. Due to the proposed amalgamation between proposed Lot 1 and Lot 3 DP 355248, the subdivision proposal will not add any additional users to the right of way as Lot 3 DP 355248 has legal access over Walu Lane by virtue of being the servient tenement. Nevertheless, the width of the existing accessway, at 3 metres, plus occasional passing bays, falls considerably short of the 6.5m required sealed carriageway width and 0.25m unsealed shoulders for 6 to 8 users. The total number of users of this right of way is currently considered to be 10, consisting of 9 allotments with one allotment having a main dwelling and a minor residential unit established upon the grant of resource consent. Taking into account the above matters, it is considered the proposal requires consent as a restricted discretionary activity pursuant to rule 73.3.7 'Property Access' and rule 47.2.11 'Engineering Standards'.
- 3.1.3 The subdivision proposal meets the relevant standards and terms under additional rules of relevance including rule 73.3.6 'Sites of Significance to Maori' (no sites have been identified),

rule 73.3.8 'Vehicle Crossings', rule 73.3.10 'Provision for Extension of Services', rule 73.3.11 'Water Supply', rule 73.3.12 'Stormwater', rule 73.3.14 'Sewage', rule 73.3.15 'Electricity', rule 73.3.16 'Telecommunications' and rule 73.3.17 'Earthworks'.

- 3.1.4 The proposal for a second dwelling on Lot 1 DP 380311 requires retrospective resource consent as a discretionary activity pursuant to rule 38.4.1 as there is not a net site area of 20ha associated with either residential unit.
- 3.1.5 Additionally, the land use consent, when discounting the subdivision proposal, would add an extra user on the existing right of way, which infringes rule 47.2.11 'Engineering Standards' and requires consent as a restricted discretionary activity.
- 3.1.6 Overall, the application is considered to be for a Non-Complying Activity.

## 4.0 Notification, Submissions and Written Approvals

### 4.1 Written Approvals

- 4.1.1 Section 104(3)(a)(ii) of the Act requires that no consideration may be had of any effect on a person who has provided their written approval to the application. The amended application, as lodged, contained no written approvals.

### 4.2 Notification

- 4.2.1 Having indicated to the applicant's agent that the effects of the proposal were likely to be considered more than minor, the agent requested for the application to be processed on a notified basis. The notification process was therefore instigated on 27 May 2014.

### 4.3 Submissions

- 4.3.1 The period for submissions opened on 27 May 2014 and closed on 25 June 2014. Copies of the application were served upon parties in the immediate vicinity of the application, the Ngatiwai Trust Board, and the New Zealand Historic Places Trust.
- 4.3.2 Council received a total of four submissions within the timeframe. Two of the submissions oppose the proposal, while one is in support and one submission neither supports nor opposes the application.
- 4.3.3 The individual submissions are summarised as follows (a full copy of the individual submissions can be viewed in Appendix 4, including a response from Mr Ashby to Mr Good's submission):

Submitter	Issues and Relief Sought
<b>Hallmark Properties Ltd</b>	Relief sought: The application be approved.  Submitter does not wish to be heard.
<b>The New Zealand Historic Places Trust</b>	<ul style="list-style-type: none"> <li data-bbox="600 1659 1364 1787">               The submitter notes there is no recorded archaeology in the immediate environs of the site. It considers the proposal to be largely a paper exercise, and therefore unlikely to affect any archaeology.             </li> </ul> Relief sought: Not stated.  Submitter did not state whether they wanted to be heard or not.

Submitter	Issues and Relief Sought
<b>John Good (Targa Developments Ltd)</b>	<ul style="list-style-type: none"> <li>• Submitter believes the proposal for subdivision should be refused because the right of way is not constructed to Council standards, and never has been from the start i.e. was not constructed to standard as part of the underlying subdivision undertaken by Mr Ashby because a variation was applied for.</li> <li>• Submitter states that affected parties were not consulted on the non-sealing of the right of way which formed the subject of the variation, and had therefore not consented to this proposal.</li> <li>• Having instigated court proceedings, the submitter states that Whangarei District Council and Mr Ashby agreed to share the costs of the sealing.</li> <li>• Submitter believes the application will add further vehicular traffic to the right of way.</li> <li>• Submitter believes that, as the right of way is non-complying, the original dwelling on Lot 1 DP 380311 should be vacated - it has been rented out for the last 2 years.</li> <li>• Submitter requests for the hearing to be presided over by an independent commissioner.</li> </ul> <p>Relief sought: The application be refused.</p> <p>Submitter wishes to be heard.</p>
<b>Annette Vollmer and Jorg Breker</b>	<ul style="list-style-type: none"> <li>• The submitters believe the application does not satisfy either limb of s104D tests – the adverse effects of the proposal will be more than minor, and the proposal is contrary to the objectives and policies of the Whangarei District Plan.</li> <li>• The submitters view the proposal for a second dwelling, or an additional to bring about a loss of privacy and a more than minor degradation of amenity values as a result of additional household noise and feelings of encroachment.</li> <li>• Submitters consider the additional effects that could arise as a consequence of permitted activities, should consent be granted i.e. extensions to existing dwellings up to 500m<sup>2</sup> or 5% of the net site area, permissible building height up to 8m, additional garages, sheds, cabins and a minor dwelling, and an additional 30 traffic movements of cars, motorbikes, quadbikes, tractors and trailers.</li> <li>• Additionally, the submitters consider effects associated with permitted commercial activities, and effects on ecosystems to be more than minor.</li> <li>• Submitters perceive mitigation measures in the application to be non-existent or inadequate, and view the cumulative effects on rural amenity and open</li> </ul>

Submitter	Issues and Relief Sought
	<p>space to be adverse and more than minor. Particularly the increase in density of households will result in levels of noise and light pollution usually associated with suburban environs and contrary to countryside amenity values.</p> <ul style="list-style-type: none"> <li>• Submitters list a number of objectives and policies which they believe the application is contrary to.</li> <li>• The application sites, the submitters assert, have no particular distinguishing environmental characteristics compared to the generality of sites in the neighbourhood. Granting of consent would set a precedent that would be contrary to the need to avoid cumulative effects. They consider there to be no competing beneficial effects of this proposal that could counteract the weight that needs to be given to the need for avoidance for this countryside subdivision, and the need to avoid adverse cumulative effects.</li> <li>• Submitters believe that granting this consent would give way to further subdivision in the area; and they can easily identify two lots in the near vicinity with minor dwellings that potentially could be subdivided based on the granting of this consent, and could be turned into main dwellings.</li> <li>• The submitters opine that in balancing the relevant positive and adverse effects of the proposal, there may be some very minor positive effects of the subdivision in terms of enabling the applicant to legally rent out or sell a fully consented house and subdivided section, but this is not significant enough to justify the identified adverse effects.</li> <li>• Submitters view the sum total of adverse effects associated with a grant of consent to compromise the integrity of the established subdivision to a more than minor effect; and perceive the proposal to offend sections 5, 7(c) and 7(f) of Part II RMA.</li> </ul> <p>Relief sought: The application be refused. However, should consent be granted, submitters have provided a list of conditions they feel need to be met.</p> <p>Submitter wishes to be heard.</p>

## 5.0 Resource Management Act 1991- Statutory Considerations

### 5.1 Section 104

5.1.1 Section 104 provides the matters, subject to Part 2 of the Act that Council must have regard to when considering and application for resource consent and any submissions received. These matters are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of—*

- (i) a national environmental standard:
  - (ii) other regulations:
  - (iii) a national policy statement:
  - (iv) a New Zealand coastal policy statement:
  - (v) a regional policy statement or proposed regional policy statement:
  - (vi) a plan or proposed plan; and]]
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

## 5.2 Section 104B

5.2.1 Section 104B outlines Council's powers when making a determination on a discretionary or non-complying activity. Section 104B states that:

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

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

## 5.3 Section 104D

5.3.1 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'. Section 104D states

- (1) *Despite any decision made for the purpose of [section 95A\(2\)\(a\)](#) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
  - (a) *the adverse effects of the activity on the environment (other than any effect to which [section 104\(3\)\(a\)\(ii\)](#) applies) will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, [section 104\(2\)](#) applies to the determination of an application for a non-complying activity*

## 6.0 Actual and Potential Effects on the Environment (s104(1)(a))

### 6.1 Definition of Effect

6.1.1 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

- 6.2.1 In terms of determining whether the adverse effects of the proposal are more than minor, section 104(2) of the Act provides that Council ‘may’ have regard to the permitted baseline in order for effects on the environment that are permitted under the Plan (or by way of resource consent) to be disregarded.
- 6.2.2 In terms of the lawfully existing environment, it is recognised that the application site is occupied by a lawfully established residential unit, and accessory buildings, and one unlawful dwelling.
- 6.2.3 There are no granted, but as yet unexercised resource consents applying to the application site.
- 6.2.4 In determining the extent to which the District Plan anticipates for further intensification or development ‘as of right’, it is recognised that there are no permitted forms of subdivision under the Operative Whangarei District Plan, and therefore the standards for land use activities provide a relevant consideration in this regard. Permitted activities and additional development rights applying to the application site under the Operative District Plan are therefore identified as follows:
- Construction of one residential unit per site as a permitted activity pursuant to rule 38.4.1 ‘Residential Units’. Additional residential units may be constructed pursuant to the same rule but only where a net site area of 20ha is available to each unit. With regard to this application, a second residential unit has (unlawfully) been established upon a 2.2ha site.
  - Building coverage of 500m<sup>2</sup> or 5% (whichever is the greater) of the net site area of the property, with buildings located in accordance with the prescribed setbacks, and within the maximum height limit of 10m. In this instance, total building coverage is approximately 508m<sup>2</sup> (including both dwellings), which is well within the permitted coverage.
  - Whilst Rule 38.4.2 ‘Minor Residential Unit’ provides for the construction of a minor residential unit on the site, such development would not be enabled as a permitted activity as an additional user within the Right of Way arrangement would require resource consent under Rule 47.2.11 given the failure to achieve compliance with Whangarei District Council Environmental Engineering Standards 2010.
  - The ability to establish a commercial or industrial activity on the application site is also precluded by Rule 38.3.1(e) ‘Activities Generally’ which stipulates resource consent is required where such an activity is located within 100m of any existing residential unit on a separate site. When applying this rule it is Council practice to also include access arrangements to the activity, and as the shared access arrangement is within 100m of residential units on separate sites, the requirement for resource consent would be triggered under Rule 38.3.1.

The actual and potential effects arising from the proposed development relate primarily to effects upon rural character and amenity (including landscape and visual amenity effects), effects of access arrangements, and cumulative effects, which are discussed as follows.

### 6.3 Effects Assessment

**Note:** In order to ensure an appropriate assessment of effects, it was considered necessary to ascertain which of the two dwellings was considered to be legally established. Verbal legal advice was received which indicated that the older existing dwelling was the legally established residence, and the new dwelling was constructed illegally. Any assessment of effects associated with the retrospective resource consent is viewed on the basis of this understanding.

### 6.4 Visual amenity and landscape effects

- 6.4.1 Council commissioned a brief report from Mr Mike Farrow, Littoralis Landscape Architecture, to gain perspective on the proposal, given that a) in terms of the land use consent, the newer dwelling is located toward the highest point of the property, and b) in terms of the subdivision, it is proposed to cut off the highest part of Lot 1 DP 380311 (which is proposed Lot 2) and amalgamate with an adjacent site that is rather steep in topography. Given the land use consent is retrospective, Mr Farrow's brief was to undertake the assessment in a hypothetical manner i.e. as if no dwelling had been constructed. This report is enclosed as Appendix 5
- 6.4.2 Based on Mr Farrow's assessment, and having undertaken two site visits to the subject sites, it is agreed that the visual catchment related to the building site on proposed Lot 2 (i.e. the newer dwelling) "is remarkably limited in terms of near views, which are restricted mainly to an immediately adjacent ridge to the north-west (occupied by the Ashby dwelling), and a portion of Saqa Way" (Farrow, M. 2014). Limited views are also gained from the adjacent site to the west. Mr Farrow also observes that "A wider view of the building site is not gained until one is some kilometres removed from the site, at which point the site is then seen as only a relatively small part of a much wider area of countryside."
- 6.4.3 Taking into account the visual catchment and the prevailing topography of the subject sites, which is rather steep, Mr Farrow opines that the current building site, on or very near the ridgeline, would, in this instance, constitute the most appropriate response in the pursuit of a building site. Establishing a building on a steep slope would typically result in greater visual impacts from roading access and the likelihood of a dwelling being established upon long piles.
- 6.4.4 As such, in considering the effects on visual amenity and landscape, the ridgeline would appear to be the most benign location for a dwelling, albeit that Mr Farrow's recommendation would have been to locate a dwelling slightly to the north of the ridgeline itself, such that it would have the benefit of echoing the patterns and support of underlying geology, but would also have a minor backdrop of terrain. However, in this instance, the dwellings have already been established, making it difficult to change the building location. Nevertheless, other options appear to be available to mitigate effects.
- 6.4.5 Mr Farrow has offered three primary mitigation measures that would assist in minimising the adverse effects of the current buildings. These measures include 1) the painting or staining of the original dwelling on proposed Lot 1 in a tone with reflectance value of less than 30%; 2) creating a more complete planting foreground to this dwelling complex and 3) planting a backdrop to the south of the newer dwelling on proposed Lot 2 to effectively elevate the ridgeline. It is recommended plantings reflect well established local themes of vegetation and it is noted they would benefit from being largely indigenous.
- 6.4.6 In addition to those proposed measures, Mr Farrow has assessed submitters' requested conditions of consent, particularly those put forward by Ms Vollmer and Mr Breker. It is acknowledged that these submitters have requested for consent to be declined, but have offered conditions should a decision be made to grant consent.
- 6.4.7 According to Mr Farrow, there is definite value and merit in limiting buildings on the application sites to those that currently exist in order to avoid potential for additional, new effects and to ensure the separation from adjacent sites is not eroded. Similarly, ensuring that the existing buildings are not extended upwards is also important in minimising any further effects. Indeed, creating additional height to the buildings, particularly the newer dwelling on proposed

Lot 2, would potentially undo the effect of planting a backdrop to this building to elevate the ridgeline.

- 6.4.8 With regard to limiting skylights, Mr Farrow believes there may be some small benefit in this, but any effect is likely to be nominal. However, the prospect of a more elevated clerestory projection from the roof would have more impact upon the submitters' amenity, and as such, limiting the height of the dwelling would deliver a better result overall with regard to light pollution.
- 6.4.9 The request to lower the height of the existing shed is considered to be of limited benefit, but Mr Farrow suggests that his recommended planting include the screening of the shed from the Walu Lane corridor to mitigate the visual effect of this building.
- 6.4.10 On the whole, taking into account Mr Farrow's assessment, it is considered that, in this instance, locating a building site near the ridgeline is a more appropriate answer than creating access ways over steep terrain and requiring dwellings to be perched on piles. Furthermore, should consent be granted, the adverse effects on visual amenity and landscape can largely be mitigated by appropriate conditions of consent, as outlined above, given the limited viewing audience.

## 6.5 Development Patterns, Density, Rural Character and Amenity and Cumulative Effects

- 6.5.1 As outlined earlier in this report, the application sites are situated within a locality that, over time, has been subject to a considerable number of subdivision applications, including boundary adjustments, de-amalgamation and re-amalgamation of lots and straight out subdivisions. In the immediate vicinity of the application site, fourteen lots of less than 3ha can be found, which is considerably more than what is allowed for as a discretionary activity under the current District Plan provisions.
- 6.5.2 In considering rule 73.3.1 'Allotment Area', the discretionary activity provisions allow for comprehensive development if the number of smaller allotments is restricted to three allotments with a net site area of less than 3ha. Of these three allotments, no more than two should be less than 2ha and no more than one should be less than 1ha. Where development is not comprehensive, and only two allotments are created, one allotment can be smaller than 4ha, as long as the second allotment is greater than 8ha. Any proposal that cannot adhere to these restrictions will be non-complying, such as the current proposal.
- 6.5.3 Taking into account the number of existing lots smaller than 3 ha, the current proposal to add another allotment of less than 3ha should receive the necessary scrutiny. Comments provided by Mr Farrow on this dense development pattern are enlightening in this regard:

"With very limited views from Matapouri Road, I was surprised to discover the intensity of development existing within the block (*that is the block of land served by Paulonia Drive, Walu Lane and Saqa Way*). It appears that each portion of ridge, spur or knoll is occupied by dwellings, often in relatively close proximity to each other. A number of the buildings are prominently perched on knolls or slight peaks in spurs and several are imposing in their scale and form. The general terrain of the block can be described as convoluted and very steep, so the concentration of structures on ridgelines is unsurprising when one considers likely dual drivers of geotechnical considerations and the pursuit of an outlook. When contemplated as a whole, it is my assessment that the development of the block has resulted in a relatively large number of buildings placed in commanding positions largely suppressing surrounding rural character. The block retains a measure of countryside amenity, but this is much-tempered by the number and position of buildings, accessways and amenity planting that is present.

The immediate setting of the application site is one where a short segment of ridge and two descending spurs form a lip to a valley dropping north to Saqa Way. That small portion of terrain supports 6 houses, not including the new building related to the application. In my opinion that arrangement and density of dwellings is such that is entirely dominant over the grassland and valley form that lies in its immediate context. Any significant measure of rural character and amenity was lost some time ago, probably midway through the number of dwellings now found on the ridge."

6.5.4 Given these comments, it is clear that previously granted subdivision consents have combined to a point where the balance has already been tipped, and cumulative effects in relation to density of allotments, rural character and amenity have arisen over time. This said, Mr Farrow also offered the following observation, that:

“...the context of the site is already so compromised that an additional dwelling would have only limited additional incremental effect.” Had the dwelling been one of the earliest structures, or had the site been in a more sensitive location, Mr Farrow admits that his response “would have been rather different”.

6.5.5 Ms Vollmer and Mr Breker, in their submission, have highlighted their concern for privacy and the erosion of rural amenity as a result of further development within the immediate area. The observations made by Mr Farrow certainly lend support to these concerns, and as such, it is deemed appropriate to have due consideration of their requested conditions of consent.

6.5.6 One such condition would be to erect a fence or establish additional plantings on the boundary between proposed Lot 1 and Lot 2 DP 188877. Mr Farrow believes that either a fence or an additional tier of appropriate plantings along this boundary will provide an added measure of privacy as the current species of vegetation are likely to lose their lower foliage as the trees mature. Neither option, however, will provide an effective sound barrier.

6.5.7 Although there is merit in imposing a condition of consent to achieve this outcome, it is somewhat unclear what exactly the submitters are expecting, and further clarification may need to be provided at the hearing. Currently, the trees along this boundary are established entirely within the boundaries of the submitters’ property (Lot 2 DP 188877), and conditions of consent cannot require the consent holder to undertake works on neighbouring sites. Erecting a fence along the boundary can be imposed, but may not deliver the desired outcome.

6.5.8 On the whole, taking into account the following matters:

- Mr Farrow’s comments with regard to limited additional incremental effects and suggested conditions of consent
- The limited visual catchment within which the application sites reside
- The fact that the proposal will create only one additional small allotment, with proposed Lot 2 to be amalgamated with an adjacent, larger, site, and
- No additional dwellings (minor or main) would be permitted to be established without further resource consent due to restrictions of the right of way, while other buildings can be restricted via appropriate conditions of consent,

it is thought that the proposal will create adverse cumulative effects with regard to density, rural character and amenity that are minor in comparison with what has been established over time, and such effects are therefore considered to be acceptable within this catchment, in this instance.

## 6.6 Site Suitability and Servicing

6.6.1 Council’s Senior Environmental Engineering Officer (SEEO), Mr Dean Murphy, has assessed the application and has not identified any matters of concern with regard to parking, water supply, wastewater disposal or stormwater given that the dwellings are already established. The proposal also does not require any earthworks to be undertaken. Mr Murphy’s report is enclosed as Appendix 6

## 6.7 Access and Safety

6.7.1 The proposal includes the creation of new rights of way easements J and K to legalise the access arrangements currently used to service the two dwellings on Lot 1 DP 380311, and should consent be granted, to provide legal access to proposed Lot 2 over proposed Lot 1. Mr Murphy has assessed the proposal for rights of ways and has concluded that no upgrading is required of that part of the access shown as easement K, and that easement J, although technically not complying with Council’s Environmental Engineering Standards, does not

create any safety concerns due to excellent available sight distances and the relatively short length.

- 6.7.2 The existing right of way known as Walu Lane also does not meet current Environmental Engineering Standards. Having made several requests to the applicants' agent to obtain comment from the NZ Fire Service, Council has only recently received a reply from the agent indicating they will endeavour to obtain these comments. Mr Murphy notes that the applicants' agent has previously stated that there is existing storage of 90,000 litres on site. However, no site plan has been submitted detailing compliance with the NZ Fire Service Fire Fighting Code of Practice SNZ PAS 4509:2008. Mr Murphy also notes that easements may be required where water tanks are proposed to be shared. In the absence of any further details, Mr Murphy recommends imposing a condition of consent requiring sufficient water supply for fire fighting purposes by way of tank storage or other approved means, and that this supply be accessible by fire fighting appliances in accordance with the relevant code of practice.
- 6.7.3 Should comment from the NZ Fire Service be received prior to or at the hearing, proposed conditions of consent may be adjusted accordingly.
- 6.7.4 Prior to completing his report, Mr Murphy recommended that a traffic safety report be commissioned to assess the proposal's impact on the safety of Walu Lane. To this end, Opus International Consultants were engaged to report on any safety issues. This report is enclosed as Appendix 7. It highlights two key deficiencies: stopping sight distance and carriageway width. A safe stopping distance for Walu Lane was calculated at 20m for a speed of 30km/h. Given that Walu Lane is a two-way, single lane carriageway, this distance needs to be doubled to 40m to allow for opposing vehicles to stop.
- 6.7.5 With regard the carriageway width, Opus Consultants have observed a general carriageway width of 3.3m to 3.5m which they judge adequate for a vehicle to pass a pedestrian, cyclist or equestrian, but not wide enough for two vehicles to pass each other. In some sections of Walu Lane, widening of the seal has occurred, but the situation in many places still requires for a vehicle to reverse to the nearest passing bay, which could be up to 100m away. Although these circumstances are not considered ideal, Opus Consultants believe this is primarily an efficiency issue rather than a safety issue.
- 6.7.6 Overall, to provide protection for all users, whether pedestrians, cyclists, equestrians or vehicles, the report outlines a number of mitigation measures that can be undertaken to improve the current situation. Having indicated in their application for resource consent that they would be amenable to some minor upgrading of the right of way, the applicants have signalled that they would be willing to install speed humps, as these were recommended as a first priority by Opus Consultants. Relevant conditions of consent can be included should consent be granted. It is considered that such a condition may alleviate some of the concerns expressed by Mr Good in his submission to the application.

## 6.8 Effects summary

- 6.8.1 Overall, taking into account recommended conditions of consent addressing issues of visual amenity, rural character and amenity and safety of access arrangements, it is considered that the adverse effects on the environment arising from the proposal can be sufficiently mitigated and can, in this instance, be regarded as acceptable notwithstanding the existing level of cumulative effects created as a result of previous developments.

## 7.0 Relevant Policy Statements, Plans or Proposed Plans (s104(1)(b))

- 7.1.1 Section 104D(b) directs that Council considers whether the proposed activity will not be 'contrary' to the objectives and policies of the relevant plans. The meaning of 'contrary' was considered in the decision of *Monowai Properties Ltd V Rodney District Council (A215/03)* where it was established:

*“A non-complying activity will rarely, if ever, find direct support in the objectives and policies of a Plan but an absence of support does not equate to the activity being contrary to those provisions. Contrary to in this context means... repugnant to... or opposed to... the objectives and policies considered as a whole”.*

7.1.2 The following sections assess whether the proposal will be contrary to the relevant objectives and policies of the relevant plans for the subject site. Relevant plans being the Operative Whangarei District Plan, Northland Regional Policy Statement (both the operative and proposed) and the Regional Water and Soil Plan for Northland

## 7.2 Operative and Proposed Regional Policy Statement for Northland (RPS and PRPS)

7.2.1 The Regional Policy Statement for Northland (RPS) was made operative in July 2002; however in October 2012, a new Proposed Regional Policy Statement for Northland (PRPS) was publicly notified, which will (in its final form) supersede the 2002 document. These documents contain high level policy guidance for the development of lower order statutory documents, including the Regional Soil and Water Plan, and the District Plan. The Resource Management Act 1991 requires that district plans must “give effect to” the regional policy statement of a region and must “not be inconsistent” with regional plans.

7.2.2 The RPS sets out the objectives and policies in relation to issues of main concern to Northland. It is considered that the proposed activities will not have any impact on these issues of concern, and as such the proposal is not deemed to be inconsistent with the RPS.

7.2.3 On 17 September 2013 the Northland Regional Council formally adopted the independent Hearings Commissioners' recommendations on provisions and matters raised in submissions on the Proposed RPS as a decision. The document has not been declared as operative at this point in time as appeals are still pending. So, full weighting cannot be given to the provisions at this time. However, the PRPS is considered to reflect more accurately the current issues relating to regional form than the RPS which was prepared in 2002. Therefore, in terms of controlling the effects of the proposal before us, the following comments are provided with regard relevant objectives and policies:

Objectives	Comments
<p><b>3.11 Regional Form</b></p> <p><i>Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.</i></p>	<p>The proposal is considered consistent with this objective, based on the comments below.</p>
Policies	Comments
<p><b>5.1.1 Policy – Planned and Co-ordinated development</b></p> <p><i>Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:</i></p> <p>(a) <i>Is guided by the ‘Regional Form and Development Guidelines’ in Appendix 2;</i></p> <p>(b) <i>Is guided by the ‘Regional Urban Design Guidelines’ in Appendix 2 when it is urban in nature;</i></p> <p>(c) <i>Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;</i></p> <p>(d) <i>Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;</i></p> <p>(e) <i>Should not result in incompatible land uses in close</i></p>	<p>Insofar as the Regional form and development guidelines in Appendix 2 of the PRPS relate to rural development, the proposal is considered generally in line with the guidelines, is not thought to have potential for reverse sensitivity issues, will not create adverse cumulative effects that are more than minor over and above those that already exist, and will maintain the character of the surrounding environment.</p>

<p><i>proximity and avoids the potential for reverse sensitivity;</i></p> <p>(f) <i>Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and</i></p> <p>(g) <i>Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.</i></p>	
<p><b>5.1.3 Policy – Avoiding the adverse effects of new use(s) and development</b></p> <p><i>Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:</i></p> <p>(a) <i>Primary production activities in primary production zones (including within the coastal marine area);</i></p> <p>(b) <i>Commercial and industrial activities in commercial and industrial zones;</i></p> <p>(c) <i>The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and</i></p> <p>(d) <i>The use and development of regionally significant mineral resources.</i></p>	<p>Given the application sites are located in the middle of a block of existing rural lifestyle allotments, it is considered that any impacts upon primary production activities will be minimal.</p>

7.2.4 Based on the comments above, it is considered the proposal is consistent with the PRPS; and no apparent conflicts have been identified between the RPS and the proposal.

### 7.3 Regional Soil and Water Plan for Northland

7.3.1 The Regional Water and Soil Plan for Northland (RWSP), which is administered by the Northland Regional Council, 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.

7.3.2 Mr Murphy has assessed the proposal, including existing site servicing arrangements, and is of the opinion that the proposal is consistent with the requirements of the RWSP, but has recommended a condition of consent requiring certification of compliance.

### 7.4 Operative Whangarei District Plan

7.4.1 Those objectives and policies of relevance to the proposal are included within Chapter 5 'Amenity Values' and Chapter 8 'Subdivision and Development'.

7.4.2 The following table assesses the proposal against the relevant objectives and policies within these chapters:

**Table 2 – Assessment of Relevant Objectives and Policies within the District Plan**

Chapter 5 – Amenity Values	
Objective	Comment
5.3.1 The characteristic amenity values of each Environment are maintained and, where appropriate enhanced.	Recommended conditions of consent in relation to landscape planting, painting or staining of the dwelling on proposed Lot 1, restrictions on height, footprints and on additional buildings will ensure current amenity levels are retained when considering the existing density and development pattern of the receiving environment.
5.3.2 Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people's health and safety.	

5.3.3 Activities that demand a high level of amenity do not unduly compromise other land uses.	
5.3.5 The actual or potential effects of subdivision use and development is appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment.	
Policy	Comment
<p>5.4.1 Effects on the local environment</p> <p>To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with the amenity values characteristic of the surrounding and/or adjacent environment unless, such effects are authorised by a district plan, a designation, a resource consent or otherwise. The following effects should be given particular consideration in this respect:</p> <ul style="list-style-type: none"> <li>• Noise and effects;</li> <li>• Shading;</li> <li>• Glare;</li> <li>• Light spill;</li> <li>• Dust;</li> <li>• Smoke;</li> <li>• Odour;</li> <li>• Vibration;</li> <li>• Spray drift;</li> <li>• Visual amenity.</li> </ul> <p>Where internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach.</p>	<p>Taking into account the recommended conditions of consent, it is considered that the adverse effects of the proposal can be sufficiently mitigated so as not to have undue impact upon adjacent sites.</p>
<p>5.4.5 Countryside Environments</p> <p>To ensure rural amenity values in the Countryside Environments are protected from subdivision, use or development that is sporadic or otherwise inappropriate in character, intensity, scale or location.</p>	<p>As per the comments provided by Mr Farrow, the rural character and amenity have largely been eroded as a result of previous developments, and the proposal to add a dwelling or subdivide the properties will only create a limited additional incremental effect, such that it could not be considered to be inappropriate for this particular location, taking into account the suggested conditions of consent.</p>
<p>5.4.7 Intensity and Design of Subdivision and Development</p> <p>To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:</p> <ul style="list-style-type: none"> <li>• The layout and intensity of subdivision;</li> </ul>	<p>The adjacent property to the west (Lot 2 DP 188877) would be mostly affected by the proposal in relation to matters of privacy. The owners have made a submission requesting the application be declined, or conditions of consent be imposed. One such condition relates to the establishment of a fence and/or further plantings along the boundary between this lot and the application site. Further discussion around this condition is recommended, but based on such a condition, it is considered the proposal will not compromise the outlook or privacy of any adjoining</p>

<ul style="list-style-type: none"> <li>The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment.</li> </ul> <p>Restrictions on density of development and subdivision size may be required to ensure new development does not increase population concentration in noise-sensitive areas.</p>	<p>properties. Other recommended conditions of consent will ensure the proposed development is generally compatible with the character and amenity of the receiving environment.</p>
<b>Chapter 8 – Subdivision and Development</b>	
<b>Objective</b>	<b>Comment</b>
<p>8.3.1 Subdivision and development that achieves the sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment.</p>	<p>It is considered that, given recommended conditions of consent and taking into account the development pattern of the receiving environment, the proposal does not offend the concept of sustainable management, and will incorporate sufficient and appropriate means to mitigate adverse effects on the environment.</p>
<p>8.3.2 Subdivision and development that does not detract from the character of the locality and avoids conflicts between incompatible land use activities.</p>	<p>As outlined previously, in conjunction with recommended conditions of consent, the addition of a dwelling on or near the ridgeline will only have a limited incremental effect when considering the existing density of built development in the surrounds. As such, the proposal will not have a significant impact upon the character of the locality, while the use will be in line with other nearby uses.</p>
<p>8.3.4 Subdivision and development that provides for the protection of, and where appropriate enhances, the District's:</p> <ul style="list-style-type: none"> <li>versatile soils;</li> <li>mineral resources;</li> <li>water quality;</li> <li>nature features;</li> <li>landscapes (including coastal landscapes);</li> <li>open spaces;</li> <li>significant ecological areas;</li> <li>biodiversity;</li> <li>public access to coast, lakes and rivers;</li> <li>historic, cultural and amenity values, including the cultural values of tangata whenua.</li> </ul>	<p>Bearing in mind the recommended conditions of consent in relation to landscape mitigation measures, the proposal will maintain the current landscape values of the site and surrounding area.</p>
<p>8.3.7 Subdivision and development that provides for comprehensive development of land with a range of allotment sizes and is</p>	<p>Although the proposal cannot be said to be 'comprehensive' given the limited number of lots proposed, it is considered appropriate to the character</p>

appropriate to the character of the Environment in which it is located.	of the Environment in which it is located, keeping in mind recommended conditions of consent and surrounding density of land parcels.
8.3.8 To ensure that the design of subdivision and development minimises potential risk to people and property from fire hazards.	Conditions of consent can be imposed ensuring sufficient water supply, or other equivalent, is available on site in case of fire. As such, any potential risk to people and property can be limited.
8.3.10 Subdivision and development that avoids, remedies or mitigates adverse effects on tangata whenua values.	During the processing of this consent, Council has not been made aware of any issues in relation to tangata whenua. As such, it is considered the proposal is not contrary to this objective.
Policy	Comment
8.4.1 Incompatible Land Use Activities To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities.	Taking into account the location of the application sites within an area of lifestyle blocks, the proposal cannot be considered incompatible with surrounding land use activities.
8.4.3 Density of Development To ensure that subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality.	Due to the amalgamation provision, the proposal will result in two lots of quite different sizes reflecting some flexibility, while the effects on density have been assessed as being of limited incremental effect.
8.4.4 Cumulative Effects To ensure that the cumulative effects of ongoing subdivision and development do not compromise the objectives and policies of this Plan, in particular those objectives and policies relating to reducing conflicts between incompatible land use activities, the consolidated and orderly development of land and the density of development.	The landscape assessment undertaken by Mr Farrow clearly observes that the threshold in relation to density has already been exceeded through previous developments. This proposal, however, will not add to the cumulative effects in any significant way, and as such, is not considered to be contrary to this policy.
8.4.6 Buildings and Activities To ensure that allotments are capable of accommodating complying buildings and activities.	The proposed allotments are designed so as to ensure all buildings comply with the relevant rules of the District Plan.
8.4.7 Design and Location To ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance: <ul style="list-style-type: none"> <li>• Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins;</li> <li>• Landscape values;</li> <li>• Ecological values;</li> <li>• Amenity values and sense of place;</li> <li>• Archaeological, cultural (including tangata whenua) and heritage features;</li> </ul>	It is considered that the recommended conditions of consent will sufficiently mitigate the adverse effects on rural amenity and landscape resulting from the proposed subdivision and land use activities. No other values have been identified on the application sites.

<ul style="list-style-type: none"> <li>• Sites of Significance to Maori;</li> <li>• Heritage areas of significance to Maori;</li> <li>• The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;</li> <li>• Infrastructure, particularly roads and the Airport;</li> <li>• Water and soil quality;</li> <li>• Versatile soils;</li> <li>• Mineral resources;</li> <li>• Business growth and development opportunities within defined Business Environments;</li> <li>• Cross boundary coordination;</li> <li>• Human health and safety.</li> </ul>	
<p><b>8.4.12 Services and Infrastructure</b></p> <p>To ensure that all subdivision and development is capable of being provided, by the subdivider or developer, with adequate services and infrastructure having regard to Whangarei District Council's Environmental Engineering Standards 2010 (except where the subdivision or development is for specific protection purposes), including:</p> <ul style="list-style-type: none"> <li>• Vehicle access, including emergency service vehicle access;</li> <li>• Water supply, (including for fire fighting purposes), storm water and sewage disposal;</li> <li>• Energy and telecommunication connections;</li> <li>• Useable open space in urban areas;</li> <li>• During the design and construction of the subdivision, measures to reduce storm water run off.</li> </ul>	<p>No constraints have been identified in terms of the on-site servicing arrangements proposed; and suitable conditions of consent pursuant to Section 108 of the Resource Management Act 1991 have been recommended to ensure the development is undertaken in accordance with Whangarei District Council Environmental Engineering Standards 2010 and the relevant standards of utility providers.</p>
<p><b>8.4.14 Fire Safety</b></p> <p>To ensure that subdivision and development provides for fire safety matters (including appropriate design to ensure access for emergency service vehicles and an appropriate water supply for fire fighting purposes), in order to ensure the safety and well-being of the community.</p>	<p>The applicant has, so far, not provided any comment from the NZ Fire Service, although this is expected to be received prior to the hearing. However, Walu Lane is an existing right of way, which presumably has seen traffic from trucks in the past. As such, it is deemed that emergency service vehicles will be able to use this accessway if required. Conditions of consent can be included requiring an appropriate water supply or equivalent.</p>
<p><b>8.4.24 Environmental Engineering Standards</b></p> <p>To ensure that all infrastructure, servicing and engineering design has regard to Whangarei District Council's Environmental Engineering</p>	

Standards 2010.	
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- 7.4.3 Taking into account the established pattern of lifestyle development characterising the locality, the proposal does not represent sporadic subdivision or a 'scattered form of residential development'. Whilst it is arguable that the proposal will intensify development through the creation of one additional allotment, this needs to be seen in the context of an environment where intensification has already eroded the rural character and amenity through previous developments. The additional effects created by the current proposal are not significant in comparison, and as such cannot be considered as unacceptable. In addition, restrictions on future built development and on the height of existing dwellings on both proposed lots will ensure that the visual amenity and the rural landscape is not compromised any further. Therefore, on balance, the proposal is not considered to be contrary to the overarching objectives and policies of the Operative District Plan.
- 7.4.4 Accordingly, the subdivision may be considered for approval on the basis that the recommended conditions of consent are able to sufficiently mitigate the adverse effects. In the absence of such mitigating conditions, a different consideration may have resulted.

## 8.0 Other Matters

### 8.1 Non-statutory Planning Documents & Plan Changes

#### 8.2 Whangarei Coastal Management Strategy

- 8.2.1 The Whangarei Coastal Management Strategy (CMS) was adopted in September 2002 with a view to 'establish a strategic, integrated framework for managing the protection, use and development of the coastal environment within the Whangarei District'. As such, it outlines a vision of what the coastal environment should be like in the future having particular regard to four areas: 'live', 'work', 'play' and 'protect'.
- 8.2.2 The document acknowledges the high demand for rural-residential or lifestyle development within the coastal areas of the District, but emphasises the adverse impacts such development can have on rural productive activities both in regard to job opportunities and reverse sensitivity issues. The Strategy's policies seek to sustain a viable farming community by carefully managing the interface between rural areas and adjacent residential or rural-residential areas and directing rural lifestyle development to appropriate locations adjacent to existing settlements.
- 8.2.3 In relation to this application, although the proposal is not located adjacent to an existing settlement, in this instance, it cannot be said to be sporadic, such that it would adversely affect rural production, given its location in the middle of a block of similar type development.

#### 8.3 Rural Development Strategy 2013

- 8.3.1 Whangarei District Council is currently reviewing the provisions of the Countryside and Coastal Countryside Environments having adopted the Rural Development Strategy in March 2013. This document was prepared to identify the important resource management issues, and provide a high level vision, for the rural area which will underpin future District Plan changes.
- 8.3.2 The Strategy anticipates replacing the current generic Countryside Environment and Coastal Countryside Environment with new Environments that recognise and provide for the characteristic rural amenity values of particular rural areas. For example, it is expected that new objectives, policies and rules will be created that more accurately recognise and provide for land use, subdivision and development of specific areas that are characterised by either rural production, rural living, rural villages or rural industry.
- 8.3.3 Given the early stage of this planning process, no concrete information is available relating to a potential plan change for this locality, and as such, it is difficult to gauge anticipated outcomes.

#### 8.4 Te Iwi o Ngatiwai Iwi Environmental Policy Document

- 8.4.1 This plan outlines the concerns of the Ngatiwai Trust Board Resource Management Unit with regard the sustainable management of the natural, physical and cultural resources found within the iwi's rohe, and sets out a framework of objectives, policies and methods for dealing with these taonga. The main areas of concern centre around the use of the following resources: minerals, air, water, indigenous flora and fauna. Further issues outlined in the document are: issues of engagement, indigenous knowledge (matauranga Ngatiwai), wāhi tapu, rāhui, taniwhā, Ngatiwai landscapes, customary materials, exotic plantation forestry and genetically modified organisms.
- 8.4.2 Although the Board was notified of the application, Council received no submission. In the absence of such a submission, it is considered that the proposal for subdivision and retrospective land use consent will, subject to recommended conditions of consent, be deemed to be consistent with the intent and purpose of the Board's Environmental Policy Document, given that, other than landscape, character and amenity issues, no issues outlined within the document are deemed to be affected by the proposal.

#### 8.5 Precedent

- 8.5.1 Case law has established that the precedent of granting a resource consent is a relevant factor for a consent authority in considering whether to grant a non-complying resource consent. A precedent effect is likely to arise in situations where consent is granted to a non-complying activity that lacks the evident unique, unusual or distinguishing qualities that serve to take the application outside of the generality of cases or similar sites in the vicinity.
- 8.5.2 In this instance, it is considered that the precedent effect has already been set through previous developments. The proposal and application site, although not thought to have any single unique feature or quality, does present with a number of matters which, in combination, make for a set of circumstances that can be considered to take the proposal outside of the generality of cases. The matters involved are as follows:
- Proposed Lot 2 is to be amalgamated with a larger lot, thereby adding only one small allotment.
  - Both proposed lots have established dwellings, albeit that the dwelling on proposed Lot 1 has been constructed illegally.
- 8.5.3 Together, the matters above represent some form of unique combination which is unlikely to be replicated elsewhere within the locality. As such, it is considered the proposal will not set a precedent for the subdivision of other sites within this area that are zoned Countryside Environment.

## 9.0 Part 2 Matters

### 9.1 Section 5 – Purpose

- 9.1.1 Part 2 of the Resource Management Act 1991 details the overarching purpose and principles of the Act. Part 2 of the Act requires that the proposed activity must meet the purpose of the Act set out in section 5 which is *“to promote the sustainable management of natural and physical resources.”* As outlined in section 5(2), *“sustainable management”* means:

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

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

9.1.2 Based on the conclusions reached in the foregoing assessment, the proposal is considered to be consistent with the purpose of the Act.

## 9.2 Section 6 – Matters of National Importance

9.2.1 Section 6 identifies seven matters of national importance that must be recognised and provided for. In summary, these relate to the preservation of the coastal environment, wetlands, rivers and their margins from inappropriate use and development, the protection of outstanding natural features and landscapes and areas of significant indigenous vegetation and habits; the maintenance and enhancement of public access to and along rivers; the relationship of Maori and their culture and traditions, and the protection of historic heritage.

9.2.2 No matters provided under section 6 are considered to be relevant to consideration of this application.

## 9.3 Section 7 – Other Matters

9.3.1 Section 7 of the Act identifies eleven other matters to be had regard to in achieving the purposes of the Act. The following are considered to be of particular relevance to the proposal;

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Maintenance and enhancement of the quality of the environment;

9.3.2 Subject to the recommended conditions of consent, it is considered the proposal will be consistent with these matters.

## 9.4 Section 8 – Treaty of Waitangi

9.4.1 Section 8 requires that decision makers take into account the principles of the Treaty of Waitangi in managing the use development and protection of natural and physical resources. No conflicts with the provisions of Section 8 have been identified.

9.4.2 Overall, the proposal is considered to be consistent with Part 2 of the Resource Management Act 1991.

# 10.0 Conclusion & Recommendation

## 10.1 Conclusion

10.1.1 In order for Council to consider granting consent, the application must pass one of the thresholds under section 104(D) of the Resource Management Act 1991 given its non-complying activity status. The two limbs of section 104(D) require 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 operative Whangarei District Plan. It is considered that the application satisfies each of these limbs and that, therefore, Council can consider granting consent to the proposal.

10.1.2 Having considered the application for land use against the relevant provisions of the Act, it is recommended that this application be granted, on the basis that conditions of consent will be included relating to landscaping matters, restrictions for built development and improvements to the right of way, which will mitigate any adverse effects of the activity on the environment.

10.1.3 In relation to the subdivision application, a grant of consent is also recommended on the basis that the effects of subdivision are similar to those of the land use proposal and proposed mitigation measures are able to sufficiently address adverse effects on the environment.

10.1.4 In the absence of the mitigating conditions, as proposed, the recommendation for either application may not have been favourable given the existing density pattern of the locality.

10.1.5 In addition, it is recommended that consent be granted for the proposed rights of way easements J and K, providing for a separate legal access to both proposed Lots 1 and 2.



## 10.2 Recommendations

### Recommendation 1

THAT pursuant to Section 348 of the Local Government Act 1974, it is recommended that Commissioner Simmons grants consent to Mr John Sands and Mr David Ashby to create right of way J over Lot 2 DP 380311 in favour of proposed Lots 1 and 2 and right of way K over proposed Lot 1 in favour of proposed Lot 2, subject to the conditions below:

#### Prior to issue of a Section 348 Resolution:

- a The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all accesses are located within the appropriate easement boundaries.

### Recommendation 2

THAT pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, it is recommended that Commissioner Simmons **grant** consent to Mr John Sands and Mr David Ashby for the retrospective land use proposal to legalise the second dwelling on Lot 1 DP 380311 and to undertake a subdivision of the application sites as follows:

- i. To relinquish an existing amalgamation condition between Lots 1, 3 and 6 DP 355248.
- ii. To subdivide Lot 1 DP 380311 into two new lots.
- iii. To amalgamate proposed Lot 2 with Lot 3 DP 355248 while re-amalgamating Lots 1 and 6 DP 355248 under a new title.

#### Land Use conditions

1. The consent holders shall, within three months of the date of issue of this consent, paint or stain the external walls of the dwelling on proposed Lot 1 in a colour that will blend in with the surrounding natural setting and has a tone with a reflectance value of less than 30%, as recommended in the Mike Farrow, Littoral Landscape Architecture Report and subsequent comments to submitters' requests, attached to this consent. The chosen colour shall be presented for approval to the Team Leader Compliance or delegated representative prior to it being applied to the dwelling.

Note: should there be any concerns about the performance of building materials, Mr Farrow draws attention to the Resene's 'cool colour' paint technology which appears to offer a solution to minimise thermal absorption.

2. The consent holders shall, within three months of the date of issue of this consent, submit a landscape plan prepared by a suitably qualified landscape architect to the satisfaction of the Team Leader Compliance or delegated representative. This plan shall incorporate all proposed mitigation planting as specified by Mr Farrow in his report and subsequent comments on submitters' requests, including the following:
  - a) Create a more complete planting foreground to the dwelling complex on proposed Lot 1.
  - b) Create a planting backdrop to the south of the dwelling on proposed Lot 2, including the screening of the shed from the Walu Lane right of way
  - c) Additional planting to be established along the boundary between proposed Lot 1 and Lot 2 DP 188877 (this part of condition 2 will require further discussion at the hearing and may be replaced by condition 7)

In addition, the plan shall outline the following:

- i. The size and species of any existing planting and whether it is to be retained
- ii. Name of proposed species (noting Mr Farrow's comment that proposed plants should reflect well established local themes and are to be largely indigenous)
- iii. Size/grade of proposed stock for planting
- iv. Numbers, locations and spacing of proposed plants, keeping in mind the outcomes to be achieved, as outlined in the Littoralis report
- v. Details of proposed mulch, type, depth etc.
- vi. A schedule of quantities and costs for the above work

3. The plantings proposed in the landscape plan approved under condition 2 above shall be completed within 12 months of the approval of the landscape plan. Within one (1) week of having completed all plantings, the consent holder shall provide written evidence by a suitable qualified professional confirming the planting has been completed in accordance with the landscape plan approved under condition 2 above. The evidence shall be to the satisfaction of the Team Leader Compliance. All plantings shall be maintained in perpetuity from thereon in.
4. Pursuant to Section 108(2)(b) and 108A of the Resource Management Act 1991, and within one month of the approval of the landscape plan under condition 2, a bond shall be entered into in respect of condition 3 to cover on-going maintenance and failed plant replacement costs of the plantings on proposed Lots 1 and 2 over a 3 year period from the date of planting, where the schedule of quantities and costs for the planting works specified in the approved landscape plan exceed an amount of \$1,500. The amount of each bond shall be calculated by Council's Parks Landscape Officer or their delegated representative based on the information supplied in the landscaping plan submitted under condition 2.

The bond shall be prepared by Council's solicitor at the expense of the applicant and shall be drawn up if required by the Council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates.

Performance of the bond shall be by way of a cash bond.

The bond shall be reduced by 20% in any one year on certification by an appropriately qualified horticulturist that any replacement planting or supplementary planting required by the landscaping plan approved under condition 1d) has been carried out satisfactorily and achieves the sought outcomes.

Note: where suitable evidence is provided by a suitably qualified professional to confirm that planting in accordance with the approved plan has been undertaken and completed at least 6 months prior, the bond may be reduced accordingly.

5. No additional buildings are allowed to be constructed or established on Lot 1 DP 380311.
6. The existing buildings on Lot 1 DP 380311 are not allowed to be altered or added to in any way such that these alterations would result in an extension of the existing footprint or would increase the height of any building over and above the existing height.
7. The consent holder shall erect a fence along the boundary between proposed Lot 1 and Lot 2 DP 188877 (this condition will require further discussion and refinement at the hearing and may be replaced by condition 2c)
8. Within three months of the issue of consent:
  - a) The consent holder must undertake vegetation clearance and install seven speed humps on Walu Lane as recommended in the Traffic Report compiled by Opus International Consultants, dated 24th July 2014, to the satisfaction of the Senior Environmental Engineering Officer. Note that a site inspection is required to determine compliance.
  - b) The consent holder shall provide evidence, to the satisfaction of the Senior Environmental Engineering Officer, that sufficient water supply for fire fighting purposes for lots 1 & 2 by way of tank storage or other approved means has been provided, including suitable access for fire fighting appliances in accordance with Section 6.7.8 of the Whangarei District Council Environmental Engineering Standards 2010 Edition and more particularly with the "New Zealand Fire Service Fire Fighting Code of Practice SNZ 4509:2008" including a PSL Round Thread Adaptor Ref: 058900 fitted with a gate valve. Demonstrating achievement via an alternative means of compliance with this standard will be considered to satisfy this requirement.

**Notes:**

- i. if a shared system is proposed for lots 1 & 2 then an appropriate easement is required.
- ii. written confirmation from the New Zealand Fire Service of the installation of this complying system will satisfy this condition.

- c) The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer 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.

#### **Subdivision conditions**

**1. That before the survey plan is sealed the following requirements are to have been satisfied:**

- a) The consent holder must undertake vegetation clearance and install seven speed humps on Walu Lane as recommended in the Traffic Report compiled by Opus International Consultants, dated 24th July 2014, to the satisfaction of the Senior Environmental Engineering Officer. Note that a site inspection is required to determine compliance.
- b) The consent holder shall provide evidence, to the satisfaction of the Senior Environmental Engineering Officer, that sufficient water supply for fire fighting purposes for lots 1 & 2 by way of tank storage or other approved means has been provided, including suitable access for fire fighting appliances in accordance with Section 6.7.8 of the Whangarei District Council Environmental Engineering Standards 2010 Edition and more particularly with the "New Zealand Fire Service Fire Fighting Code of Practice SNZ 4509:2008" including a PSL Round Thread Adaptor Ref: 058900 fitted with a gate valve. Demonstrating achievement via an alternative means of compliance with this standard will be considered to satisfy this requirement.

**Notes:**

- i. if a shared system is proposed for lots 1 & 2 then an appropriate easement is required.
  - ii. written confirmation from the New Zealand Fire Service of the installation of this complying system will satisfy this condition.
- c) The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or their delegated representative.
  - d) The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer (SEEO).
  - e) The consent holders shall submit a landscape plan prepared by a suitably qualified landscape architect to the satisfaction of the Resource Consents Manager or delegated representative. This plan shall incorporate all proposed mitigation planting as specified by Mr Farrow in his report and subsequent comments on submitters' requests, including the following:
    - i. Create a more complete planting foreground to the dwelling complex on proposed Lot 1.
    - ii. Create a planting backdrop to the south of the dwelling on proposed Lot 2, including the screening of the shed from the Walu Lane right of way
    - iii. Additional planting to be established along the boundary between proposed Lot 1 and Lot 2 DP 188877 (this part of the condition will require further discussion at the hearing and may be replaced by conditions 2e)

In addition, the plan shall outline the following:

- i. The size and species of any existing planting and whether it is to be retained
- ii. Name of proposed species (noting Mr Farrow's comment that proposed plants should reflect well established local themes and are to be largely indigenous)
- iii. Size/grade of proposed stock for planting
- iv. Numbers, locations and spacing of proposed plants, keeping in mind the outcomes to be achieved, as outlined in the Littoralis report
- v. Details of proposed mulch, type, depth etc.
- vi. A schedule of quantities and costs for the above work

**Note:** Conditions 1 a), b) and e) shall be deemed to be satisfied if corresponding conditions under the land use consent are already deemed to be met.

**2 That before a Certificate is issued pursuant to section 224(c) of the Act the following requirements are to have been satisfied:**

- a) The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
  - i Name and telephone number of the project manager/IQP.
  - ii Site address to which the consent relates.
  - iii Activities to which the consent relates.
  - iv Expected duration of works
- b) The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.
- c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that the existing effluent disposal fields for lots 1 & 2 are contained within the allotment boundaries. Written confirmation is also required from a registered drain layer to confirm compliance with Section 15.1 - Permitted Activities for Sewage discharges of the Northland Regional Council Regional Water and Soil Plan for Northland noting the required separation distances to boundaries & surface water.
- d) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries.
- e) The consent holder shall erect a fence along the boundary between proposed Lot 1 and Lot 2 DP 188877 (this condition will require further discussion and refinement at the hearing and may be replaced by condition 1e)iii).
- f) The consent holder shall undertake and complete the plantings, as detailed within the landscape plan approved under condition 1e) within 12 months of the approval of the landscape plan. Within one (1) week of having completed all plantings, the consent holder shall provide written evidence by a suitable qualified professional confirming the planting has been completed in accordance with the landscape plan approved under condition 1e) above. The evidence shall be to the satisfaction of the Team Leader Compliance.
- g) Pursuant Section 108(2)(b) and 108A of the Resource Management Act 1991, and where the schedule of quantities and costs for the planting works specified in the approved landscape plan exceed an amount of \$1,500, a bond shall be entered into in respect of condition 2f) to cover on-going maintenance and failed plant replacement costs of the plantings on proposed Lots 1 and 2 over a 3 year period from the date of issue of the 224(c) certificate. The amount of each bond shall be calculated for all allotments by Council's Parks Landscape Officer or their delegated representative based on the information supplied in the landscaping plan submitted under condition 1e).

The bond shall be prepared by Council's solicitor at the expense of the applicant and shall be drawn up if required by the Council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates.

Performance of the bond shall be by way of a cash bond.

The bond shall be reduced by 20% in any one year on certification by an appropriately qualified horticulturist that any replacement planting or supplementary planting required by the landscaping plan approved under condition 1e) has been carried out satisfactorily and achieves the sought

outcomes.

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 which shall include the same terms and conditions as are included in the bond presently securing performance of the landscaping plan for the subject lot.

- h) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 1 & 2 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i No additional buildings are allowed to be constructed or established anywhere on the allotment
  - ii Existing buildings are not allowed to be altered or added to in any way such that these alterations would result in an extension of the existing footprint or would increase the height of any building over and above the existing height.
  - iii All plantings established in accordance with the landscape plan approved under condition 1e) shall be maintained in perpetuity.
- c) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lot 1 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i. The colour of all external walls of the existing dwelling shall retain a reflectance value of less than 30%, and shall blend in with the surrounding natural environment.

**That pursuant to section 113 of the Resource Management Act 1991 the reasons for this recommendation are as follows:**

1. Given its non-complying activity status, in order for Council to consider granting consent, the application must pass one of the thresholds under section 104(D) of the Resource Management Act 1991. The two limbs of section 104(D) require 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 operative Whangarei District Plan. It is considered that the application satisfies each of these limbs and therefore Council can consider granting consent to the proposal.
2. Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to conditions and consent notices relating to landscape planting, restrictions of built development and works pertaining to improvement of the existing right of way which will mitigate adverse effects of the activity on the environment.
3. The proposal is considered to be consistent with overarching purpose and principle of the Resource Management Act 1991 set out within Part 2 of The Act.
4. The development is regarded as achieving the relevant issues, objectives and policies of the Operative and Proposed Regional Policy Statement for Northland.

## 11.0 Advice Notes

1. The applicant shall pay all charges set by Council under Section 36 of the Resource Management Act 1991. The applicant will be advised of the charges as they fall.
2. Section 357B of the Resource Management Act 1991 provides a right of appeal to this decision. Appeals must be in writing, setting out the reasons for the appeal, and lodged with the Environment Court within 15 working days after the decision has been notified to you. Appellants are also required to ensure that a copy of the notice of appeal is served on all other relevant parties.
3. Pursuant to Section 102 of the Local Government Act 2002, Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which

this consent related 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 consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Council's web page at [www.wdc.govt.nz](http://www.wdc.govt.nz).

4. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council signing off on the completed works.

## 12.0 Attachments

1. Proposed Scheme Plan of Subdivision
2. WDC Operative Planning Map 8
3. Development pattern or density map of the locality
4. A copy of submissions received, including written response from Mr Ashby to the submission made by Mr Good
5. Landscape Report prepared by Mr Mike Farrow, Littoralis Landscape Architecture
6. Engineering Report prepared by Mr Dean Murphy, Council's Senior Environmental Engineering Officer
7. Traffic Safety Report prepared by Opus International Consultants