

**BEFORE THE WHANGĀREI DISTRICT COUNCIL INDEPENDENT HEARING PANEL**

**UNDER** the Resource Management Act 1991  
("RMA")

**IN THE MATTER OF** an application by Hurupaki Holdings  
Limited for resource consent to create and  
operate a 73 residential allotments and  
café at 131 and 189 Three Mile Bush  
Road, Kamo

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**STATEMENT OF EVIDENCE OF MELISSA IVY MCGRATH ON BEHALF OF THE  
APPLICANT**

**PLANNING**

**27 APRIL 2022**

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## 1. SUMMARY OF EVIDENCE

1.1 My name is Melissa Ivy McGrath, I am a Senior Associate at Barker and Associates Limited. Hurupaki Holdings Limited engaged Barker and Associates Limited to advise on planning matters and effects in relation to a subdivision and land use consent application at 131 and 189 Three Mile Bush, Kamo and to prepare the resource consent applications.

1.2 In my evidence, I:

- (a) describe the site, surrounding environment and context;
- (b) provide an overview of the Proposal, consents required and activity status;
- (c) address the actual and potential effects of the Proposal on the environment;
- (d) address the extent to which the Proposal is consistent with the relevant outcomes of applicable planning documents;
- (e) address section 104D – particular restrictions for non-complying activities;
- (f) address relevant matters raised by submitters;
- (g) address the relevant matters raised within the s42A Report;
- (h) discuss proposed conditions of consent; and
- (i) provide a summary of my key recommendations and conclusions.

1.3 The resource consent application is for a subdivision to create 73 residential allotments, drainage and recreational reserves to vest and other associated works and land use consent to establish a food and beverage activity within proposed lot 22; setback from boundary and coverage infringements (future residential units within Rural Production Zone); and to relocate dry stone walls. Relevant regional resource consents have already been obtained from Northland Regional Council. The application requires resource consent from Whangārei District Council as a non-complying activity under the Operative Whangārei District Plan and Proposed Whangārei District Plan (Appeals Version).

1.4 The application was publicly notified at the request of the Applicant. A total of 20 submissions were received with the majority in opposition and some neutral. The

submissions raise a number of matters primarily relating to the effect on historic heritage, primarily the retention of dry stone walls; cultural effects; volume of traffic and suitability of proposed access; effects of noise, dust and traffic associated with the construction period; ecological effects; effects on landscape, rural character and amenity (particularly with respect to Hurupaki); effects on urban character and density; and the loss of rural production land.

1.5 The Applicant's case is supported by expert evidence from:

- (a) Mark Holland (Applicant);
- (b) Charlotte Nijssen (Legal Survey and Subdivision Design);
- (c) Michael Farrow (Landscape);
- (d) Madara Vilde (Ecology);
- (e) Aaron Holland (Three Waters and Geotechnical);
- (f) Dean Scanlen (Transport); and
- (g) Jonathan Carpenter (Archaeology).

1.6 Taking into account this evidence, the mitigation measures offered by the Applicant and my assessment of other matters within my areas of expertise, I consider that:

- (a) any actual and potential adverse effects associated with the Proposal (including those relating to historic heritage, cultural, traffic and access, infrastructure and servicing, construction, ecology, landscape, rural character and amenity, urban character, and reverse sensitivity) are no more than minor and acceptable; and
- (b) there will be significant positive effects from resulting from the Proposal, in particular those associated with the protection and enhancement of ecological features on site, resulting in a net environmental benefit.

1.7 I have undertaken a comprehensive assessment of the objectives and policies from statutory documents relevant to the Proposal including those in the applicable national environmental standards, national policy statements, regional policy statement, regional plans and Whangārei District Plan (Operative and Proposed). Having carefully reviewed these objectives and policies, I am of the view that the Proposal generally accords with them.



- 1.8 Council's reporting planner, Mr Alister Hartstone, has recommended that consent be declined on the grounds that the Proposal will have more than minor adverse effects on rural character and amenity and landscape, finding that the Proposal will not result in a net environmental benefit.
- 1.9 I disagree Mr Hartstone and conclude that, while the Proposal is not entirely consistent with the RPROZ provisions, I rely upon the technical evidence which demonstrates that the proposed roading and pedestrian access layout, subdivision design and layout, and provision of net environmental benefit will implement best practice traffic engineering, visual landscape and urban design and environmental outcomes and overall will ensure that the Proposal is not contrary to the outcomes and objectives described generally in the Whangārei Proposed District Plan.
- 1.10 I consider that the Proposal satisfies both limbs of the gateway test under s104D and therefore consent can be granted pursuant to s104.
- 1.11 The Applicant has proposed conditions of consent which I consider appropriately manage and mitigate effects of the development should consent be granted.
- 1.12 Overall, having carefully considered all relevant matters, I recommend that resource consent be granted, subject to the amended conditions of consent contained in **Attachment 3 ("Proposed Consent Conditions")**.

## 2. INTRODUCTION

- 2.1 My full name is Melissa Ivy McGrath.
- 2.2 I am an Associate at Barker and Associates Limited, a planning and urban design consultancy. A statement of my qualifications and experience is included in **Attachment 1**.
- 2.3 This evidence is in respect of an application by Hurupaki Holdings Limited ("**the Applicant**") for combined subdivision and land use resource consent at 131 and 189 Three Mile Bush Road, Kamo ("**the Site**"), to:
- (a) subdivision: create 73 residential allotments, drainage and recreational reserves to vest and other associated works; and

- (b) land use: establish a food and beverage activity within proposed Lot 22, for setback from boundary and coverage infringements (future residential units within Rural Production Zone) and to relocate dry stone walls.

(together “**the Proposal**”).

- 2.4 A number of minor amendments have been made to the Proposal post notification, further detailed in Section 5 of my evidence.
- 2.5 My evidence will focus on planning matters associated with the Proposal. My evidence should be read in conjunction with the Assessment of Environmental Effects, dated 1 October 2021 (“**the AEE**”)<sup>1</sup>, and responses to further information dated 19 October 2021, 10 November 2021 and 16 November 2021.
- 2.6 Specifically, my evidence will address:
  - (a) involvement with the Proposal (Section 3);
  - (b) site description and context (Section 4);
  - (c) an overview of Proposal (Section 5);
  - (d) consents required and activity status (Section 6);
  - (e) the key findings of the AEE and the evidence of the Applicant, including in relation to (Sections 7-9):
    - (i) the actual and potential effects of the Proposal on the environment; and
    - (ii) the extent to which the Proposal is consistent with the relevant outcomes sought in the applicable planning documents.
  - (f) section 104D – particular restrictions for non-complying activities (Section 10);
  - (g) comments on submissions (Section 11);
  - (h) comments on the Council’s s42A Report (Section 12); and
  - (i) proposed conditions of consent (Section 13).

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<sup>1</sup> Refer to the Resource Consent Application for the Proposal and appendices 1-15.

2.7 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### 3. INVOLVEMENT WITH THE PROPOSAL

3.1 I have been involved with the Proposal since January 2021. I was engaged by the Applicant to consider the planning matters raised by the Proposal at the Site.

3.2 Since my appointment, I have visited the Site and surrounding area numerous times. Of particular note:

- (a) 3 February 2021, initial site visit to understand physical layout, constraints and surrounding environment;
- (b) 12 April 2021, site visit with landscape architect and geotechnical engineer;<sup>2</sup> and
- (c) 7 October 2021, site visit to review pest and weed management to date and impact of redevelopment of adjoining site to the east.

3.3 In producing this statement of evidence, I have reviewed the following evidence and materials:

- (a) The original Whangārei District Council ("**WDC**" or "**the Council**") application documents, including the AEE, associated technical reports, s92 requests for further information and responses and WDC's s95 notification decision.
- (b) The application to the Northland Regional Council ("**NRC**") and associated technical reports, s92 request for further information and responses and the decision.
- (c) The s42A hearing report ("**s42A Report**") prepared by Alister Hartstone, planning consultant on behalf of WDC.
- (d) The expert evidence provided by the Applicant to support its case, including statements of evidence from:

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<sup>2</sup> Michael Farrow, Littoralis and Aaron Holland, LDE.

- (i) Mark Holland (Applicant);
- (ii) Charlotte Nijssen (Legal Survey and Subdivision Design);
- (iii) Michael Farrow (Landscape);
- (iv) Madara Vilde (Ecology);
- (v) Aaron Holland (Three Waters and Geotechnical);
- (vi) Dean Scanlen (Transport); and
- (vii) Jonathan Carpenter (Archaeology).

#### 4. SITE DESCRIPTION AND CONTEXT

4.1 A description of the Site and the surrounding environment has been included in the AEE that I prepared and has been accepted and adopted for the purposes of Mr Hartstone's s42A Report. It is also described in the evidence of a number of the Applicant's experts. Therefore, I do not repeat that information here.

4.2 Instead, from a planning perspective, the key features of the Site are as follows:

- (a) the Site is approximately 13.97ha in area and is comprised of two allotments, being Lots 2 and 3 DP 99045. Lot 2 DP 99045 contains two existing residential units, accessory buildings with boundary fencing and exotic vegetation surrounding the residential units. Lot 3 DP 99045 contains one existing residential unit and accessory buildings with boundary fencing and indigenous vegetation. The remainder of the Site is vacant and unutilised;
- (b) the Site is situated at the north-western residential edge of the suburb of Kamo, located north of Three Mile Bush Road extending north from the road with a generally flat topography, falling away to the Waitaua Stream which bisects the Site, flowing west to east. North of Waitaua Stream the Site extends steeply up the base of the Hurupaki Cone and the edge of the indigenous vegetation on of the slope of the cone;
- (c) a Northpower Critical Electricity Line ("**CEL**") extends across the north eastern corner of the Site. The District Plan identifies this line as being overhead, however the line has recently been converted to an underground line;

- (d) the Operative Whangārei District Plan (“**ODP**”) Environment maps identify the Site within the Living 1 Environment (zone), with a Living Overlay and the Rural Production Environment (zone). The ODP Resource Area maps identify the northern portion of the Site in an Outstanding Natural Landscape (“**ONL**”) and Outstanding Natural Feature (“**ONF**”) (Hurupaki Cone) and the CEL traversing the north-eastern corner of the Site. The Proposed Whangārei District Plan – Appeals Version (“**PDP**”) zone maps identify the Site within the General Residential Zone (“**GRZ**”) and the Rural Production Zone (“**RPROZ**”). The PDP maps also show the ONL, ONF and the CEL intersecting with the Site;
- (e) dry stone walls traverse the Site and follow the southern roadside boundary. No other known archaeological sites are recorded within the Site;
- (f) Three Mile Bush Road is defined as a primary collector road, with two sealed lanes and a carriageway width varying between 6.5m and 7.0m and a legal width of 20m. Three Mile Bush Road has a speed limit of 50 kilometres per hour where it adjoins the Site frontage. Three vehicle crossings exist from Three Mile Bush Road into the Site (two within 131 Three Mile Bush Road and one within 189 Three Mile Bush Road); and
- (g) the immediate surrounding locality is predominantly residential in nature, with existing residential development located to the south of the Site, and immediately adjacent to the east (The James residential subdivision under construction). Hurupaki Primary School and Kindergarten are located east of the Site, with Dip Road located approximately 500m to the east. The existing residential built form comprises houses that are typically set back from the street by around 5-8m, with either fully open front yards or low fencing, featuring a mix of single-storey and two-storey large dwellings. Hurupaki Primary School and Kindergarten have a clustered built form located centrally within the southern half of school site; the majority of buildings are single storey with the exception of the hall. The recreation reserve and native vegetation of Hurupaki Cone is located directly north of the Site and rural residential development off Cow Shed Lane is located to the west.

### **Zoning of the Site**

- 4.3** In my view the history of how the zoning of the Site and the surrounding area has been applied is important to understand how the provisions of the PDP should be interpreted.

The Council is undertaking a rolling review of the ODP which involves incremental plan changes to the ODP, being topic, location or zone based.

**4.4** To date, two major tranches of plan changes have been completed:

- (a) First, the Rural Plan Change Package.<sup>3</sup> In March 2019 the Rural plan changes became formally operative. As a result of these plan changes the Site was split zoned, with 131 Three Mile Bush Road being rezoned Living 1 Environment and Living Overlay, and 189 Three Mile Bush Road being rezoned Rural Production Environment and part ONL and ONF. The large landholding to the west<sup>4</sup> was split zoned Rural Urban Expansion Environment, Living 3 Environment, Rural Production Environment, Living Overlay, ONF and ONL.
- (b) The second major tranche was the Urban and Services Plan Changes.<sup>5</sup> The Council decision was notified May 2020 and appeals are now largely settled. These plan changes resulted in 131 Three Mile Bush Road being zoned GRZ<sup>6</sup>, with no change to the zoning of 189 Three Mile Bush Road. The rear portion of the large landholding to the west was rezoned Low Density Residential.<sup>7</sup>

4.5 As illustrated in **Figure 1** below, the surrounding locality contains a mix of zoning under the PDP, including GRZ to the east and south, Rural Urban Expansion Zone<sup>8</sup>, Low Density Residential and RPROZ to the west and Open Space Zone to the north.

4.6 These plan changes have resulted in an isolated “island” of RPROZ, in an area where the PDP has otherwise enabled residential intensification, indicating an expected change in both the residential and rural character of the wider area. The increase in residential zoning of the neighbouring properties is reflective of the Council’s focus on urban intensification and the continued growth of Whangārei.

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<sup>3</sup> PC85A-D Rural Zoning, PC86A&B Rural Urban Expansion and Living, PC87 Coastal Environment, PC102 Minerals and PC114 Landscapes.

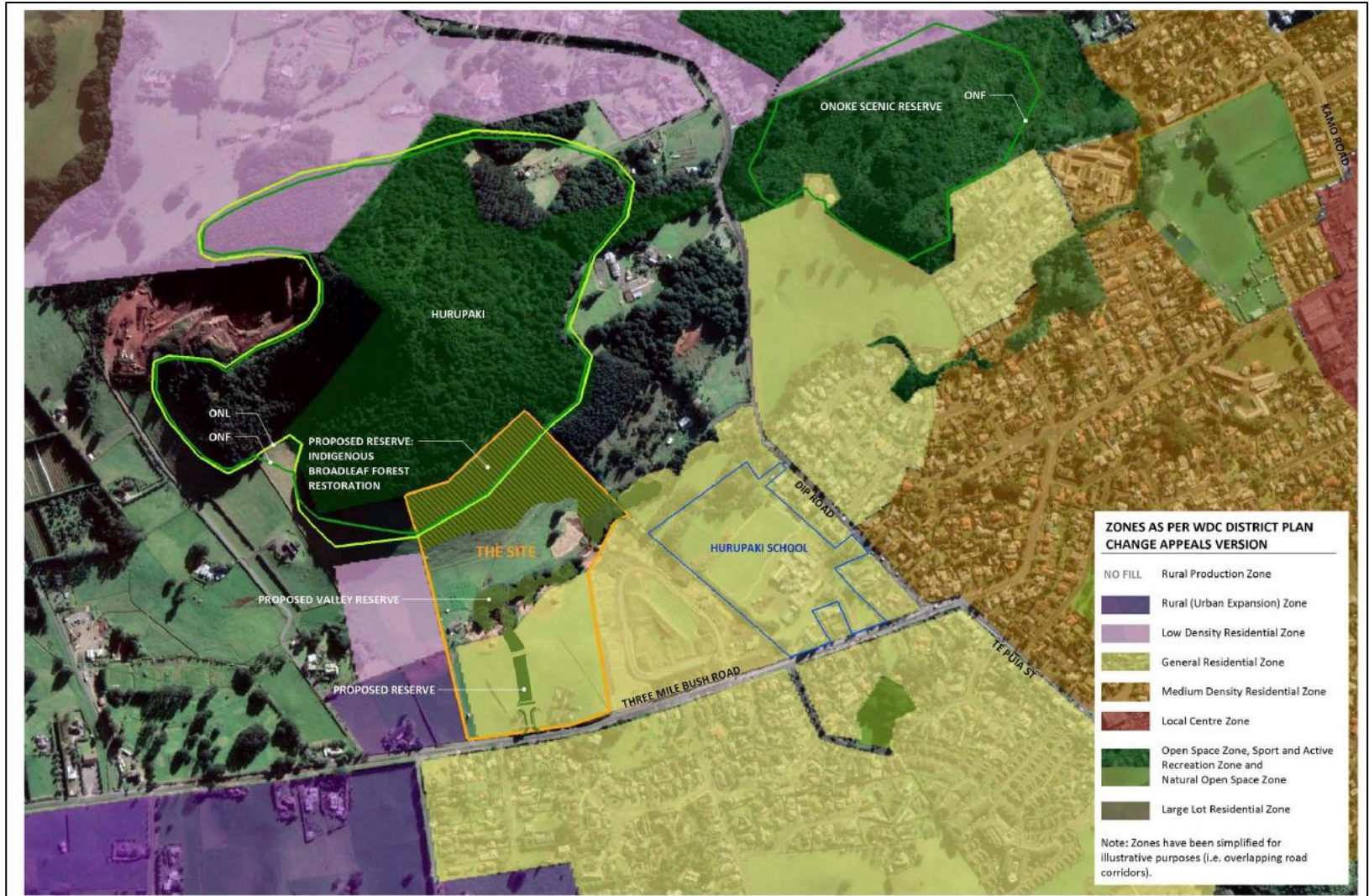
<sup>4</sup> Part Lot 4 DP 99045.

<sup>5</sup> PC88A-J Urban Zones and Precincts, PC82 A & B Signs and Lighting, PC109 Transport, PC115 Open Space, PC136 Three Waters Management, PC143 Airport Zone, PC144, Port Zone, PC145 Hospital Zone, PC147 Earthworks and PC148 Strategic Direction and Subdivision.

<sup>6</sup> Living 1 Environment was replaced by GRZ and Living Overlay deleted.

<sup>7</sup> Living 3 Environment was replaced by LLRZ and Living Overlay deleted.

<sup>8</sup> WDC updated PDP to reflect National Planning Standards on 17 February 2022, this included renaming the RUEZ to “Future Urban Zone”.



**Figure 1:** Illustrating PDP zoning of the locality, including portion of the Site mapped as ONL and ONF. Source: Landscape Assessment Report

## 5. OVERVIEW OF PROPOSAL

5.1 The description of the Proposal is detailed in Section 4 of the AEE. In summary:

(a) **Subdivision:** It is proposed to carry out a subdivision to create:

- (i) 73 residential allotments – lots 1 – 73;
- (ii) public road – lot 100;
- (iii) jointly owned access lots (“**JOAL**”) – lots 300 – 302;
- (iv) drainage reserves – lots 200 – 204; and
- (v) recreation reserve lot 205.

Further detail of the proposed subdivision is provided on the scheme plan and engineering plans prepared by Blue Wallace Surveyors.<sup>9</sup>

(b) **Food and beverage activity:** It is proposed to enable a Food and Beverage Activity (café) to be established within proposed lot 22 following the subdivision to cater for the local demand of the immediate locality. The indicative café design has been configured to minimise the potential externalities that typically arise from café activities. The café will be no larger than 200m<sup>2</sup> in gross floor area, operating from a single storey building which is proposed to comply with all GRZ permitted activity rules<sup>10</sup> and will not receive customers or undertake the loading or unloading of vehicles before 08:00 or after 18:00 on any day.

(c) **Access and parking:** The Site is comprised of two allotments with three existing vehicle crossings from Three Mile Bush Road. The Proposal seeks to decommission the existing vehicle crossings and create a new public road and three JOALs to provide access to all lots created. A new ‘T’ intersection with a central turning bay and pedestrian refuge is proposed on Three Mile Bush Road. Approximately 31 inset parking bays will be provided within the road reserve.

(d) **Landscaping, connectivity and open space network:** Landscaping, open space network and pedestrian connections are proposed throughout the Site,

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<sup>9</sup> AEE, Appendix 5.

<sup>10</sup> GRZ – R3 - GRZ-R11; Proposed Consent Conditions, condition 42.



these are illustrated in the site master plans prepared by Littoralis.<sup>11</sup> Key features are:

- (i) 5.8ha recreational reserve (lot 205), comprising of native vegetation and walkways to the north of Waitaua Stream, open space area and small playground and approximately 4.8ha<sup>12</sup> of landscape planting of indigenous vegetation the more sensitive slopes of Hurupaki, including 3.85ha of enhancement area;
  - (ii) five drainage reserves (lots 200 – 204) including proposed stormwater ponds which will be planted and landscaped, and 1.13ha of enhancement area within the Waitaua Stream corridor;
  - (iii) a network of well-connected paths within the Site is proposed, with a link into Hurupaki, opportunities along the Waitaua Stream course and pedestrian access enabled to adjoining sites via proposed lot 203 and lot 200 (drainage reserves); and
  - (iv) re-located internal dry-stone walls within the Site have been incorporated into the open space network and landscape design.
- (e) **Ecological restoration:** The Proposal includes two ecological enhancement areas being the Waitaua Stream Corridor Enhancement Area of approximately 1.13ha and the Hurupaki Cone Enhancement Area of approximately 3.85ha. These areas will be cleared of pests and weeds, planted and managed in accordance with an Ecological and Landscape Enhancement Plan which is proposed to be provided in accordance with the Proposed Consent Conditions.<sup>13</sup>
- (f) **Dry stone walls:** The Proposal includes the rehabilitation of approximately 185m of dry-stone wall, which is present along the southern Site boundary/road frontage, with the gaps for the three existing vehicle crossings (located at 131 and 189 Three Mile Bush Road) being replaced and a section being removed to provide for the proposed road. Approximately 150m of internal stone wall is present on the central western part of the Site, running north east from the existing dwelling will be removed and reinstated within the Site in a new location.

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<sup>11</sup> Evidence of M Farrow at [6.2].

<sup>12</sup> Comprised of approximately 3.8ha of Enhancement Area and 9,965m<sup>2</sup> of controlled height indigenous planting.

<sup>13</sup> Proposed Consent Conditions, Conditions 51(h) and (i), and 52(b)- (d).

- (g) **Three waters servicing:** All lots will be serviced by connections to public reticulated wastewater and water systems. Lots 65-73 will require individual on site wastewater pump stations with 24hrs storage, and lots 1-5, 20-42, 43-67, 72 and 73 will require on site water tanks (if the Council has not upgraded the reservoir prior to occupation of the Site to ensure suitable water pressure). The stormwater system has been designed to include three on site stormwater ponds to be vested with Council. The proposed stormwater ponds will limit peak flows to predevelopment level for the 2, 10 and 100 year storm events, with a 20% allowance for climate change and extended detention volume to address erosion effects on the stream network, based on 1/3rd of the 2 year storm.
- (h) **Geotechnical investigation:** WDC GIS Land Instability Maps identify the Site as predominantly low instability hazard through the plateau and side slopes, the gully and lower portions of the scoria cone are mapped as moderate instability hazard, with the northern portion of the Site on the middle scoria cone slope being mapped as high instability hazard. The *Geotechnical Report* prepared by LDE<sup>14</sup> includes a number of recommendations which have informed the proposed site works and the building foundations.
- (i) **Site works:** The Site will be cleared of existing buildings and structures, including the dwelling and accessory buildings. A total of approximately 55,985m<sup>3</sup> (33,317m<sup>3</sup> cut and 22,668m<sup>3</sup> fill) of earthworks is proposed, with a maximum cut depth of 3m and a maximum fill height of 4.3m during earthworks. Earthworks will involve modification of the Site to enable the construction of the building platforms, site access and carparking areas. Silt and sediment control measures are proposed to be implemented in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016) for the duration of the activity.

5.2 The Proposal seeks to provide a range of housing opportunities and options to increase housing diversity and affordability within the Kamo suburb. Working with the Site attributes and features, the Proposal has been comprehensively master planned to accommodate residential built form within and around the Site, taking account of its topography and landform features while protecting and enhancing the presence of the Waitaua Stream and Hurupaki. The masterplan has resulted in a high level of urban amenity within the proposed development, including a cohesive pattern of residential built form throughout the Site, strong integration with the surrounding environment and

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<sup>14</sup> AEE, Appendix 9.

excellent connectivity with the wider open space and recreation network and the adjacent residential development.

5.3 Throughout this process, the Applicant and its expert team have sought to engage with and respond to feedback received on the Proposal. This has resulted in a number of modifications to the Proposal (provided to WDC on 2 April 2022), including:

- (a) Removal of three lots north of Waitaua Stream (originally identified as lots 62, 63 and 69), resulting in the following changes in the RPROZ part of the Site:
  - (i) reduction of total number of residential allotments to 73;
  - (ii) re-alignment of the northern allotment boundary of the proposed lots (proposed lots 62 – 67);
  - (iii) adjustment of allotment area of proposed lots 62 – 67;
  - (iv) deletion of the two most northern lots (originally identified as lots 62 and 63) removing the need to establish vehicle access between proposed lots 61 and 62. This is replaced with a pedestrian access, 3m wide incorporated into proposed lot 205 to ensure connectivity to the proposed recreation reserve and walking tracks; and
  - (v) deletion of the third lot (originally identified as lot 69) reducing the number of lots gaining access via proposed JOAL 302, from ten to nine, proposed lots 63 – 71.
- (b) Further mitigation, in respect of restrictions on the future residential built form within allotments proposed north of Waitaua Stream in the RPROZ, imposed by way of consent notice conditions, including:
  - (i) maximum building and major structure height limits of 5.5m;
  - (ii) building and major structure colour controls;
  - (iii) 5m setback for buildings, major structures and earthworks from the northern boundary of proposed lots 60 – 67; and
  - (iv) permeable and recessive fencing requirements for proposed lots 60 – 67.
- (c) Increase of the Hurupaki Cone landscape planting, height controlled indigenous area (increased by approximately 2465m<sup>2</sup>).

(d) Modifications to the ecological enhancement plan.<sup>15</sup>

(e) Modifications to the Neighbourhood Masterplan.<sup>16</sup>

(The subdivision scheme plan and engineering plans have been amended to reflect these changes. (Refer **Attachment 2.**))

5.4 Post-issue of s42A Report Council enquired to confirm the proposed intersection with Three Mile Bush Road design. Inconsistencies in the Engineering Plans were brought to the Applicant's attention, and these have now been amended and updated in **Attachment 2.**

## 6. CONSENTS REQUIRED AND ACTIVITY STATUS

6.1 The application was lodged under the ODP and PDP. When lodged, there remained some provisions of the ODP that were still subject to appeals. For this reason, it was necessary to seek consent for certain matters under the ODP. The consent requirements under both the ODP and PDP are detailed in the AEE.<sup>17</sup> This assessment was accepted and adopted in the s42A Report, noting that the relevant provisions contained within the PDP can now be treated as operative under s86F of the RMA.<sup>18</sup> For this reason, consistent with the s42A Report, no further consideration is given to the ODP provisions unless specifically stated otherwise.

6.2 Principally the application is for:

- (a) a residential subdivision within both the GRZ and the RPROZ, which overall is a non-complying activity; and
- (b) the establishment of a Food and Beverage Activity within the GRZ, which is a non-complying activity because the Proposal will not comply with two or more of GRZ-R18.1-3 permitted activity performance standards.

6.3 The consents required are set out in paragraphs 17 – 21 of the s42A Report and I concur with the list of consents required.

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<sup>15</sup> Evidence of M Vilde, Attachment 2.

<sup>16</sup> Evidence of M Farrow, Attachment 2.

<sup>17</sup> AEE, Section 10.

<sup>18</sup> Section 42A Report at [17].

### **Proposed District Plan (Appeals Version)**

6.4 Under the PDP the Site is identified in the GRZ and RPROZ zones, and ONL, ONF and CEL Resource Areas.

6.5 Consents are required for the following:

- (a) Food and beverage activity within the GRZ (non-complying).
- (b) Bulk and location infringements for Buildings and Major Structures within proposed lots 55 – 73 within the RPROZ (discretionary).
- (c) Subdivision within the RPROZ that does not meet SUB-R15, 1 - 4 (non-complying).
- (d) Subdivision – SUB-R2 (General Subdivision), the proposed subdivision will comply with clauses 1 – 8 and SUB-R5 (Subdivision in GRZ) the proposed subdivision will comply with minimum lot size (controlled).
- (e) Three waters management – TWM-R2 (stormwater), TWM-R3 (wastewater), TWM-R4 (water supply) and TWM-R5 (integrated three waters assessment) (restricted discretionary).
- (f) Transport – TRA-R5 (Vehicle Crossing Design & Location) – Proposed JOAL lot 302 will serve nine allotments, subdivision, integrated traffic assessment, construction of a new road and major roading alteration (restricted discretionary).
- (g) Earthworks – EARTH-R1 (earthworks associated with subdivision) (restricted discretionary).
- (h) Light – LIGHT-R7 any subdivision (controlled).

6.6 Overall resource consent is required as a **non-complying activity** under the PDP.

### **Operative District Plan**

6.7 Under the ODP the Site is identified as Living 1 and Rural Production Environments, Living Overlay, ONL, ONF and CEL Resource Areas.

6.8 Consents are required for the following:

- (a) Subdivision and planting in proximity to Critical Electricity Lines (restricted discretionary activity).

- (b) Works and subdivision within site containing dry stone walls – Built Heritage (discretionary).

6.9 Overall consent is required as a **Discretionary Activity** under the ODP.

6.10 The s42A Report notes that earthworks for “new public walking and cycling tracks” within an ONF requires discretionary activity consent.<sup>19</sup> It is acknowledged that the application did not explicitly reference rule LAN.5.1.1, however the application has sought consent for the walking track within Hurupaki and, for the avoidance of doubt, consent is also sought under this rule (noting the entire application has been bundled as a non-complying activity so there is no change to overall activity status).

## 7. SECTION 104(1)(A) - ACTUAL AND POTENTIAL EFFECTS

7.1 As a non-complying activity, all actual and potential effects of the Proposal are subject to scrutiny. The AEE has comprehensively considered the actual and potential effects of the Proposal, as has the s42A Report and associated Council specialist reviews. Accordingly, I do not propose to set out the full assessment here.

7.2 Instead, I will focus on the key effects of the Proposal that remain in contention (including matters raised by submitters). I consider these under the headings below.

### **Landscape, rural character, and amenity**

7.3 Mr Farrow comprehensively addresses the effects on existing landscape, rural character and amenity values, in both the *Assessment of Landscape and Neighbourhood Amenity Effects Report* provided as part of the AEE and his evidence.

7.4 The application has been amended in response to landscape, rural character and amenity concerns identified by Mr Kensington for the Council and in response to submissions received. The Proposal has since been updated to further mitigate effects associated with landscape, rural character and amenity in the RPROZ, including:

- (a) reduction of the total number of residential allotments from 22 to 19;
- (b) re-alignment of the northern allotment boundary of the proposed lots, shifting the northern boundary of development south (lower on Hurupaki) and increasing the

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<sup>19</sup> LAN.5.1.1 Status of Activities in ONF.

space for height controlled amenity planting thereby reducing the visual effect of built form within Hurupaki and increasing visual mitigation by way of planting;

- (c) adjustment of allotment area (lots 62 – 67), generally increasing allotment sizes. The allotments in the RPROZ are generally larger than the minimum lot size of the GRZ, creating a sense of spaciousness between the proposed lots;
- (d) removal of the two most northern lots (originally identified as lots 62 and 63) to allow for greater connectivity to the proposed recreation reserve and walking tracks; and
- (e) removal of a third lot (originally identified as lot 69) reducing the number of lots gaining access via proposed JOAL 302, from 10 to 9, proposed lots 63 – 71.

7.5 Further mitigation in respect of restrictions on the future built form within allotments in the RPROZ is proposed by way of consent notice conditions including:

- (a) maximum building and major structure height limits of 5.5m;
- (b) building and major structure colour controls;
- (c) 5m setback for buildings, major structures and earthworks from the northern boundary of proposed lots 60 – 67; and
- (d) permeable and recessive fencing requirements for proposed lots 60 – 67.

7.6 These additional controls ensure that future built form will be more consistent with a low density character and kept within the valley, thereby reducing potential visual effects on Hurupaki. Modifications to the Neighbourhood Masterplan<sup>20</sup> and the ecological enhancement plan<sup>21</sup> increase vegetation on the Hurupaki Cone, particularly the height controlled indigenous planting area (increased by approximately 2,465m<sup>2</sup>). Collectively these amendments and additional controls reduce the visual effect of built form on Hurupaki.

7.7 These measures are discussed in further detail in the evidence of Mr Farrow and reflected in the Proposed Consent Conditions.

7.8 Mr Kensington undertook a preliminary peer review of the Application on behalf of Council. Mr Kensington's primary concern was the level of built form located between

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<sup>20</sup> Evidence of M Farrow, Attachment 2.

<sup>21</sup> Evidence of M Vilde, Attachment 2.

Waitaua Stream and the slopes of Hurupaki and the potential effects on the landscape of Hurupaki, including in respect of rural character and amenity. This was also raised by a number of submitters. Mr Farrow has assessed the visual dominance of built form on Hurupaki, including creating simulations to graphically illustrate how the Proposal will sit amongst the surrounding land use activities and existing landscape character, concluding that:

- (a) the simulations demonstrate the considerable changes proposed for the Site and surrounds;
- (b) buildings that comply with Proposed Consent Conditions would have a far from prominent presence;
- (c) a lifestyle block use of the land, involving a singular large house and ancillary storage building, is likely to generate greater visual amenity and landscape effects than the Proposal;
- (d) these simulations illustrate the substantial positive impact that restoring the Hurupaki flank would bring, creating a significant advance into what is currently a substantial void in the maunga's vegetative pattern; and
- (e) the adverse effect arising from the subdued presence of the buildings sought to be provided for in the northern enclave is substantially mitigated and therefore considerably outweighed by the contribution to the landscape integrity of the cone that is achieved by bringing an indigenous forest cover to its southern flank.

7.9 I rely on, and agree with, Mr Farrow's assessment and consider that the proposed subdivision design will not have a prominent presence or any noticeable adverse impact on the views to Hurupaki.

7.10 With respect to Mr Kensington's assessment in respect of rural character and amenity, I do not consider that his assessment has comprehensively assessed all aspects of the policy. Mr Kensington<sup>22</sup> asserts that continued rural land use is anticipated to maintain rural character and amenity. I consider this to be an unnecessarily narrow interpretation given that rural amenity and character is not limited to just rural land use, open pasture, but includes 'a dominance of natural features including landforms, watercourses and vegetation'.

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<sup>22</sup> Section 42A Report, Appendix 7, Memorandum of P Kensington at [13].



7.11 Policy RPROZ-P1 describes the Rural Character and Amenity of the RPROZ as:

1. A dominance of natural features including landforms, watercourses and vegetation.
  - a. A predominately working rural production environment, including:
    - i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
    - ii. Ancillary activities and structures (including crop support structures and artificial crop protection structures) across the landscape.
  - b. Seasonal activities.
  - c. A low intensity of development, involving a combination of domestic and rural production buildings and major structures.
  - d. Varying levels of noise associated with seasonal and intermittent rural production activities.
  - e. Relatively open space and low density of development.
  - f. Odours, noise and dust typical of rural activities.
  - g. Generally low levels of vehicle traffic with seasonal fluctuations.

7.12 In my opinion the Site and surrounding environment fail to display any of the distinctive rural character and amenity elements listed in policy RPROZ-P1, other than displaying a dominance of the natural features of Hurupaki and Waitaua Stream. To my mind, those features contribute most to any existing perception of rural character. The Proposal represents a very thoughtful and appropriate response to those features, by carefully nestling the proposed residential development within the valley, whilst revegetating Hurupaki and Waitaua Stream corridor, thereby highlighting the significance of these dominant natural features within the Site.

7.13 With respect to rural character and amenity generally, the portion of the Site that is situated in the RPROZ is distinct from the more predominantly rural character found in RPROZ areas further to the west. The large landholding directly adjacent to the western boundary of the Site is currently in pasture and used as grazing, however, as discussed

in Section 4, this western landholding is split zoned Future Urban Zone<sup>23</sup> (south of Waitaua Stream) and Large Lot Residential Zone (north of Waitaua Stream).

7.14 In my opinion the rural character of the Site is already and will be further compromised by the surrounding residential zoning. Typical rural activities which contribute to and establish a rural character, although technically provided for by the RPROZ zoning of this portion of the Site, are not reasonably anticipated or expected to be able to occur within the Site due to its proximity to residential zones and the incompatible land use activities which are able to establish in those areas. The proposed subdivision and subsequent residential development within the RPROZ zoned portion of the Site, in my opinion, is not substantial or noticeable on ground, given the location and scale of the proposed allotments (which are only proposed on the lower part of the RPROZ). This is particularly relevant when considering the proposed allotments in context of the proposed public amenities and associated open spaces and other areas which will remain free of potential built development such as the large road reserve, stormwater reserves, recreation reserves and pedestrian paths.

7.15 While I acknowledge that the size and number of residential lots will result in a different character than that which is currently experienced within this portion of the Site, I consider that the split zoning of the land generally enables a transformation of use and associated character on the Site from an open area with natural outlook, to increased built form reflective of a more residential character. Beyond the proposed residential allotments, large areas of open space and areas free of built development will be provided for, together with significant areas of revegetation and planting, to ensure that the eventual development of the proposed allotments remain recessive within the surrounding environment. In my opinion the arrangement and size of the proposed lots will not result in an inappropriate over-intensification of the Site and will not be incongruous with existing and anticipated surrounding developments, whilst other aspects of the Proposal, including mitigating replanting, will complement and enhance the underlying topography and rural character values of the Site.

7.16 I agree with Mr Farrow's key conclusions that:<sup>24</sup>

- (a) The Proposal has identified the Hurupaki cone flank (partially within an ONL and ONF) and nearby Waitaua Stream corridor as being important and expressive landscape elements, each prominent components of rural character/amenity that

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<sup>23</sup> Recently renamed from 'RUEZ' to Future Urban Zone to give effect to the National Planning Standards.

<sup>24</sup> Evidence of M Farrow at [11.1] – [11.5].

have framed the configuration of the Application. As such they are destined for concerted restoration and enduring management and protection within the Proposal.

- (b) Within the physical context of these noteworthy landscape elements and the “context” created by adjacent zoning patterns, the small residue of low-lying land beyond the toe of Hurupaki that lies largely in the northern lee of the central valley’s established indigenous cover is assessed as having substantially deflated rural character and amenity values. It is also considered to have a low level of landscape sensitivity as a result of this physical containment and the likely imposition of future neighbouring land use.
- (c) The net environmental benefit arising from restoring and protecting the imposing key landscape elements within the RPROZ area demonstrably outweighs the adverse effects related to providing for houses to be placed within the area of very limited landscape and visual amenity sensitivity within that part of the Site. This differs from the position of Mr Kensington and the s42A Report that the adverse landscape effects of the RPROZ portion of the Proposal would be high and that a net environmental benefit is not achieved by the Proposal.
- (d) That the landscape, rural character and visual amenity effects of the Proposal range from very low adverse effects to moderate positive effects.

7.17 Overall, for the reasons outlined above, I remain of the view that, subject to the extensive mitigation measures proposed, any adverse effects from the Proposal on the existing rural landscape, character and amenity values will be no more than minor.

### **Historic heritage and cultural effects**

7.18 Mr Carpenter has undertaken an assessment of the heritage and archaeological significance of the Site in his *Archaeological Assessment Report*. As part of his assessment, Mr Carpenter also considered the history of the Site and its use.<sup>25</sup>

7.19 There are no sites or areas of significance to Māori on the Site scheduled in the ODP, the Northland Regional Plan (proposed appeals version) (“PRP”) or wāhi tapu or wāhi tapu areas on the HNZPT List. Nor have any specific sites or taonga (apart from stone walls) been identified by submitters.

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<sup>25</sup> Evidence of J Carpenter at [6.1] – [6.4].

7.20 As the Site is located within the rohe of Ngāti Kahu o Torongare, the Applicant undertook direct discussions with Ngāti Kahu o Torongare prior to lodgement of the Application. The Applicant was unable to obtain further information and understanding of this cultural interest and significance associated with the Site, so requested public notification of the application to enable further information to be obtained in this regard and to enable Ngāti Kahu O Torongare as mana whenua to provide their feedback in the formal process. Ngāti Kahu O Torongare did not make a submission on the application. However, several submitters identifying a relationship with the Hurupaki area have provided brief comments regarding the cultural significance of the Site.

7.21 It is my understanding from the preliminary discussions with Ngāti Kahu o Torongare, and my review of the submissions, that there are features within the surrounding area and the Site that have cultural significance, including:

- (a) Hurupaki – this forms part of the cultural landscape and is an important maunga to Ngāti Kahu o Torongare once being the largest Pā. I agree with the s42A Report that while Hurupaki is not recorded as a site of significance in the District Plan, the ONL and ONF notations are understood to recognise in part its cultural importance.<sup>26</sup>
- (b) Waitaua Stream – this flows through the Site and has its origins from the Te Rawhitiroa Lake which is where babies were once baptised.
- (c) The plateau – this part of the Site is within the area that was used as a mahinga kai for the hapū.

7.22 The Proposal recognises the importance of Hurupaki and has been designed to reduce the potential effects on Hurupaki by:

- (a) avoiding development on the upper slopes of the maunga;
- (b) minimising proposed earthworks north of Waitaua Stream, and avoiding excavation within the steeper slopes of Hurupaki;
- (c) improving stormwater runoff quality and quantity by the permanent retirement and protection of approximately 5.8ha of land as recreation reserve and the revegetation and rehabilitation of approximately 3.85ha of the steeper slopes of

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<sup>26</sup> Section 42A Report at [70].

the Hurupaki cone, extending the existing vegetation and anchoring the maunga;  
and

- (d) revegetating the steeper slopes of Hurupaki in order to improve slope stability, reduce stormwater run off from the maunga, increase biodiversity and connect the vegetation of the maunga to the east and west.

7.23 The proposed walking track is part of a wider recreation network throughout Kamo, and is intended to connect to the existing WDC public walking track and reserve located on the northern side of Hurupaki.<sup>27</sup> Mr Farrow<sup>28</sup> has concluded that the proposed approach to establishing the track will ensure that the majority of any potential scarring effect would be subdued within a matter of weeks and that this solution would then stand until the indigenous planting is established and gains stature over a period of 1-2 years. The Proposal will fully clothe the Hurupaki flank in native forest, which the path would lie within.

7.24 The Proposal recognises the importance of Waitaua Stream and has been designed to reduce the potential effects on the stream by:

- (a) careful design of earthworks within proximity to the Waitaua Stream to reduce effect on the stream and the watercourse which will not be altered;
- (b) containment and treatment of any sediment laden stormwater within the Site, prior to the discharge of any 'treated stormwater' to ground;
- (c) mitigation of sediment runoff and erosion in accordance with best practice,<sup>29</sup> and
- (d) protection and enhancement by way of a drainage reserve being vested in Council along the entire length of Waitaua Stream, the establishment of an ecological enhancement area, planting of the western portion, protection of existing indigenous vegetation and provision for on-going pest and weed management.

7.25 The cultural importance of indigenous flora and fauna to hapū is also recognised across the Site, through significant increased planting of indigenous vegetation and provision of ecological connections, particularly by way of enhancement and on-going management of the proposed Hurupaki and Waitaua enhancement areas.

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<sup>27</sup> Evidence of Mr Farrow, Attachment 2.

<sup>28</sup> Evidence of Mr Farrow at [9.2].

<sup>29</sup> The Erosion and Sediment Control Plan (AEE, Appendix 5) outlines the proposed mitigation measures in regards to sediment runoff and erosion measures.

7.26 I consider that the proposed mitigation measures will ensure that the potential for adverse cultural effects of the Proposal, particularly from the proposed earthworks and stormwater discharge, will be no more than minor and acceptable.

7.27 With respect to the proposed relocation and rehabilitation of dry stone walls within the Site, I rely on the expertise of Mr Carpenter with regard to potential adverse effects on heritage. I consider that, subject to suitable conditions of consent, including accidental discovery protocol in accordance with Heritage New Zealand Pouhere Taonga Act, any adverse effects with respect to heritage will be no more than minor and acceptable.

### **Transport**

7.28 Traffic and transportation effects of the Proposal have been assessed by Mr Scanlen as being well managed such that the effects are less than minor. Mr Scanlen considers that:<sup>30</sup>

The road network the site leads to has more than adequate capacity to absorb the additional motor vehicle traffic from the proposal at full subdivision development, including subdivision development and construction traffic (which will be managed through an approved traffic management plan and temporary traffic management).

7.29 Mr Scanlen has reviewed concerns raised by submitters and the s42A Report with respect to the proposed intersection with Three Mile Bush Road and concludes:<sup>31</sup>

I remain of the view that the upgrading I recommend of Three Mile Bush Road will be more than adequate and will address the effects of the traffic generated by the Proposal such that those effects are less than minor.

7.30 I rely upon the expertise of Mr Scanlen, with regard to potential adverse transport effects and I consider that, subject to the updated Proposed Consent Conditions, those effects will be less than minor.

### **Construction effects**

7.31 Adverse effects associated with the construction of the development (e.g. earthworks, dust, noise and vibration and construction traffic) are managed or will be managed through:

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<sup>30</sup> AEE, Appendix 7; Evidence of D Scanlen at [6.12] – [6.14].

<sup>31</sup> Evidence of D Scanlen at [7.3].

- (a) the resource consent for bulk earthworks, stormwater diversion, discharge and construction within Waitaua Stream granted by NRC on 29 March 2022;<sup>32</sup>
- (b) a Construction Management Plan (required as a condition of consent) including compliance with New Zealand Standard NZS 6803: 1999 “*Acoustics - Construction Noise*”; and
- (c) an Erosion and Sediment Control Plan (required as a condition of consent).<sup>33</sup>

7.32 Relying on management plans to address construction effects is common practice for large scale developments and, as set out in the s42A Report, I consider construction effects can be suitably addressed such that any off site adverse effects will be minor.<sup>34</sup>

### **Urban character and density**

7.33 The proposed subdivision has been masterplanned to accommodate residential built form, recreational opportunities, connectivity to adjacent development, central open spaces and significant areas of landscaping throughout the development to result in a high level of residential and urban amenity. These design features are recognised in the s42A Report as being of benefit to the community and positively contributing to the character and amenity of the area.<sup>35</sup>

7.34 While the development in the GRZ is not a permitted activity, the scale is not beyond what may reasonably be expected in the residential zone. The proposed density is considerably lower than that which might realistically be expected to occur if the GRZ zoned part of the Site was developed in isolation of the northern portion of the Site, given the GRZ subdivision rules and minimum allotment sizes.<sup>36</sup> The Applicant has thoughtfully focused on overall outcomes; the connectivity/character of the Site as a whole; a high level of urban design; and the creation of open space and recreational opportunities in order to achieve an exemplary development whilst protecting the significant natural features of the Site.

7.35 The PDP anticipates a density of one dwelling per 320m<sup>2</sup> (net) with an average net site area of 400m<sup>2</sup> for sites larger than 1ha in the GRZ portion of the Site. The Proposal now

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<sup>32</sup> AUT.043180.01 – O5. Section 42A Report Appendix 5.

<sup>33</sup> AEE, Appendix 5.

<sup>34</sup> Section 42A Report at [58].

<sup>35</sup> Section 42A Report at [64].

<sup>36</sup> PDP, subdivision chapter, rule SUB-R5.1 For subdivisions involving parent sites equal to or greater than 1ha: i. Has a net site area of at least 320m<sup>2</sup>; and ii. The average net site area of all proposed allotments is at least 400m<sup>2</sup>.

comprises 73 residential lots ranging in size from 447m<sup>2</sup> to 1074m<sup>2</sup> (with 19 of the 73 residential lots being proposed to the north of Waitaua Stream within the RPROZ portion of the Site).

- 7.36 The proposed allotments located within the GRZ all comply with the controlled subdivision density standards and are of a size and shape that will provide sufficient area for residential development within each lot in accordance with the permitted activity rules of the GRZ.
- 7.37 The proposed residential allotments located north of Waitaua Stream and in the RPROZ are generally larger than the minimum lot size of the GRZ, intentionally creating a sense of spaciousness between the proposed lots. Due to the size of the proposed allotments, future residential development will not be able to comply with the RPROZ setback and coverage permitted standards. Consent notice conditions<sup>37</sup> are proposed to apply bulk and location controls sufficient to ensure that the built form opportunities within these lots will maintain appropriate residential character and amenity.
- 7.38 In overall terms, I consider that the intensity of residential development is reasonable and that the 73 residential allotments do not represent an over-development of the Site. The residential character and density of the lots within the GRZ will accord with the outcomes sought in that zone and will have less than minor and acceptable effects to the character and amenity of the surrounding residential zones. Within the RPROZ, built development within these lots will be subject to proposed bulk and location development standards and a level of spaciousness will be preserved as a result.
- 7.39 The Proposal includes a small café to be located within proposed Lot 22. The café is not intended to be a destination, rather to provide a neighbourhood amenity and community focus for the residents within the proposed subdivision and surrounding residential sites. Lot 22 is centrally located within the proposed development, connecting to the proposed walking tracks and focused towards proposed reserves as such the future café will not be visible beyond the Site. In my opinion the proposed visual scale of non-residential activities will not dominate the residential character of the locality and will enable the development to integrate with the future residential development that will be established within the proposed subdivision.
- 7.40 It is my opinion that the Proposal will have less than minor and acceptable effects on urban character and density.

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<sup>37</sup> Proposed Consent Conditions, Condition 52(i) and (l).



## **Servicing**

7.41 As set out in the evidence of Mr A Holland, and the s42A Report,<sup>38</sup> servicing of the Site can be suitably achieved subject to the Proposed Consent Conditions. On this basis, any adverse impacts associated with three water servicing on the environment will be less than minor and acceptable.

## **Rural productivity and reverse sensitivity**

7.42 In my opinion the productive potential of the RPROZ portion of the Site is already significantly constrained for the following reasons:

- (a) the steepness of Hurupaki and the riparian margin of Waitaua Stream;
- (b) the proximity to surrounding residential zones and residential land use, including possible reverse sensitivity issues; and
- (c) the class 6 poor quality soil limits the viability of productive land uses.<sup>39</sup>

7.43 For those reasons I consider the Proposal will achieve a more sustainable, efficient and effective use of the Site than if it was used for a more traditional RPROZ activity.

7.44 Given the limited productive potential of the Site, I consider the Proposal will have less than minor effects on the productive potential of the Site – the viability of existing rural production activities will not be compromised and rural production activities on other parts of Hurupaki can continue to operate efficiently at the subdivided scale.<sup>40</sup>

7.45 In my opinion the Proposal will avoid reverse sensitivity effects, as proposed residential development will not be located in close proximity to ongoing rural productive activities. RPROZ rules<sup>41</sup> apply setback requirements to production activities from residential zones to avoid incompatible land use and provide for future growth and in my opinion the location of a limited number of residential allotments in this location, surrounded by other residentially zoned land, is more likely to be protective of residential amenity than a strict adherence to the RPROZ outcomes.

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<sup>38</sup> Section 42A Report at [52] and [53].

<sup>39</sup> Evidence of M Vilde at [5.4] .

<sup>40</sup> RPROZ – P8.

<sup>41</sup> RPROZ-R14 Farm Quarrying and RPROZ-R15 Intensive Livestock Farming.

## Ecology

7.46 Ms Vilde has undertaken an assessment of the ecological features and values of the Site, detailed in the AEE,<sup>42</sup> and ecological effects generated by the Proposal. Both Ms Vilde and Mr Farrow are in agreement with respect to the ecological benefits of the Proposal, and Mr Farrow<sup>43</sup> confirms that he has worked very closely with Ms Vilde on the nature and configuration of the Hurupaki cone flank and Waitaua Stream corridor, and he strongly endorse her analysis and conclusions.

7.47 With regard to the potential adverse effects of the Proposal, Ms Vilde has concluded that:<sup>44</sup>

In my opinion, the Proposal presents an exemplary subdivision in relation to ecological matters, striking a balance between protecting and enhancing areas of higher existing ecological values, while concentrating the Site's development on areas with low existing ecological values or functionality.

I consider that the potential adverse effects of the Proposal can be secured through best practice sediment and erosion control measures, comprehensive ecological and landscape design principles, as well as appropriate planning and development controls. Provided that they are implemented successfully during construction and operational phases of the development, adverse effects on the environment would be no more than minor, and would, in fact, allow for the enhancement of ecological values identified on site and immediate surrounds resulting in an overall 'net environmental benefit.'

7.48 I rely upon the expertise of Ms Vilde, with regard to potential adverse ecological effects and I consider that, subject to suitable conditions of consent, those effects will be no more than minor.

## Positive effects

7.49 In my opinion the Proposal will result in significant positive effects including:

- (a) The development of 73 residential allotments with a variety of lot sizes and configurations that will contribute towards the creation of residential development housing opportunities in the Whangārei District.

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<sup>42</sup> AEE, Appendix 11.

<sup>43</sup> Evidence of M Farrow at [9.49].

<sup>44</sup> Evidence of M Vilde at [11.2] and [11.3].

- (b) The development of a transport network which has a high level of urban amenity, provision of footpaths, lighting, on-street parking and manoeuvring which contributes to the amenity of the wider residential neighbourhood.
- (c) Comprehensively designed stormwater management network which will improve water quality of Waitaua Stream and reduce risk of flooding downstream. The proposed new stormwater ponds will provide habitat for common native avifauna species moving within the landscape such as pukeko, and paradise shelduck, among others.
- (d) Protection, rehabilitation and revegetation of the slopes of Hurupaki Cone will:
  - (i) Remove the degrading forces of cattle from the Hurupaki flank halting the geomorphological damage of minor track terracing, initiated minor surface failures.
  - (ii) Returning the ONL/ONF portion of the landform to an original cover of broadleaf podocarp forest, with the attendant restoration of the maunga's identity.
  - (iii) Expand that vegetative identity downslope of the ONL/ONF boundary to the toe of the steep flank, thereby grounding the expressed cone down to its topographic toe.
  - (iv) Reduce stormwater runoff from the steeper slopes of Hurupaki, reducing quantity of sedimentation of Waitaua Stream.
- (e) Protection and revegetation of Waitaua Stream will:
  - (i) Restore the central valley to an intact ecological association and landscape identity that reflects the indigenous character of those few remaining parts of the Waitaua corridor that retain such qualities.
  - (ii) Repair the riparian corridor to create ecological linkages and a cohesive landscape.
  - (iii) Improve ecological values by providing active management of pest and weed species.
- (f) Restoration and enhancement of all on site dry stonewalls as cultural and heritage features.

- (g) Increased recreational opportunities via a significant open space and pedestrian network linking into Hurupaki, along the Waitaua Stream and connecting to 'The James' to the east and vacant residential land to the west.

### **Other matters**

7.50 The AEE has also comprehensively considered the actual and potential effects of geotechnical, critical electricity lines and connectivity and open space. I have not expanded on these further in this evidence as they are not raised in submissions and the s42A Report.

### **Conclusion**

7.51 Overall, I consider, any actual and potential adverse effects on the environment are no more than minor and are acceptable.

## **8. SECTION 104(1)(B) – PLANNING CONTEXT**

8.1 I have reviewed the relevant statutory documents in accordance with s104(1)(b), as they relate to the Proposal. These are addressed in detailed in the AEE and s42A Report, however, I set out a brief summary below.

### **National Policy Statement on Urban Development (“NPS-UD”)**

8.2 As set out in the AEE,<sup>45</sup> I consider that objectives 1 and 4, and policies 1, 5 and 6 are relevant to the Proposal. My conclusions have not changed since that assessment.

8.3 I consider that the NPS-UD is primarily relevant to the GRZ portion of the Site in light of the NPS-UD definition of urban environment<sup>46</sup> which includes any area of land that is or is intended to be predominately urban in character.

8.4 However, I note that WDC has identified that the RPROZ provides capacity for approximately 5,000 dwellings, plan enabled capacity which is additional to the capacity modelled within their housing capacity assumptions<sup>47</sup> in the *Whangārei Housing and Business Land Demand and Capacity Assessment 2021* prepared in accordance with

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<sup>45</sup> AEE, Section 10.1.

<sup>46</sup> Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.

<sup>47</sup> Whangārei Housing and Business Land Demand and Capacity Assessment 2021 at [page 12].

the NPS-UD, acknowledging that housing capacity is created across the entire district, including in those zones not necessarily currently zoned for residential use.

8.5 My assessment concluded that:

- (a) The Proposal is consistent with objective 1 which seeks to achieve well-functioning urban environments which enables all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The development has been comprehensively master planned and designed to ensure that the urban environment created is well functioning, high quality open space, recreational areas, connectivity and urban character is created supporting residential density in accordance with the GRZ.
- (b) Objective 4 recognises that urban environments, including their amenity values, development and change over time in response to the diverse and changing needs of people, communities and future generations. The Proposal responds to and will give effect to objective 4, through the implementation of residential development as intended by the GRZ. The Proposal is responding to the changing needs of the Kamo community by providing additional housing options.
- (c) Policies 1, 5 and 6 promote urbanisation and intensification to a density of urban form that is commensurate to accessibility or demand. I consider the Proposal will give effect to these policies, by supporting the appropriate urbanisation and intensification of land zoned for residential development, which has high accessibility to open space, schools and commercial centres.

8.6 I acknowledge the present case law indicates that certain objectives and policies of the NPS-UD may not apply to consideration of the application as they do not concern 'planning decisions', including objectives 1 and 4, and policy 5.

8.7 For completeness, the s42A Report concludes that the proposal is not contrary to the NPS-UD.<sup>48</sup>

**National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater ("NPS-FM")**

8.8 The s42A Report does not consider the NPS-FM and the National Environmental Standards for Freshwater, concluding these have been addressed in the NRC consent.<sup>49</sup>

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<sup>48</sup> Section 42A Report at [91].

<sup>49</sup> Section 42A Report at [88].

I concur with Mr Harstone that these matters are addressed by way of that consent and provide no further assessment.

### **Northland Regional Policy Statement**

8.9 I assess the Operative Northland Regional Policy Statement (“**RPS**”) in the AEE.<sup>50</sup> Summarised below are the policies I consider to be relevant to the Proposal and in respect of which my assessment was accepted and adopted in the s42A Report.<sup>51</sup>

- (a) Policies 4.2.1 and 4.4.1 seek to improve the overall quality of Northland’s water resources and to avoid, remedy or mitigate adverse effects on indigenous vegetation or habitats of indigenous fauna. Ms Vilde has considered the ecological effects and concludes that the Proposal will have a positive effect on the freshwater of the Waitaua Stream. I concur with Ms Vilde and consider the Proposal will give effect to policy 4.2.1.
- (b) Policy 4.6.2 seeks to protect the integrity of historic heritage that has been identified in plans. The Proposal will relocate existing dry stone walls (scheduled as archaeological sites) within the Site. Mr Carpenter concludes that the proposed works will have less than minor heritage effects. I rely upon Mr Carpenter’s expertise and agree that the Proposal will avoid significant adverse effects on the integrity of historic heritage.
- (c) Policy 5.1.3 seeks to avoid the adverse effects, including reverse sensitivity effects, of new subdivision, use and development on primary production activities in the primary production zone. The Proposal will result in residential development being located within the RPROZ. I consider that, due to the nature of the surrounding zoning and land use and the physical site constraints of Hurupaki and Waitaua stream, the ability to utilise the Site for primary production activities is already compromised and potential reverse sensitivity effects are avoided. In my opinion the Proposal will avoid adverse effects on primary production activities.
- (d) According to Policy 7.1.1 subdivision, use and development of land will be managed to minimise risks of natural hazards. I consider that the Proposal will be managed to minimise the risk of natural hazards by way of comprehensive design

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<sup>50</sup> AEE at Section 10.4.

<sup>51</sup> Section 42A Report at [93].

of on site stormwater management and avoidance of areas high instability hazards.<sup>52</sup>

- (e) Policy 8.1.2 requires the Council to recognise and provide for the relationship of tangata whenua and their culture and traditions, have particular regard to kaitiakitanga and take into account the principles of the Treaty of Waitangi including partnership when processing resource consents. I consider that the Applicant has taken steps to consult with Ngāti Kahu o Torongare to understand their cultural values with respect to the Site and those cultural values that were raised in preliminary discussions have been recognised by the Proposal.

8.10 Mr Hartstone and I both agree that Policy 5.1.1 is relevant to the Proposal. Policy 5.1.1 seeks to provide for subdivision, use and development that is located, designed and built in a planned and co-ordinated matter.<sup>53</sup> Mr Hartstone considers that the Proposal is contrary to this policy clause (g) because:<sup>54</sup>

...the adverse effects on sense of place and character will be adversely affected to a more than minor and unacceptable effect. Such adverse effects are not anticipated by any growth strategy or plan provisions, noting that the zoning and associated rules objectives and policies for the RPROZ are only recently promulgated and intended to give effect to the RPS.

8.11 I disagree with Mr Hartstone's interpretation of Policy 5.1.1. In my opinion, the policy seeks to maintain or enhance 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.

8.12 As I have previously detailed in Section 7, the existing rural character of this location is already compromised by changes that have occurred in the surrounding environment, including residential zoning and land uses. I consider that the Proposal will not only maintain the existing character and sense of place of the surrounding environment but the proposed enhancement areas will significantly enhance the character of Hurupaki and Waitaua Stream. As such I consider there is need to consider the exception which specifically references existing district plan provisions, such as the surrounding residential zoning which effectively cuts off the rurally zoned portion of the Site.

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<sup>52</sup> AEE, Appendix 8 and Appendix 9.

<sup>53</sup> RPS, Regional Development and Design Guidelines – Appendix 2.

<sup>54</sup> Section 42A Report at [95].

- 8.13 With respect to the remainder of policy 5.1.1., the Proposal incorporates quality urban design principles including context, character, choice, connections, creativity custodianship and collaboration. With specific reference to 5.1.1(d) and (h), the Proposal can be adequately serviced in terms of transportation, water, wastewater, and stormwater by existing and proposed infrastructure.
- 8.14 For these reasons, I consider that the Proposal is consistent with the relevant RPS provisions.

### **Operative Regional Water and Soil Plan for Northland and Proposed Northland Regional Plan**

- 8.15 A comprehensive assessment of objectives and policies of the Operative Regional Water and Soil Plan for Northland and Proposed Northland Regional Plan is detailed in the AEE.<sup>55</sup> Resource consent for bulk earthworks, stormwater diversion, discharge and construction within Waitaua Stream under the proposed Northland Regional Plan was granted by NRC on 29 March 2022.<sup>56</sup>

### **The ODP and PDP**

- 8.16 At the time of lodging the application both the ODP and PDP were relevant to the application. The relevant provisions contained within the PDP can be treated as operative under s86F of the RMA.<sup>57</sup>
- 8.17 Mr Hartstone<sup>58</sup> in the s42A Report has not repeated the AEE assessment and commentary of the ODP and PDP objective and policy analysis, choosing to generally accept and adopt the assessment and commentary in the AEE as it relates to the activities within the GRZ.<sup>59</sup> I acknowledge this approach, but provide the following assessment for completeness.
- 8.18 Furthermore, Mr Hartstone<sup>60</sup> has noted that the Subdivision and RPROZ chapters have been updated to implement the National Planning Standards since the application was lodged. My assessment has been completed against the updated chapters.

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<sup>55</sup> AEE – Sections 10.2 and 10.3

<sup>56</sup> AUT.043180.01 – O5.

<sup>57</sup> Section 42A Report at [17].

<sup>58</sup> Section 42A Report at [96].

<sup>59</sup> Section 42A Report at [97].

<sup>60</sup> Section 42A Report at [99].



*District growth and development*

8.19 The District Growth and Development Chapter guides decision making at the strategic level with objectives and policies set at a high level that seek to achieve a range of outcomes across the district. I particularly note the relevance of policy DGD-P6 Urban Expansion, which requires the avoidance of *inappropriate* urban expansion.

8.20 In that respect:

- (a) The Proposal will result in urban intensification within the GRZ, which is planned and co-ordinated.
- (b) The proposed development will extend north into the RPROZ, which will be adjacent to the urban area.
- (c) Urban sprawl into truly productive rural areas is avoided because the proposed residential development has been contained within the Site, which is not a good location for productive activities, and in alignment with the residential zoning to the west.
- (d) Three waters services will be provided by way of connection to public reticulated systems.

*Urban form and development*

8.21 The Urban Form and Development Chapter sets out the policy direction for the urban area and guides decision making at the strategic level. The objectives and policies generally seek to ensure sufficient residential capacity and to manage change to urban character and amenity values by applying high quality urban design.

8.22 I consider, in reliance on Mr Farrow's evidence,<sup>61</sup> that the Proposal would create a level of amenity, integration and acknowledgement of its context that is rarely achieved and therefore is consistent with these policies. The Proposal has applied high quality urban design, seeking to intensify at a level that will comply with urban character and amenity values of the GRZ. High levels of on site amenity are achieved, through varied allotment sizes, significant areas of landscaping, areas of open space within the residential allotments and expansive open space surrounding the development.

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<sup>61</sup> Evidence of M Farrow at [4.18].

*Historic heritage*

8.23 The objectives and policies of the Historic Heritage Chapter seek to protect the district's heritage resources from adverse effects of subdivision, use and development. In my opinion the Proposal achieves this in the following ways:

- (a) Based upon the evidence of Mr Carpenter, the Proposal is consistent with objective BH.1.4.3 and policy BH.1.4.12 to maintain and protect dry stone walls of historic, cultural, amenity and landscape value throughout the district. Mr Carpenter has concluded that:<sup>62</sup>

The proposed modifications to the dry stone walls will have less than minor archaeological effects, and no more than minor historic heritage effects. Effects will be managed through contract/work controls requiring an experienced stone mason to oversee the work, and recording of any changes made by as-built plans and measured photography, including of typical wall plans and elevations, in the course of deconstruction.

- (b) The intention to relocate/restore the stone walls, using all of the existing stone within the Site, as landscape features within the Proposal will ensure the historic, amenity and landscape value of the stone walls will be maintained and protected (as per Mr Carpenter's evidence<sup>63</sup>). This is consistent with policy outcomes of objective BH.1.4.4 and BH.1.4.9 to encourage and seek to facilitate the on-going use or adaptive reuse of built heritage items where they do not detract from their heritage values or significantly affect the adjacent environment.

*Tangata whenua*

8.24 The objectives and policies of the Tangata Whenua Chapter is largely focused upon the representation of tangata whenua in processes, including the preparation and implementation of the District Plan, seeking to ensure effective consultation and taking into account iwi and hapū management plans. The ODP does not identify any sites of significance to Māori within the Site and Ngāti Kahu o Torongare does not have a Hapu Environmental Management Plan.

8.25 I consider that the Applicant has taken steps to consult with Ngāti Kahu o Torongare to understand their cultural values with respect to the Site and those cultural values raised in preliminary discussions have been recognised by the Proposal.

<sup>62</sup> Evidence of J Carpenter at [7.16] and [7.17].

<sup>63</sup> Evidence of J Carpenter at [8.4].

8.26 In my opinion the Proposal will give effect to Policy 7.4.3 which seeks to maintain and enhance indigenous wetlands, estuaries, and waterbodies of significance to tangata whenua. The Waitaua Stream traverses the Site and, based on prior consultation, is understood to be important to Ngāti Kahu o Torongare. The Proposal will maintain and enhance the stream and surrounding area through pest and weed management, planting and protecting the area by way of reserve.

### **Landscapes and features**

8.27 The objectives and policies of the Landscapes and Features Chapter seek primarily to protect the characteristics and qualities of identified ONF and ONL from inappropriate subdivision, use and development. As detailed in Section 7, the Proposal will protect the ONL and ONF on Hurupaki, by including the entire ONL and ONF within the Site within the proposed enhancement areas are to be planted, protected and managed.

8.28 Mr Farrow<sup>64</sup> concludes:

...it is proposed that there be a dramatic and positive change to the appearance to this part of Hurupaki through planting to restore an appropriately composed indigenous forest canopy. This clearly represents a significant shift from the pastoral state that the submitters seek to perpetuate.

In my opinion, the proposed scenario for the flank is a markedly superior outcome and would, over a relatively short time, justify an extension to the currently defined ONL (outstanding natural landscape) that currently applies only to the upper slopes within the Site.

Removing stock will halt the gradual degradation of the soils of the slope that has been occurring over many years. It will also enable weeds such as blackberry and gorse that colonise that area to be rapidly out-competed if they are to return following the Applicant's efforts to control over the past year. Indigenous seeds from the adjacent forest will have an opportunity to take hold amongst the planting, rather than be browsed off by stock as they currently are.

Apart from this physical benefit, the wider landscape and ecological advantages of restoring the flank face to forest are well documented by this evidence, that of Ms Vilde and our respective technical reports. In my opinion, that benefit is clearly established as being well justified by this documentation.

8.29 For these reasons I conclude that the Proposal will be consistent with the policies of the Landscapes and Features Chapter.

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<sup>64</sup> Evidence of M Farrow at [8.5] - [8.8].

### **General Residential Zone**

- 8.30 The GRZ provides for traditional suburban densities and housing forms and is characterised by one to two-storey stand alone residential units. Objectives and policies seek to provide for subdivision and development that is consistent with the planned suburban built environment and are compatible with the amenity levels of existing residential development.
- 8.31 In my opinion the Proposal is consistent with the objectives and policies of the GRZ, particularly objectives GRZ-O1 Density, GRZ-O2 Housing Variety and GRZ-O3 Amenity, and policies GRZ-P1 Density and Character, GRZ-P2 Onsite Amenity, GRZ-P3 Adjacent Properties, and GRZ-P4 Residential Amenity and Character. The Proposal has been carefully designed to ensure that each allotment has sufficient area to enable future residential development to comply with all GRZ permitted activity standards for setback from boundary and outdoor living courts. I consider that the Proposal achieves a suburban built character that is anticipated and provided for in the GRZ. Furthermore, a high level of on site amenity is achieved throughout the development due to the communal open space areas, recreation reserves, landscape planting and road treatments.
- 8.32 Policy GRZ-R7 enables non-residential activities, where they do not detract from the vitality or viability of business zones, are complementary in design, scale, nature and intensity to the residential context and avoid, remedy or mitigate adverse effects on residential amenity values. The café will be located within the development to service residents within the proposed subdivision and the adjacent residential development commonly referred to as 'The James'. In my opinion a café of that size and scale will not detract from the Local Centre Zone of Kamo. Lot 22 is centrally located, connected to the walking tracks and focused towards reserves as such the future café will not be visible beyond the Site.
- 8.33 In my opinion the visual scale of proposed non-residential activities will not dominate the residential character of the locality and will integrate well with the future residential development. For those reasons I consider, the Proposal is consistent with the objectives and policies of the GRZ.

### **Rural Production Zone**

- 8.34 I provide the following detailed assessment of the RPROZ objective and policies on the basis that the Proposal will have no more than minor effects on rural character and

amenity and will achieve a net environmental benefit (“NEB”).<sup>65</sup> **Attachment 4** of this evidence contains the RPROZ chapter, therefore I only repeat those policies of particular relevance. It is the position of the Environment Court that the provisions of the RPROZ should be read holistically and that approach has informed my assessment.<sup>66</sup>

**8.35** The RPROZ seeks to protect productive rural land and protect and enhance significant ecology, biodiversity, landscapes and historic heritage, identified in the issues section:

The Rural Production Zone (RPROZ) encompasses a large area of the Whangarei District. The purpose of the Rural Production Zone is to sustainably manage the natural and physical resources of the rural area in order to:

- Protect, sustain and promote rural production activities as well as those activities that support rural communities.
- Protect areas of significant ecological and biodiversity values (such as indigenous bush and wetlands).
- Enable the rehabilitation of ecological and biodiversity values.
- Maintain rural amenity and character.

The zone comprises a varied array of topography, landforms, landscapes, soil types, biodiversity and catchments. It is important that the ecological and landscape values of the Rural Production Zone are recognised and where appropriate are protected and enhanced. Ecological and landscape values contribute significantly to the rural character and distinctiveness of the Whangarei District...

**8.36** As previously discussed, I consider that the Proposal reflects the overall intent of the RPROZ and as such is not inconsistent with the outcomes sought in that zone.

**8.37** In summary the Proposal will:

- (a) protect, sustain and promote rural production activities in more appropriate locations by maximising the use of non-productive land which is already constrained by surrounding residential zoning and land uses;
- (b) maintain and enhance the existing (compromised) rural amenity and rural character of the Site and surrounding environment by enhancing the natural

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<sup>65</sup> On the basis of the conclusions reached both in my evidence, and the evidence of M Farrow and M Vilde.

<sup>66</sup> *Haines House Haulage Northland Ltd v Whangārei DC* [2019] NZ EnvC 49.

features of the Site, the landform of Hurupaki and Waitaua Stream, through proposed revegetation and on-going management;

(c) ensure the protection of significant ecological and biodiversity values within the Site, Hurupaki and Watiaua Stream; and

(d) rehabilitate ecological and biodiversity values through the proposed enhancement areas.

8.38 Objectives RPROZ-O1<sup>67</sup> and RPROZ-O2<sup>68</sup> seek to provide the protection and use of productive land resources. Policies RPROZ-P2<sup>69</sup>, RPROZ-P3<sup>70</sup> and RPROZ-P6<sup>71</sup> give effect to these objectives. Given the Site is split zoned GRZ and surrounded by residential zoning, I consider the Proposal will have less than minor effects on rural productivity as the productive options of the Site are compromised as a result of the surrounding residential development, poor quality soils and site topography.

8.39 Objective RPROZ-O2<sup>72</sup> Land Use Activities seeks to enable a wide range of rural production activities and provide for commercial and industrial activities that support rural production activities and/or rural communities. No commercial and industrial activities are proposed within the RPROZ.

8.40 Objective RPROZ-O3<sup>73</sup> seeks to recognise, maintain and where appropriate protect rural character and amenity.

8.41 Policies RPROZ-P1<sup>74</sup> Rural Character and Amenity, RPROZ-P2<sup>75</sup> Land Use Activities, RPROZ-P5<sup>76</sup> Maintain Amenity and Character, RPROZ-P9<sup>77</sup> Net Environmental Benefit and RPROZ-P11<sup>78</sup> Location and Design of Subdivision and Associated Land Development all give effect to objective RPROZ-O3.

8.42 In my opinion the Site and surrounding environment fail to display any of the distinctive rural character and amenity elements listed in policy RPROZ-P1 above at paragraph

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<sup>67</sup> Previously referenced RPZ.1.2.1.

<sup>68</sup> Previously referenced RPZ.1.2.2.

<sup>69</sup> Previously RPZ.1.3.2.

<sup>70</sup> Previously RPZ.1.3.3.

<sup>71</sup> Previously RPZ.1.3.6.

<sup>72</sup> Previously RPZ.1.2.2.

<sup>73</sup> Previously RPZ.1.2.3.

<sup>74</sup> Previously RPZ.1.3.1.

<sup>75</sup> Previously RPZ.1.3.2.

<sup>76</sup> Previously RPZ.1.3.5.

<sup>77</sup> Previously RPZ.1.3.9.

<sup>78</sup> Previously RPZZ.1.3.11.

7.11, other than displaying a dominance of natural features being Hurupaki and Waitaua Stream. These are the features that the Proposal deliberately sets out to protect, maintain and significantly enhance. For that reason, I consider the Proposal to be consistent with RPROZ-P1.

8.43 As discussed earlier in my evidence, I consider that the existing and anticipated rural character of the Site is compromised as a result of the surrounding residential zoning and development and, as a result, the Proposal will result in less than minor effects on rural character.

8.44 RPROZ-P5, which is not discussed at all in the s42A Report, provides:

RPROZ-P5 – Maintain Amenity and Character

To maintain rural amenity, and character by ensuring that all new buildings and major structures and rural land uses:

1. Are of a scale and character appropriate to the Rural Production Zone.
2. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight.
3. Avoid ribbon development.

8.45 The proposed lots to be situated within the RPROZ portion of the Site will maintain rural amenity and character as previously detailed. While the subsequent built form within the proposed allotments will not be of a scale or character that necessarily reflects the standard outcomes of the wider RPROZ, the development has been comprehensively designed to create a sense of openness and clustering of residential development and to avoid ribbon development.

8.46 Objective RPROZ-O4 seeks to avoid adverse effects on productive land resources from residential, rural residential and rural living subdivision and development in the RPROZ. Policies RPROZ-P2, RPROZ-P8 and RPROZ-P9 give effect to objective RPROZ-O4. I have addressed the productive resources of the Site and productive uses in Section 7, concluding that the existing productive resources of the Site are limited due to the physical site constraints, poor soil quality, access to water and the surrounding residential zoning. As such I consider that the Proposal will avoid adverse effects to the productive land resource of the Site.

8.47 Objectives RPROZ-O5 and RPROZ-O7 both seek to protect significant ecology and biodiversity values:

RPROZ-O5 – Fragmentation

Minimise the fragmentation of rural land and promote allotment sizes that facilitate rural production activities other than to protect significant ecological and biodiversity values.

RPROZ-O7 – Protection and Enhancement

Encourage protection and enhancement of significant ecology, biodiversity, landscapes and historic heritage.

8.48 These objectives are given effect to by policies RPROZ-P8, RPROZ-P9 and RPROZ-P11. In my opinion objectives RPROZ-O5 and O7, policies RPROZ-P8 and P9, and the definition of NEB need to be read and assessed together.

8.49 Objective RPROZ-O5 clearly signals that an exception to the requirement to minimise fragmentation and promote allotment sizes which facilitate rural production activities is where significant ecological and biodiversity values are protected. Again, this Objective was not specifically discussed in the s42A Report.

8.50 As confirmed by Ms Vilde, the Proposal will protect and substantially enhance the significant ecological values of both Hurupaki and Waitaua Stream. Therefore, I consider that the proposed fragmentation of the Site is not inappropriate and is consistent with this objective.

8.51 Policy RPROZ-P8 seeks to avoid of subdivision of land less than 20ha unless all sub-clauses can be achieved (noting that this is a policy, not a rule): I assess each sub-clause as follows:

RPROZ-P8 – Subdivision Less than 20ha

To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:

1. It does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved.

(a) As discussed later in my evidence, in my opinion the Proposal will achieve a NEB.

2. The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities.



- (b) In my opinion the Proposal will not inhibit or restrict the productive potential of the Site, as the productive potential has been limited as a result of the surrounding residential zoning.
3. The size, shape and arrangement of allotments:
- a. Is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved.
- (c) As discussed below, I consider a NEB is achieved.
- b. Does not restrict the range of options for the use of production land.
- (d) In my opinion the Proposal will not further restrict the range of options for the use of the productive land of the Site, as previously discussed the productive potential has already been limited and compromised as a result of the surrounding residential zoning.
4. The viability of the existing rural production activity is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.
- (e) In my opinion the viability of existing rural production activities within the Site has already been compromised and no existing rural production activities occur within the Site – as set out in Mr M Holland's<sup>79</sup> evidence, it is difficult to conceive of a viable rural use of the Site.
5. The subdivision and subsequent development will not result in adverse effects on the operation and viability of any adjoining rural production activity or strategic rural industry.
- (f) There are no adjoining rural production activities or strategic rural industry.
6. The subdivision and subsequent development will not require connection to the District's reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's infrastructure network.
- (g) The Proposal will be connected to the district's reticulated sewer and it has been confirmed by Mr Holland and WDC that this will not compromise the efficient functioning of the infrastructure network.

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<sup>79</sup> Evidence of M Holland at paragraph [3.2].

8.52 Policy RPROZ-P9 applies to NEB. A NEB is defined as meaning:

... an activity where it is demonstrated that the benefits of environmental protection and on-going management are greater than the adverse effects created by subdivision and associated land development. The benefits achieved through environmental protection and on-going management do not include:

- a. with respect to the area to be protected:
  - i. requirements of a condition of a prior consent, unless the prior consent has not been implemented and will be surrendered on the grant of a subdivision that proposes environmental protection and on-going management of an environmental protection area.
  - ii. requirements of existing legal mechanism such as a covenant, easement, designation or private agreement / contract.
  - iii. the level of protection provided under regional or district plan rules.
- b. methods required to avoid, remedy or mitigate adverse effects of the allotments being created (such as planting to integrate allotments into their surroundings, and control of cats and dogs).

8.53 In my opinion this definition sets very clear steps for establishing a NEB. A NEB can result from 'environmental protection and on-going management' which is not limited to ecological or landscape protection. As concluded by Ms Vilde<sup>80</sup> and Mr Farrow<sup>81</sup> the Proposal will establish a significant amount of on-going environmental protection.

8.54 To achieve a NEB the benefits of environmental protection and on-going management must be greater than the adverse effects created by the subdivision and associated development. The adverse effects created by the Proposal have been discussed previously in the AEE and in this evidence. In my opinion the adverse effects which must be considered when establishing a NEB are those potentially associated with the 19 allotments proposed north of Waitaua Stream (being located within the RPROZ).

8.55 With respect to the definition of the NEB, the Proposal includes two enhancement areas, which comprise indigenous vegetation on the more sensitive slopes of Hurupaki, being 3.85ha of enhancement area and 1.13ha of enhancement area within the Waitaua Stream corridor.

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<sup>80</sup> Evidence of M Vilde at [9.25].

<sup>81</sup> Evidence of M Farrow at [9.60].

- 8.56 In order to meet the definition, the areas for protection cannot include any of (a)(i)-(iii) as outlined in the definition of a NEB above at paragraph 8.52 :
- 8.57 The proposed enhancement areas are considered to meet this part of the definition, as they are not subject to conditions of a prior consent or any other legal mechanisms. With regard to the level of protection of the enhancement areas provided by regional or district plan rules, the Hurupaki Cone Enhancement Area is zoned RPROZ, with half of the area within ONF and ONL, being subject to a limited level of protection under the Landscape Chapter. The other half of the area is not subject to protection under the ODP. The Waitaua Stream Enhancement Area is split zoned GRZ and RPROZ. Setbacks from waterbodies are the only form of protection under the PDP.
- 8.58 In order to meet the second part of the NEB definition, the benefits achieved through environmental protection and on-going management can not include any of the methods in (b) as outlined in the definition of NEB above at paragraph 8.52:
- 8.59 The Proposal includes the following methods to avoid, remedy or mitigate the adverse effects of the proposed allotments north of Waitaua Stream:
- (a) allotment location and design measures, including size, scale and positioning of lot boundaries to ensure that the future development is viewed discreetly and unobtrusively within the valley and avoids built development on the steeper slopes of Hurupaki;
  - (b) limited earthworks and site establishment to minimise disturbance;
  - (c) a Construction Management Plan that will set measures to manage potential adverse effects associated with the construction phase of the project;
  - (d) building and major structure bulk and location controls to manage scale and location of built form, including setbacks from proposed northern allotment boundaries;
  - (e) colour and finishing design controls for future buildings and major structures to mitigate visibility of built form;
  - (f) landscape planting within the proposed reserve including amenity planting and height controlled amenity planting<sup>82</sup> to blend built form into the Site;

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<sup>82</sup> Evidence of M Farrow, Attachment 2.

- (g) extensive management and treatment of stormwater to improve quality and control of quantity of stormwater entering Waitaua Stream; and
- (h) landscaping within the proposed development, within the General Residential zoned portion of the Site, as well as street trees, enhancement of stormwater ponds and open space areas.

8.60 In my opinion the mitigation measures listed above are sufficient to avoid, remedy or mitigate the adverse effects of the proposed allotments north of Waitaua Stream, noting that as previously assessed I conclude with reliance on Mr Farrow's evidence that the proposed landscape and rural character effects will no more than minor. When assessing the environmental benefits achieved through environmental protection and on-going management in accordance with the NEB definition, I have discounted these measures from my calculation of NEB.

8.61 In the context of the NEB definition, I conclude that the benefit of the environmental protection and on-going management of the proposed enhancement areas are greater than the adverse effects created by the Proposal. Furthermore, I rely upon the evidence of Ms Vilde and Mr Farrow who conclude:

- (a) Ms Vilde:<sup>83</sup>

Based on my professional judgment and expertise I consider that an overall 'net environmental benefit' as defined under the **PDP** will be achieved. I consider that the Application has demonstrated the array of positive ecological and environmental outcomes that will be achieved as part of the Proposal and has shown that any adverse environmental effects can be appropriately avoided, reduced or minimised through comprehensive design and planning principles.

- (b) Mr Farrow:<sup>84</sup>

... emphasise that the integrative approach brought to the planning and design of the Proposal has spanned across both the spatial configuration of the Site and the inputs of expertise from various disciplines. In my opinion, this leads to the initiatives that can be defined as "benefits" being multifaceted, with ecological restoration measures also fostering landscape values, heightening rural amenity, adding social amenity, and leading to enhanced stormwater management.

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<sup>83</sup> Evidence of M Vilde at [9.25].

<sup>84</sup> Evidence of M Farrow at [9.50].

8.62 It is my opinion that the Proposal meets the definition of NEB.

8.63 In my opinion this must also be considered in the context of objectives RPROZ-O5 and O7 and the purpose of the RPROZ.

8.64 I now turn to the policy and assess each sub-clause as follows:

RPROZ-P9 – Net Environmental Benefit

To protect and enhance biodiversity, landscapes, historic heritage and significant ecology whilst protecting productive rural land resources, rural character and amenity by providing for subdivision where all of the following are achieved:

1. A Net Environmental Benefit is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:
    - a. Appropriate area(s) of indigenous vegetation, or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the Northland Regional Policy Statement 2016; or
    - b. Appropriate area(s) of Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, High Natural Character; or
    - c. Heritage Buildings or Sites of Significance to Māori; or
    - d. Appropriate area(s) of Highly Erodible Land, or land within a riparian margin of a stream, river, estuary or the coast located within Acutely or Chronically threatened land environment associated with Land Environments of New Zealand Level 4, will be retired and rehabilitated.
- (a) Ms Vilde<sup>85</sup> has confirmed that the Proposal will ensure legal protection and on-going maintenance of the Hurupaki and Waitaua Stream which achieves both (1)(b) and (1)(d).
- (b) Mr Farrow<sup>86</sup> has confirmed that the Proposal will ensure legal protection of the ONL and ONF of Hurupaki which achieves (1)(b).
- (c) Therefore I conclude, based upon the expertise of Ms Vilde and Mr Farrow, that the Proposal will achieve consistency with subclause 1 of this policy which requires the creation of a NEB where one or more of the features are protected.

<sup>85</sup> Evidence of M Vilde at [9.14].

<sup>86</sup> Evidence of M Farrow at [11.3].

2. The effects of the number, size and location of allotments, building platforms and access, are managed by:
  - a. Avoiding:
    - i. Adverse effects on the areas(s) protected under clause (1) of this policy.
    - ii. Adverse cumulative effects.
    - iii. Reverse sensitivity.
    - iv. Development on highly versatile soils.
    - v. An urban form, by encouraging small clusters of allotments.
  - (d) The Proposal seeks to manage the effects of the proposed allotments and subsequent built form north of Waitaua Stream by avoiding adverse effects on the enhancement areas and cumulative effects by way of integration of the proposed residential development, buffer landscape planting and management of built form by way of conditions of consent.
  - (e) The Site is surrounded by residential zoning and development, therefore reverse sensitivity effects will be avoided.
  - (f) The Site is not defined as containing highly versatile soils.
  - (g) The Proposal seeks to create an enclave of residential development within an enclosed "island" of RPROZ, which has been comprehensively designed and managed by proposed conditions of consent to manage the adverse effects of proposed allotments within the enclave.
    - b. Minimising fragmentation of rural land.
  - (h) In my opinion the Proposal will minimise the fragmentation of rural land, by concentrating residential development within the Site that is already compromised and surrounded by residential development.
    - c. Protecting the productive potential of the site.
  - (i) As previously discussed, in my opinion the productive potential has already been compromised.
    - d. Retaining natural character, landscape qualities and characteristics, rural character and amenity.

(j) The Proposal will retain the natural character and landscape qualities of Hurupaki and Waitaua Stream as concluded by Mr Farrow. As previously discussed in my evidence, the rural character and amenity of the Site, with particular regard to the significant landform of Hurupaki, will be retained and enhanced.

e. Determining whether fewer than the maximum number of allotments should be created.

(k) This element of the Policy does not prescribe any particular outcome, however I consider that the intensity of residential development is reasonable and that the 73 residential allotments do not represent an over-development of the Site.

f. Assessing the proposal against the Coastal Environment objectives and policies where the site is located in the Coastal Environment.

(l) The Site is not located within the Coastal Environment.

8.65 In my opinion the Proposal will achieve all sub-clauses of policy RPROZ-P9 by protecting and enhancing biodiversity, landscapes, historic heritage and significant ecology whilst not adversely impacting productive rural land resources or the rural character and amenity of the Site.

8.66 PPROZ-P11 is a more general policy seeking to direct the location and design of subdivision and subsequent development:

RPROZ-P11 – Location and Design of Subdivisions and Associated Land Developments

To locate and design subdivision and associated land development to avoid urban form and character, maintain rural character and amenity values and protect and enhance environmental features by:

1. Designing subdivisions to respond to the topography and characteristics of the land being developed.
2. Avoiding development on highly versatile soils.
3. Identifying building platforms that respond to site topography and environmental characteristics.
4. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.

5. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
6. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.

8.67 The Proposal has been comprehensively master planned to ensure residential development responds to the Site's topography and its unique environmental characteristic, in particular by protecting Hurupaki and Waitaua Stream. I consider the Proposal is consistent with RPROZ because:

- (a) The subdivision has been designed to respond to the Site topography deliberately setting out to protect, maintain and significantly enhance natural features and characteristics.
- (b) The Site is not classed as highly versatile soils.
- (c) The proposed allotments, access and services have been designed and located to ensure built form is located within the valley, avoiding the steeper slopes of Hurupaki and the ecological corridor of Waitaua Stream responding to the Site topography and environmental characteristics.
- (d) Proposed roading has been minimised, with narrowed road corridors, allotment arrangements particularly northern and southern boundaries follow the Site contour, ensuring minimal earthworks and avoiding the need for retaining and benching.
- (e) The Proposal will not result reverse sensitivity effects, as previously discussed.

8.68 In my opinion the proposed development is not entirely consistent with the RPROZ provisions, however in my experience it is very rare for any non-complying activity, or even any discretionary activity, to achieve an entirely consistent outcome. However, I consider that sufficient evidence has been provided which clearly demonstrates that the proposed roading and pedestrian access layout, subdivision design and layout, and provision of a NEB, will ensure an exemplary visual landscape and urban design and environmental outcome for the Site and overall will not be *contrary to* the outcomes and objectives described generally in the PDP and ODP.



## Subdivision

8.69 The Subdivision Chapter provides direction for the consideration of subdivision of land. Objectives and policies are process oriented seeking to protect and enhance the district's valued features and resources, to subdivide land in a manner that provides for the changing needs of people and communities.<sup>87</sup> The majority of the policies<sup>88</sup> that are focused upon general subdivision matters are either not relevant, or the Proposal will be consistent with them.

8.70 Objective SUB-O5, requires subdivision to be designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner. This objective is given effect to by SUB-P1 and SUB-P5. SUB-P1 is the key policy which directs subdivision design:

To enable subdivision where it meets the relevant zone, overlay and districtwide policies, where subdivision and development is designed to:

1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.
2. Maintain the integrity of the zone with allotment sizes sufficient to accommodate intended land uses.
3. Respond positively to and integrate with the surrounding context.
4. Appropriately avoid, remedy or mitigate adverse effects on:
  - a. Outstanding Natural Features.
  - b. Outstanding Natural Landscapes.
  - c. Coastal Areas.
  - d. Areas of High Natural Character.
  - e. Areas of Outstanding Natural Character.
  - f. Sites of Significance to Māori.
  - g. Historic Heritage.
  - h. Significant Natural Areas.

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<sup>87</sup> SUB-O2 Valued Features and Resources, SUB-O3 Community Needs, SUB-O4 Infrastructure, SUB-P1 Zone, Overlay and District Wide Provisions

<sup>88</sup> SUB-P2 Existing Development, SUB-P3 Boundary Adjustment, SUB-P4 Minor Residential Unit.

- i. Highly versatile soils.

8.71 SUB-P5 relates to the provision of infrastructure:

To achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure.

8.72 The proposed subdivision will reflect the development patterns and amenity values of the GRZ, including a range of allotment sizes and residential development supported by detailed site design, to maintain the integrity of the GRZ.

8.73 The proposed subdivision will also reflect a pattern of development that is compatible with the role, function, amenity values and predominant character of the RPROZ, i.e. to encourage protection of significant ecology, biodiversity and landscapes. The Proposal will protect the integrity of the RPROZ due to the comprehensive design of the subdivision, resulting in a contained residential enclave consistent with the surrounding residential zoning and integrating with the physical features of the Site.

8.74 The proposed development has been designed to respond to the relevant features on site, avoiding adverse effects on the ONL and ONF of Hurupaki Cone, and mitigating the effects on the known historic heritage of dry stone walls on site.

8.75 Servicing, as discussed above, has been comprehensively designed to ensure all proposed allotments will be serviced by reticulated services.

8.76 For these reasons, I consider that the Proposal will be consistent with SUB-O1 and SUB-P1 and SUB-P5, the Proposal has been comprehensively designed to be sequenced and coherent. It is considered that the Proposal is consistent with the Subdivision objectives and policies.

**Transport, three waters management, earthworks associated with subdivision**

8.77 The Transport, Three Waters Management and Earthworks Associated with Subdivision Chapters set policy direction for the establishment, maintenance and use of the transport network, three waters services and earthworks. Objectives and policies generally seek to:

- (a) Integrate land use and transport planning to ensure that land use activities, development and subdivision maintain the safety and efficiency of the transport network.<sup>89</sup>
- (b) Maintain effectiveness, efficiency and sustainability of reticulated three waters, provide three waters infrastructure in an integrated and comprehensive manner and to minimise adverse effects from stormwater, and wastewater.<sup>90</sup>
- (c) Ensure that sites are suitable for development, and that instability hazards and adverse effects on heritage values and New Zealand kauri trees are managed.<sup>91</sup>

8.78 I rely upon the technical evidence of Mr Scanlen and Mr A Holland with respect to transport, three waters infrastructure design and earthworks. In my opinion the Proposal will be consistent with the policies of these chapters, because:

- (a) It has been designed to establish an integrated development, providing safe and efficient access to the proposed residential allotments, including on site walkability and connectivity to adjoining residential developments and the open space network. Accessibility and safety of the community have been taken into account within the proposed development and the proposed intersection with Three Mile Bush Road.
- (b) It includes the effective and efficient provision of three waters infrastructure, including the connection of all proposed residential allotments into public reticulated services, capacity of which have been confirmed. All assets have been designed to provide for ongoing maintenance.
- (c) Integrated assessment of three waters has been undertaken in support of the application with a comprehensive design of on site stormwater management to reduce potential flooding downstream.
- (d) Earthworks, retaining and stormwater management have been carefully designed by LDE to mitigate effects from the establishment level finished building platforms within each lot.

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<sup>89</sup> TRA-O1 Transport network, TRA-O2 Integrate Transport and Land Use Planning, TRA-O4 Safety and Efficiency.

<sup>90</sup> TWM-O1 Connections, TWM-O2 Reticulated Networks, TWM-O3 Integrated Infrastructure and TWM-O5 Adverse Effects.

<sup>91</sup> EARTH-O1 Land Instability.

### **Indigenous vegetation and habitat**

8.79 The overarching intent of the relevant provisions in the Indigenous Vegetation and Habitat Chapter is to maintain and enhance the life-supporting capacity of ecosystems and the biodiversity of the district, and more specifically to protect areas of significant indigenous vegetation and significant habitats from inappropriate subdivision, use and development.

8.80 I consider that the Proposal is consistent with the relevant provisions in the chapter for the following reasons:

- (a) The Proposal will result in a drainage reserve along Waitaua Stream (Waitaua Stream Enhancement Area).
- (b) Lot 205 (which incorporates 5.3ha) is proposed to be vested as reserve to Council. This is a significant parcel of land that represents approximately 40% of the total land area of the Site and contains mature native vegetation and approximately 4.8ha of proposed revegetation and Hurupaki Cone Enhancement Area.
- (c) While it is recognised that under the provisions of the District Plan indigenous vegetation could be removed as a permitted activity, the Proposal will not involve the removal of indigenous vegetation.
- (d) Vesting the significant areas of indigenous vegetation within the Site will ensure protection that it is maintained in public ownership and will result in the protection of the bush and its important ecological and landscape values now and into the future.

### **Other matters**

#### *Precedent*

8.81 As set out in the AEE, in my opinion the Proposal is significantly distinguished from other potential consent applications for similar development within the vicinity or wider Whangārei District for the following reasons:

- (a) The Site is located in a unique zoning situation, located within an enclave of RPROZ, surrounded by residential zones.

- (b) The Proposal responds to the outcomes sought by the GRZ and RPROZ, through the proposed mitigation measures, including the subsequent protection and of restoration of the identified ecologically significant vegetation and watercourse.
- (c) The Proposal achieves the fundamental components of the provision of development that is anticipated by the District Plan.
- (d) The proposed subdivision density does not compromise the character or amenity of the RPROZ given the subdivision design proposed which is supported by the road, pedestrian paths and stormwater reserve which maintain appropriate level of openness.
- (e) A NEB is achieved.

## 9. 104D PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES

9.1 As the application is for a non-complying activity, consideration must be given to s104D of the RMA.

9.2 Section 104D sets out particular restrictions applying to non-complying activities. Consent may only be granted if either:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of a relevant plan or proposed plan.

### **("the gateway test")**

9.3 It is my opinion that the application passes both limbs of the gateway tests.

9.4 The effects of the Proposal are addressed in detail in the AEE, as well as in my evidence above, and the evidence of the Applicant's witnesses.

9.5 Overall, I consider the evidence demonstrates that the effects of the Proposal, including Proposed Consent Conditions, to avoid, remedy and mitigate adverse effects, will be no more than minor.

9.6 In relation to the second limb of the gateway test, the objectives and policies in the PDP/ODP have been assessed in detail in the AEE<sup>92</sup> and earlier in my evidence. That

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<sup>92</sup> AEE, Section 10.7.

analysis confirms that the Proposal is not contrary to the objectives and policies of the relevant plans, being the ODP and the PDP and is consistent with:

- (a) in land use terms, the purpose and intent of the GRZ to accommodate a variety of residential activities; and
- (b) the objectives and policies of the relevant Overlay Chapters.

9.7 I consider it is important to note that in order to pass the second gateway test under s104D the Proposal does not need to be supported by the objectives and policies or be entirely consistent with them. The issue is whether the Proposal is contrary to the objectives and policies, which indicates that it is different to or opposite to what the objectives and policies are seeking.

9.8 In my opinion the Proposal will not be contrary to the objectives and policies. I have comprehensively and holistically considered the RPROZ objectives and policies, with respect to the Site and Proposal. The RPROZ objectives and policies seek to protect and enhance significant ecology, biodiversity, landscapes and historic heritage in addition to maintaining and where appropriate protecting rural character and amenity and providing for rural production. The sole purpose of those objectives and policies is not to avoid residential development and I consider that the s42A Report has adopted an unduly narrow interpretation of the RPROZ.

9.9 When considering this particular Site in the RPROZ, taking into the specific characteristics of the Site and surrounding environment these do not lend themselves to typical RPROZ outcomes and characteristics. Instead, I consider the most appropriate way to implement the RPROZ is to respond to and be consistent with the policies<sup>93</sup> in the zone which seek to emphasise ecological and landscape enhancement and protection.

9.10 As demonstrated by the technical evidence of Ms Vilde and Mr Farrow and the assessment above, the Proposal will establish residential development whilst managing the effects of the number, size and location of allotments, building platforms and access, and will create a NEB in accordance with the PDP definition and as encouraged and anticipated by RPROZ-P9. Overall, this will ensure an exemplar visual landscape and urban design and environmental outcome for the Site.

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<sup>93</sup> RPROZ-P1, RPROZ-P8, RPROZ-P9 and RPROZ-P11.

- 9.11 Although the Proposal is not entirely consistent with every single RPROZ provision when assessed individually, the Proposal when assessed in the round will overall be consistent with the policy direction and, where consistency is not achieved with specific policies, the Proposal has responded through appropriate mitigation and positive effects.
- 9.12 I consider the above assessment confirms that the Proposal satisfies both limbs of the gateway test and therefore consent can be granted pursuant to s104D.

### **Part 2 matters**

- 9.13 In *R J Davidson Family Trust v Marlborough District Council*<sup>94</sup> the Court of Appeal confirms that, in most cases, any reference back to Part 2 is unlikely to add anything to an assessment as the relevant planning provisions will have been established in accordance with, and giving effect to, Part 2. For completeness I have assessed the Proposal under Part 2 of the RMA in the AEE and conclude overall, that it is consistent with and will Promote Part 2 of the RMA.

## **10. COMMENTS ON SUBMISSIONS**

- 10.1 A total of 20 submissions<sup>95</sup> on the Proposal have been recorded in Council's s42A Report.
- 10.2 WDC issued a "Consideration of Submissions Pursuant to Section 37 and 41D of the RMA" decision, which determined that:
- (a) a number of the original submissions were incomplete;
  - (b) accepted 10 further submissions; and
  - (c) accepted late submissions from Loretta Sandbrook and Sophia Hobson.
- 10.3 I note that the content of the updated submissions accepted by WDC differs from those originally received. For completeness I have considered all submission content.
- 10.4 The submissions do not raise new matters/effects that have not previously been addressed in the AEE, and the supporting expert assessments and the supplementary information provided to the Council (s92). The s42A Report has also taken these matters into account (and addressed them) when assessing the application.

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<sup>94</sup> [2019] NZCA 57.

<sup>95</sup> In accordance with WDC Consideration of Submissions Pursuant to Section 37 and 41D of the RMA, Decisions and Directions Report dated 17 March 2022.

10.5 My preceding evidence has worked through the majority of issues that I believe submitters have raised. However, I briefly address the key points raised in the submissions, as follows.

#### **Heritage management (dry stone walls)**

10.6 A number of submitters have opposed the Proposal, due to potential effects on historic heritage particularly, removal and relocation of the dry stone walls. This is considered in the evidence of Mr Carpenter. As discussed above, the walls will be reconstructed and restored utilising rock from the existing walls and as necessary supplemented with rock sourced from within the Site. No rock from the stone walls will be wasted or removed from the Site, and all relocation and restoration work will be undertaken by a qualified stone mason.

10.7 Based on the evidence of Mr Carpenter, I consider that subject to the mitigation measures proposed, any adverse effects on the heritage values will be less than minor and acceptable.

10.8 Mr Carpenter, has also recommended, and the Applicant has accepted that of the consent should include accidental discovery protocol condition in accordance with Heritage New Zealand Pouhere Taonga Act.

#### **Cultural effects**

10.9 A number of submitters have opposed the Proposal due to potential cultural effects, including that the proposed walking track on Huruapaki leads to a Pā site and a site of significance to Māori.

10.10 The Site is located within the rohe of Ngāti Kahu O Torongare. The Applicant undertook direct discussions with Ngāti Kahu O Torongare prior to lodgement of the application and potential cultural effects have been detailed and considered to the extent possible in the AEE. Based on my understanding of the potential cultural effects, I consider the Proposal has been designed to reduce potential cultural effects as detailed in Section 7 of this evidence

#### **Traffic effects**

10.11 Potential traffic and safety effects as a result of the Proposal have been raised by a number of submitters, with majority of the submitters stating that the Proposal will result in increased traffic on Three Mile Bush Road. The issue of traffic congestion in Kamo



and Whau Valley lights, and the risk of effect from construction traffic passing Hurupaki School has also been raised.

10.12 Submitters have raised concern with respect to traffic safety and management, stating that the proposed T-intersection location needs reviewing due to visibility concerns eastward down Three Mile Bush Road and that consideration should be given to a roundabout incorporating the existing crossing of Pukemiro Road.

10.13 Access to the Site is achieved by way of a new 'T' intersection with Three Mile Bush Road, Kamo, and will include a central turning bay and pedestrian refuge on Three Mile Bush Road. The new internal roading system, private access and on-street parking for the proposed development is further detailed in the AEE and considered in the Integrated Traffic Assessment Report.<sup>96</sup>

10.14 Mr Scanlen<sup>97</sup> comprehensively considered the matters raised by submitters and concludes:

Overall, I have not seen anything in the submissions or s42A Report that changes my view of the Proposal and associated traffic management. That is, the risks associated with the generated traffic, to users of the new roads and intersection and the existing road users, will be well within acceptable limits and there will be no more than minor adverse effects on the local road network as a result of the Proposal. Also, despite the congestion experienced at one major intersection between the Site and Whangarei CBD, that the standard development contributions are an appropriate means to address the effects of the proposal on the wider road network.

10.15 The Applicant has liaised with the Ministry for Education and together the parties have reached an agreement to address the Ministry's concerns in respect of the potential traffic effects on Hurupaki School. The Applicant has agreed to apply conditions of consent (if the application is granted) to avoid truck movements to and from the Site during specified hours and driver training to improve awareness of the school and pedestrians.

### **Servicing**

10.16 Fire and Emergency New Zealand ("**FENZ**") and WDC Parks and Recreation and Waste and Drainage Departments raised concerns with respect to servicing of the proposed development.

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<sup>96</sup> AEE, Appendix 7 and Appendix 5.

<sup>97</sup> Evidence of D Scanlen at [ 9.1].

10.17 FENZ is concerned that the Proposal has not taken into account the operational requirements to adequately provided for firefighting activities in a safe and effective and efficient manner as required by the Fire and Emergency New Zealand Act 2017. Following discussions with FENZ, the Applicant has agreed to include conditions of consent (if the application is granted) to provide servicing for the Proposal that adequately provides for firefighting activities.

10.18 WDC Parks and Recreation and Waste and Drainage Departments have raised concerns with the appropriate provision, operation and maintenance of infrastructure to service the development. The Applicant has liaised with the WDC Parks and Recreation and Waste and Drainage Departments and has agreed to apply conditions of consent (if application is granted) to adequately address the servicing concerns of the WDC Parks and Recreation and Waste and Drainage Departments.

### **Construction effects**

10.19 A few submitters have raised concerns with respect to effects from construction activities. Effects associated with construction activities has potential ramifications on surrounding dwellings and their residents during the earthworks stage, infrastructure implementation stage and construction stage, in particular concerns with dust and noise nuisance

10.20 I have discussed potential construction effects and proposed management and mitigation in Section 7 of my evidence.

10.21 The Applicant has specifically liaised with the Ministry for Education and the parties have agreed to apply conditions of consent (if the application is granted) to mitigate the effect of potential dust on Hurupaki School.

### **Ecological effects**

10.22 Submitters have raised matters with respect to ecological effects from the Proposal, including:

- (a) whether the Proposal will affect the underground waterways;
- (b) that Hurupaki is a very special place for Northland's native plants;
- (c) increased numbers of people results in more cats and dogs interfering with the present balance of nature;

- (d) the land represents a large proportion of the District's farmland; and
- (e) the presence of plantation forests along with areas of indigenous vegetation, wetlands and natural landforms are such that the land is best left as rural.

10.23 Ms Vilde has undertaken a comprehensive assessment of the actual and potential ecological effects generated by the Proposal and responded to matters raised in submissions.<sup>98</sup> In summary Ms Vilde concludes:

- (a) human disturbance on ecological values will be limited through the provision of defined paths within the areas, as well as revegetation planting which will form a natural barrier for human movement within the wider core landscape and therefore concentrate their impact to small, localised areas;
- (b) effects associated with increased pet animal presence on the Site can be appropriately managed through appropriate controls and educational material, with the resulting residual effects being no more than minor;
- (c) the loss of low ecological value open pasture habitat would have a negligible effect on kiwi and bat foraging habitat, and the proposed development of the Site would in fact actively enhance and extend potential habitat linkages and provisioning services for these species; and
- (d) the Proposal will not adversely affect the freshwater quantity and quality both on-site and within the wider catchment if recommendations relating to best practice integrated design, erosion and sediment control guidelines provided in the associated reporting prepared for the Proposal are followed.

10.24 On the basis of Ms Vilde's detailed ecological assessments and the imposition of these measures, I consider that matters raised by submitters in relation to ecological effects have been appropriately avoided or mitigated such that they are no more than minor.

### **Landscape, rural character, and amenity**

10.25 Submitters have generally raised concerns with potential landscape effects from the Proposal. Potential landscape effects have been assessed earlier in this evidence and in the evidence of Mr Farrow.

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<sup>98</sup> Evidence of M Vilde, Section 8.

10.26 The northern part of the Site encompasses the upper slopes of Hurupaki Cone, which are identified as ONL and ONF under the ODP. The Proposal has been designed to conserve the fundamental landscape characteristics of the Site identified by Mr Farrow as:

- (a) Protection of the substantial native grove and indigenous trees in the central valley.
- (b) Conserving or reconstructing the stone walls that provide a cultural frame.
- (c) Avoiding development on the steepest face of Hurupaki and restoring that flank.
- (d) Taking those thematic elements and filtering them out into the wider Site through planting and other enhancement measures.

10.27 On the basis of Mr Farrow's expert evidence and compliance with the Proposed Consent Conditions, it is my opinion that actual or potential adverse landscape effects will be appropriately avoided or mitigated such that they can be deemed no more than minor.

10.28 Submitters have generally raised concerns about the potential effects of the Proposal on rural character.

10.29 The Site is located to the west of the residential suburb of Kamo. In the PDP the Site is surrounded by a mix of residential zoning, which includes the southern half of the Site (the part zoned General Residential Zone). Residential development and a change in character is provided for, enabled and anticipated by the PDP. In my opinion this zoning pattern has led to a shift in character of the locality from rural to residential.

10.30 I acknowledge that the northern portion of the Site is zoned RPROZ, and while this currently affords a level of rural character and amenity to the locality, in my opinion this rural character has already been compromised by the surrounding residential zoning and existing residential land use. Typical rural activities which contribute to and establish a rural character will not be able to occur due to proximity to the residential zone and incompatible land use activities. The remaining contribution that this Site makes to rural character and amenity is in respect of its natural landform, vegetation and watercourses, all of which the Proposal will significantly enhance.

10.31 Mr Farrow<sup>99</sup> has explored rural character in some detail in his evidence concluding:

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<sup>99</sup> Evidence of M Farrow at [9.60].

I consider that the existing rural character and amenity of the RPROZ portion of the Site (excluding the flank and stream corridor, albeit in their degraded state) is heavily suppressed when examined through the lens of the “environment” that exists. Based upon the evidence of Mr Farrow it is my opinion that the proposed development will have no more than minor effects on landscape, rural character and amenity.

### **Urban character and density**

10.32 Submitters have raised the potential effects of the proposed café on residential amenity, stating it will result in additional traffic and will contribute to further congestion.

10.33 The small café is designed to serve local needs and can be expected to serve a predominantly walk-in catchment. It is my opinion that Food and Beverage Activities are typical within well-planned residential developments and provide a focal point for the community. Co-locating this activity close to the reserve will establish a node of activity that will be important in meeting the needs of the emerging neighbourhood. Lot 22 is centrally located within the proposed development, connecting the café to the proposed walking tracks.

10.34 Any potential traffic generated from the café has been included within the Integrated Transport Assessment. In his assessment, Mr Scanlen concludes that traffic generated by the Proposal (which includes café traffic) will be well managed, with less than minor effects.<sup>100</sup>

10.35 It is my opinion that the proposed mitigation measures will ensure the adverse effects on residential amenity from the proposed café will be no more than minor.

### **Rural productivity**

10.36 I have addressed potential adverse effects on rural productivity in paragraphs 7.42-7.45. To conclude, it is my opinion that the Proposal will not result in significant loss in rural productivity and effects will be no less than minor.

## **11. COMMENTS ON THE WDC’S SECTION 42A REPORT**

11.1 The s42A Report was prepared by consultant planner, Mr Alister Hartstone, with input from Mr Peter Kensington, consultant landscape architect and Mr Pat Sugrue, Council reporting engineering officer.

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<sup>100</sup> AEE, Appendix 7.

11.2 Having regard to the application material, the submissions received, and inputs from Council's specialists, Mr Hartstone has recommended that the application be declined.

11.3 Mr Hartstone<sup>101</sup> and I generally agree the activities proposed within the GRZ (subdivision and land use) will have less than minor/no more than minor/minor effects and are generally consistent with the objectives and policies in the PDP.

11.4 Mr Hartstone and I disagree with respect to the potential adverse effects of the Proposal on rural character, amenity and landscape in respect of the portion of the Proposal that sits within the RPROZ. As addressed earlier in my evidence, the key points of difference between us are as follows:

- (a) Landscape, rural character and amenity – Mr Hartstone considers that the Proposal will have more than minor adverse effects on landscape, rural character and amenity. I disagree for the reasons outlined above and as set out in the evidence of Mr Farrow.
- (b) Mr Kensington does not consider that the design of the Proposal and conditions of consent will mitigate potential adverse effects on landscape, rural character and amenity. I disagree for the reasons outlined above and as set out in the evidence of Mr Farrow.
- (c) Mr Hartstone and Mr Kensington have both concluded that the Proposal will not achieve a NEB. I disagree with this conclusion as previously detailed above.
- (d) Mr Hartstone and I both agree that Policy 5.1.1 is relevant to the Proposal. Mr Hartstone considers that the Proposal is contrary to this policy, I disagree.

#### **Net environmental benefit**

11.5 Mr Hartstone states that the Proposal must be consistent with Policy RPROZ-P9 in order to achieve a NEB.<sup>102</sup> I disagree and consider in that the Proposal will achieve a NEB, having assessed the Proposal against the definition of NEB.

11.6 In my opinion the definition establishes what a NEB is and RPROZ-P9 sets out the parameters within which a proposal seeking to protect and enhance biodiversity, landscapes, historic heritage and historic heritage within the RPROZ would be

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<sup>101</sup> Section 42A Report paragraph 97.

<sup>102</sup> Section 42A Report paragraph 103.

assessed. Only RPROZ-P9(1) refers back to the creation of a NEB (as defined); the remainder of the policy, including clause 2, does not override the definition of a NEB.

11.7 In my opinion this must also be considered in the context of objectives RPROZ-O5 and O7 and the purpose of the RPROZ which specifically focus on protection and enhancement outcomes. As previously detailed, it is my opinion that the Proposal will protect and enhance biodiversity and landscapes through the provision of a NEB, thereby achieving very desirable protection of Hurupaki and Waitaua Stream.

11.8 Mr Hartstone states: <sup>103</sup>

Even in the event that a net environmental benefit was considered to be attained, Policies RPROZ-P8, RPROZ-P9, and RPZOZ-P11 do not provide for, and explicitly direct avoidance of, residential lots of an urban form. On this basis, the proposal is considered to be directly contrary to the objectives and policies contained in the Subdivision and Rural Production Zone Chapters of the District Plan.

11.9 As detailed in my opinion that the Proposal is not contrary to these policies. I consider that the policies should be read holistically. RPROZ-P8 does not refer to urban form and explicitly provides for residential development where a NEB is created, which in my opinion is a direct reflection of objective RPROZ-O5.

11.10 RPROZ-P9 does not seek to avoid all urban form as the policy must be read in totality, i.e. the avoidance is qualified in the context of “managing effects of proposed allotments” by “encouraging” small clusters rather than urban sprawl.

11.11 Similarly, I consider that RPROZ-P11 is not explicitly “avoiding” urban form as the policy must be read in totality, the avoidance is qualified in the context of the “by” matters listed in 1 - 6. As detailed at paragraphs 8.68 and 8.69 the Proposal is consistent with RPROZ-P11.

### **Subdivision**

11.12 Mr Hartstone<sup>104</sup> has concluded that the Proposal is contrary to objective SUB-O5 and policy SUB-P1, on the basis that the Proposal is not “sequenced and coherent” because in his interpretation it implies that development is timed and undertaken in accordance with the WDP provisions. I disagree with this interpretation, noting that no SUB policy repeats these terms.

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<sup>103</sup> Section 42A Report paragraph 111.

<sup>104</sup> Section 42A Hearing Report paragraph 107.

11.13As detailed in my assessment at paragraph 8.49, I consider that objective SUB-O5 is given effect to by both SUB-P1 and SUB-P5, and the objective to design subdivision which is sequenced and coherent is given effect to through SUB-P1 policy language, i.e. “reflect patterns of development that are compatible” and “maintain the integrity of the zone”. SUB-P5 requires the efficient and effective provision of services and in my opinion a development must be designed in a sequenced and coherent manner to achieve this.

### **Receiving environment and permitted baseline**

11.14Mr Hartstone describes the receiving environment in paragraphs 33 – 35 of his s42A Report and I generally concur with his description. However, in my opinion the receiving environment must also be considered in the context of what the surrounding zoning enables and anticipates.

11.15As detailed in Section 4 the Site is surrounded by a mix of zoning which provides for a level of residential intensification. I note that Mr Hartstone partly acknowledges this in paragraph 117 of his evidence, however he describes the future development to the west as likely to be rural residential in nature. I disagree with this statement - the landholding immediately to the west of the Site is zoned for a large lot residential density and a future urban (general residential) density. I consider the existing land and development pattern further west to reflect a rural residential density.

11.16Mr Farrow has produced simulations<sup>105</sup> which he has comprehensively described in Section 7 of his evidence. These simulations illustrate ‘reasonably predictable development outcome’ that is consistent with the surrounding residential zoning. In my opinion these simulations provide a useful illustration of the receiving environment.

11.17Mr Hartstone describes the permitted baseline within paragraphs 36 – 44, I generally concur with his description.

## **12. DRAFT CONDITIONS OF CONSENT**

12.1 On 2 April 2022 the Applicant provided Council with a set of the Proposed Consent Conditions, following receipt of the Council s42A Report.

12.2 I have since updated the Proposed Consent Conditions as set out in **Attachment 3** to my evidence.

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<sup>105</sup> Evidence of M Farrow, Attachment 5.



### 12.3 Changes made reflect:

- (a) recommendations of Ms Vilde<sup>106</sup> in her evidence with respect to signage within the enhancement areas;
- (b) recommendations of Mr Scanlen<sup>107</sup> in his evidence with respect to the proposed intersection with Three Mile Bush Road;
- (c) recommendations of Mr Kensington<sup>108</sup>; and
- (d) conditions recommended by Mr Surgue<sup>109</sup> which were not already addressed by the Applicant's original conditions of consent.

### 12.4 I provide the following summary of the Proposed Consent Conditions:

- (a) Survey and easements – Conditions 1, 49 and 50(a), (b)-(d) will ensure the subdivision is established in accordance with the information supplied with the application, the survey plan includes all appropriate amalgamation conditions and easements.
- (b) General engineering – Conditions 2, 7 – 11, 14, 45 – 47, 50(g), 51(a) will ensure all that all detailed engineering plans and design is approved prior to construction, all pre-start approvals are gained and work is completed in accordance approved plans and approvals.
- (c) Engineering – management plans – Conditions 3, 4, 12 and 13 ensure traffic management and erosion and sediment control plans are in place to manage effects during construction.
- (d) Road naming – Conditions 15 – 18, 50(e) ensure compliance with Council's road naming policy and erection of appropriate signage.
- (e) Heritage and Cultural – Conditions 5, 6, 37 – 40 ensure management of potential effects prior to commencement of construction, including site blessing, Heritage New Zealand authority and accidental discovery protocol during construction.
- (f) Geotechnical/Earthworks – Conditions 19 – 21 ensure that all proposed earthworks, retaining walls and site establishment will comply with

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<sup>106</sup> Evidence of M Vilde at [10.2(b) and (c)].

<sup>107</sup> Evidence of D Scanlen, section 6.

<sup>108</sup> Memorandum of P Kensington, Attachment C.

<sup>109</sup> Section 42A Report Attachment 6.

recommendations of LDE Geotechnical Investigation and will not result in site instability. These conditions also ensure potential dust nuisance and tracking of spoil is managed.

- (g) Sediment and Erosion Control – Conditions 22 – 34 manage and mitigate potential effects of stormwater runoff and sedimentation during construction.
- (h) Fire Fighting Water Supply – Conditions 35 – 36, 50(f) mitigate the effect of low water pressure for future fire fighting, in the event that Council has not upgraded their water reservoir.
- (i) Food and Beverage Activity – Conditions 41 – 43 manage the potential effects of the proposed Café on urban amenity.
- (j) Ecology – Conditions 44, 50(h) and (l), 51(b)-(e), (f)- (g) seek to manage effects on ecology and ensure NEB is achieved through the protection and on-going management of the proposed ecological enhancement areas.
- (k) Consent notices – Conditions 51(i) – (k) apply conditions against the future records of title to manage on-going effects such as geotechnical assessment of building foundations, water supply, building and major structure bulk, location and finishing in the RPROZ.

12.5 I consider that these conditions appropriately manage and mitigate effects, forming a basis on which consent could be granted, should the Commissioners be minded to do so.

### **13. CONCLUSION**

13.1 My evidence has worked through the relevant statutory requirements for the determination of this application under the RMA, including Sections 104 and 104B.

13.2 In particular, I consider that I have undertaken of a comprehensive assessment of the:

- (a) Actual and potential adverse and positive effects of the proposal. In my opinion, the evidence presented by the Applicant has demonstrated that any adverse effects will be no more than minor and acceptable, subject to suitable conditions of consent. There will also be significant positive effects associated with the application, in particular those relating to the revegetation and ongoing protection of areas of the Site which will provide an ongoing environmental benefit.

- (b) Relevant statutory documents relevant to the consideration of the application. In my opinion, the proposal accords with these documents and in some instances finds specific support in relation to the ecological, landscape and public access enhancement elements.

13.3 In my opinion the Application passes both limbs of the s104D gateway test.

13.4 Matters raised in submissions have been addressed through the body of evidence, or within the technical evidence

13.5 Overall, having carefully considered all relevant matters, I recommend that resource consent should be granted, subject to the amended Proposed Consent Conditions contained in **Attachment 3**.

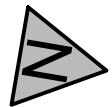
Melissa Ivy McGrath

Date: 27 April 2022

**ATTACHMENT 1****Experience and qualifications**

1. My full name is Melissa Ivy McGrath. I am a Senior Associate with Barker & Associates Limited, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office. I undertake planning work across the country, although primarily in Northland.
2. I am a qualified planner with a Bachelor of Arts and a Master of Resource Management from Massey University New Zealand and I am a Full Member of the New Zealand Planning Institute. I have over 19 years' experience as a planner. I have been employed in various resource management positions in local government and private companies since 2003. I worked within the Whangārei District Council, District Plan Team for 11 years, including four years as District Plan Manager prior to joining Barker & Associates Limited in January 2021
3. My predominant experience has been in statutory policy and resource consent planning in the Whangārei and Auckland regions. My experience includes processing and reporting on resource consent applications, district plan formulation and policy advice for the Far North District and Whangārei District Councils, preparation of Assessment of Environmental Effects, monitoring and compliance of consent conditions.
4. I was the Whangārei District Council, District Plan Manager during the rolling review of the Operative District Plan, while the Rural, and Urban and Services Plan Changes were developed and notified through until six months after appeals against the Urban and Services Plan Changes were filed.
5. I record that I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's practice Note 2014. This evidence is within my area of expertise, except where I state that I rely upon the evidence of another expert witness as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from any opinions expressed. I have no conflict of interest to declare with respect to the Northport Appeal.

**ATTACHMENT 2**



Amalgamation Conditions	
Lot 300 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 12 - 14, and individual Records of Title are to be issued in accordance therewith. See LINZ Request: _____ (RMA Sec 220(1)(b)(iv))	
Lot 301 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 33, 36 & 37, and individual Records of Title are to be issued in accordance therewith. See LINZ Request: _____ (RMA Sec 220(1)(b)(iv))	
Lot 302 (Legal Access) is to be held as nine undivided one-ninth shares by the owners of Lots 63 - 71, and individual Records of Title are to be issued in accordance therewith. See LINZ Request: _____ (RMA Sec 220(1)(b)(iv))	

**LOT 302**  
936m<sup>2</sup>  
LEGAL ACCESS

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefited Land
RIGHT OF WAY, RIGHT TO DRAIN SEWER, RIGHT TO CONVEY WATER, RIGHT TO CONVEY ELECTRICITY AND TELECOMMUNICATIONS, RIGHT TO DRAIN STORM WATER	A	Lot 27	Lot 28
	B	Lot 28	Lot 27
	C	Lot 301	Lots 33, 36 & 37
	D	Lot 17	Lot 16
	E	Lot 16	Lot 17
	F	Lot 302	Lots 63- 71
	G	Lot 300	Lots 12-14

**KEY**

- PROPOSED STONE WALL LOCATION
- WATER WAY
- - - PROPOSED WALKING TRACK

Size	A3	Scale	1:1250	Date	MAY 2021		
No.	Amendment	Init.	Date	Designed			
18	Lot 200's numbering amended	CN	31/08/21	Drawn			
19	Removed Lot 62, 63 & 69 - renumbered Lots	JMC	29/03/22	Checked			
20	Adjusting hillside Lot boundaries	CN	30/03/22	Approved			

**SCHEME PLAN**  
**PROPOSED SUBDIVISION OF LOTS 2 & 3 DP 99045**  
 131 THREE MILE BUSH ROAD, KAMO - WHANGAREI  
 Prepared for: HURUPAKI HOLDINGS LTD



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000 Height: One Tree Point			
Resource Consent Number: _____			
BW Ref.	Stg.	Purp.	Dwg. #
			20183-00-PL-100
Revision:			20

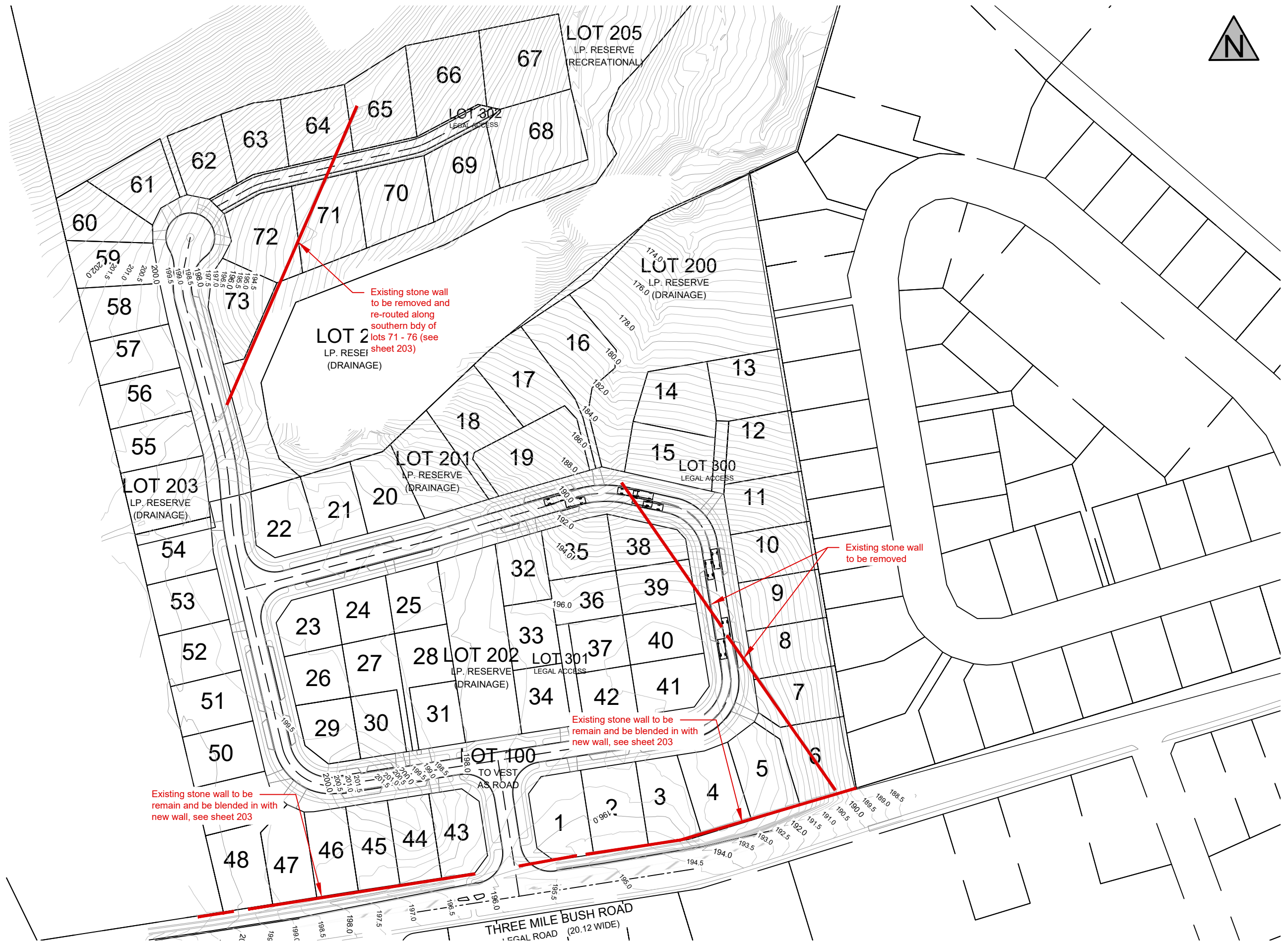
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PT LOT 4  
DP 99045  
(RT. NA93D/53)  
HURUPAKI LTD.



**Contour Interval**  
Major: 2.0m  
Minor: 0.5m

Size	A3	Scale	1:1500	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	10/05/21	Drawn	JMC
2	Removed former lots 62,63 & 69	JMC	31/03/22	Checked	CN
3				Approved	

**Resource Consent Plan**  
**Existing Site**  
189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-200	2

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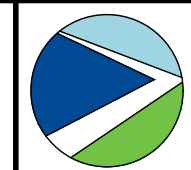


3)  
D.

Contour Interval	
Major:	2.0m
Minor:	0.5m

Size	A3	Scale	1:1500	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	10/05/21	Drawn	JMC
2	Removed former Lots 62, 63 & 69	JMC	31/03/21	Checked	CN
3				Approved	

**Resource Consent Plan**  
**Design Contours**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

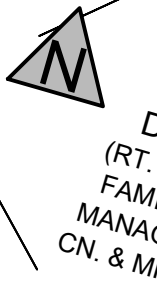


**Blue Wallace**  
**Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-201	2

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PT LOT 4  
DP 99045  
(RT. NA93D/53)  
HURUPAKI LTD.

Surface Analysis: Elevation Ranges				
Number	Colour	Minimum Depth (m)	Maximum Depth (m)	Volume (m³)
1	Dark Red	-6.00	-3.00	3310
2	Red	-3.00	-2.00	4359
3	Light Red	-2.00	-1.00	9465
4	Very Light Red	-1.00	-0.25	15475
5	Light Pink	-0.25	-0.05	5996
6	White	-0.05	0.05	2966
7	Light Green	0.05	0.25	4376
8	Light Green	0.25	1.00	8764
9	Medium Green	1.00	2.00	4740
10	Dark Green	2.00	3.00	1758
11	Very Dark Green	3.00	4.35	328

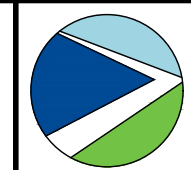
**Volume**  
 Base Surface EG 20210121 -200mm  
 Comparison Surface Combined Finished Level Subgrade Surface  
 Cut Factor 1.000  
 Fill Factor 1.250  
 Cut volume (adjusted) 40282.353 Cu. M.  
 Fill volume (adjusted) 26595.828 Cu. M.  
 Net volume (adjusted) 13686.525 Cu. M.<Cut>  
 Cut volume (unadjusted) 40282.353 Cu. M.  
 Fill volume (unadjusted) 21276.662 Cu. M.  
 Net volume (unadjusted) 19005.691 Cu. M.<Cut>

**Contour Interval**  
 Major: 2.0m  
 Minor: 0.5m



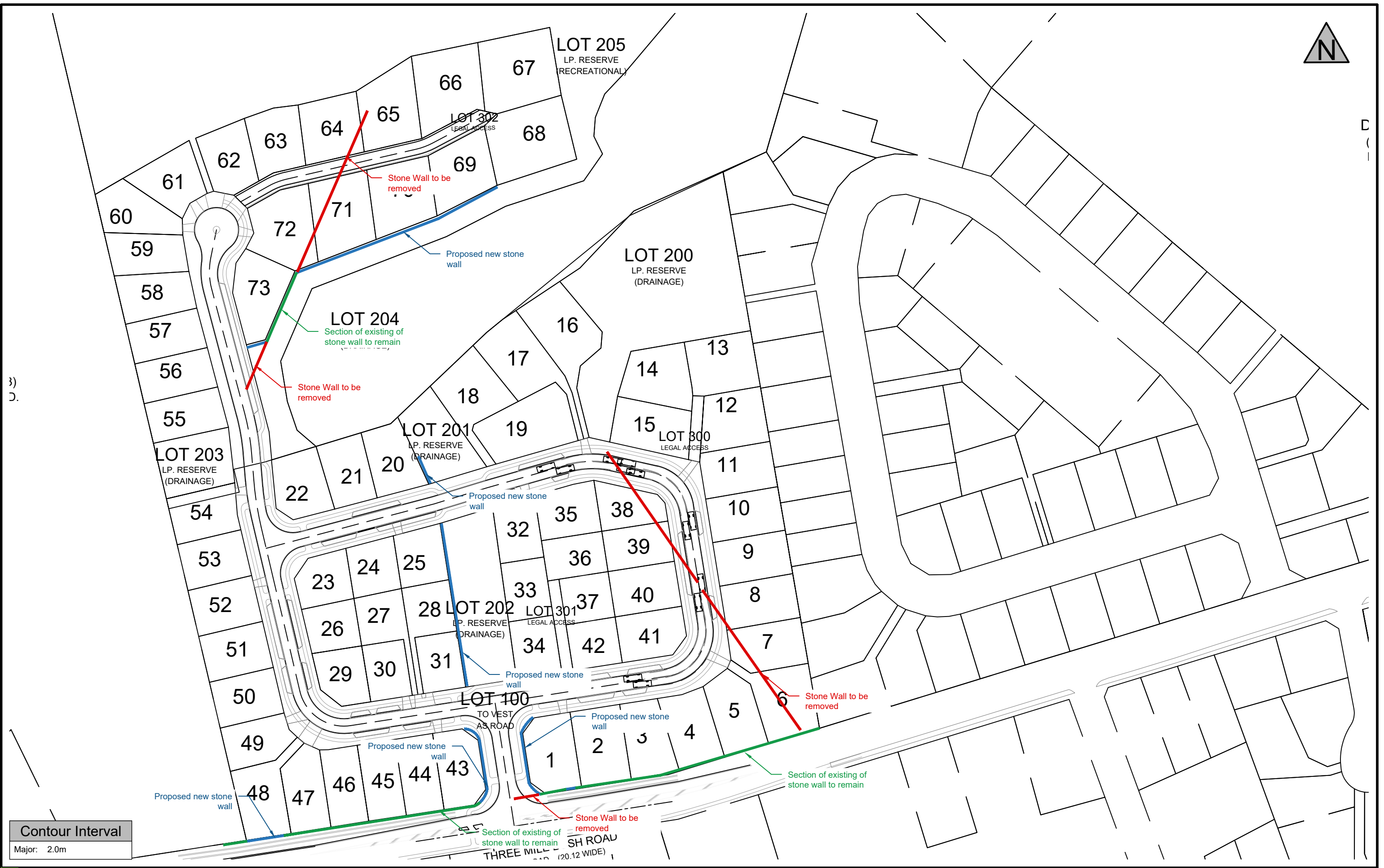
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No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	10/05/21	Drawn	JMC
2	Updated Cutfill figures	JMC	27/01/22	Checked	CN
3	Removed former Lot 62, 63 & 69	JMC	31/03/22	Approved	

**Resource Consent Plan**  
**Cut/Fill**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

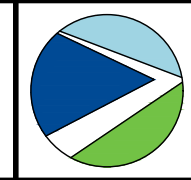
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Height: One Tree Point Datum	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-202	3



**Contour Interval**  
Major: 2.0m

Size	A3	Scale	1:1500	Date	March 2022
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	15/03/22	Drawn	JMC
2	Removed former Lots 62, 63 & 69	JMC	31/03/22	Checked	CN
3				Approved	

**Resource Consent Plan**  
**Stone Wall Layout**  
189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

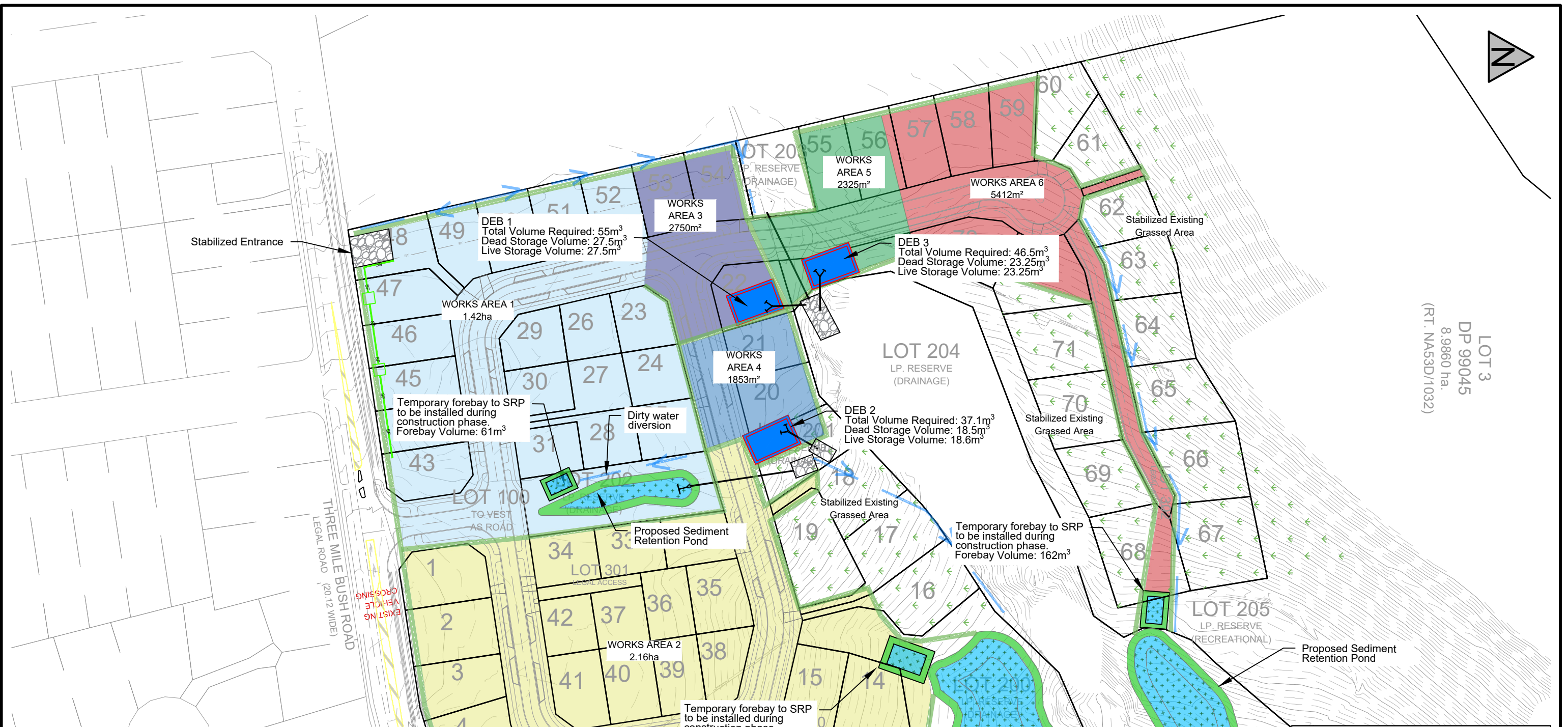
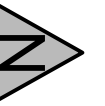


**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-203	2

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LOT 3  
DP 99045  
8,9860 ha.  
(RT. NA53D/1032)

Legend			
Works Area	Area (m <sup>2</sup> )	Outlet	
Works Area 1	14220	Lot 202 SRP	
Works Area 2	21113	Lot 200 SRP	
Works Area 3	2750	DEB	
Works Area 4	1853	DEB	
Works Area 5	2325	DEB	
Works Area 6	5412	Lot 204 SRP	

**Note:** Proposed sediment retention ponds to be used as erosion sediment control ponds during construction to be designed appropriately with forebays or sediment control.

Legend	
	Decanting Earth Bund
	Sediment Retention Pond/Forebay
	Grassed/Currently Stabilized Area
	Proposed Earth Bund
	Clean Water Drain
	Metal Bund
	Silt Fence

Size	A3	Scale	1:1500	Date	September 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued For Resource Consent	JMC	07/09/21	Drawn	JMC		
2	Boundaries Adjusted	CN	30/03/22	Checked	CN		
3				Approved			

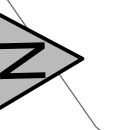
**Resource Consent Plan**  
**Erosion and Sediment Control**  
189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799, Fax (07) 839 4455

Circuit: Mt Eden 2000		Height: One Tree Point Datum	
Resource Consent Number: .....			
BW Ref.	Stg.	Purp. Dwg. #	Revision:
20183-01-EN-250			2

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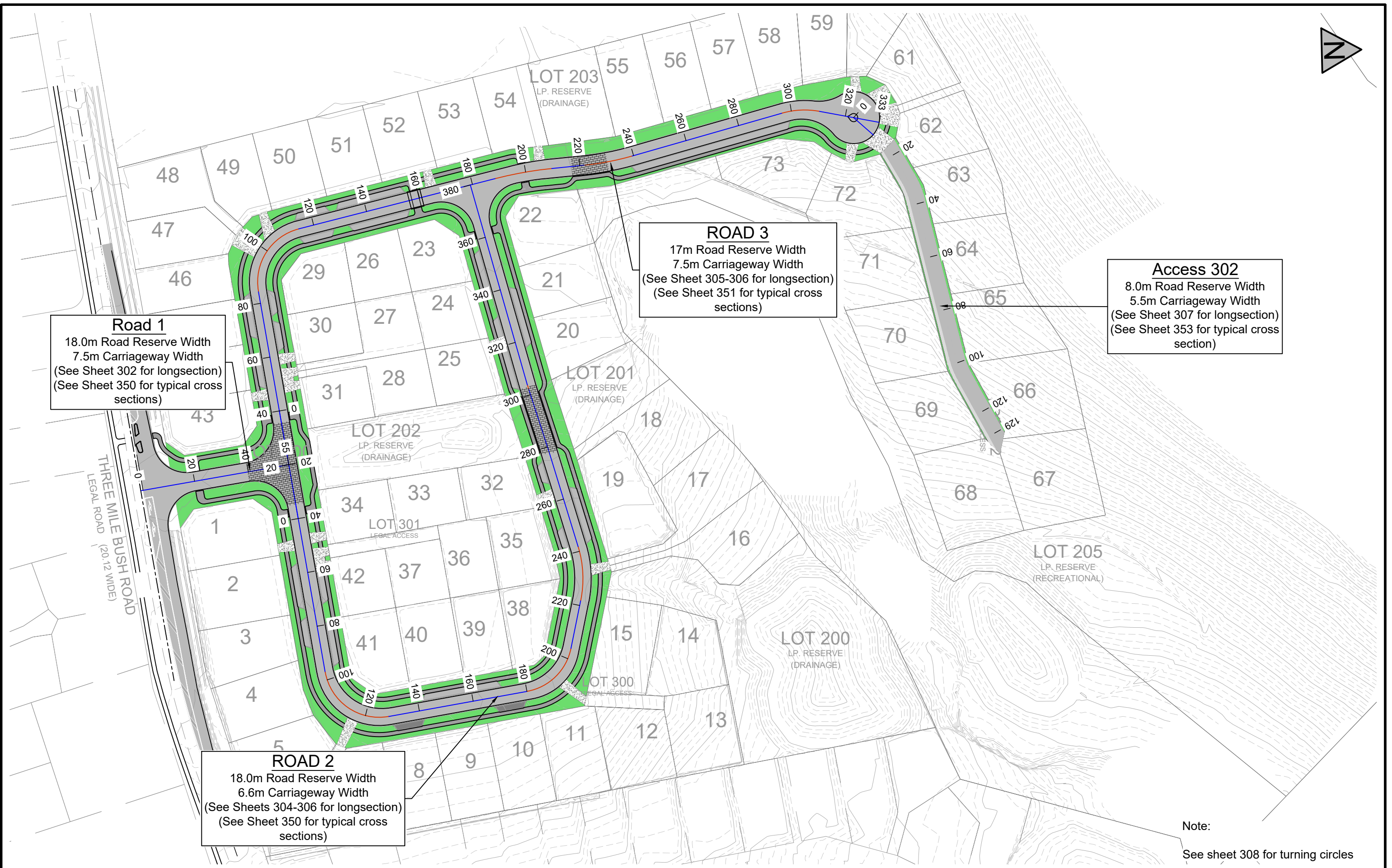
**Road 1**  
 18.0m Road Reserve Width  
 7.5m Carriageway Width  
 (See Sheet 302 for longsection)  
 (See Sheet 350 for typical cross sections)

**ROAD 3**  
 17m Road Reserve Width  
 7.5m Carriageway Width  
 (See Sheet 305-306 for longsection)  
 (See Sheet 351 for typical cross sections)

**Access 302**  
 8.0m Road Reserve Width  
 5.5m Carriageway Width  
 (See Sheet 307 for longsection)  
 (See Sheet 353 for typical cross section)

**ROAD 2**  
 18.0m Road Reserve Width  
 6.6m Carriageway Width  
 (See Sheets 304-306 for longsection)  
 (See Sheet 350 for typical cross sections)

Note:  
 See sheet 308 for turning circles



Size	A3	Scale	1:1250	Date	July 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for resource consent		29/07/21	Drawn	JMC
2	Updated Road Curve Radii	JMC	19/08/21	Checked	
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved	

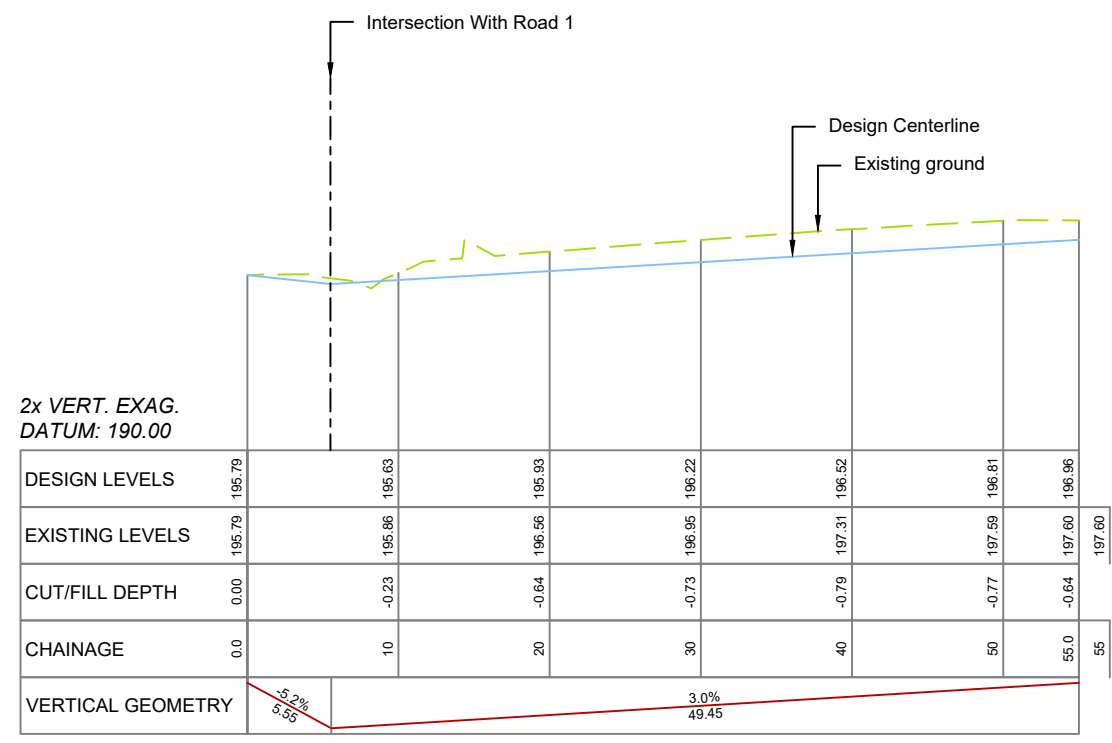
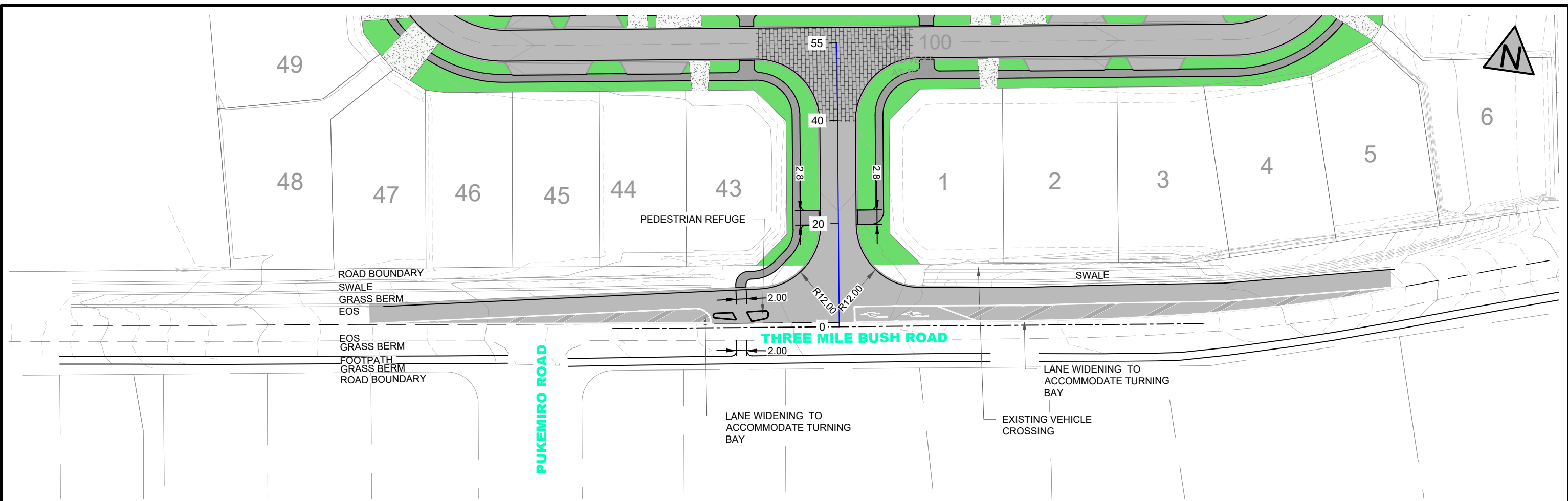
**Resource Consent**  
**Roading Overall Layout**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-300	3

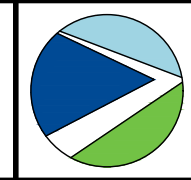
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**ROAD 1 LONG SECTION**

Size	A3	Scale	1:500	Date	July 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for resource consent		29/07/21	Drawn	JMC		
2	Updated Road Curve Radii	JMC	19/08/21	Checked			
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved			

**Resource Consent**  
**Road 1 Longsection and Layout**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

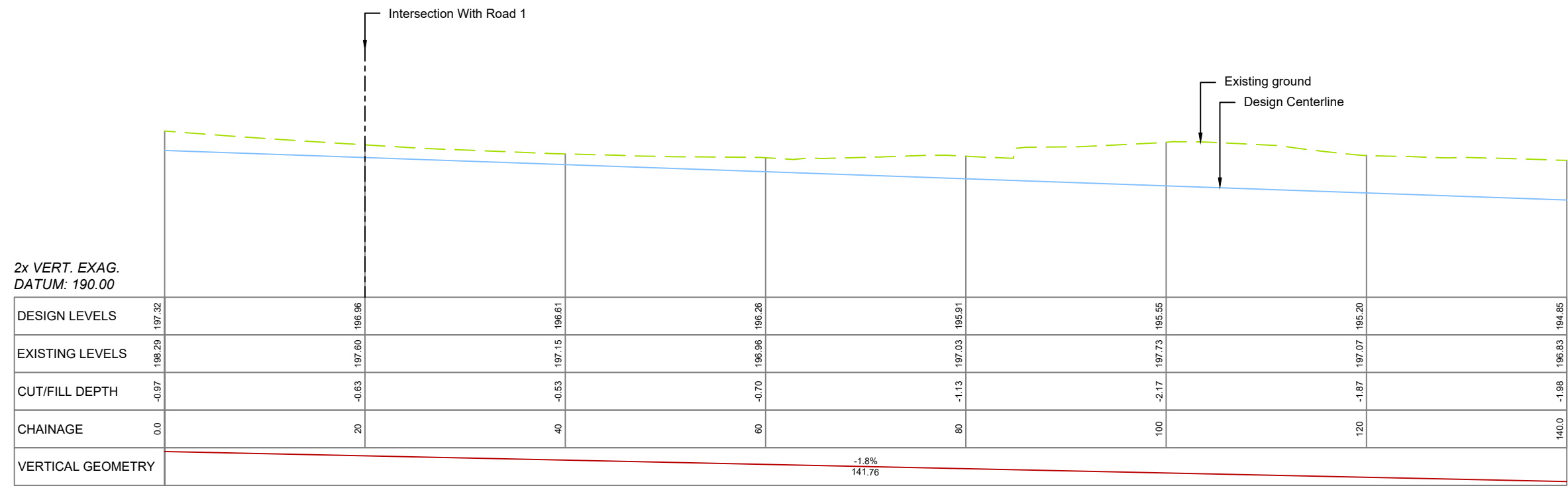
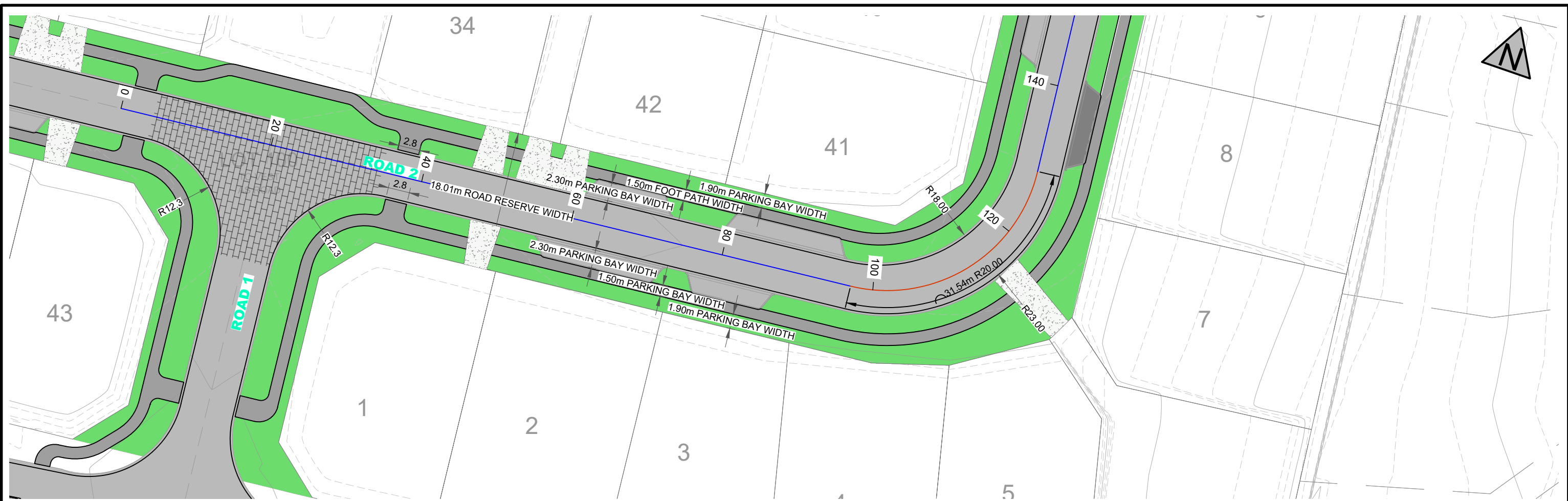


**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-301	3

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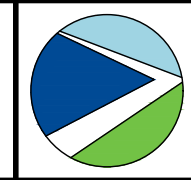




ROAD 2 LONG SECTION

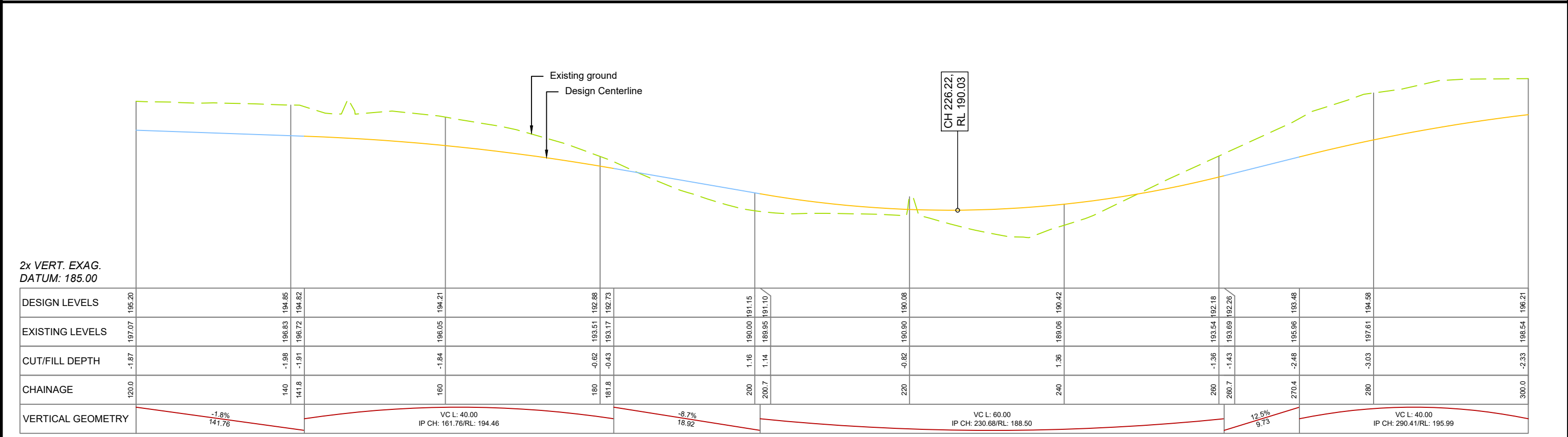
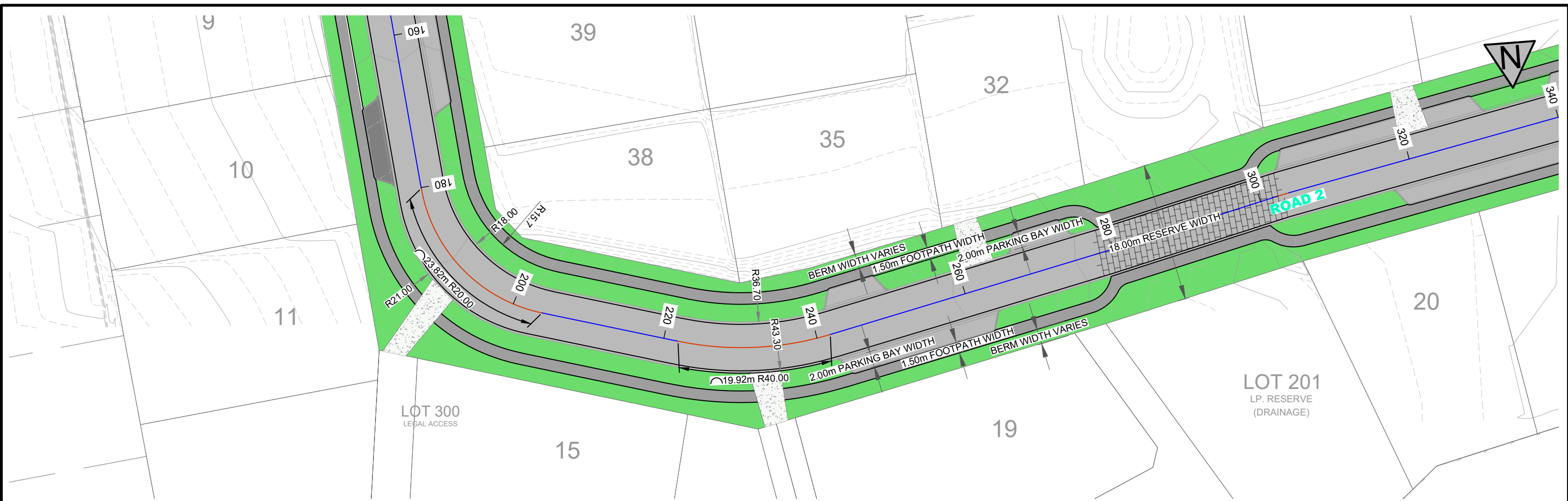
Size	A3	Scale	1:500	Date	July 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for resource consent		29/07/21	Drawn	JMC		
2	Updated Road Curve Radii	JMC	19/08/21	Checked			
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved			

Resource Consent  
 Road 2 Longsection and Layout (1 of 3)  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

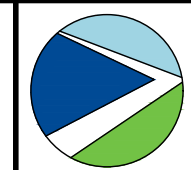
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Resource Consent Number: .....	
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20183-01-RC-302	3



ROAD 2 LONG SECTION

Size	A3	Scale	1:500	Date	July 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for resource consent		29/07/21	Drawn	JMC
2	Updated Road Curve Radii	JMC	19/08/21	Checked	
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Road 2 Longsection and Layout (2 of 3)**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

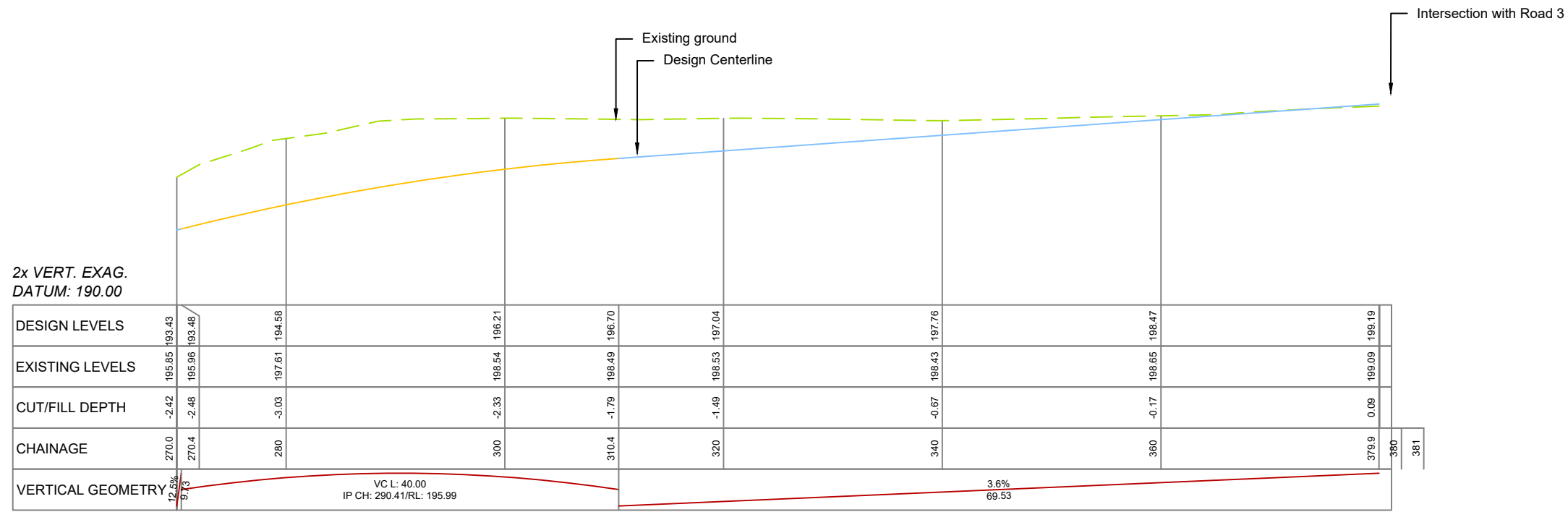
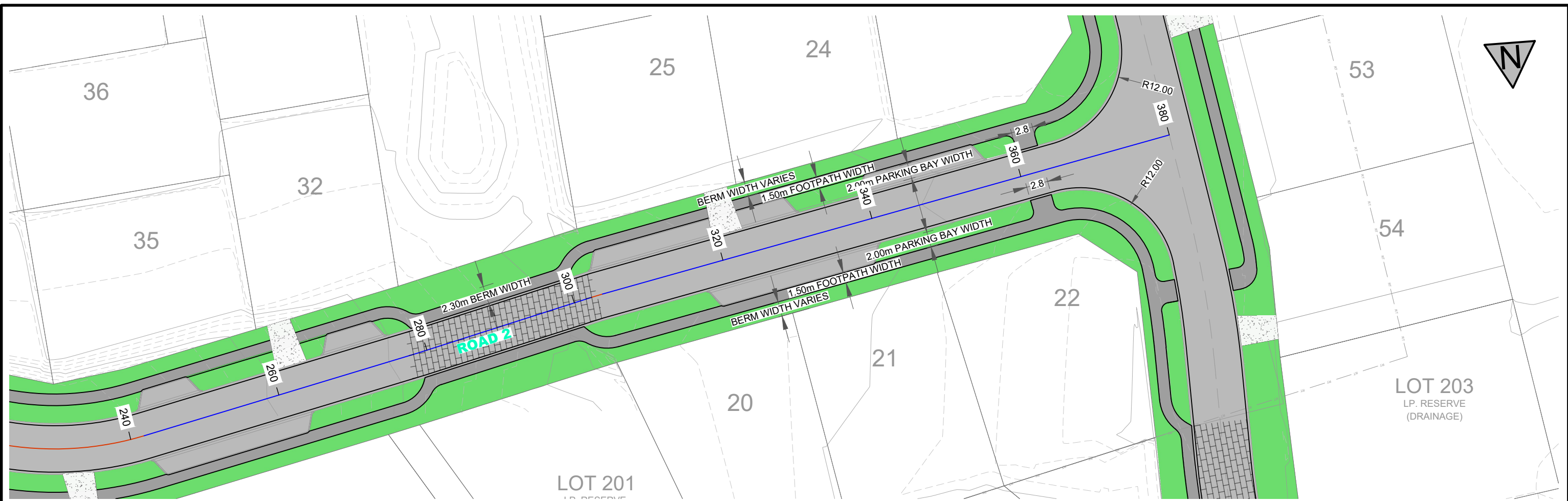


**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-303	3

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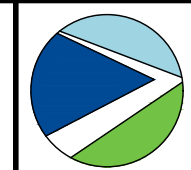




ROAD 2 LONG SECTION

Size	A3	Scale	1:500	Date	July 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for resource consent		29/07/21	Drawn	JMC		
2	Updated Road Curve Radii	JMC	19/08/21	Checked			
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved			

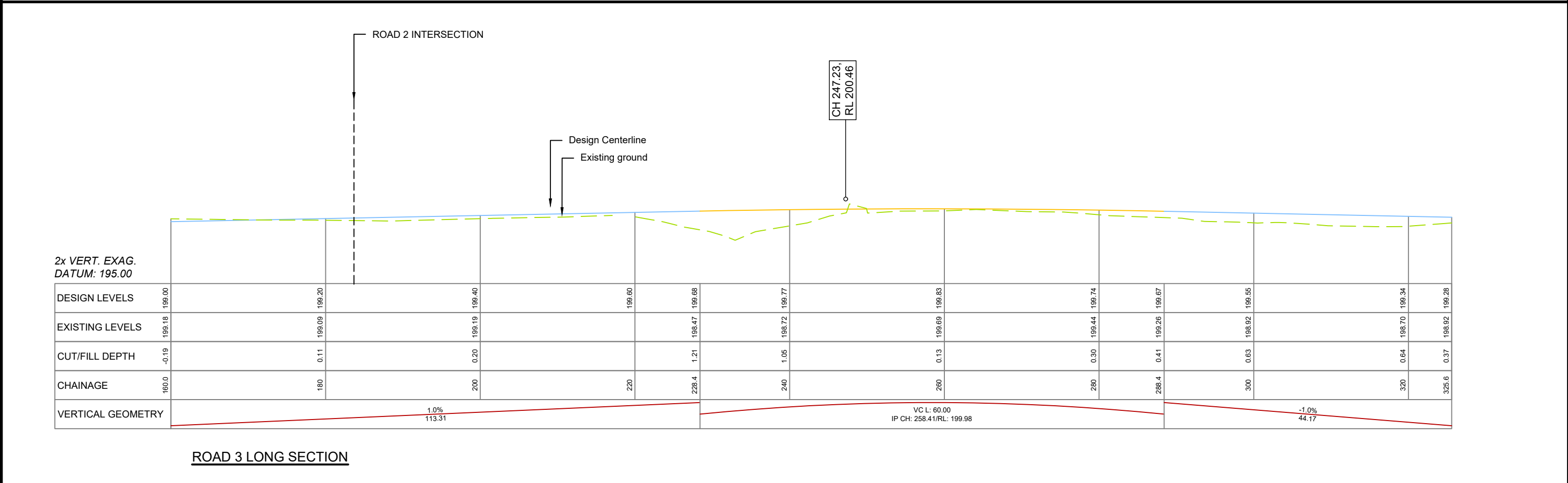
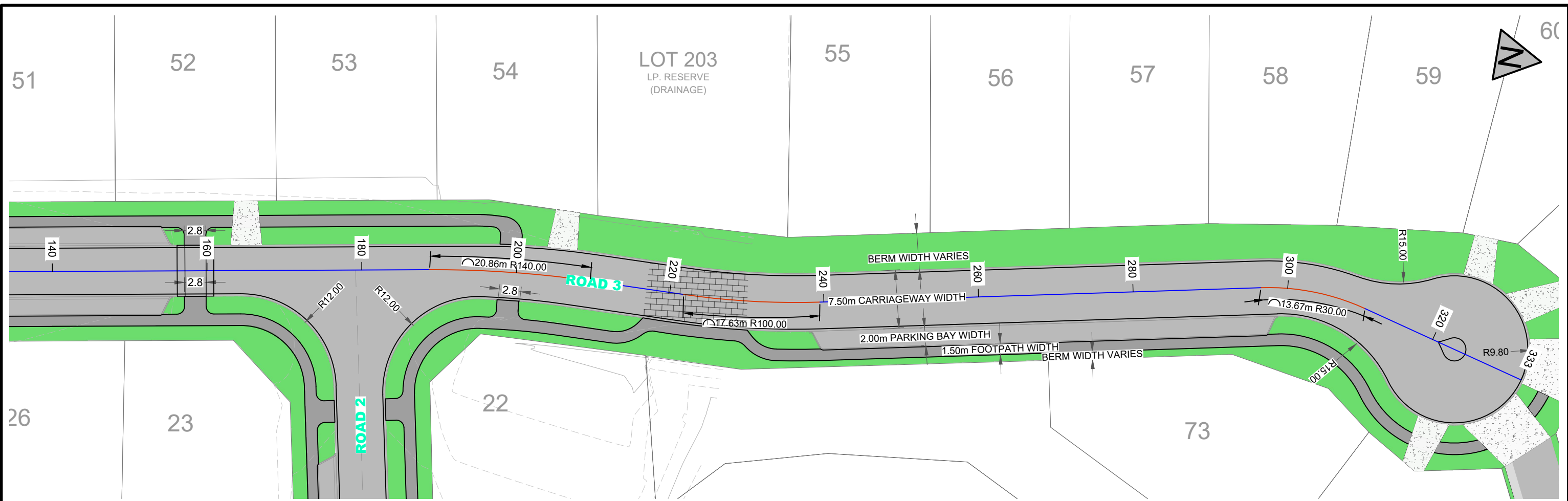
**Resource Consent**  
**Road 2 Longsection and Layout (3 of 3)**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number: .....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-304	3

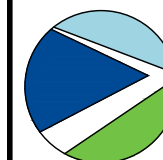




ROAD 3 LONG SECTION

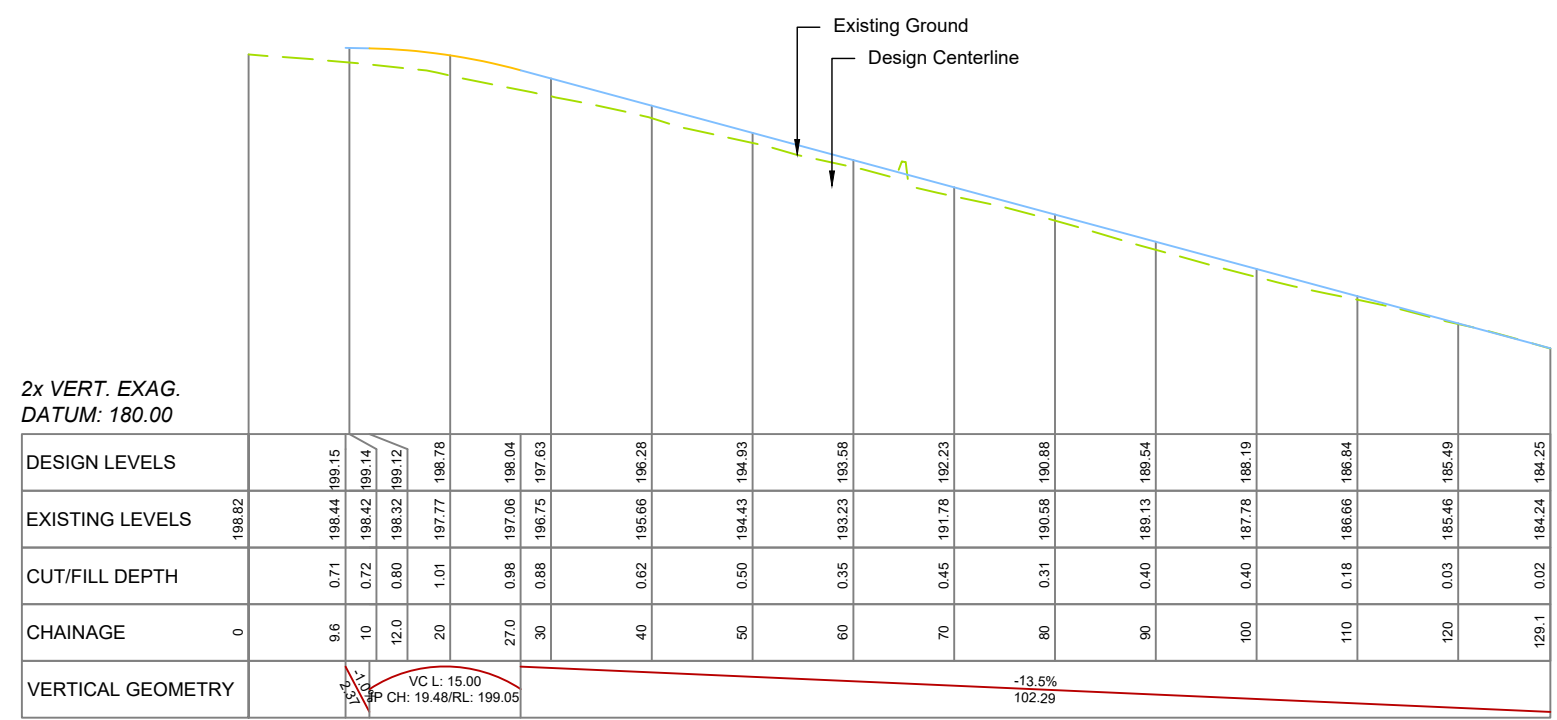
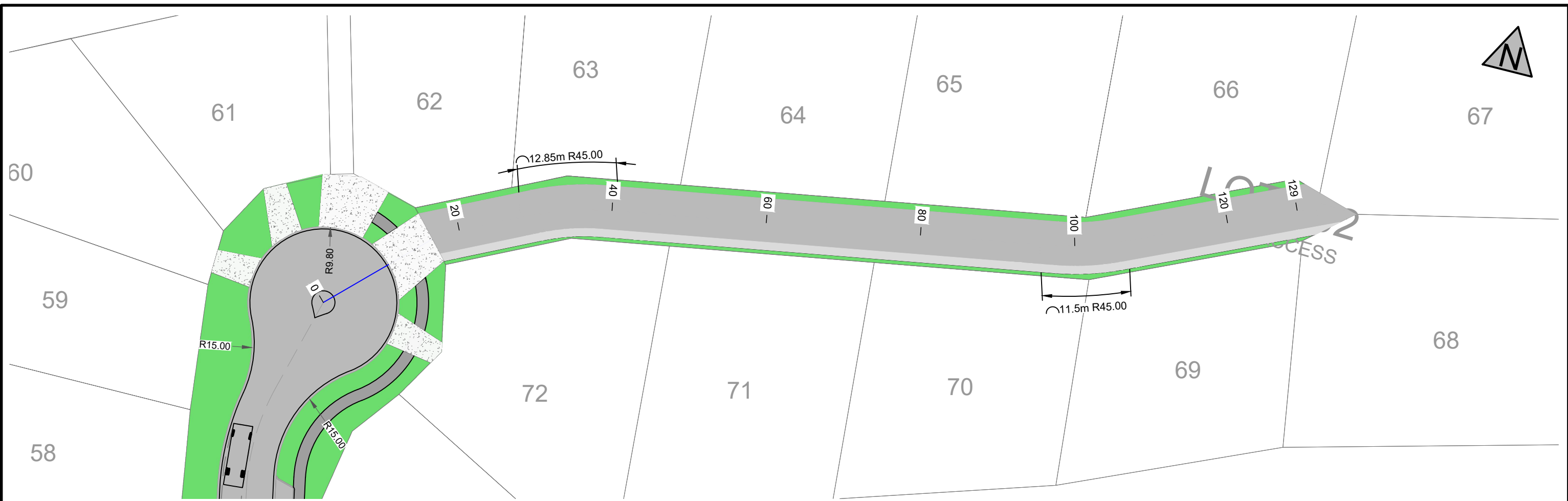
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No.	Amendment	Init.	Date	Designed	JMC
1	Issued for resource consent	JMC	29/07/21	Drawn	JMC
2	Updated Road Curve Radii	JMC	19/08/21	Checked	
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Road 2 Longsection and Layout (2 of 2)**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

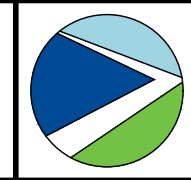
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Height: One Tree Point Datum	
Resource Consent Number: .....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-306	3



ROW 301 LONG SECTION

Size	A3	Scale	1:750	Date	July 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for resource consent	JMC	29/07/21	Drawn	JMC
2	Updated Road Curve Radii	JMC	19/08/21	Checked	
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved	

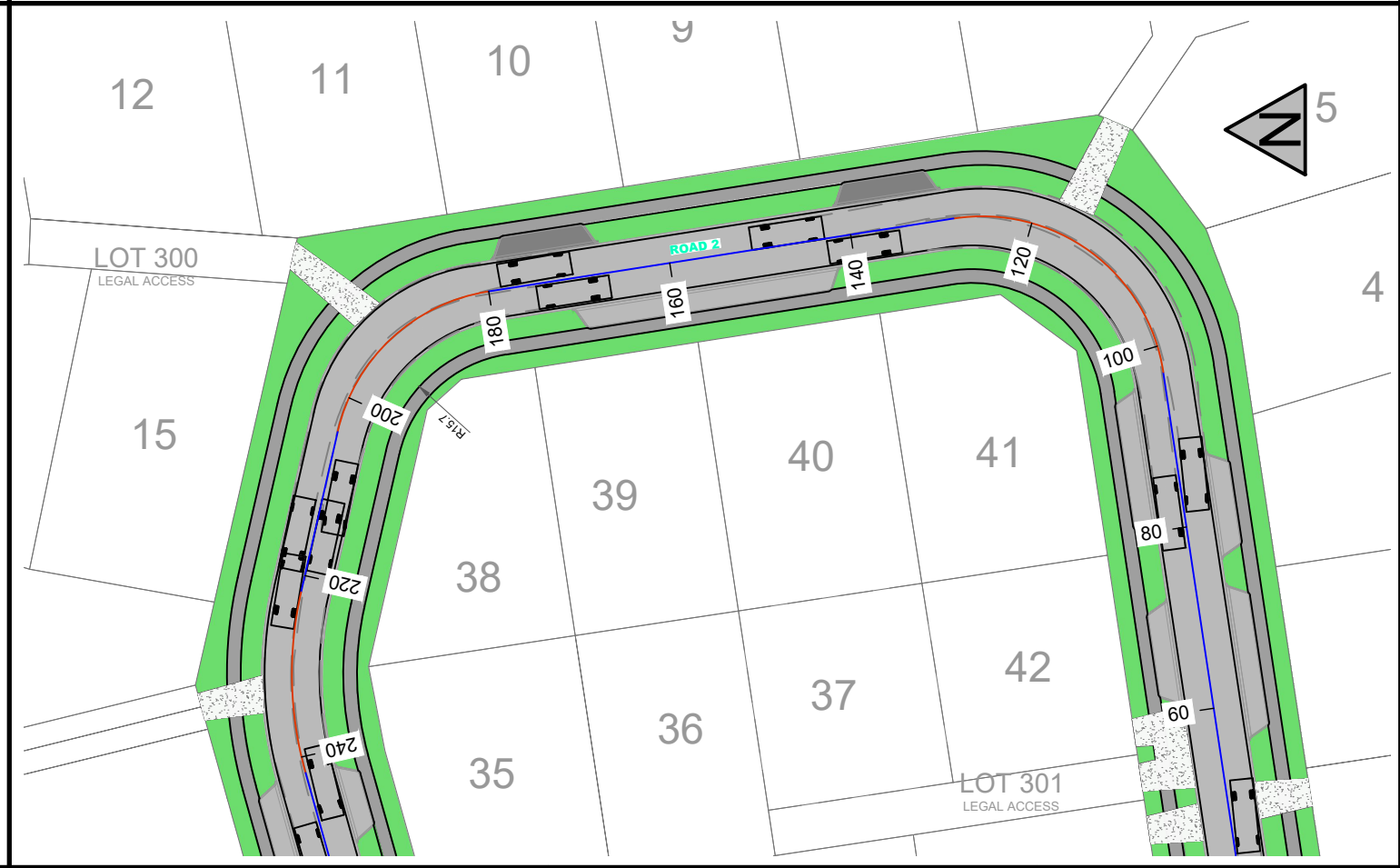
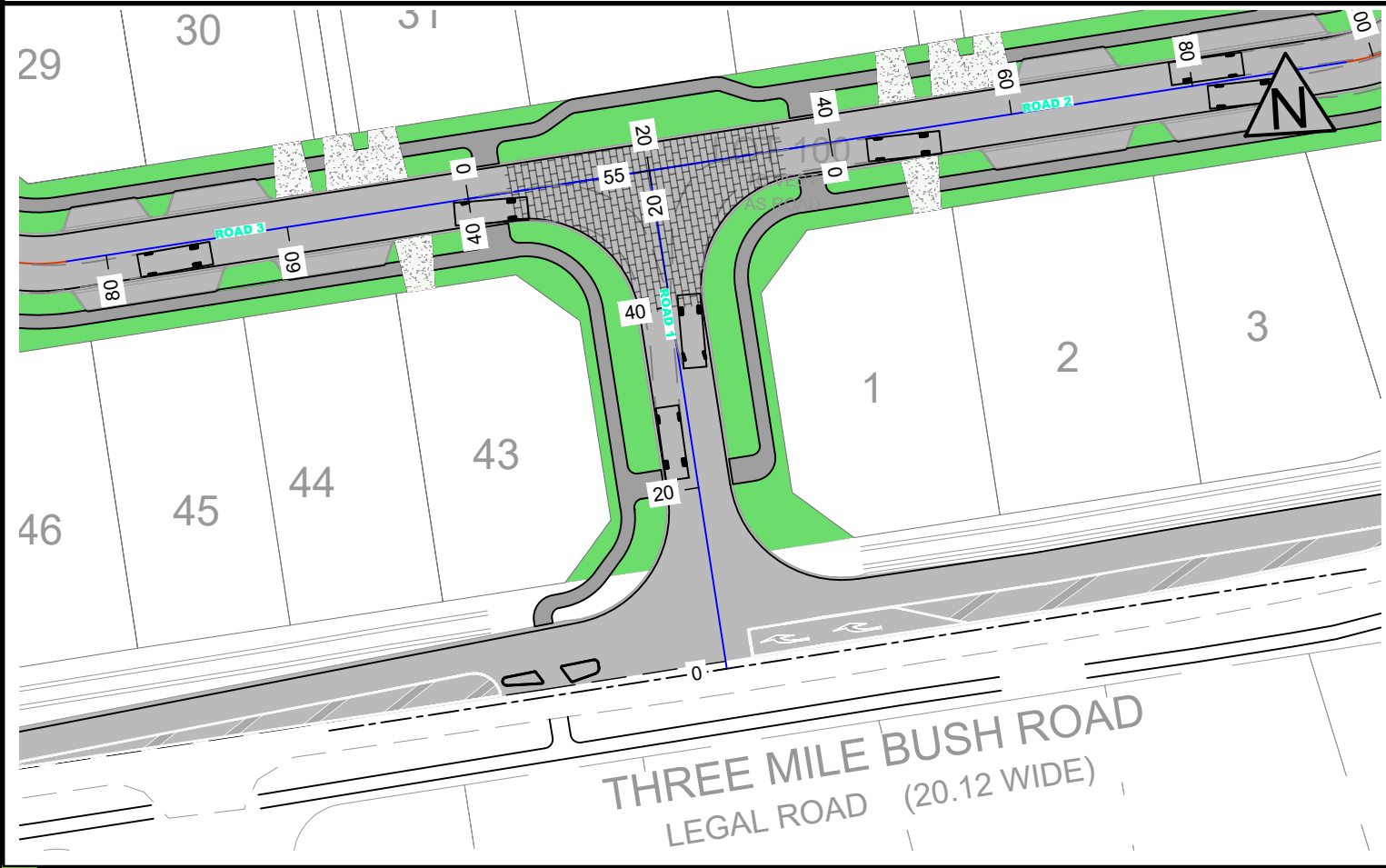
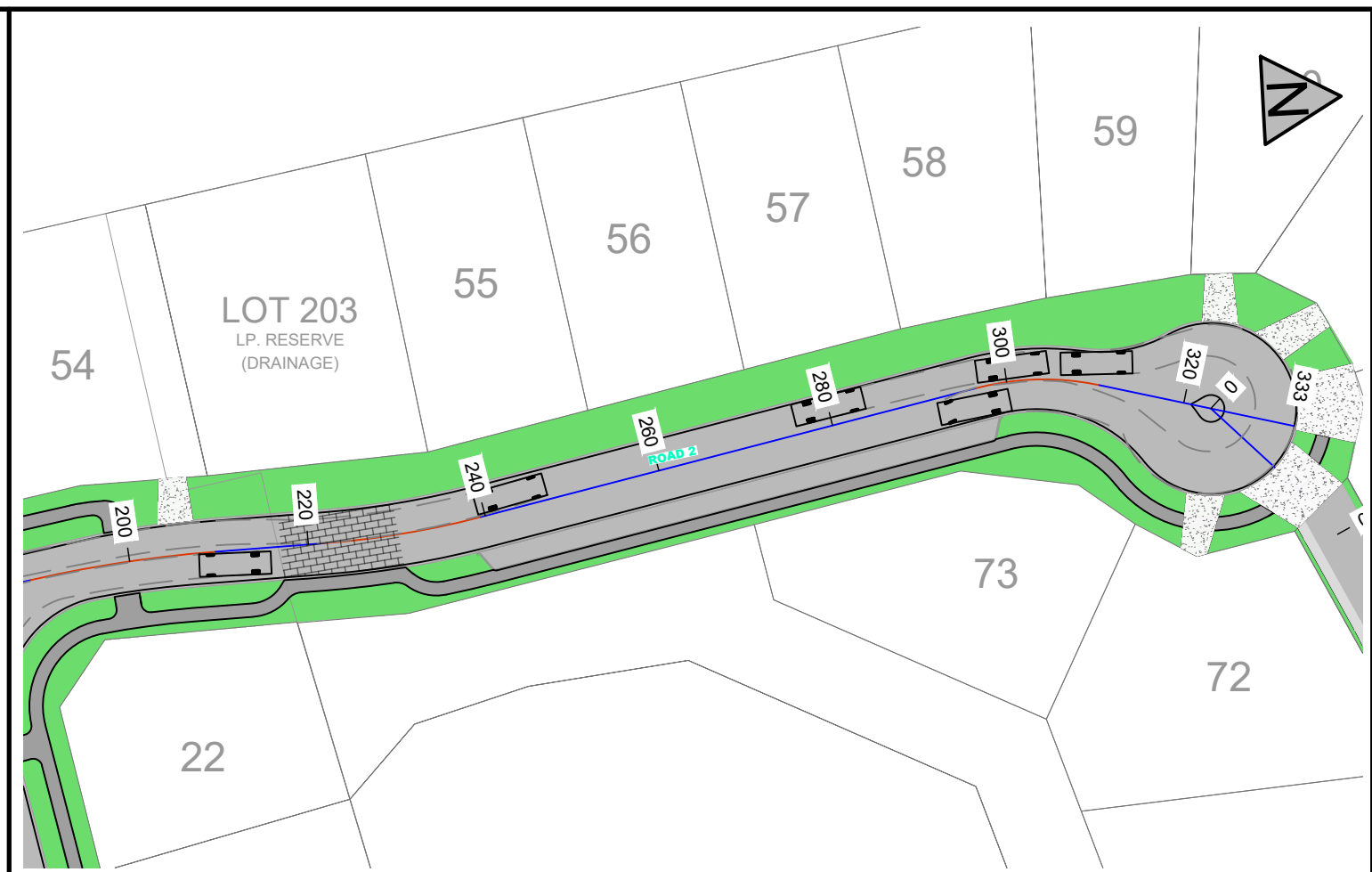
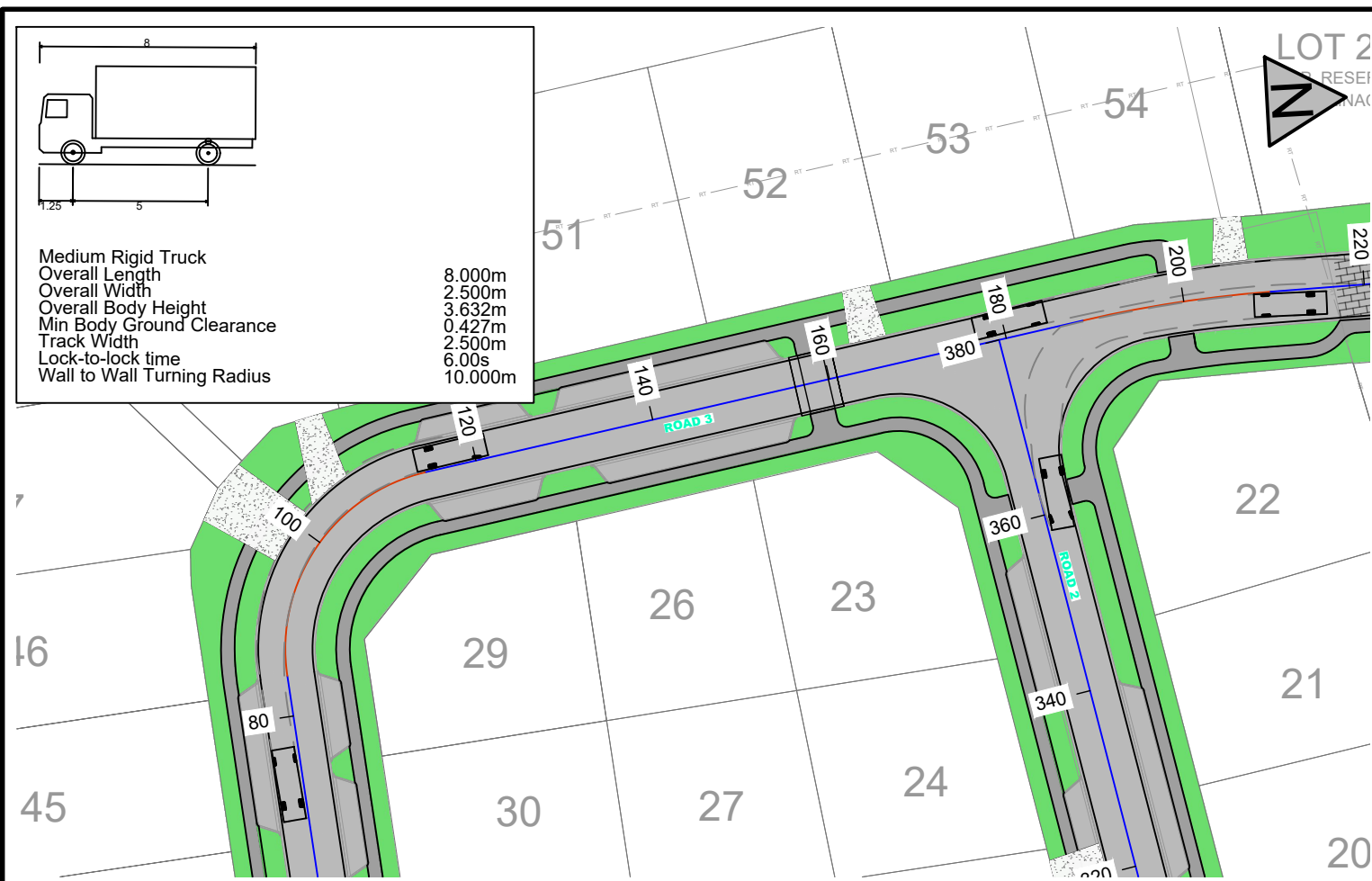
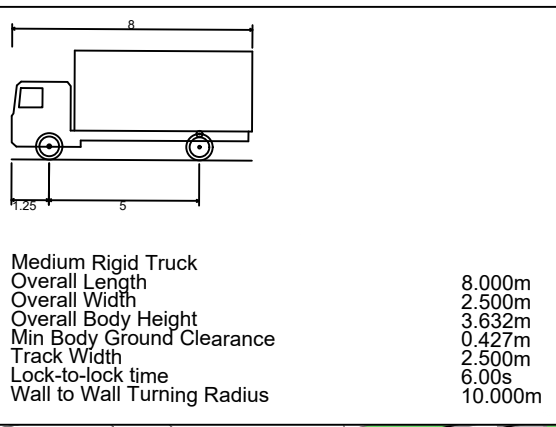
**Resource Consent**  
**Access Lot 302 Longsection and Layout**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000			
Height: One Tree Point Datum			
Resource Consent Number:			
BW Ref.	Stg.	Purp.	Dwg. #
20183-01-RC-307			3



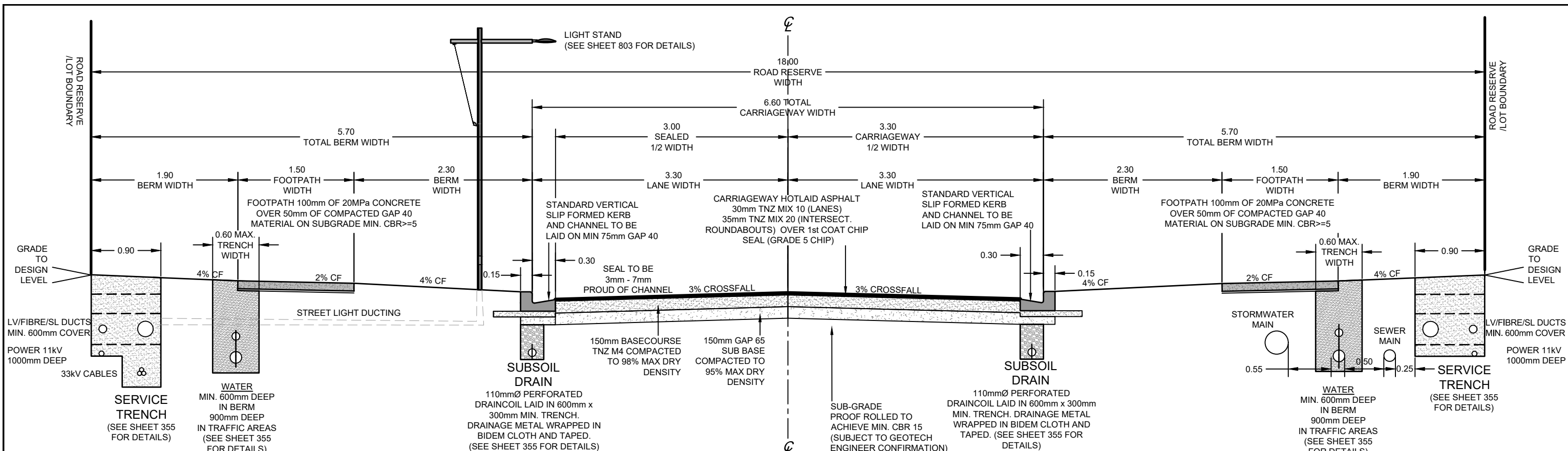


Size	A3	Scale	1:750	Date	July 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for resource consent	JMC	29/07/21	Drawn	JMC
2	Updated Road Curve Radii	JMC	19/08/21	Checked	
3	Removed Lots 62, 63 & 69	JMC	30/03/22	Approved	

Resource Consent  
 Turning Circles  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

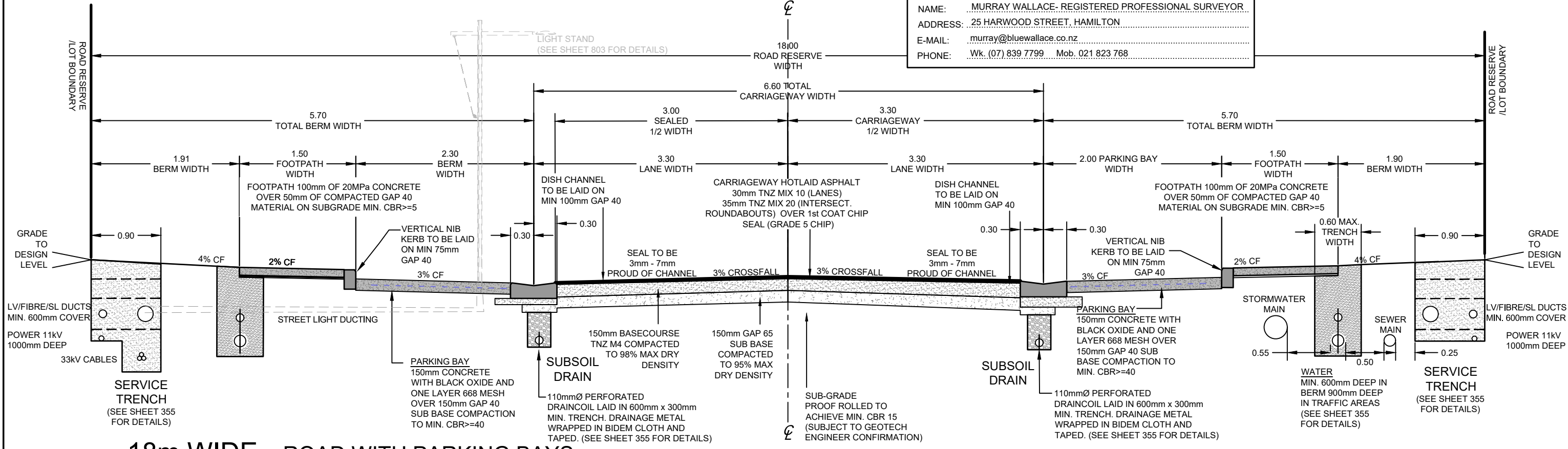
Datum: Circuit: Mt Eden 2000	
Height: One Tree Point Datum	
Resource Consent Number: .....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-308	3



**18m WIDE - ROAD WITHOUT PARKING BAYS**

**NOMINATED SUPERVISOR**  
 ENGINEERING PLANS FOR CONSTRUCTION

NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR  
 ADDRESS: 25 HARWOOD STREET, HAMILTON  
 E-MAIL: murray@bluewallace.co.nz  
 PHONE: Wk. (07) 839 7799 Mob. 021 823 768



**18m WIDE - ROAD WITH PARKING BAYS**

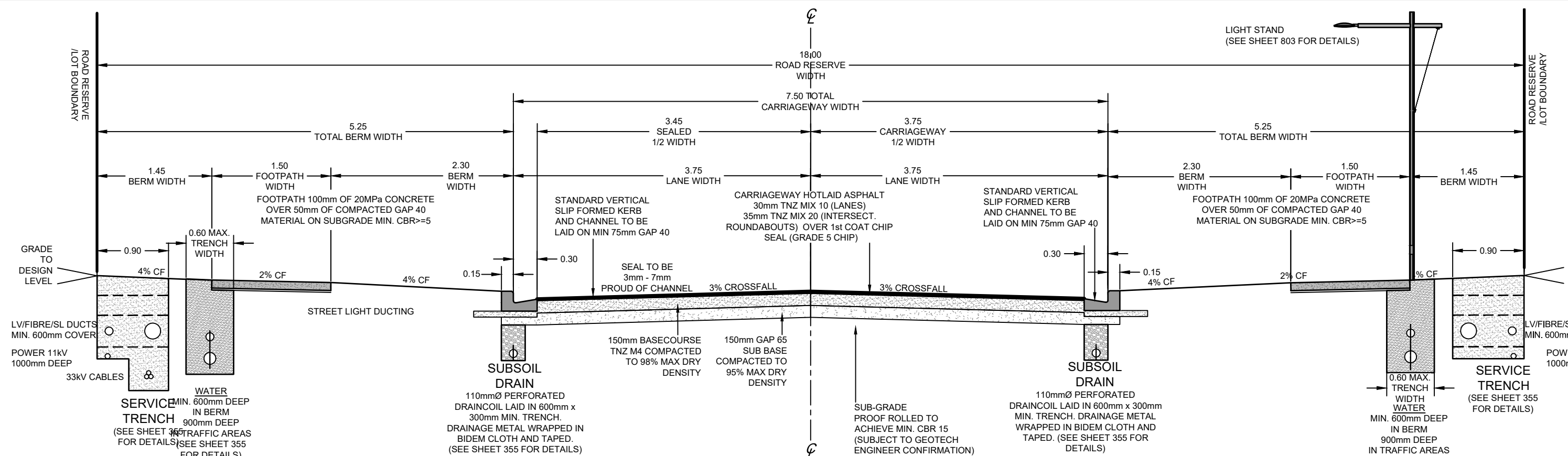
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No.	Amendment	Init.	Date	Designed	JMC	21/03/22	
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22	
2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Issued for Resource Consent	JMC	21/03/22	Approved			

**Resource Consent**  
**Roading Typical Cross Sections**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000
Height:	One Tree Point Datum
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-00-RC-350	3

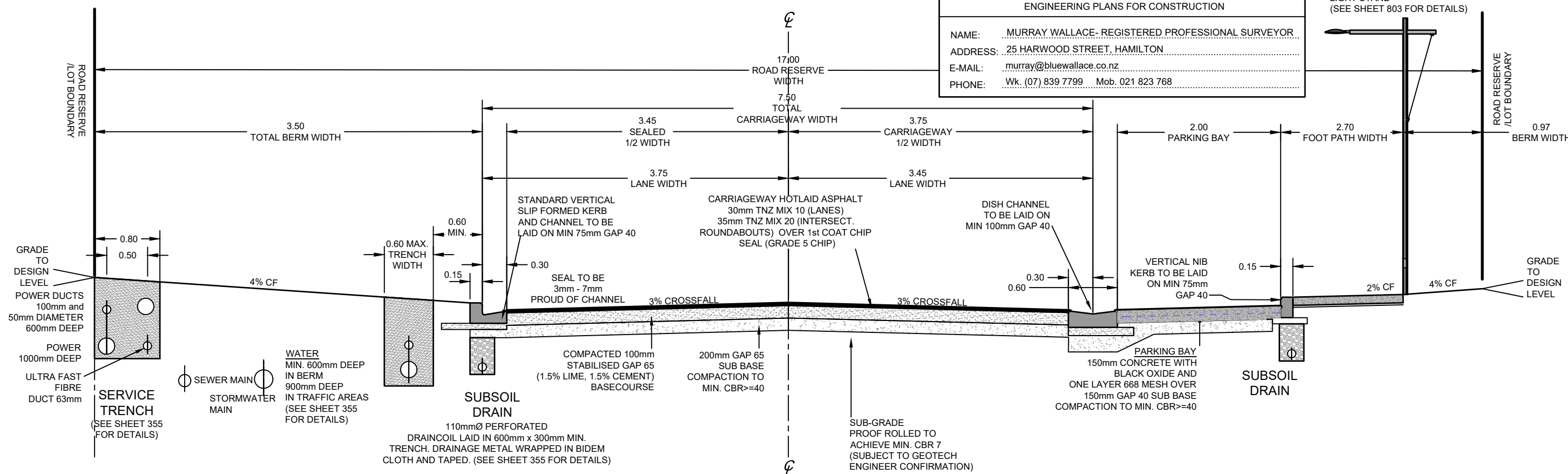




**18m WIDE - ROAD 1**

**NOMINATED SUPERVISOR**  
ENGINEERING PLANS FOR CONSTRUCTION

NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR  
 ADDRESS: 25 HARWOOD STREET, HAMILTON  
 E-MAIL: murray@bluewallace.co.nz  
 PHONE: Wk. (07) 839 7799 Mob. 021 823 768



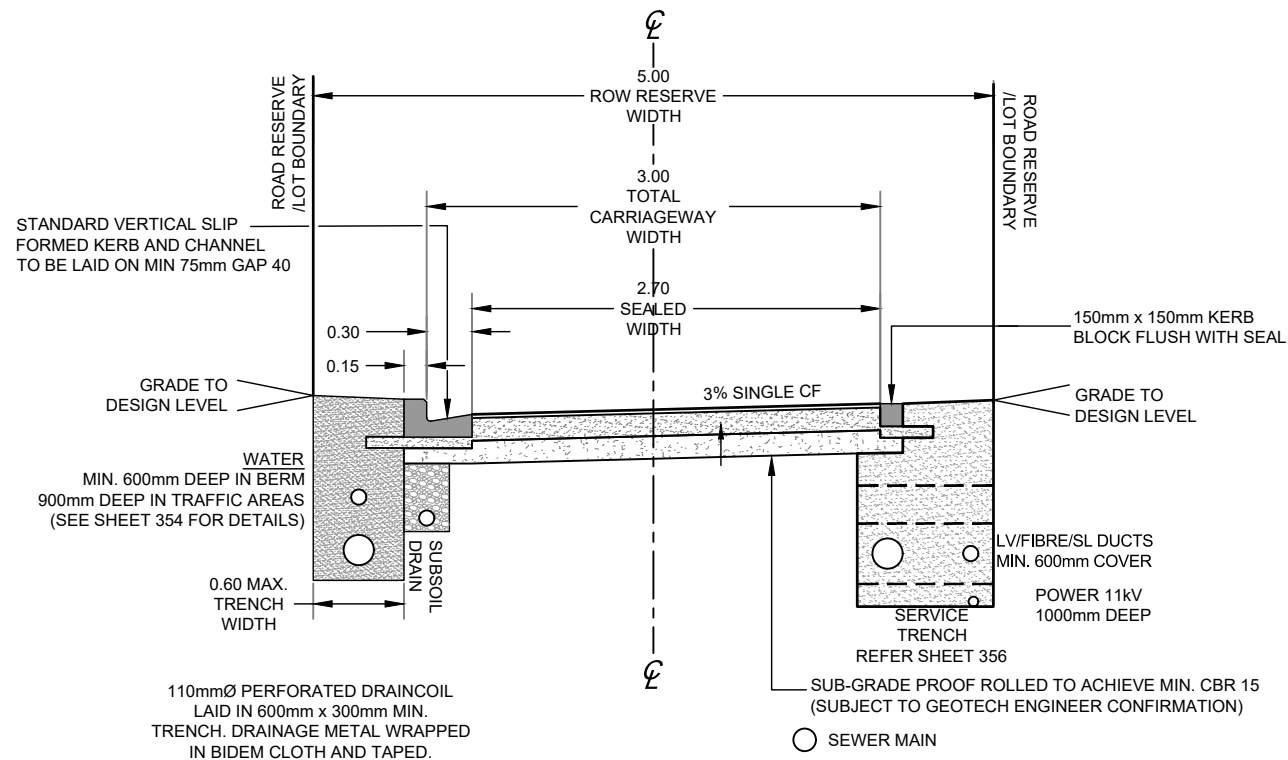
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No.	Amendment	Init.	Date	Designed	JMC	21/03/22	
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22	
2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Issued for Resource Consent	JMC	21/03/22	Approved			

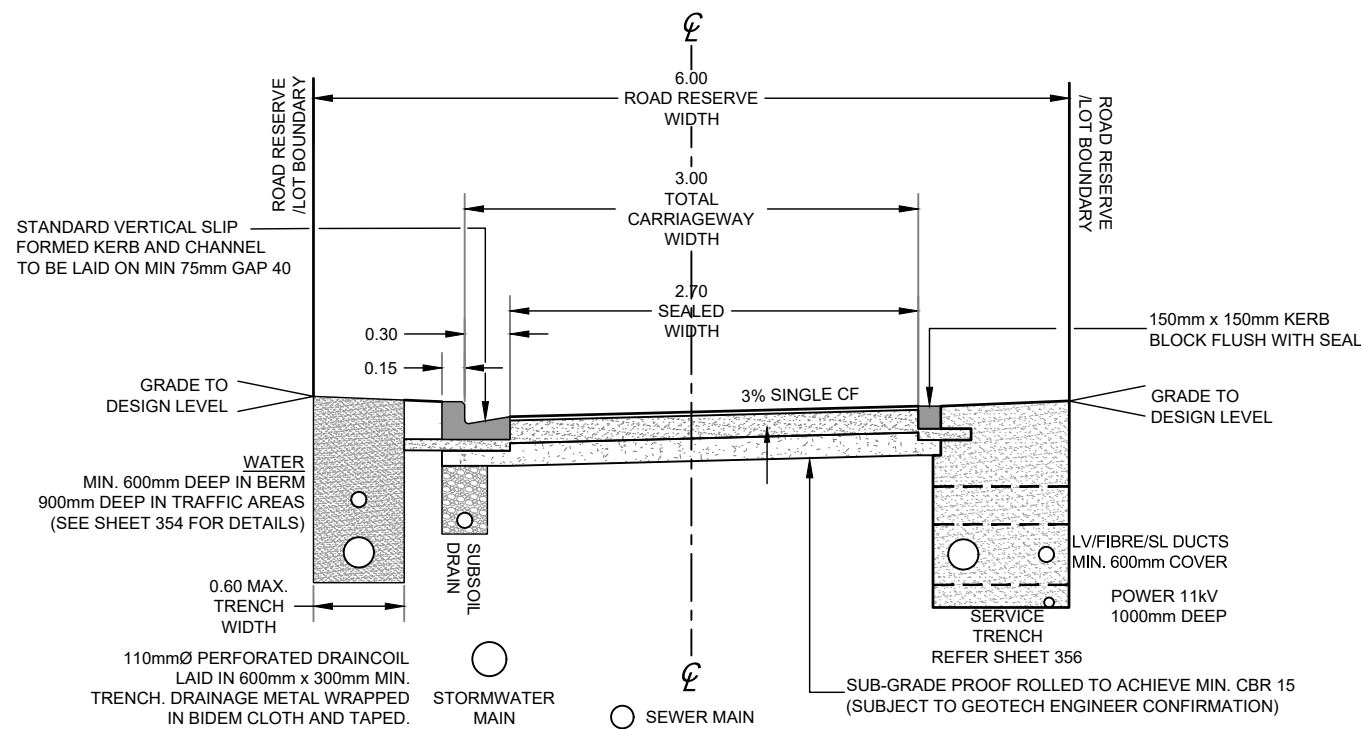
Resource Consent  
**Roading Typical Cross Sections**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000
	Height: One Tree Point Datum
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-00-RC-351	3



**R.O.W. - 5.0m WIDE**



**R.O.W. - 6.0m WIDE**

**NOMINATED SUPERVISOR**  
ENGINEERING PLANS FOR CONSTRUCTION

NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR  
 ADDRESS: 25 HARWOOD STREET, HAMILTON  
 E-MAIL: murray@bluewallace.co.nz  
 PHONE: Wk. (07) 839 7799 Mob. 021 823 768

Size	A3	Scale	1:50	DATE:	July 2021		
No.	Amendment	Init.	Date	Designed	JMC	21/03/22	
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2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Issued for Resource Consent	JMC	21/03/22	Approved			

Resource Consent  
**Roading Typical Cross Sections**

189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**

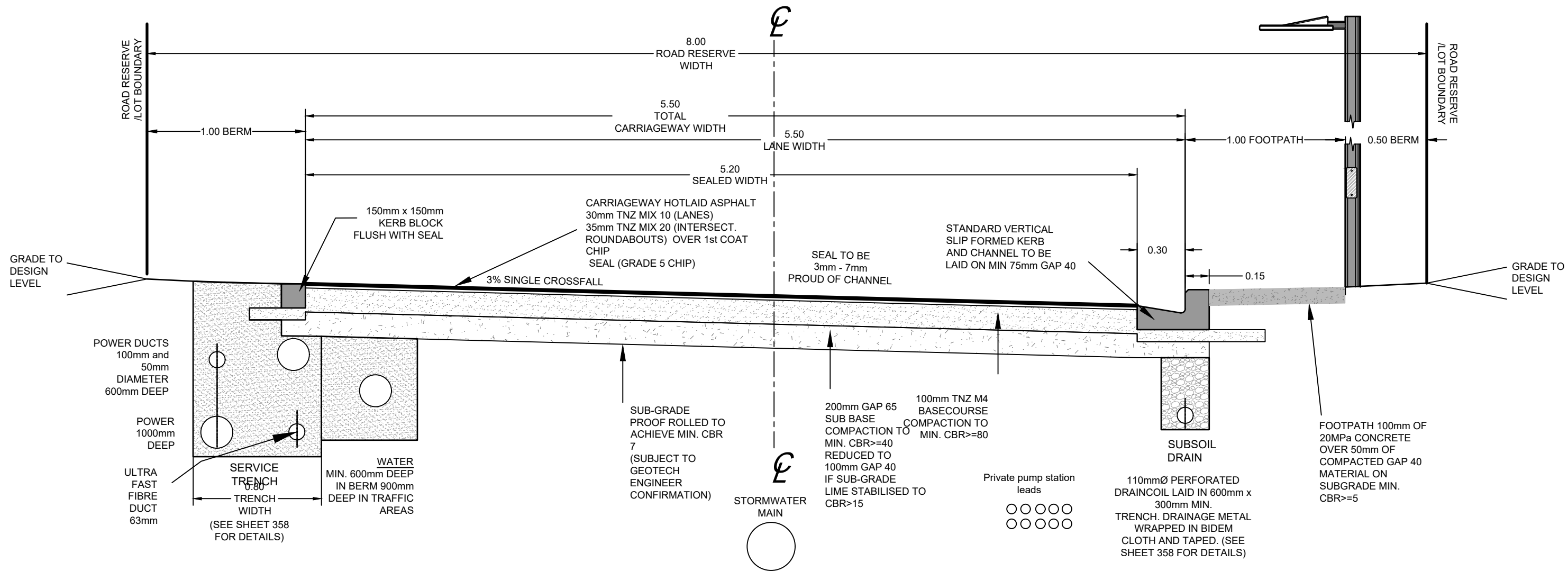
25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799. Fax (07) 839 4455

Datum: Circuit: Mount Eden 2000  
 Height: One Tree Point Datum

Resource Consent Number:

BW Ref. Stg. Purp. Dwg. # Revision:  
 20183-00-RC-352 3





**ACCESS 302 - 8m WIDE**

**NOMINATED SUPERVISOR**  
ENGINEERING PLANS FOR CONSTRUCTION

NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR  
ADDRESS: 25 HARWOOD STREET, HAMILTON  
E-MAIL: murray@bluewallace.co.nz  
PHONE: Wk. (07) 839 7799 Mob. 021 823 768

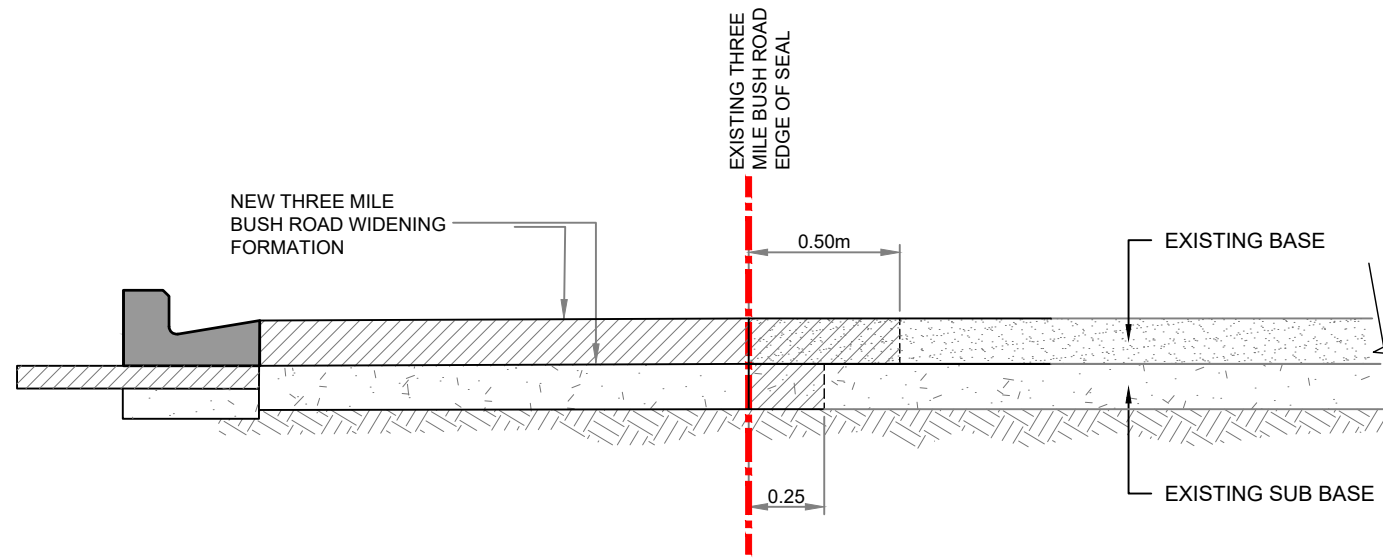
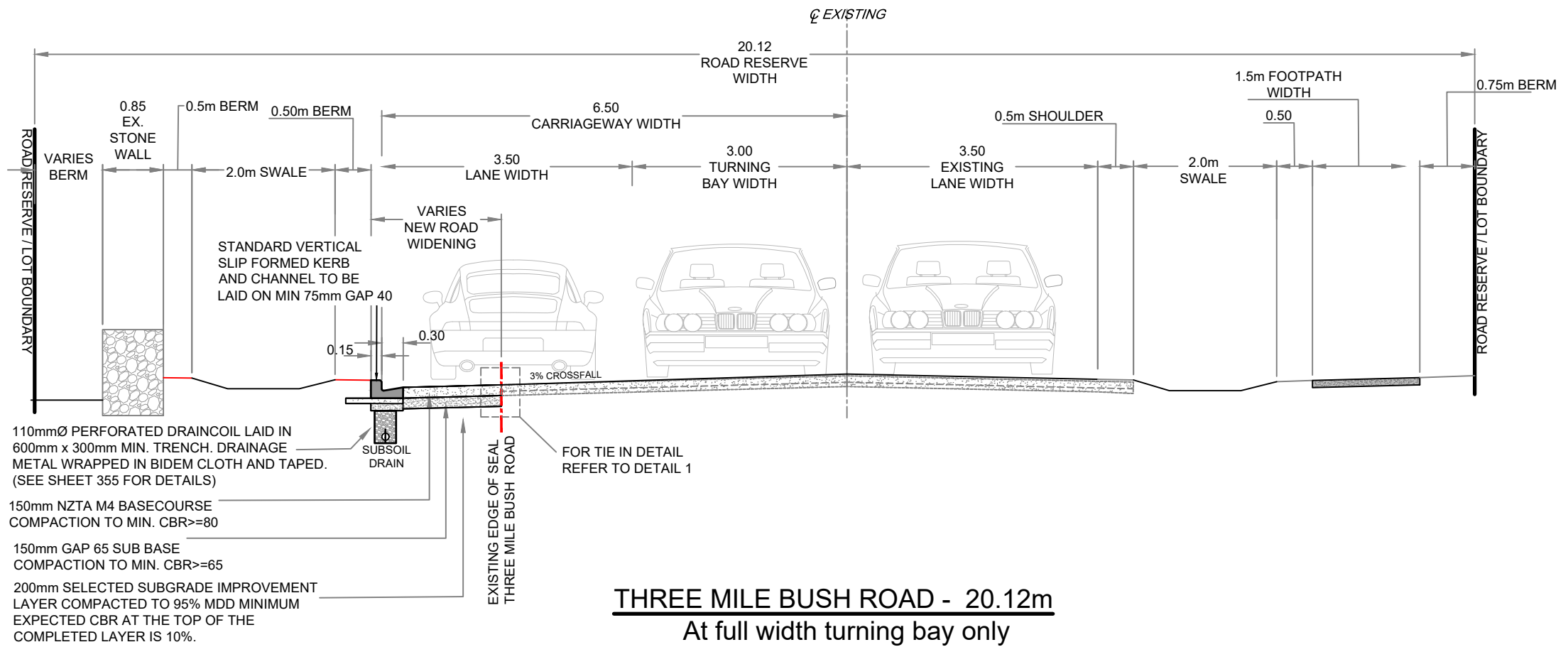
Size	A3	Scale	1:50	DATE:	July 2021		
No.	Amendment	Init.	Date	Designed	JMC	21/03/22	
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22	
2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Issued for Resource Consent	JMC	21/03/22	Approved			

**Engineering Works**  
**Roading Typical Cross Sections**

189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799. Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000
Height:	One Tree Point Datum
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-00-RC-353	3



<b>NOMINATED SUPERVISOR</b> ENGINEERING PLANS FOR CONSTRUCTION						
NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR						
ADDRESS: 25 HARWOOD STREET, HAMILTON						
E-MAIL: murray@bluewallace.co.nz						
PHONE: Wk. (07) 839 7799 Mob. 021 823 768						

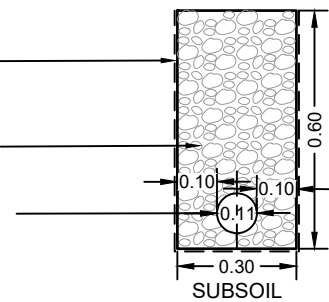
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2	Issued for Resource Consent	JMC	18/08/21	Drawn	JMC	21/03/22	
3	Issued for Resource Consent	JMC	21/03/22	Checked			
4	Updated Cross section, re- issued	JMC	21/04/22	Approved			

Resource Consent  
**Roading Typical Cross Sections**  
189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799. Fax (07) 839 4455

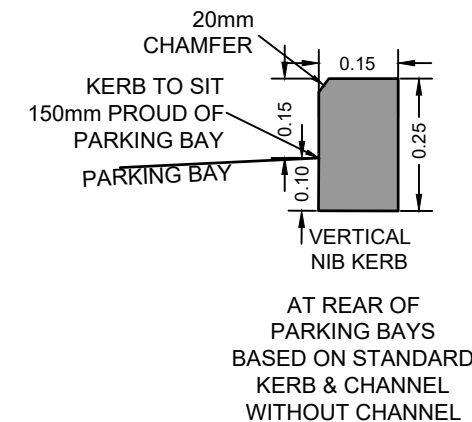
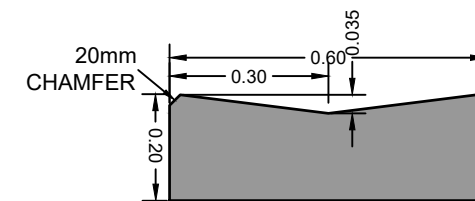
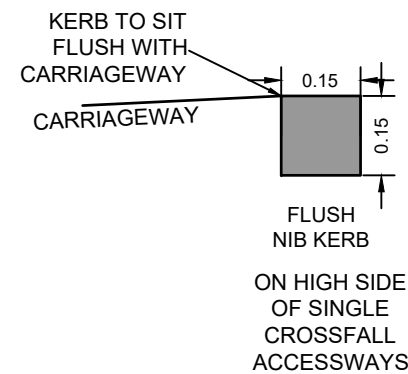
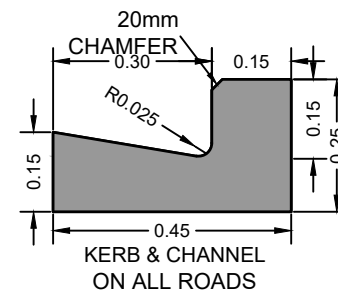
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Height: One Tree Point Datum			
Resource Consent Number:			
BW Ref.	Stg.	Purp.	Dwg. #
20183-00-RC-354			4

BOUNDARIES OF TRENCH TO BE LINED WITH FILTER FABRIC (BIDIM A14) WITH 200mm OVERLAP  
 BACKFILL TRENCH WITH 20/7 'PAGES' DRAINAGE METAL  
 110mmØ PERFORATED DRAINCOIL, NOVAFLOW OR EQUIVALENT TO BE 450mm BELOW SUBGRADE & 700mm MIN. BELOW TOP OF KERB

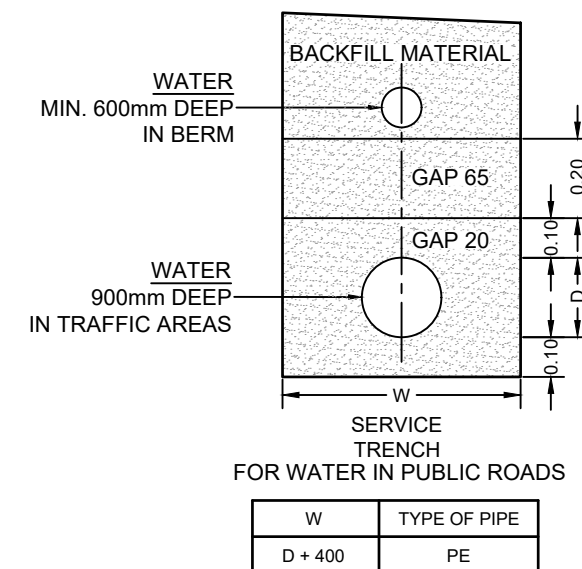
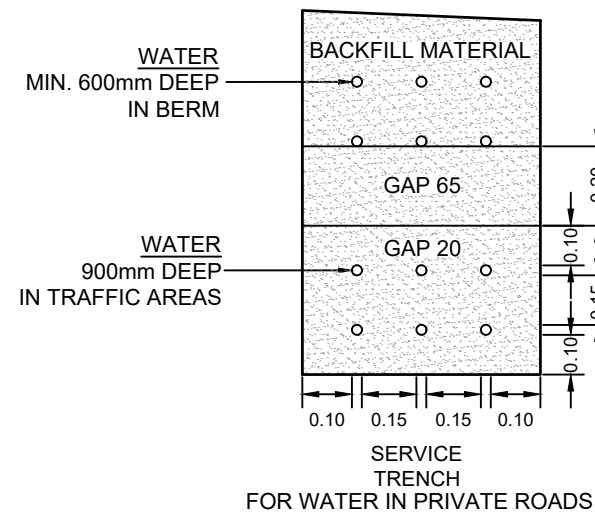


SUBSOIL DRAIN  
 (refer WDC - EES, Sec. 3.4.15.2)  
 (refer WDC - EES, Sheet 14)  
 SUBSOIL DRAINS TO BE CONSTRUCTED AFTER STABILISATION OF SUBGRADE

**RESIDENTIAL ROAD**  
 SUB SOIL DRAIN DETAIL



**RESIDENTIAL ROAD**  
 KERB DETAIL DIAGRAMS



**RESIDENTIAL ROAD**  
 WATER RETICULATION

**NOMINATED SUPERVISOR**  
 ENGINEERING PLANS FOR CONSTRUCTION

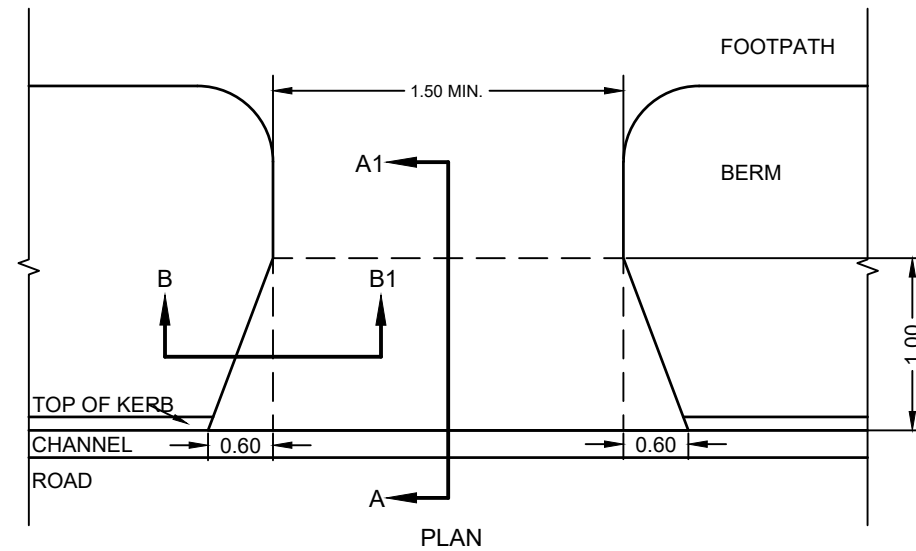
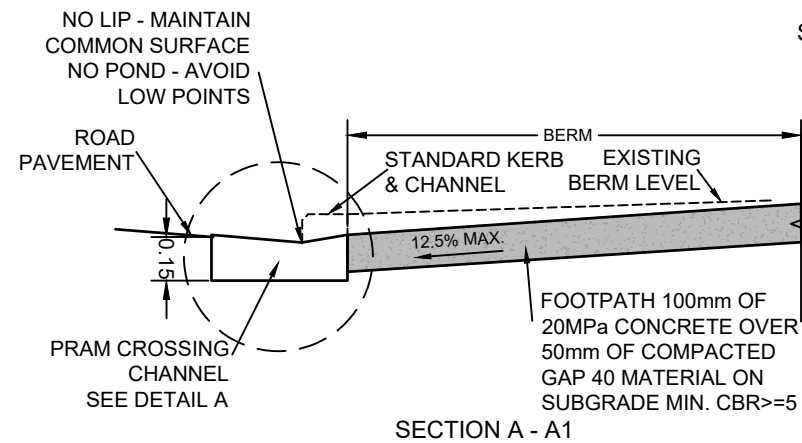
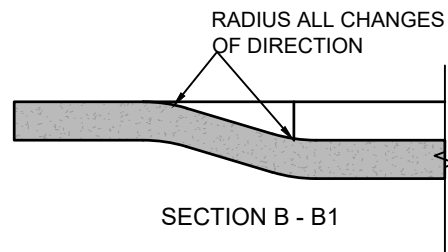
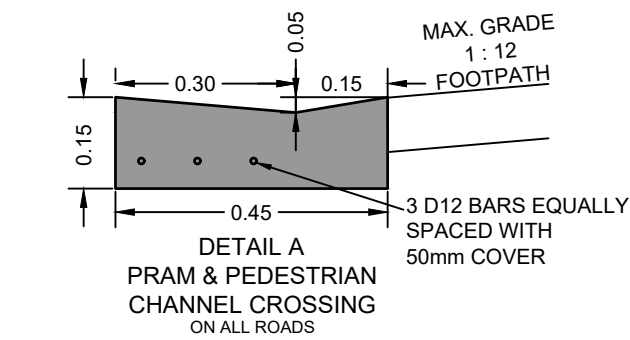
NAME: MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR  
 ADDRESS: 25 HARWOOD STREET, HAMILTON  
 E-MAIL: murray@bluewallace.co.nz  
 PHONE: Wk. (07) 839 7799 Mob. 021 823 768

Size	A3	Scale	NTS	DATE:	July 2021		
No.	Amendment	Init.	Date	Designed	JMC	21/03/22	
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22	
2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Issued for Resource Consent	JMC	21/03/22	Approved			

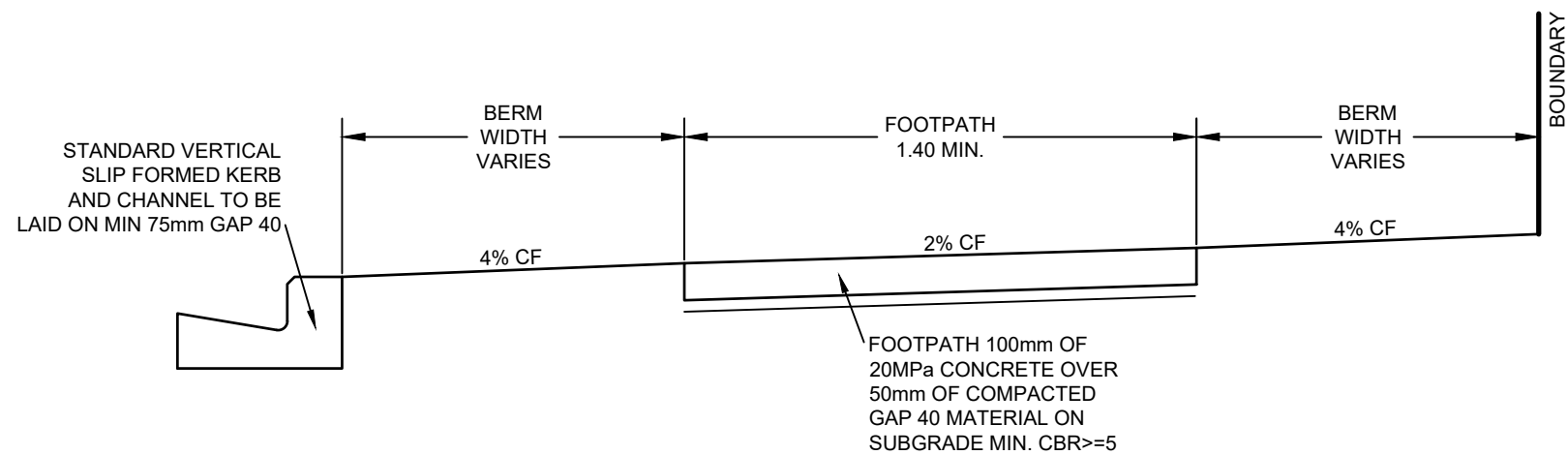
Resource Consent  
**Roading Detail Sheet**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000
	Height: One Tree Point Datum
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-00-RC-355	3



**TYPICAL CROSS SECTION**  
PRAM CROSSING DETAIL



**CONCRETE FOOTPATH**  
**DETAILS**

NOMINATED SUPERVISOR	
ENGINEERING PLANS FOR CONSTRUCTION	
NAME:	MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR
ADDRESS:	25 HARWOOD STREET, HAMILTON
E-MAIL:	murray@bluewallace.co.nz
PHONE:	Wk. (07) 839 7799 Mob. 021 823 768

Size	Scale	DATE:	July 2021			
No.	Amendment	Init.	Date	Designed	JMC	21/03/22
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22
2	Issued for Resource Consent	JMC	18/08/21	Checked		
3	Issued for Resource Consent	JMC	21/03/22	Approved		

Resource Consent  
**Roading Detail Sheet**  
189 Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

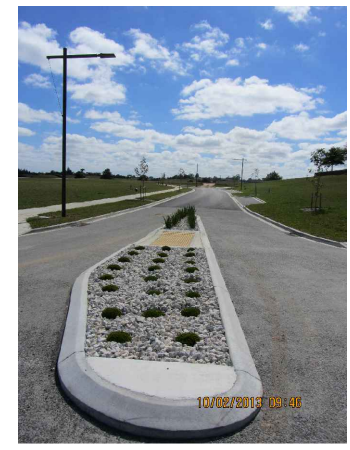
**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000
Height:	One Tree Point Datum
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-00-RC-356	3



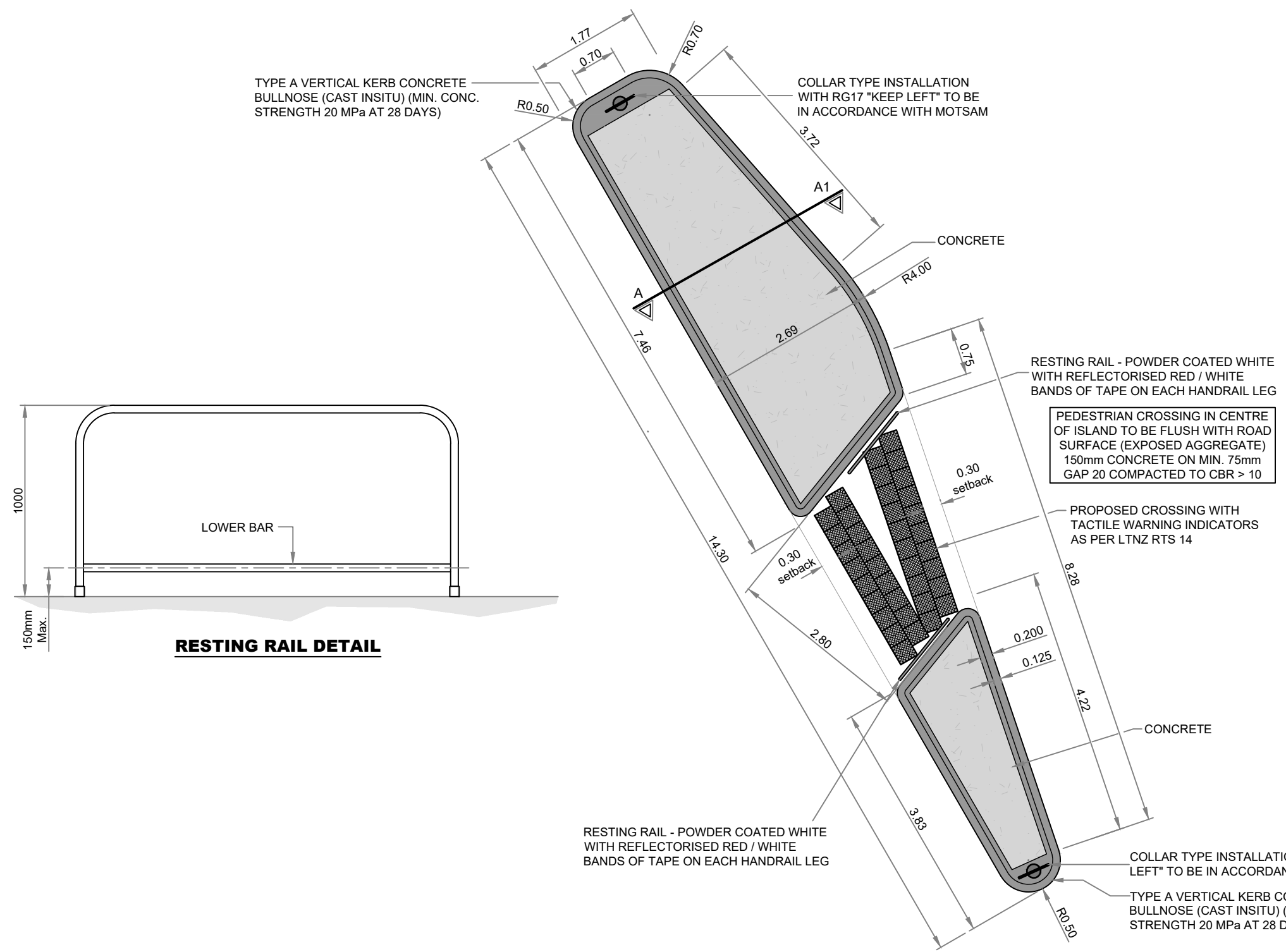
TYPE A VERTICAL KERB CONCRETE BULLNOSE (CAST INSITU) (MIN. CONC. STRENGTH 20 MPa AT 28 DAYS)

COLLAR TYPE INSTALLATION WITH RG17 "KEEP LEFT" TO BE IN ACCORDANCE WITH MOTSAM

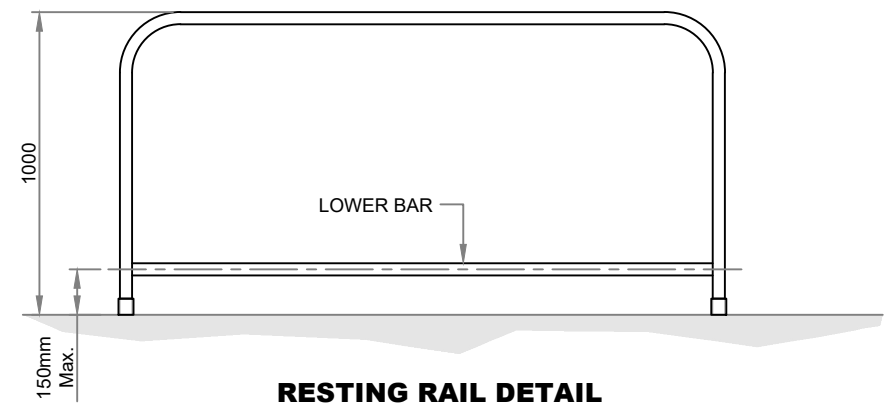


**SPLITTER ISLAND DETAIL**

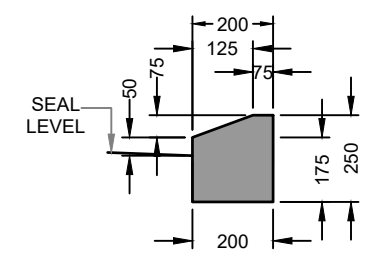
PHOTO EXAMPLE



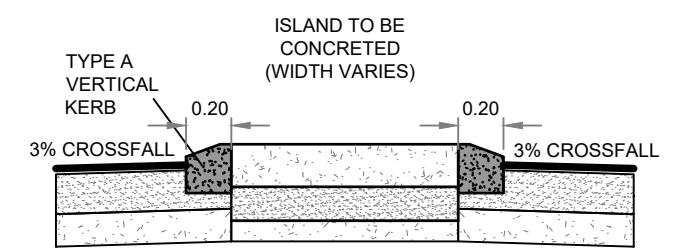
**SPLITTER ISLAND DETAIL**



**RESTING RAIL DETAIL**



**TYPE 'A' KERB DETAIL**



**SECTION A - A1 THRU SPLITTER ISLAND**

NOMINATED SUPERVISOR						
ENGINEERING PLANS FOR CONSTRUCTION						
NAME:	MURRAY WALLACE- REGISTERED PROFESSIONAL SURVEYOR					
ADDRESS:	25 HARWOOD STREET, HAMILTON					
E-MAIL:	murray@bluewallace.co.nz					
PHONE:	Wk. (07) 839 7799 Mob. 021 823 768					

Size	A3	Scale	1:75	DATE:	July 2021	
No.	Amendment	Init.	Date	Designed	JMC	21/03/22
1	Issued for Resource Consent	JMC	28/07/21	Drawn	JMC	21/03/22
2	Issued for Resource Consent	JMC	18/08/21	Checked		
3	Issued for Resource Consent	JMC	21/03/22	Approved		

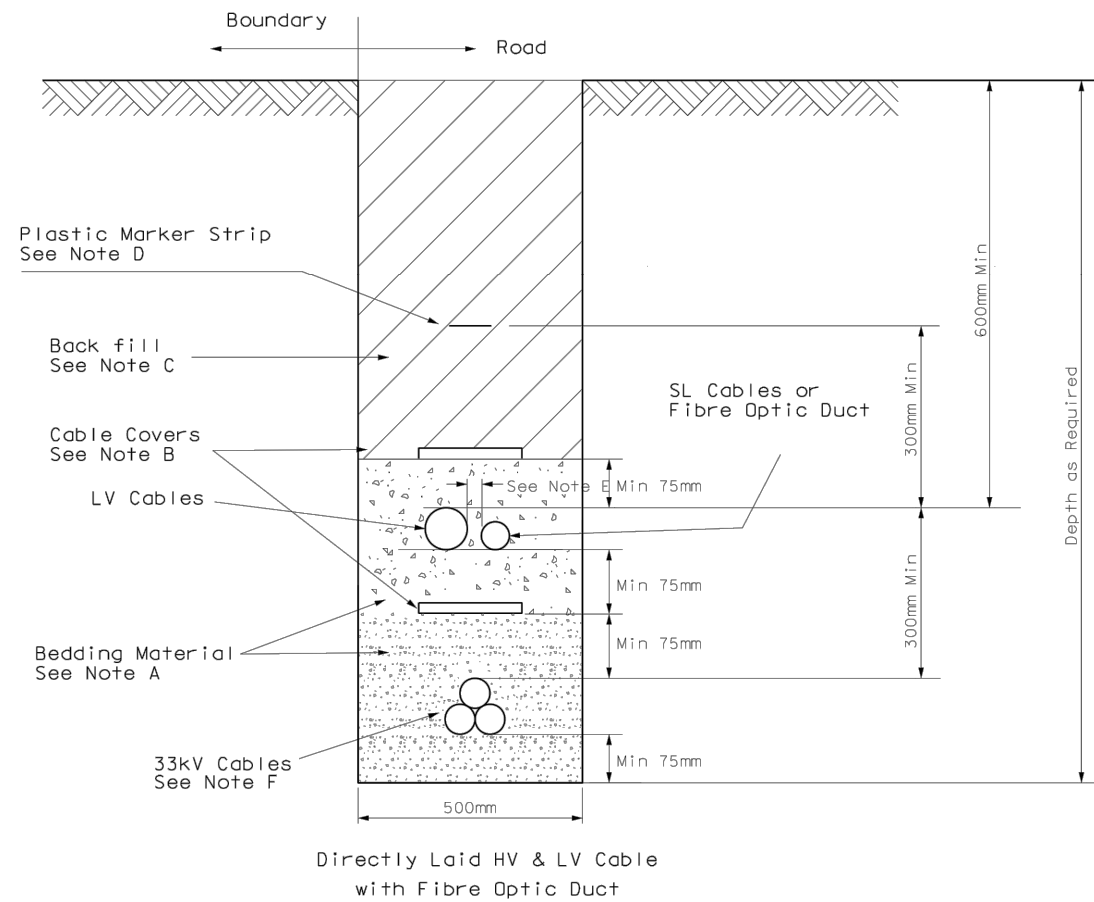
Resource Consent  
**Roading Detail Sheet**  
 189 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799. Fax (07) 839 4455

Datum:	Circuit: Mount Eden 2000		
Height:	One Tree Point Datum		
Resource Consent Number:	20183-00-RC-357		
BW Ref.	Stg.	Purp.	Dwg. #
			3

S:\2020\201832\_ENGINEERING\1\_DRAWINGS\1\_PLOTTING DRAWINGS\20183-EN-01-350-0-ROADING\_XS.DWG

Power Cabling Only



Directly Laid HV & LV Cable with Fibre Optic Duct

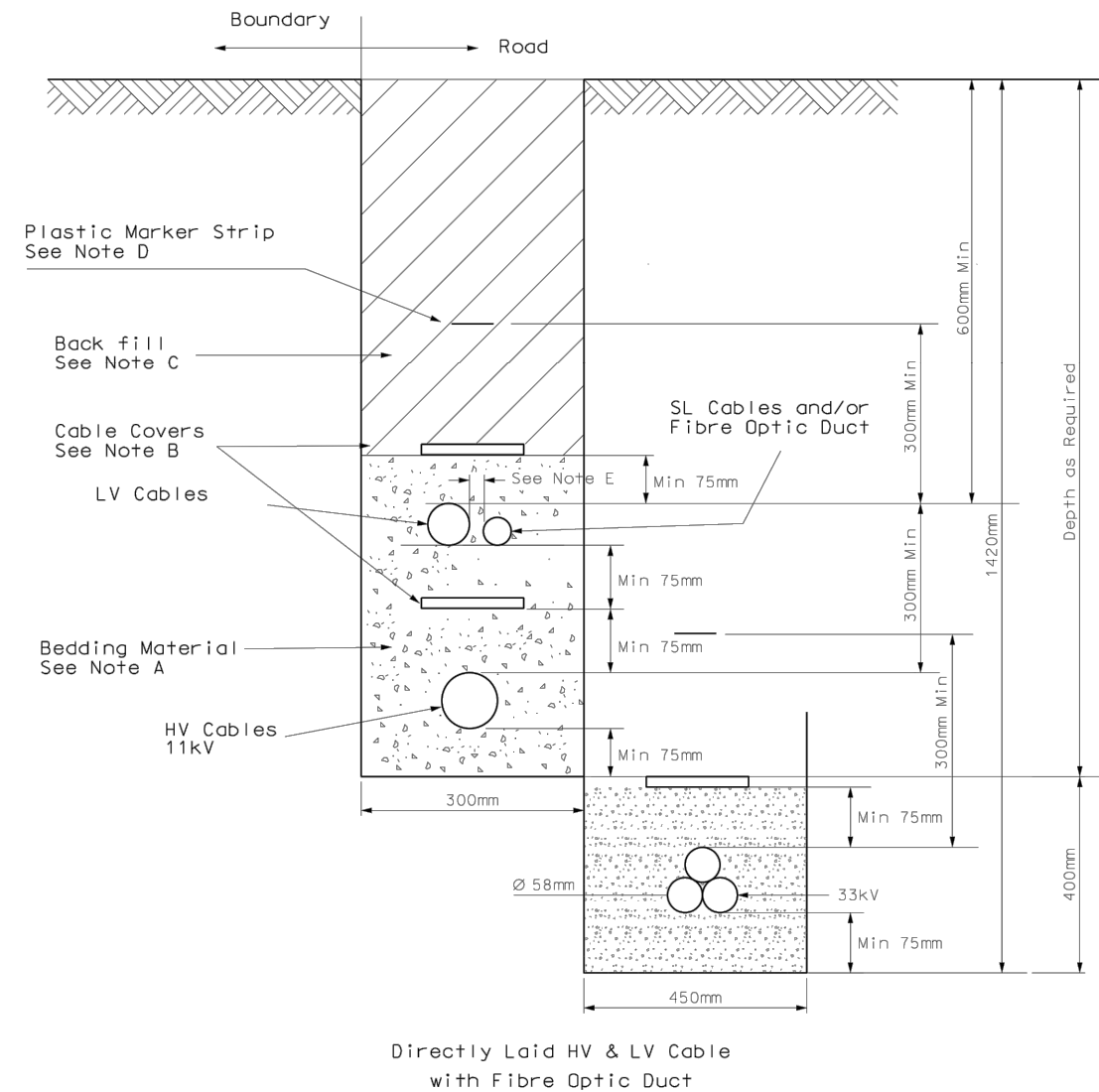
NOTES:

- A. Bedding material either sand or 'clean' soil. Thermal backfill to be used for 33kV Cable (Pap 7)
- B. Covers to comply with AS/NZS 3000:2007 3.11.3 and 3.11.4 and AS4702-2000 and shall be located 75mm above cables and ducts. Cable covers shall be at least 150mm in width and overlap at least 40mm each side of the cable.
- C. Back Fill, generally use fill from trench but ensure no large stones or sharp objects are placed back in the trench.
- D. Marker strip to comply with AS/NZS 3000:2007 3.11.4.5 and be 100mm wide, coloured orange, with words 'Electrical Cable Below'.
- E. Where practical provide some separation (75mm or greater) between direct laid LV and SL cable / fibre optic duct.
- F. HV 11kV Cable to be minimum 450mm from boundary (refer ENS 3.3.85 and 2F173s1)

	Rev	Amendments	By	Checked	Date	Title <b>33kV Trench Profile                  Three Mile Bush Rd</b>	Drawn	C. Parkes	Date	7/10/19
	A.1	Initial Design	CP				Checked		Date	
	A.2	Remove Telecom	CP			Approved		Date		
						Issue	A.2	Date		
						Plan Number				2F375s2
						Scale	NTS	Sheet size	A4	

Head Office  
28 Mt Pleasant Road  
Private Bag 9018  
Telephone 0-9-430 1803  
Facsimile 0-9-430 1804  
http://www.northpower.co.nz

Power Cabling Only



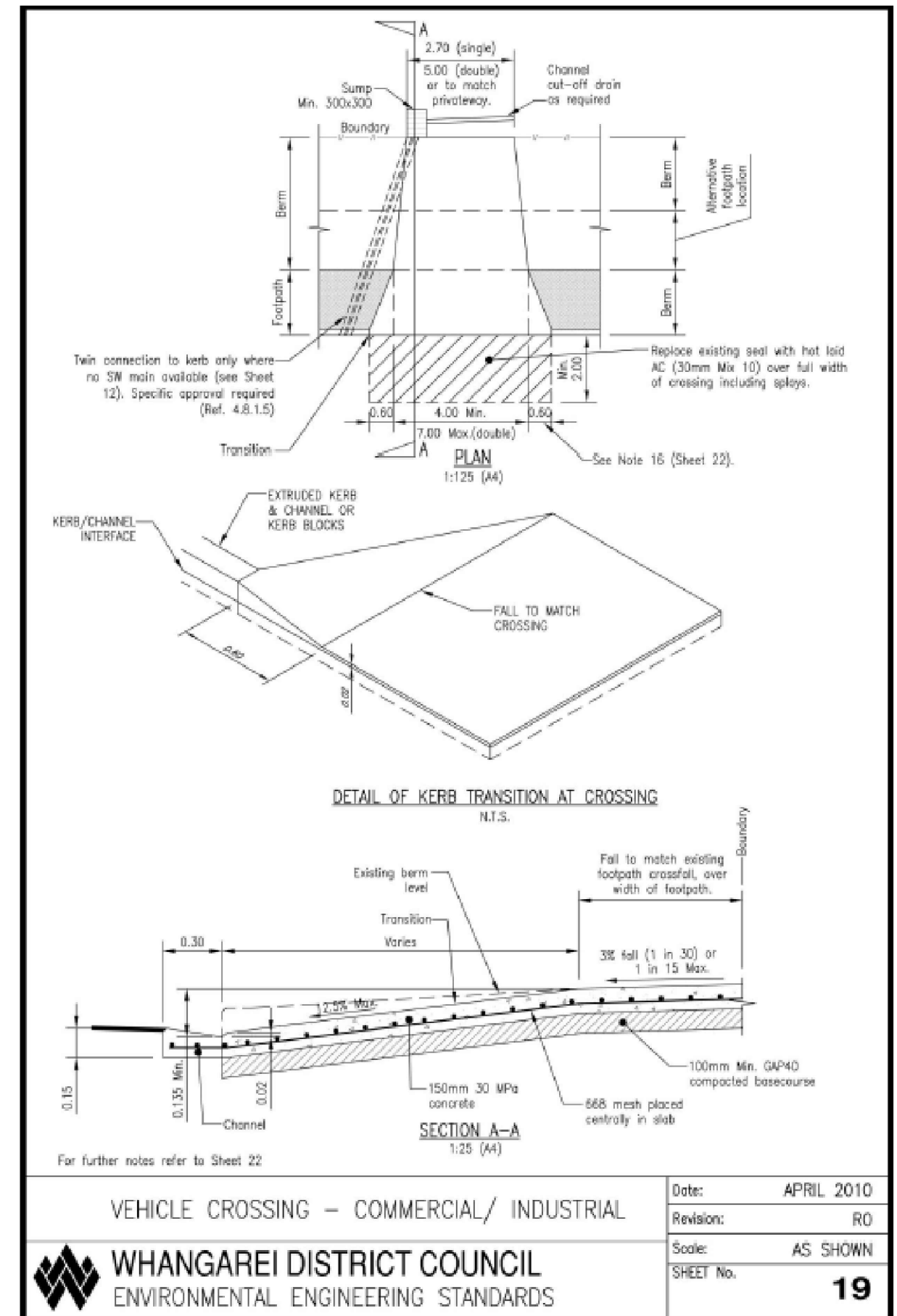
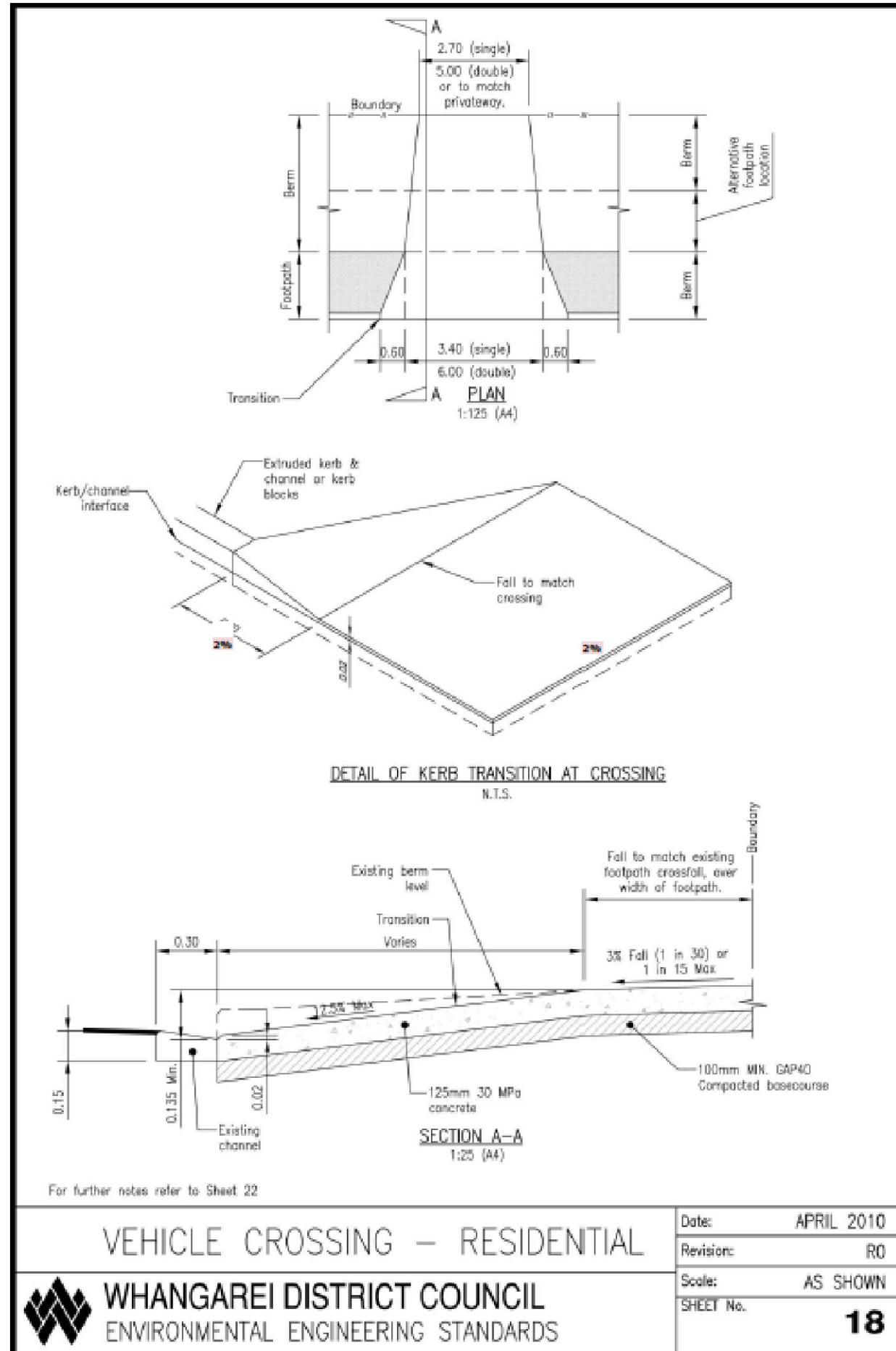
Directly Laid HV & LV Cable with Fibre Optic Duct

NOTES:

- A. Bedding material either sand or 'clean' soil. Thermal backfill to be used for 33kV Cable (Pap 7)
- B. Covers to comply with AS/NZS 3000:2007 3.11.3 and 3.11.4 and AS4702-2000 and shall be located 75mm above cables and ducts. Cable covers shall be at least 150mm in width and overlap at least 40mm each side of the cable.
- C. Back Fill, generally use fill from trench but ensure no large stones or sharp objects are placed back in the trench.
- D. Marker strip to comply with AS/NZS 3000:2007 3.11.4.5 and be 100mm wide, coloured orange, with words 'Electrical Cable Below'.
- E. Where practical provide some separation (75mm or greater) between direct laid LV and SL cable / fibre optic duct.
- F. HV 11kV Cable to be minimum 450mm from boundary (refer ENS 3.3.85 and 2F173s1)

	Rev	Amendments	By	Checked	Date	Title <b>33/11kV Trench Profile                  Three Mile Bush Rd</b>	Drawn	C. Parkes	Date	4/10/19
	A.1	Initial Design	CP				Checked		Date	
	A.2	Remove Telecom	CP			Approved		Date		
						Issue	A.2	Date		
						Plan Number				2F375s1
						Scale	NTS	Sheet size	A4	

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http://www.northpower.co.nz





**Sheet 22 Vehicle Crossing Notes**

**RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CROSSINGS**

1. All concrete to be 30 MPa strength at 28 days.
2. Crossings to be constructed to match existing footpath and channel levels and be graded to give sufficient clearance to the underside of all vehicles.
3. The alternative channel crossing detailed on Sheet 20 may only be used with specific approval. It is for use only where thick overlay of existing seal precludes the standard option.
4. If no footpath, allowance shall be made for such with a 3% crossfall to the kerb.
5. Kerb transitions to be constructed of similar materials to the adjacent kerb or cast in situ concrete. See Sheet 12 for details.
6. Where the footpath or adjacent property level is below the channel level, ramp the crossing up from the channel to control surface water while maintaining vehicle clearance. A freeboard of 200mm above the channel is required to contain stormwater within the road.
7. Gradient of crossing not to exceed 12.5% (1 in 8).
8. Crossings for all private ways shall be commercial grade to Sheet 19.
9. Edges of footpath and back of channel to be saw cut.
10. All crossings require council inspection prior to pouring concrete.
11. If the edge of the crossing is within 1m of a crack or joint in an existing footpath then that section of footpath shall be replaced.
12. Commercial and industrial channels to be reinforced with an extension of the 665 mesh.
13. Where a street pump is located within the proposed crossing, the pump shall be relocated to the side of the crossing and reconnected to the council storm water system.
14. Refer to Sheet 16 for vehicle crossing over a drainage swale.
15. Stormwater kerb connections generally not permitted. (See Section 4.8.1.5).
16. Splay width may need to be increased in some circumstances to accommodate an 11.5m rigid truck.
17. For commercial crossings provide a 2m strip of hot laid AC over full width including splays.

**RURAL CROSSINGS**

1. Pipes are to be RCRRJ Class "4" (formerly Class "2").
2. Pipes are to be adequate for the upstream catchment, but not less than 300mm dia or the downstream culvert and shall be constructed to the correct line and level to maintain drainage paths.
3. Provide concrete or stonework headwalls and/or concrete aprons. Pipe ends are to extend beyond the edge of the crossing a distance that allows the gradient to invert to be no steeper than 1V:3H.
4. Gateways shall be located to allow vehicle parking clear of the road shoulder.
5. Minimum sight distance requirements for entrance crossings are to comply with Sheet 14.
6. All crossings adjoining sealed public roads are to be sealed or concrete, to the property boundary.
7. Concrete access ways shall start at least 0.5m outside of the existing edge of seal or 0.5m outside of the carriageway width required by the standard whichever is the further.
8. Concrete entrance crossings are to be 125mm of 30MPa concrete for light vehicle access. Heavy vehicle crossings shall be 150mm thick of 30MPa concrete reinforced with 665 mesh unless specifically designed.
9. Unsealed crossings shall comprise not less than 125mm GAP 6S and 75mm GAP40 or 200mm GAP 40 (compacted depths).
10. For application of Type 2 crossing refer to Section 3.4.10.3.
11. Where local widening is required (Types 2 and 3) the tapers shall be sealed.

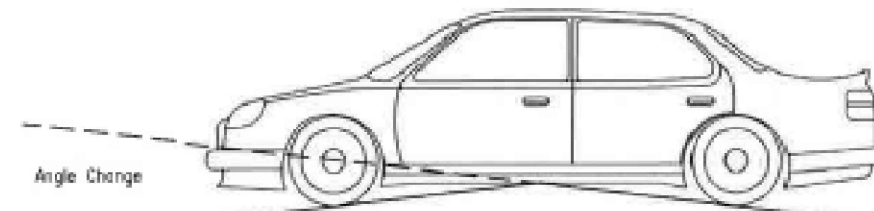
VEHICLE CROSSING NOTES  
(FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RURAL USE)

Date: APRIL 2010  
Revision: R0  
Scale: AS SHOWN  
SHEET No. **22**



WDC 8036

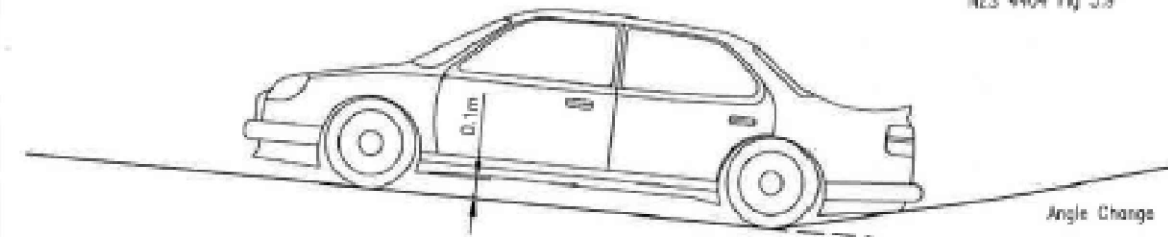
**Sheet 23 Vehicle Crossing – Max Graded Profiles For Urban/Rural**



**BREAKOVER ANGLE**

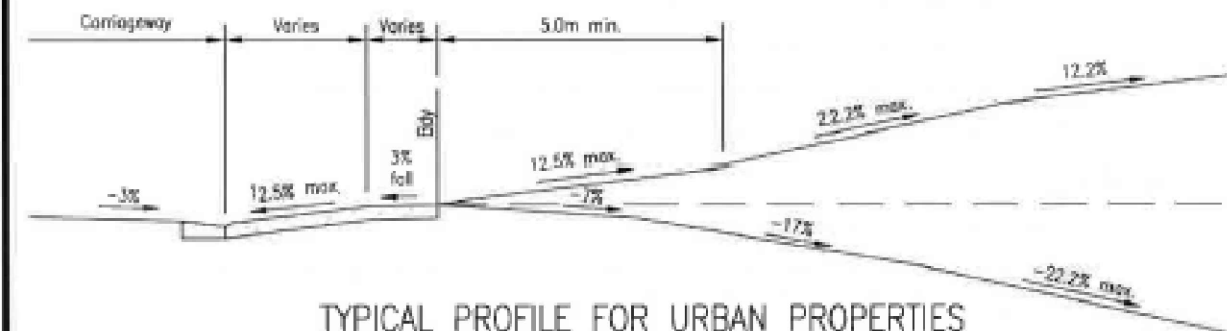
Maximum change of grade 10% (algebraic)  
(5.7 degrees)

Refer also to  
NZS 4404 Fig 3.9



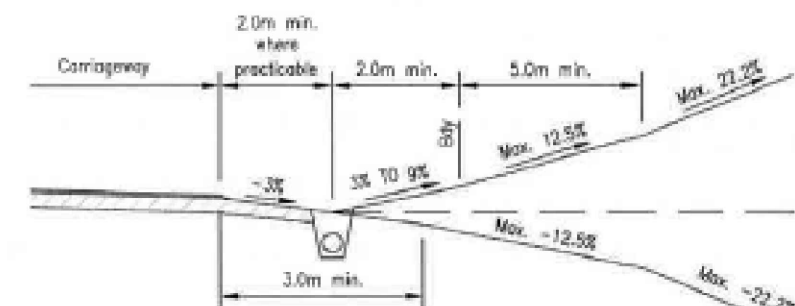
**DEPARTURE ANGLE**

Maximum change of grade 17% (algebraic)  
(9.65 degrees)



**TYPICAL PROFILE FOR URBAN PROPERTIES**

NTS



**TYPICAL PROFILE FOR RURAL PROPERTIES**

NTS

**NOTES:**

1. Maximum grade changes to occur at not less than 2.0m intervals.
2. Based on 90 percentile car as at 1990 with minimum ground clearance of 100mm.

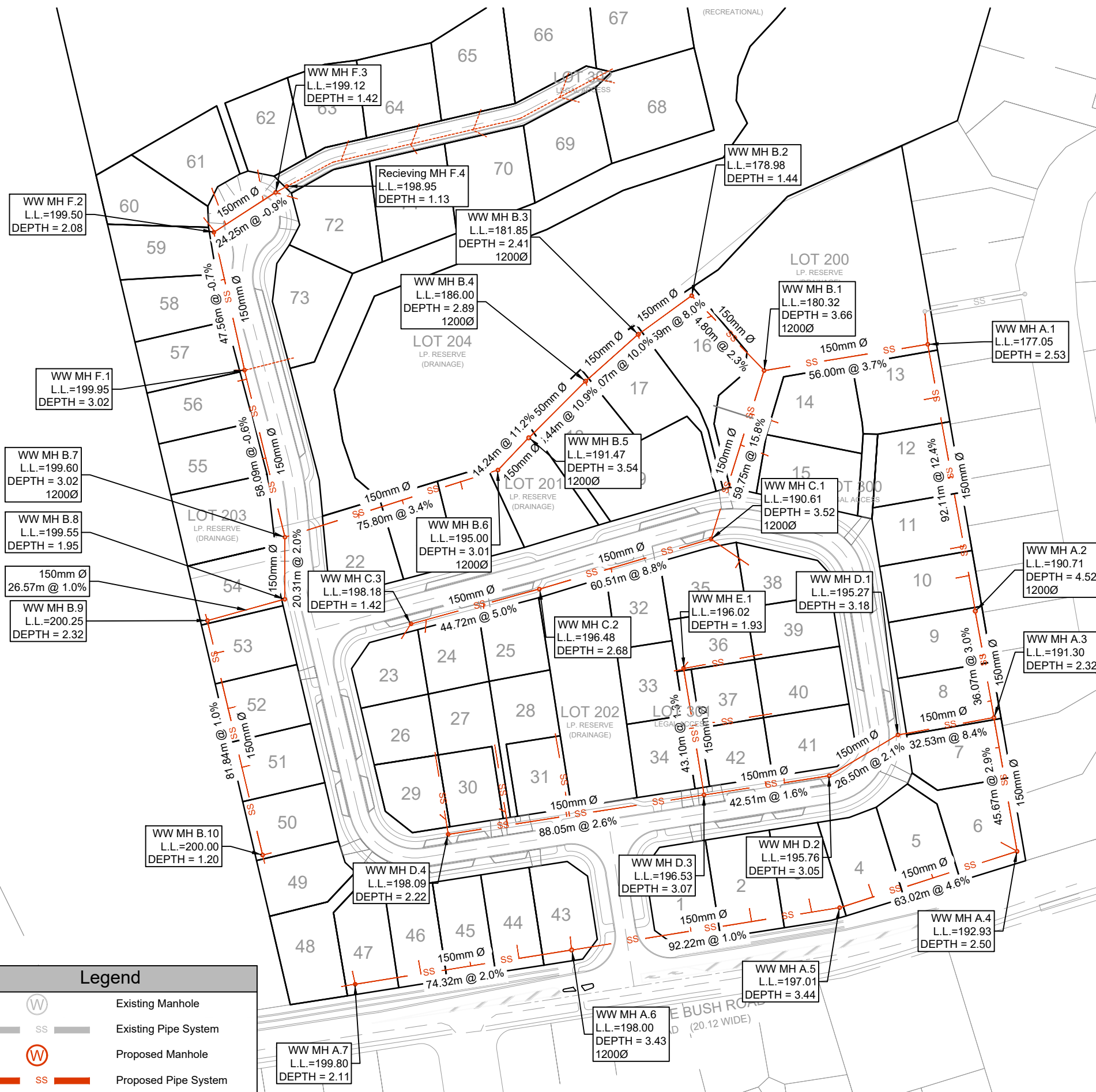
VEHICLE CROSSING –  
MAXIMUM GRADED PROFILES FOR URBAN/ RURAL PROPERTIES

Date: APRIL 2010  
Revision: R0  
Scale: NTS  
SHEET No. **23**



WDC 8036





Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Pipe System

NOMINATED SUPERVISOR	
ENGINEERING PLANS FOR CONSTRUCTION	
NAME:	MURRAY WALLACE, REGISTERED PROFESSIONAL SURVEYOR.
ADDRESS:	25 HARWOOD STREET, HAMILTON
E-MAIL:	murray@bluewallace.co.nz
PHONE:	Wk. (07) 839 7799 Mob. 021 823 768

Size	A3	Scale	1:1500	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC
2	Issued for Resource Consent	JMC	18/08/21	Checked	
3	Removed lots 62, 63 & 69	JMC	30/03/22	Approved	

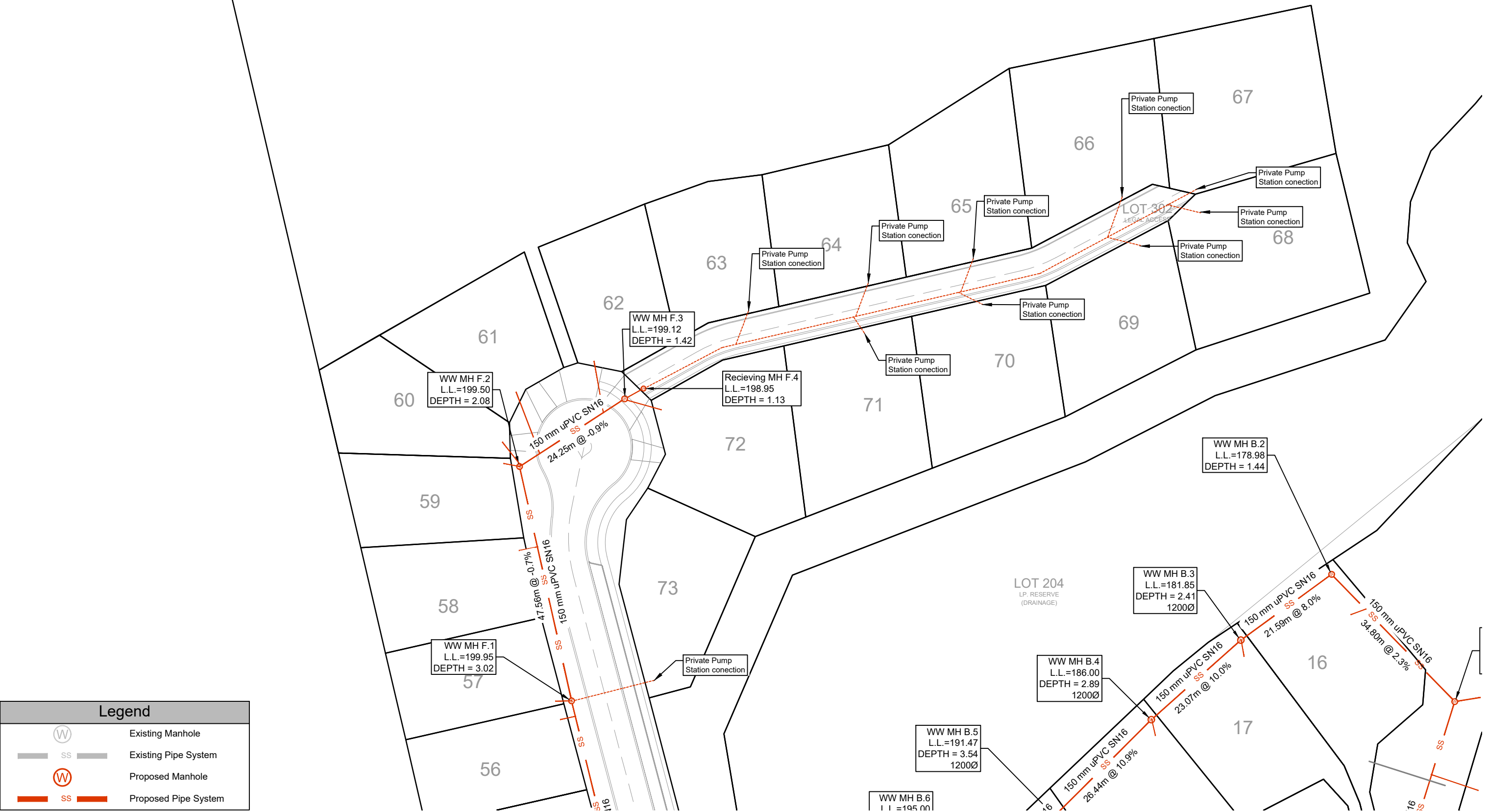
**Resource Consent**  
**Sanitary Sewer Overview**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mt Eden 2000
	Height: One Tree Point
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-400	3

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Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Pipe System

Size	A3	Scale	1:750	Date	May 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC		
2	Issued for Resource Consent	JMC	18/08/21	Checked			
3	Removed lots 62, 63 & 69	JMC	30/03/22	Approved			

**Resource Consent**  
**Sanitary Sewer Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



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 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-401	3

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Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Pipe System

Size	A3	Scale	1:750	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC
2	Issued for Resource Consent	JMC	18/08/21	Checked	
3	Removed lots 62, 63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Sanitary Sewer Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

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 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-402	3





Size	A3	Scale	1:750	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC
2	Issued for Resource Consent	JMC	18/08/21	Checked	
3	Removed lots 62, 63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Sanitary Sewer Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



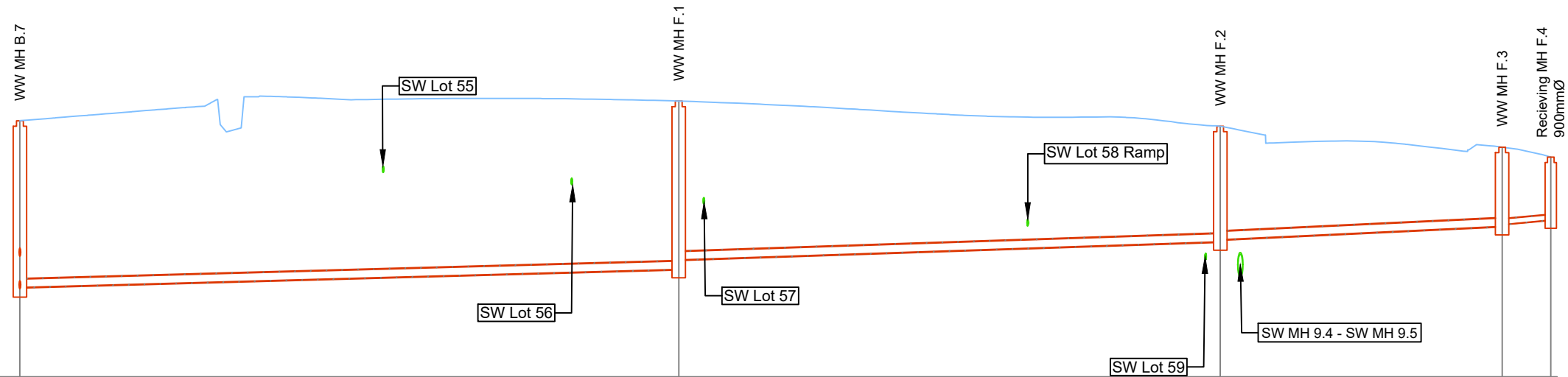
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 25 Harwood Street, P O Box 38,  
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Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-403	3

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NOTE:

Profile displays outline of manhole, there is no sump. levels shown are inverts and lid levels.



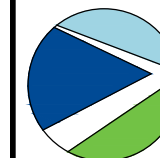
5x VERT. EXAG.  
DATUM: 195.00

LID LEVEL	199.60	199.95	199.50	199.12	198.95
DEPTH TO MH INVERT	3.02	3.02	2.08	1.42	1.13
PPE INVERT LEVEL	196.60	196.93 197.10	197.43 197.46	197.70 197.73	197.82
PIPE DETAILS	150 mm uPVC SN16 PVC 58.09m @ -0.6%		150 mm uPVC SN16 PVC 47.56m @ -0.7%	150 mm uPVC SN16 PVC 24.25m @ -0.9%	100 mm uPVC SN16 PVC 3.89m @ 1.9%

WW LINE F LONG SECTION

Size	A3	Scale	1:500	Date	May 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for Resource	JMC	17/05/21	Drawn	JMC		
2	Re-issued for resource consent	JMC	30/03/22	Checked			
3				Approved			

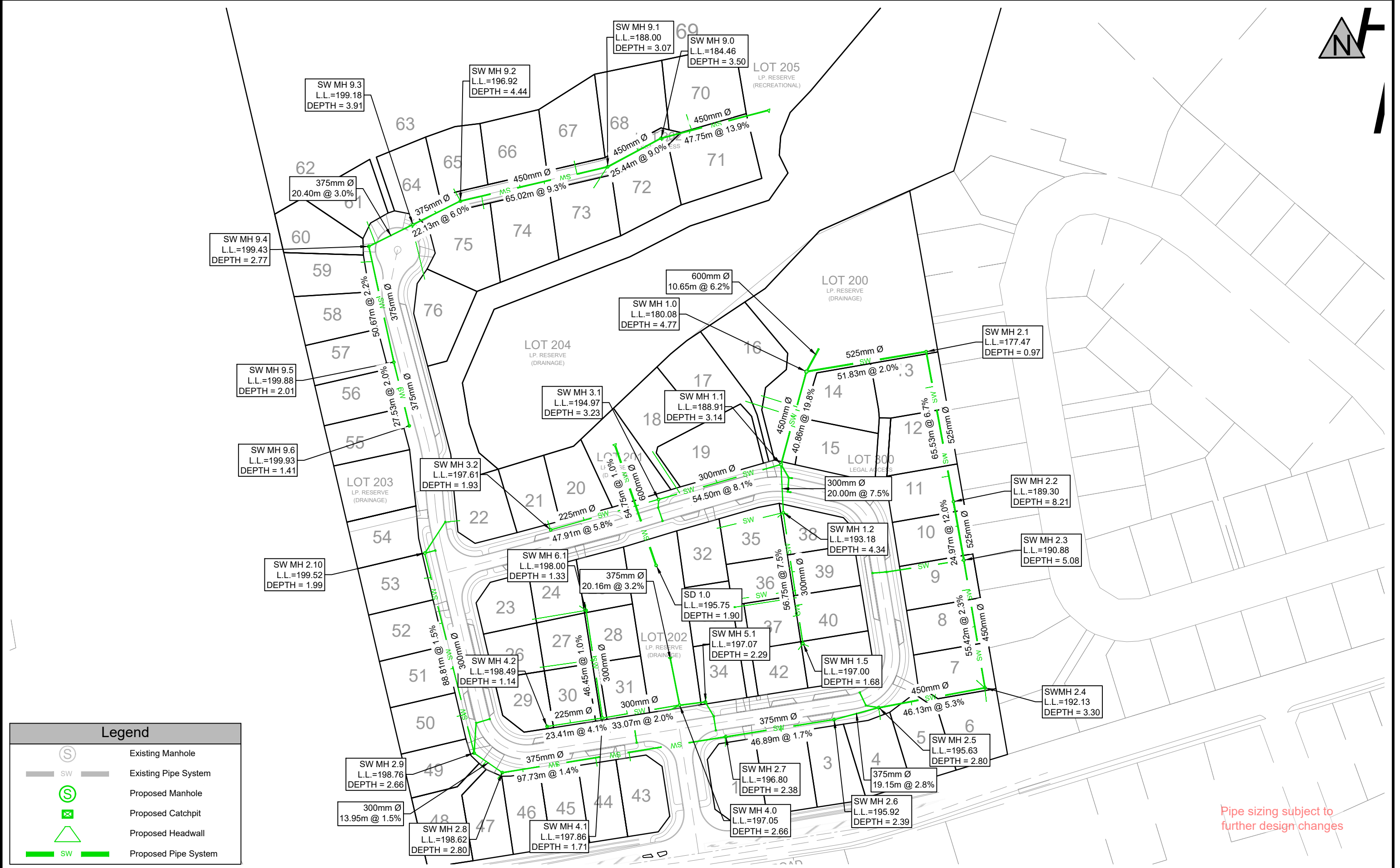
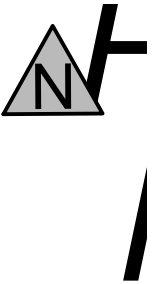
Resource Consent  
Sanitary Sewer Longsection  
Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd



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Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000 Height: One Tree Point			
Resource Consent Number: .....			
BW Ref.	Stg.	Purp.	Dwg. # Revision:
20183-01-RC-404			2

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Pipe sizing subject to further design changes

Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Catchpit
	Proposed Headwall
	Proposed Pipe System

Size	A3	Scale	1:1500	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC
2	Updated Stormwater Line Locations	JMC	19/08/21	Checked	
3	Removed Lot 62, 63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Stormwater Overview**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



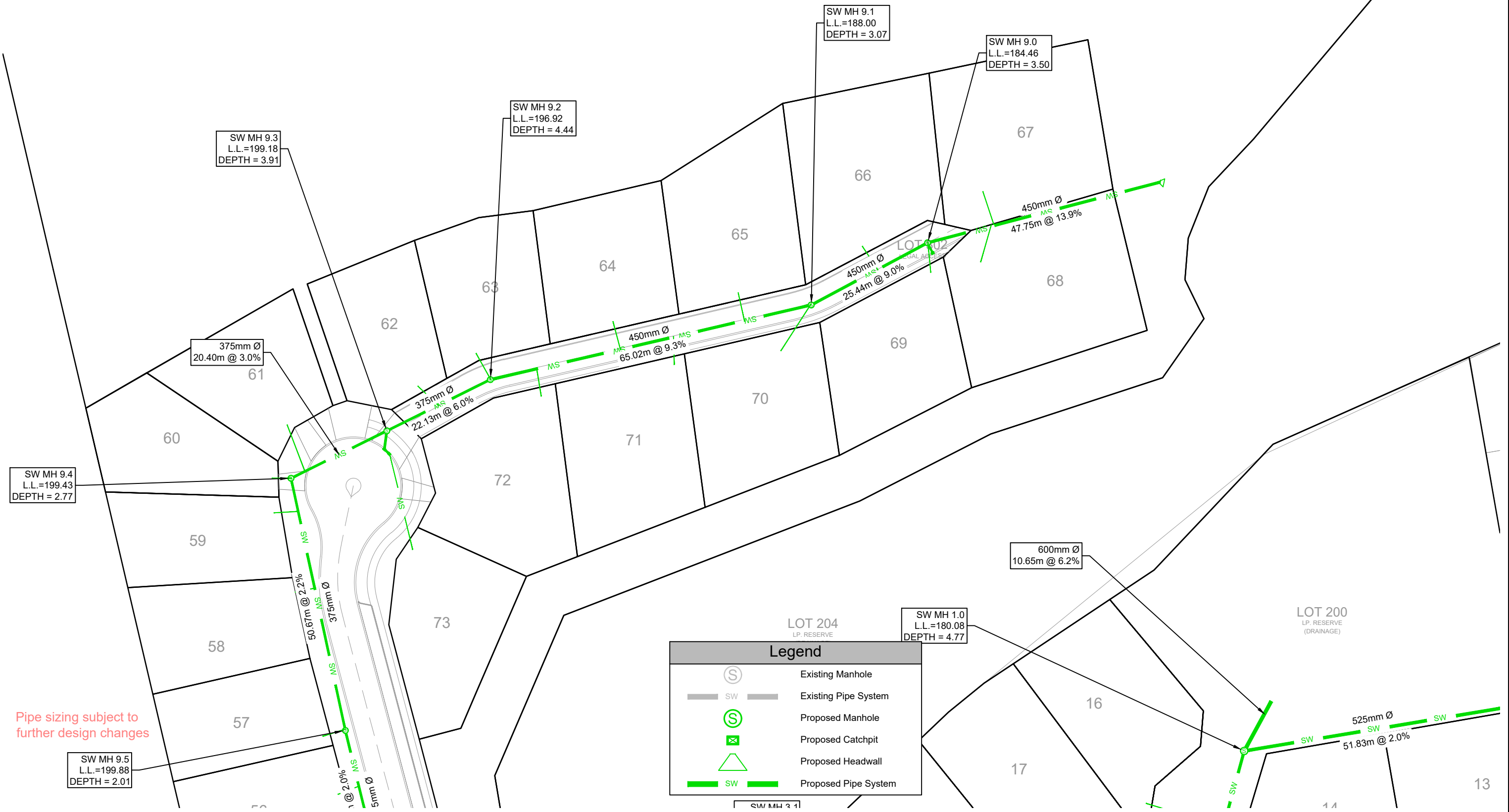
**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-500	3

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LOT 205  
LP. RESERVE  
(RECREATIONAL)



Pipe sizing subject to further design changes

**Legend**

- Existing Manhole
- Existing Pipe System
- Proposed Manhole
- Proposed Catchpit
- Proposed Headwall
- Proposed Pipe System

Size	A3	Scale	1:750	Date	May 2021		
No.	Amendment	Init.	Date	Designed	Drawn	JMC	
1	Issued for Resource Consent	JMC	17/05/21		JMC		
2	Updated Stormwater Line Locations	JMC	19/08/21	Checked			
3	Removed Lot 62, 63 & 69	JMC	30/03/22	Approved			

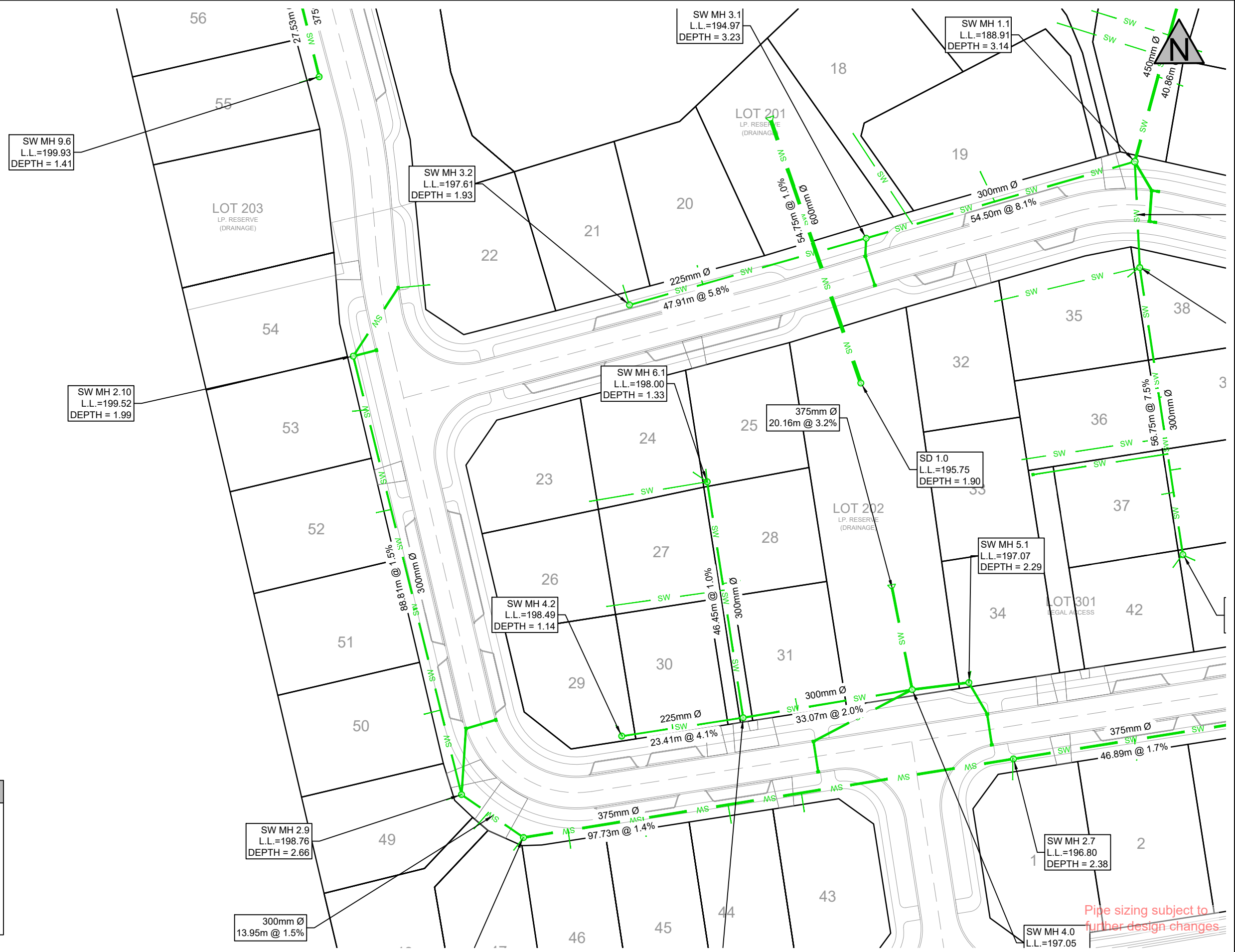
**Resource Consent**  
**Stormwater Layout**  
Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd

**Blue Wallace Surveyors Ltd.**  
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Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-501	3

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Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Catchpit
	Proposed Headwall
	Proposed Pipe System

Size	A3	Scale	1:750	Date	May 2021		
No.	Amendment	Init.	Date	Designed	JMC		
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC		
2	Updated Stormwater Line Locations	JMC	19/08/21	Checked			
3	Removed Lot 62, 63 & 69	JMC	30/03/22	Approved			

**Resource Consent**  
**Stormwater Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace**  
**Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

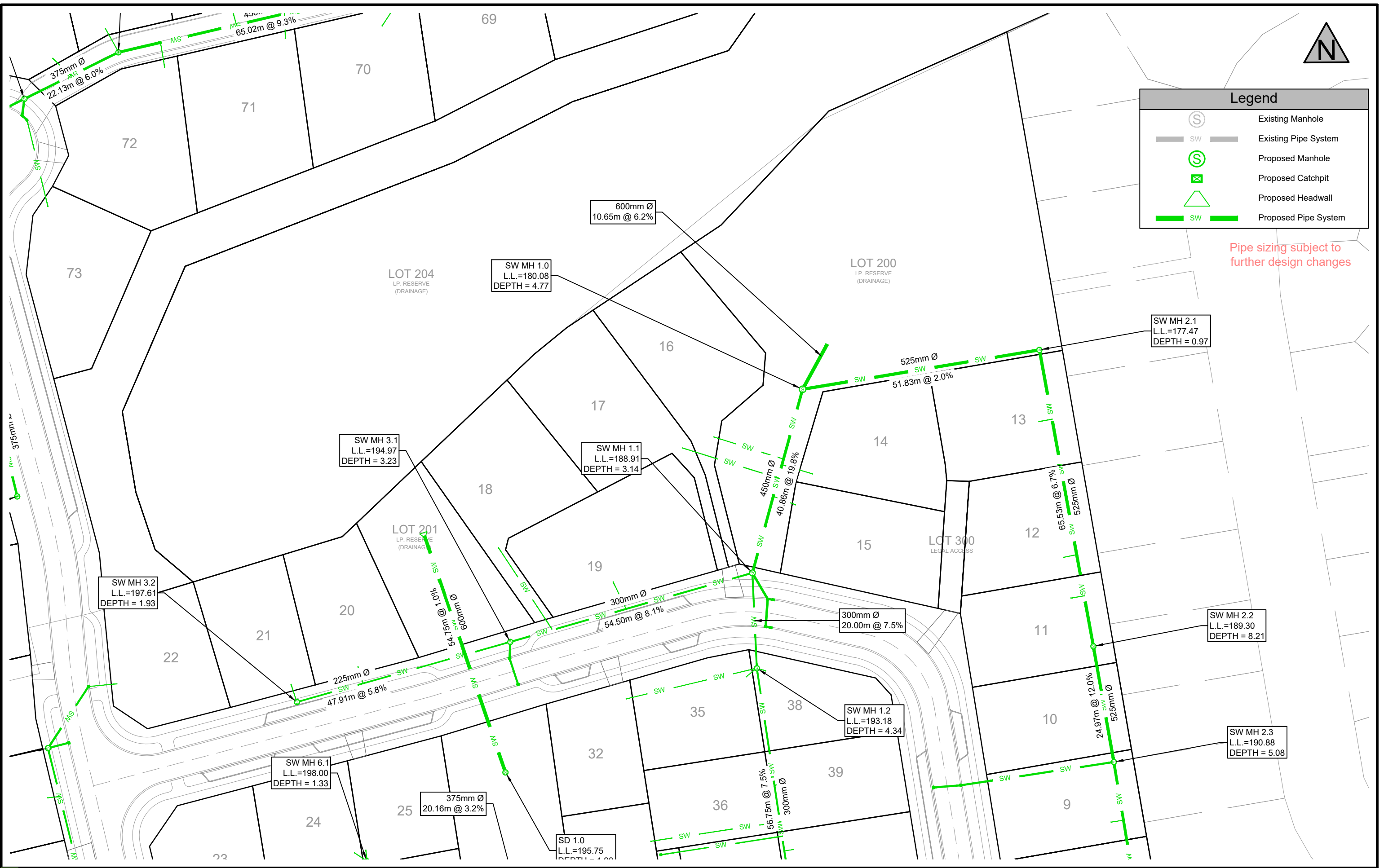
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Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-502	3





Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Catchpit
	Proposed Headwall
	Proposed Pipe System

Pipe sizing subject to further design changes



Size	A3	Scale	1:750	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
1	Issued for Resource Consent	JMC	17/05/21	Drawn	JMC
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3	Removed Lot 62, 63 & 69	JMC	30/03/22	Approved	

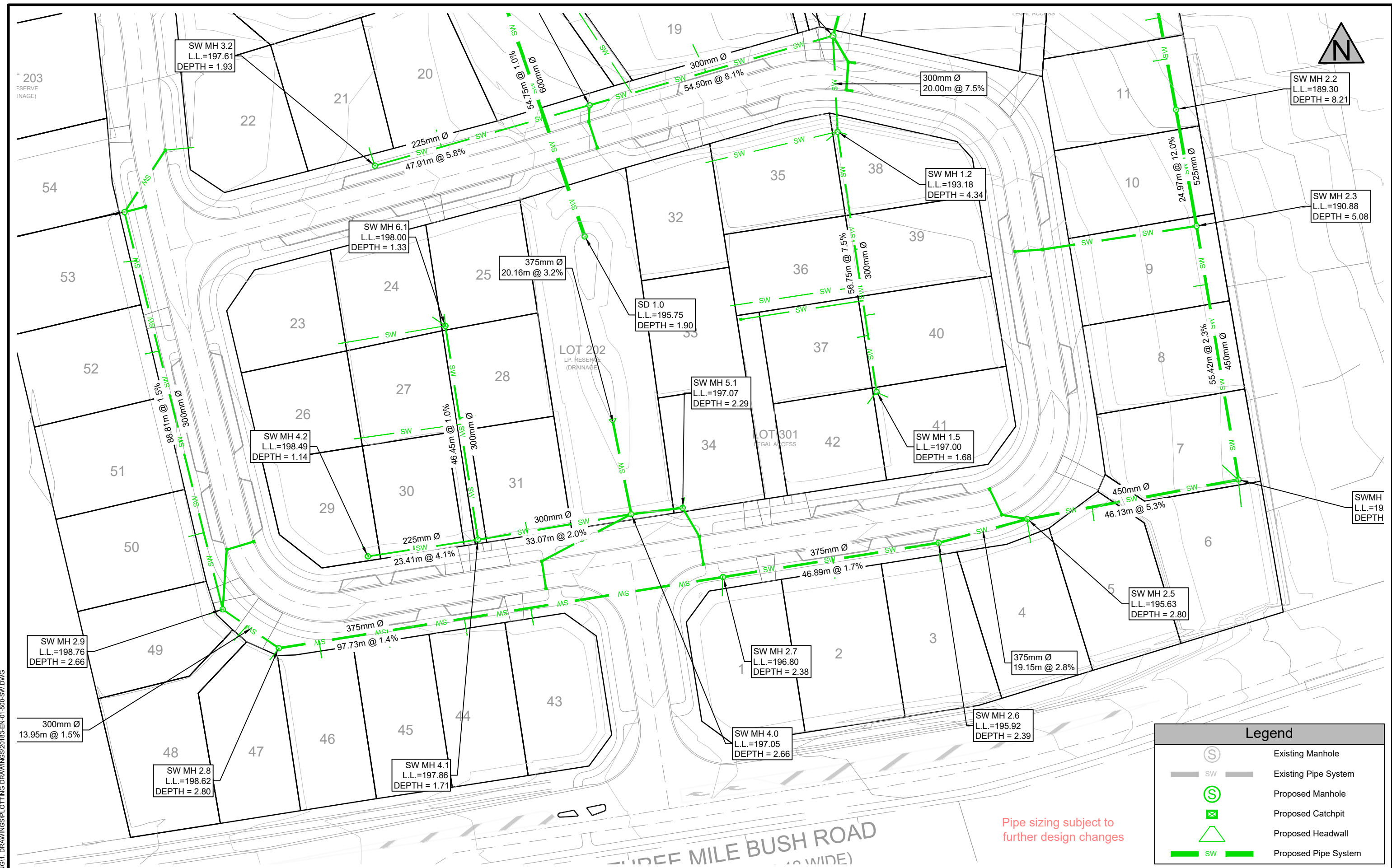
**Resource Consent**  
**Stormwater Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
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 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-503	3

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Legend	
	Existing Manhole
	Existing Pipe System
	Proposed Manhole
	Proposed Catchpit
	Proposed Headwall
	Proposed Pipe System

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Size	A3	Scale	1:750	Date	May 2021		
No.	Amendment	Init.	Date	Designed	Drawn	JMC	
1	Issued for Resource Consent	JMC	17/05/21		JMC		
2	Updated Stormwater Line Locations	JMC	19/08/21	Checked			
3	Removed Lot 62, 63 & 69	JMC	30/03/22	Approved			

**Resource Consent**  
**Stormwater Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace**  
**Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-504	3





PT LOT 4  
DP 99045  
(RT. NA93D/53)  
HURUPAKI LTD.



Legend	
	Existing Water Main
	Existing Fire Hydrant
	Proposed Lot Connection
	Proposed Sluice Valve
	Proposed Peet Valve
	Proposed Fire Hydrant
	Proposed Water Main
	Proposed Rider Main

Size	A3	Scale	1:1500	Date	May 2021	
No.	Amendment	Init.	Date	Designed	JMC	
2	Issued for Resource Consent	JMC	18/06/21	Drawn	JMC	
3	Added FH down ROW 302	JMC	18/02/22	Checked		
4	Removed Lots 62-63 & 69	JMC	30/03/22	Approved		

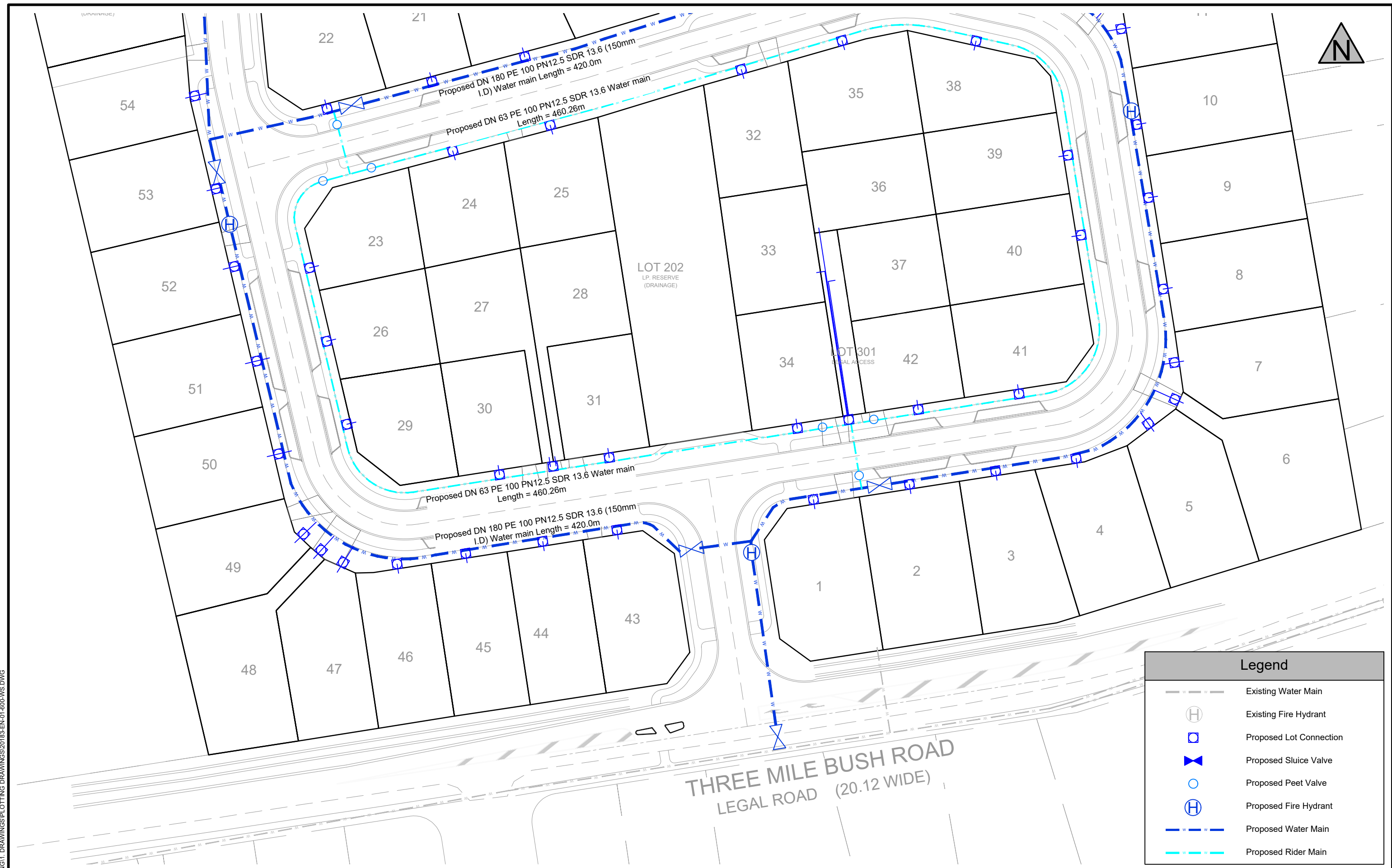
**Resource Consent**  
**Water Reticulation Overview**  
Three Mile Bush Road, Kamo, Whangarei  
Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
25 Harwood Street, P O Box 38,  
Hamilton Central, HAMILTON.  
Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
.....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-600	4

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Legend	
	Existing Water Main
	Existing Fire Hydrant
	Proposed Lot Connection
	Proposed Sluice Valve
	Proposed Peet Valve
	Proposed Fire Hydrant
	Proposed Water Main
	Proposed Rider Main

Size	A3	Scale	1:750	Date	May 2021	
No.	Amendment	Init.	Date	Designed	JMC	
2	Issued for Resource Consent	JMC	18/06/21	Drawn	JMC	
3	Added FH down ROW 302	JMC	18/02/22	Checked		
4	Removed Lots 62-63 & 69	JMC	30/03/22	Approved		

**Resource Consent**  
**Water Reticulation Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd




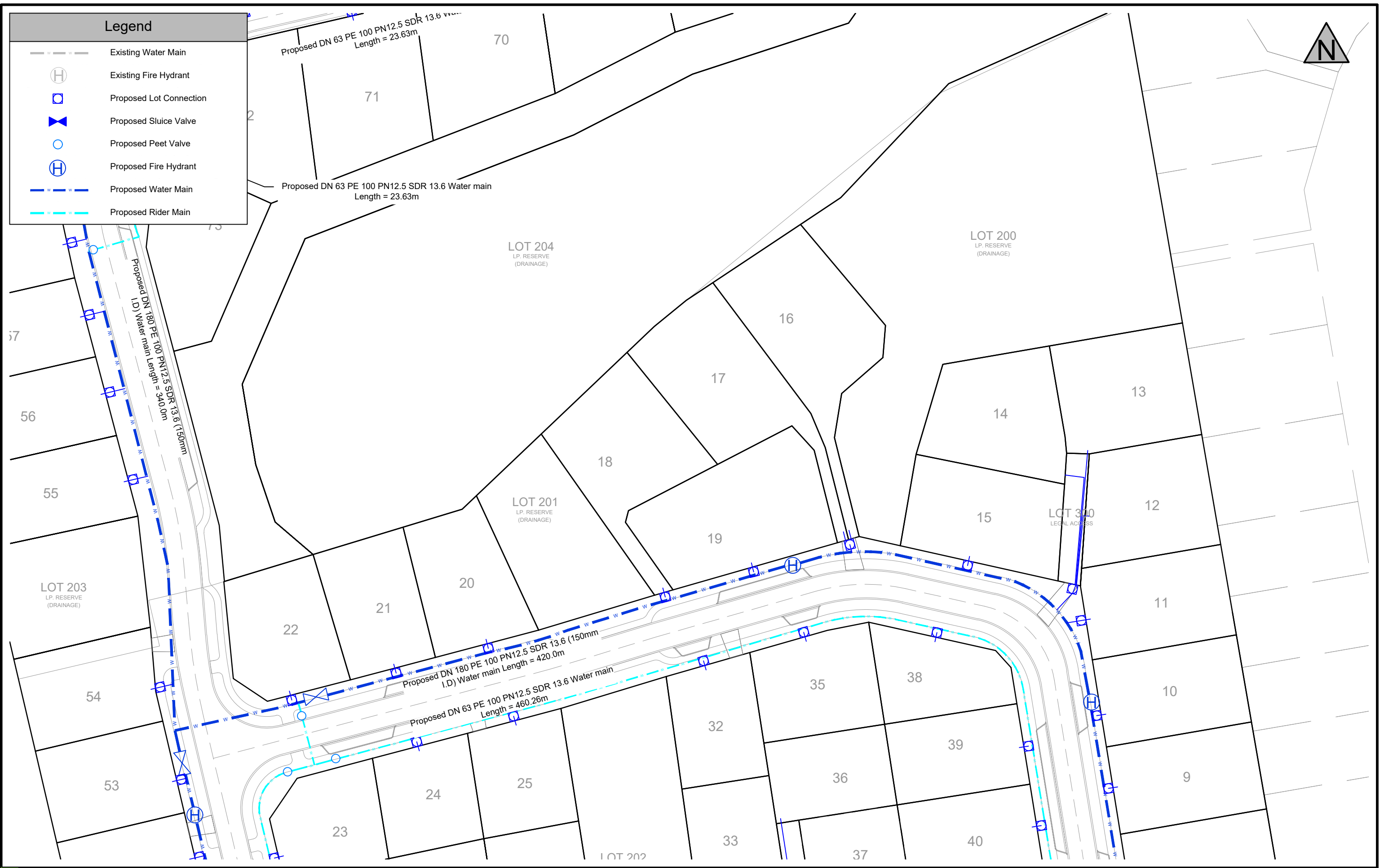
**Blue Wallace**  
**Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-601	4

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**Legend**

-  Existing Water Main
-  Existing Fire Hydrant
-  Proposed Lot Connection
-  Proposed Sluice Valve
-  Proposed Peet Valve
-  Proposed Fire Hydrant
-  Proposed Water Main
-  Proposed Rider Main



Size	A3	Scale	1:750	Date	May 2021
No.	Amendment	Init.	Date	Designed	JMC
2	Issued for Resource Consent	JMC	18/06/21	Drawn	JMC
3	Added FH down ROW 302	JMC	18/02/22	Checked	
4	Removed Lots 62-63 & 69	JMC	30/03/22	Approved	

**Resource Consent**  
**Water Reticulation Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

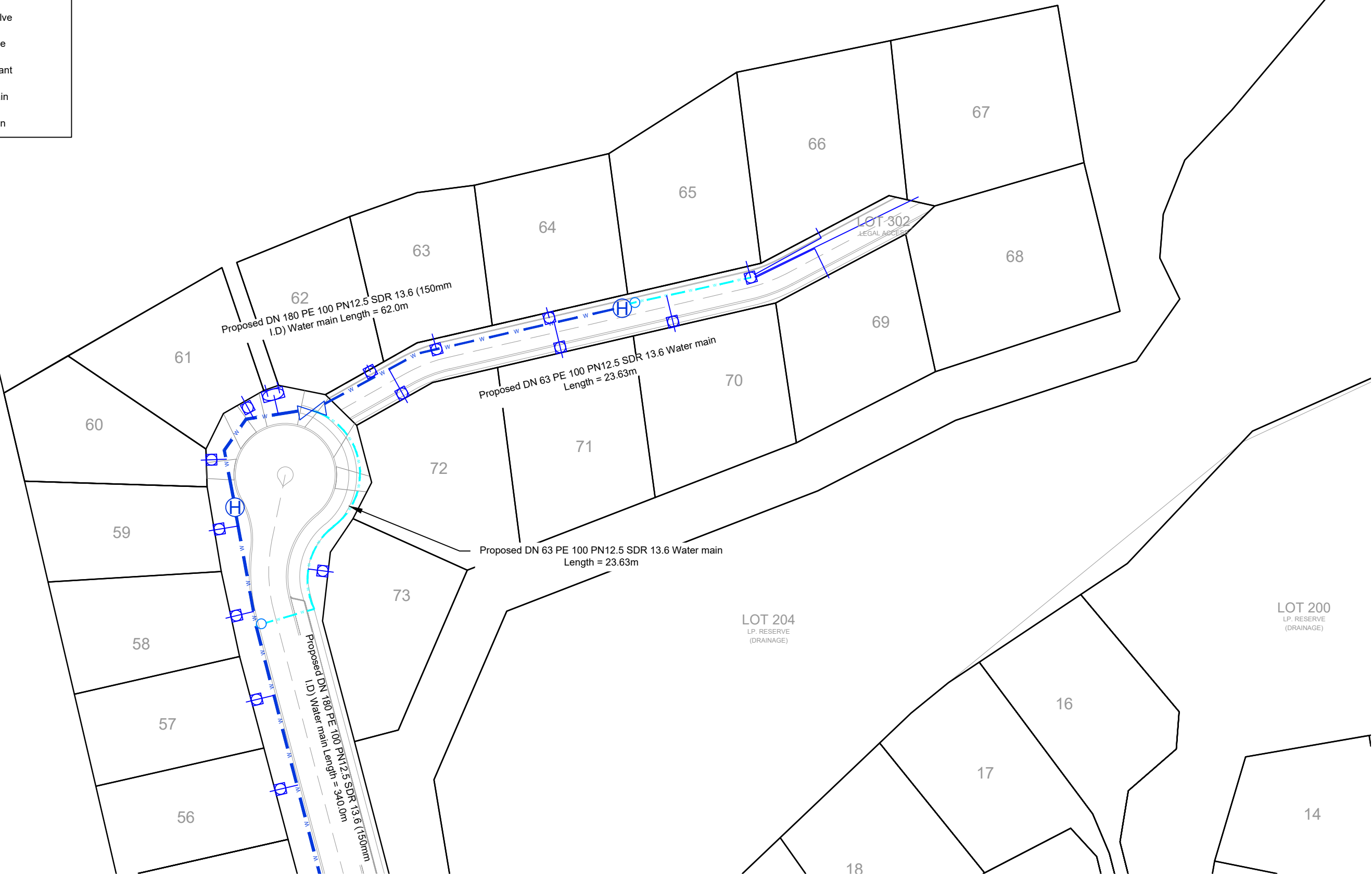
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Resource Consent Number: .....			
BW Ref.	Stg.	Purp. Dwg. #	Revision:
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Legend	
	Existing Water Main
	Existing Fire Hydrant
	Proposed Lot Connection
	Proposed Sluice Valve
	Proposed Peet Valve
	Proposed Fire Hydrant
	Proposed Water Main
	Proposed Rider Main



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3)  
D.

Size	A3	Scale	1:750	Date	May 2021	
No.	Amendment	Init.	Date	Designed	JMC	
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**Resource Consent**  
**Water Reticulation Layout**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



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Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-603	4

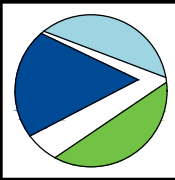


**Legend**

- Existing Water Main
- Existing Fire Hydrant
- Proposed Lot Connection
- Proposed Sluice Valve
- Proposed Peet Valve
- Proposed Fire Hydrant
- Proposed Water Main
- Proposed Rider Main
- Existing Stormwater Manhole
- Existing Stormwater Pipe
- Proposed Stormwater Manhole
- Proposed Catchpit
- Proposed Headwall
- Proposed Stormwater Pipe
- Existing Wastewater Manhole
- Existing Wastewater Pipe
- Proposed Wastewater Manhole
- Proposed Wastewater Line

Size	A3	Scale	1:1500	Date	May 2021		
No.	Amendment	Init.	Date	Designed	Drawn	JMC	
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4	Removed Lots 62-63 & 69	JMC	30/03/22	Approved			

**Resource Consent**  
**Combined Services Overview**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd

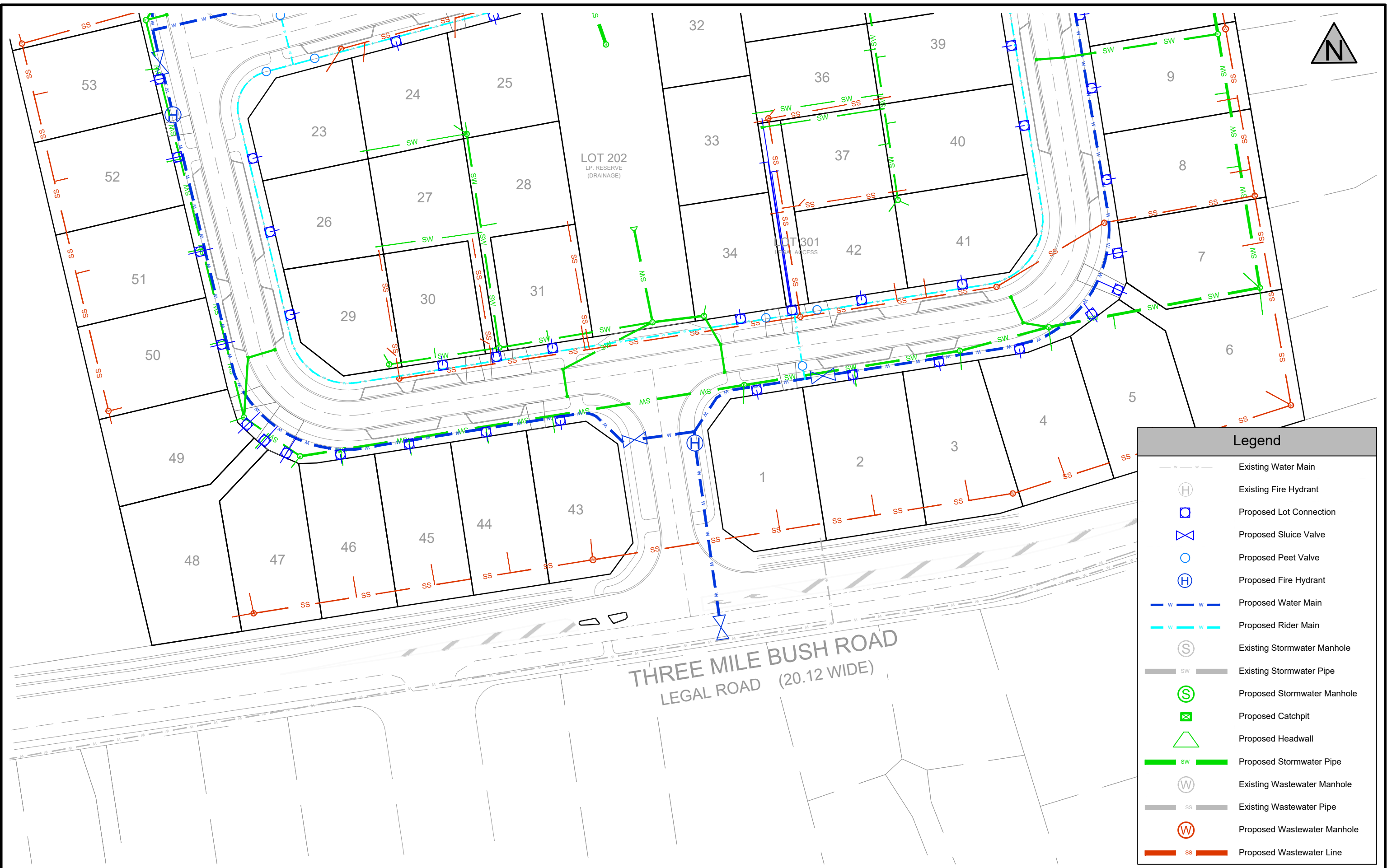


**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
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BW Ref.	Stg. Purp. Dwg. # Revision:
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Legend	
	Existing Water Main
	Existing Fire Hydrant
	Proposed Lot Connection
	Proposed Sluice Valve
	Proposed Peet Valve
	Proposed Fire Hydrant
	Proposed Water Main
	Proposed Rider Main
	Existing Stormwater Manhole
	Existing Stormwater Pipe
	Proposed Stormwater Manhole
	Proposed Catchpit
	Proposed Headwall
	Proposed Stormwater Pipe
	Existing Wastewater Manhole
	Existing Wastewater Pipe
	Proposed Wastewater Manhole
	Proposed Wastewater Line

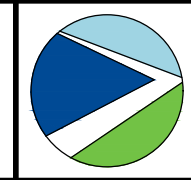
THREE MILE BUSH ROAD  
LEGAL ROAD (20.12 WIDE)

LOT 202  
LP. RESERVE  
(DRAINAGE)

LOT 301  
LEGAL ACCESS

Size	A3	Scale	1:750	Date	May 2021
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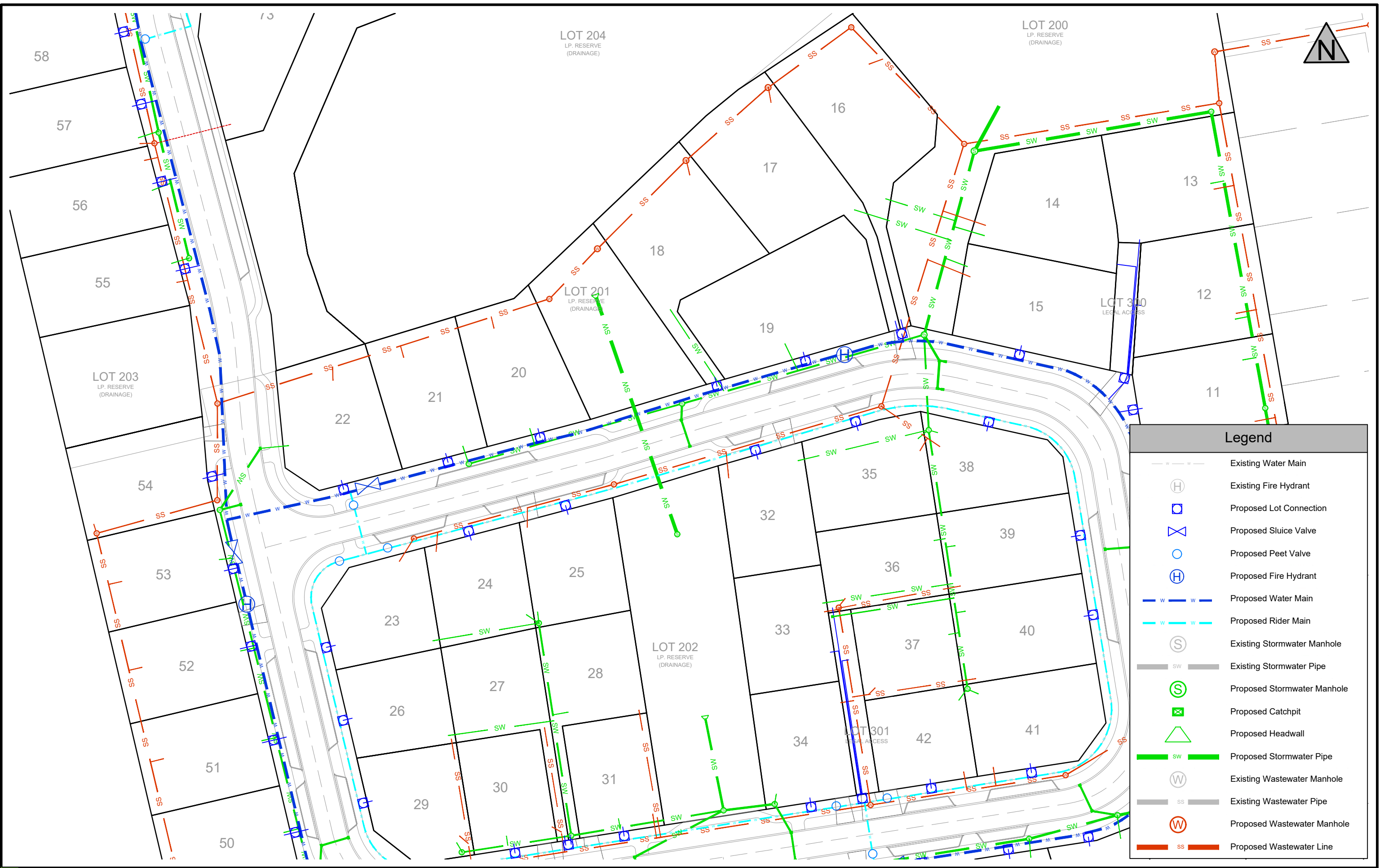
**Resource Consent**  
**Combined Services Layout - Sheet 1 of 3**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace  
Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-701	4

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Legend	
	Existing Water Main
	Existing Fire Hydrant
	Proposed Lot Connection
	Proposed Sluice Valve
	Proposed Peet Valve
	Proposed Fire Hydrant
	Proposed Water Main
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	Existing Stormwater Pipe
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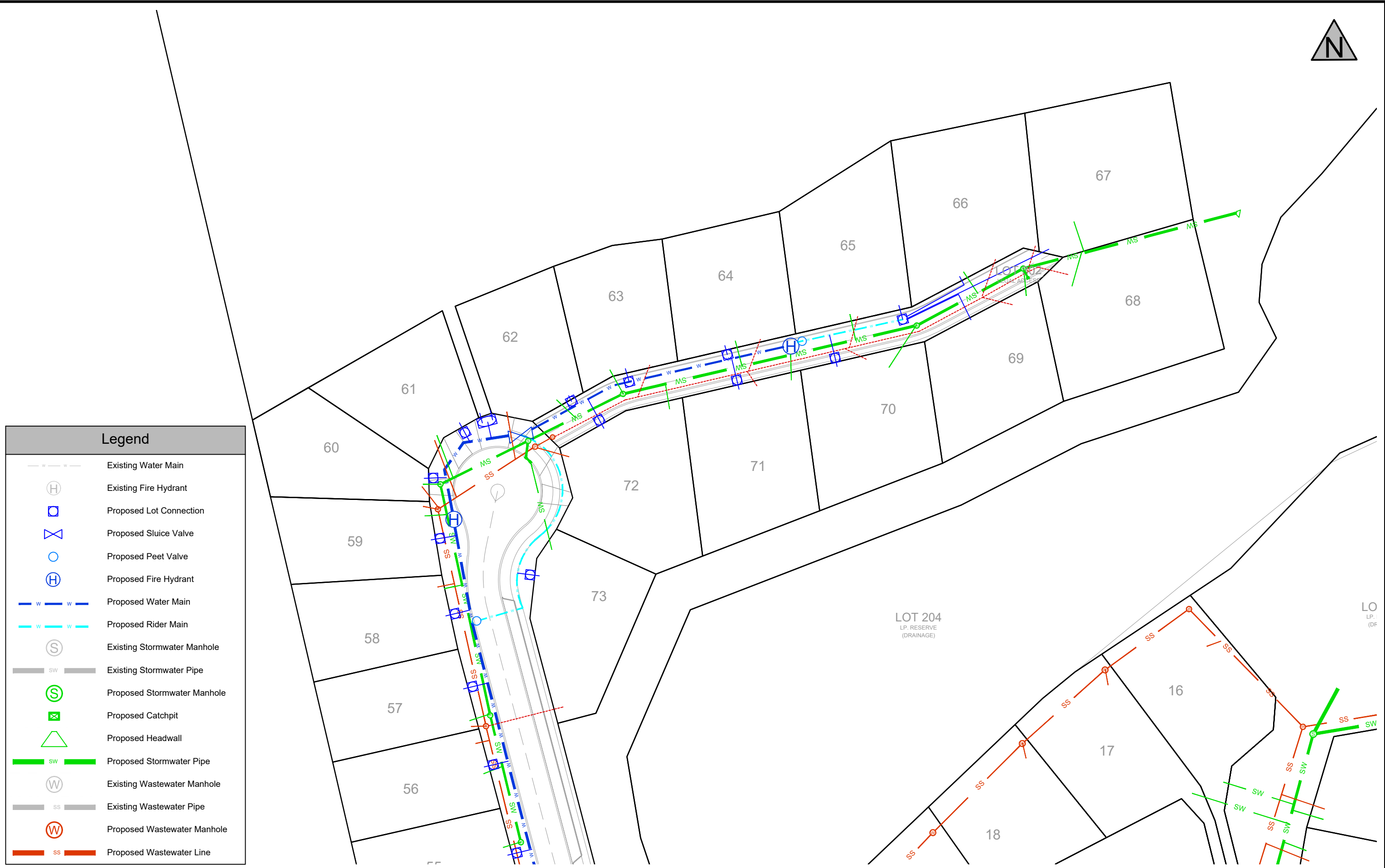
**Resource Consent**  
**Combined Services Layout - Sheet 2 of 3**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



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 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number:	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-702	4

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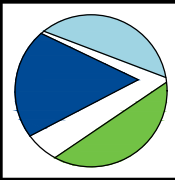


**Legend**

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- Proposed Sluice Valve
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**Resource Consent**  
**Combined Services Layout - Sheet 3 of 3**  
 Three Mile Bush Road, Kamo, Whangarei  
 Prepared for: Hurupaki Holdings Ltd



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum: Circuit: Mt Eden 2000	
Height: One Tree Point	
Resource Consent Number: .....	
BW Ref.	Stg. Purp. Dwg. # Revision:
20183-01-RC-703	4

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## **ATTACHMENT 3**

**DRAFT CONDITIONS – SL2100046 – Hurupaki Holdings Ltd – 131 and 189  
Three Mile Bush Road, Kamo**

**LAND USE CONSENT**

Under s 108 and 108AA of the RMA, this consent is subject to the following conditions:

**General Accordance Condition:**

1. This resource consent shall be carried out in general accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent number SL2100046:

- Application Form and Assessment of Environmental Effects prepared by Barker and Associates dated 1 October 2021 Revision 1;
- Section 92 Further Information Responses prepared by Barkers and Associates, including:

19 October 2021

- Gully Setback prepared by Blue Wallace Surveyors Limited referenced dated 20183-00-PL-103; and
- Scheme Plan showing boundary extents prepared by Blue Wallace Surveyors Limited reference 20183-00-PL-102 revision 18 dated May 2021.

10 November 2021

- Stream Crossing Plan, prepared by LDE, reference 18733-C01 revision 1 dated 26 October 2021;
- Geotechnical Investigation Report prepared by LDE, reference 18733 Revision A Response to S92 amendments dated 5 November 2021;
- Three Waters Design Report prepared by LDE, reference 18733 dated 13 September 2021 and RFI responses for stormwater prepared by LDE dated 4 November 2021;
- Response to Wastewater RFI prepared by LDE dated 5 November 2021;

16 November 2021



- Neighbourhood Café – Preliminary Concept Plans prepared by Felicity Christian Architect and Littoralis referenced 1304;
  - Response to the transport related items, prepared by Engineering Outcomes dated 11 November 2021;
  - Biophysical analysis Hurupaki Heights, prepared by Littoralis; and
  - Cross sections of proposed walking track Hurupaki Heights prepared by Littoralis.
- Engineering Plans prepared by Blue Wallace Surveyors Limited:
    - Existing site reference 20183-00-EN-200 revision 1 dated May 2021;
    - Design contours site reference 20183-00-EN-201 revision 1 dated May 2021;
    - Cut/fill reference 20183-00-EN-202 revision 27 dated January 2021;
    - Erosion and sediment control 20183-00-EN-250 revision Draft dated September 2021;
    - Roading overall layout 20183-00-RC-300 revision 2 dated July 2021;
    - Road 1 long-section and layout 20183-00-RC-301 revision 2 dated July 2021;
    - Road 2 long-section and layout 20183-00-RC-302, 303 and 304 revision 2 dated July 2021;
    - Road 3 long-section and layout 20183-00-RC-305 and 306 revision 2 dated July 2021;
    - Access lot 302 long-section and layout 20183-00-RC-307 revision 2 dated July 2021;
    - Turing circles 20183-00-RC-308 revision 2 dated July 2021;
    - Roading typical cross sections 20183-00-EN-350, 351, 352, 353, 354, 355, 356, 357, 358, 359 and 360 revision 4 dated April 2022
    - Sanitary sewer 20183-00-RC-400 and 401 revision 2 dated May 2021;
    - Stormwater plans 20183-00-RC-500 and 501 revision 2 dated May 2021;
    - Water reticulation 20183-00-RC-600, 601, 602 and 603 revision 2 dated May 2021;



- Combined services 20183-00-RC- 700, 701, 702 and 703 revision 2 dated May 2021;
- Lighting and planting plan 20183-00-EN – 801 revision 2 dated May 2021;
- Integrated Traffic Assessment prepared by Engineering Outcomes Ltd dated 1 October 2021;
- Three Waters Design Report reference 18733 prepared by LDE dated 24 August 2021;
- Geotechnical Investigation reference 18733 prepared by LDE dated 24 June 2021;
- Assessment of Landscape and Neighbourhood Amenity Effects prepared by Littoralis dated September 2021;
- Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021; and
- Archaeological Assessment prepared by Geometria Limited dated 8 April 2021.

### **Prior to Construction**

#### **General Engineering**

2. The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Development Engineer for approval.

It is to be noted that certain designs may only be carried out by Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies.

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

The Consent holder is to submit all documentation as required by Council "Quality Assurance/Quality Control Manual – Vested Assets". This will include nomination of an CPEng and an "Inspection and Test Plan" for approval by the Development Engineer before any works commence.

Plans are to include but are not limited to:

- a. Design details of the construction of Road 1, 2 and 3 in general accordance with:
  - Roading overall layout 20183-00-RC-300 revision 2 dated July 2021;

- Road 1 long-section and layout 20183-00-RC-301 revision 2 dated July 2021;
  - Road 2 long-section and layout 20183-00-RC-302, 303 and 304 revision 2 dated July 2021;
  - Road 3 long-section and layout 20183-00-RC-305 and 306 revision 2 dated July 2021;
  - Turing circles 20183-00-RC-308 revision 2 dated July 2021; and
  - Roading typical cross sections 20183-00-EN-350, 351, 352 and 353 revision 1 dated July 2021.
- b. Design details of the construction of access lots 300 and 302 in general accordance with Access lot 302 long-section and layout plan 20183-00-RC-307 revision 2 dated July 2021.
- c. Design details of the new intersection with Three Mile Bush Road in general accordance with:
- Figure 2 of the Integrated Transport Assessment by Engineering Outcomes Ltd; and
  - Road 1 long-section and layout plan 20183-00-RC-301 revision 2 dated July 2021.
- d. Design details of vehicle crossings for lots 1, 6, 12 – 14, 16, 17, 32, 34, 36, 37, 42, 43, 47 – 49, 60 – 62, 64 and 75 in general accordance with Scheme Plan prepared by Blue Wallace Surveyors Limited reference 20183-00-PL-100 revision 18 dated May 2021.
- e. Design details of connection and reticulation of sanitary sewer, stormwater and water services in general accordance with:
- Sanitary sewer 20183-00-RC-400 and 401 revision 2 dated May 2021;
  - Stormwater plans 20183-00-RC-500 and 501 revision 2 dated May 2021;
  - Water reticulation 20183-00-RC-600, 601, 602 and 603 revision 2 dated May 2021;
  - Combined services 20183-00-RC- 700, 701, 702 and 703 revision 2 dated May 2021.

- f. Design details of street lighting and planting in general accordance with plan 20183-00-EN – 801 revision 2 dated May 2021.
  - g. Design details of earthworks and retaining walls in general accordance with the Cut and Fill Plan reference 20183-00-EN-202 revision 27 dated January 2022 shall be undertaken in general accordance with the LDE Geotechnical Investigation dated 24 June 2021.
3. The consent holder must submit a Construction Traffic Management Plan (CTMP) to the satisfaction of the Development Engineer or delegated representative. The CTMP will include the following provisions:
- a. Heavy construction vehicles will avoid travelling along Three Miles Bush Road during school pick-up and drop-off times (between 8-9am and 3-4pm) during term time.
  - b. Details of how truck drivers will be briefed on the importance of slowing down and adhering to established speed limits when driving past Hurupaki School, and to look out for school children and reversing vehicles at all times.
  - c. The contact details of the Site Manager will be provided to Hurupaki School prior to the commencement of any earthworks to allow the school to raise any safety concerns with the site manager for the duration of the activity.
4. The consent holder or its agent/contractor shall submit an Erosion and Sediment Control Plan (ESCP) to the Council for certification by the Compliance Manager. As a minimum, the ESCP shall include the following:
- a. The expected duration (timing and staging) of earthworks, and details of locations of disposal sites for unsuitable materials, and clean water diversions if required.
  - b. Details of all erosion and sediment controls including diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the erosion and silt control structures/measures.
  - c. A Chemical Treatment Management Plan providing details of the flocculant and/or coagulant chemical treatment methodology to be implemented to treat sediment laden stormwater entering/within the sediment retention pond and the decanting earth bund.
  - d. The commencement and completion dates for the implementation of the proposed erosion and sediment controls.

- e. Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction.
- f. Measures to minimise sediment being deposited on public roads.
- g. Measures to prevent the discharge of sediment into the Waitaua Stream.
- h. Measures to ensure dust discharge from the earthwork's activity does not create a nuisance on neighbouring properties.
- i. Measures of how dust discharge from earthwork's activity is managed onsite to mitigate any effects on Hurupaki School.
- j. Measures to prevent spillage of fuel, oil and similar contaminants.
- k. Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances.
- l. Means of ensuring contractor compliance with the ESCP.
- m. The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures.
- n. Contingency provisions for the potential effects of large/high intensity rain storm events.

### **Heritage Conditions**

- 5. Prior to any works commencing on the site, the recommendations set out in the archaeological assessment prepared by Geometria Heritage Management dated 8 April 2021 shall be adhered to, including the following:
  - a. Evidence shall be provided that an Authority to modify has been sought and obtained from HNZPT under conditions contain within the HNZPT Act (2014).

### **Cultural Conditions**

- 6. At least 10 working days prior to commencement of construction, the Consent Holder shall invite, and provide the opportunity for, Mana Whenua to perform site blessings, karakia and cultural inductions.

### **During Construction / Physical Works**

#### **Engineering and Services**

- 7. The consent holder is to submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out

within Council's Road Reserve in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Development Engineer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).

8. 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 Development Engineer and include the following details:
  - a. Name and telephone number of the project manager/ CPEng.
  - b. Site address to which the consent relates.
  - c. Activities to which the consent relates.
  - d. Expected duration of works.
9. A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
10. A pre start meeting is required to be undertaken with the consent holder's representative, contractor(s) and all other CPEng's or agents for consent holder and the Development Engineer prior to any works being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.
11. All work on the approved engineering plans in condition 2 is to be carried out to the approval of the Development Engineer. Compliance with this condition shall be determined by site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
  - a. Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
  - b. PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.
  - c. PS3 "Certificate of Completion of Development Works" from the Contractor.
12. No construction works are to commence onsite until following have been approved:

- a. The engineering plans required in condition 2.
  - b. The Construction Traffic Management Plan in condition 3.
  - c. The Erosion and Sediment Control Plan (ESCP) in condition 4.
13. All work shall be carried out in accordance with the Construction Traffic Management Plan approved in condition 3.
14. The consent holder shall reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and/or construction works associated with the subdivision or land use consent. The assets shall be reinstated in accordance with Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder and to the satisfaction of the Development Engineer or delegated representative.
15. ROAD 1: The consent holder shall supply and erect the Public street/road/access name for Road in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/ road/access name. The sign shall be in a position where it is most visible for road users to the satisfaction of the Development Engineer or delegated representative.
16. ROAD 2: The consent holder must supply and erect the Public street/road/access name for Road in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/ road/access name. The sign shall be in a position where it is most visible for road users to the satisfaction of the Development Engineer or delegated representative.
17. ROAD 3: The consent holder must supply and erect the Public street/road/access name for Road in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/ road/access name. The sign shall be in a position where it is most visible for road users to the satisfaction of the Development Engineer or delegated representative.
18. ROW (Lot 302) The consent holder must supply and erect the Private street/road/access name for RIGHT OF WAY in accordance with Sheet 25 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/ road/access name. The sign shall be in a position where it is most visible for road users to the satisfaction of the Development Engineer or delegated representative.

### **Geotechnical/Earthworks**



19. Earthworks and construction of retaining walls shall be undertaken in general accordance with the plans LDE Geotechnical Investigation dated 24 June 2021.
20. The consent holder shall ensure that spoil from the site is not tracked out onto Council or State Highway Road formations to the satisfaction of the Development Engineer or delegated representative.
21. Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.

### **Sediment and Erosion Control**

22. Sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents shall prevail.
23. Sediment control measures shall include use of chemical treatment in all sediment retention ponds and decanting earth bunds.
24. As a minimum, the erosion and sediment control measures shall be constructed and maintained in accordance with the ESCP prepared in accordance with condition 4 above. The consent holder may amend the ESCP at any time with the prior approval of the Council's assigned Monitoring Officer. The recent approved version of the ESCP shall be used for compliance purposes.
25. Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site shall be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents shall be removed as soon as possible, but at least daily. The stabilised construction entrance shall be maintained throughout the duration of earthworks operations.
26. Erosion and sediment controls shall be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.
27. The installation of all erosion and sediment controls shall be supervised by an appropriately qualified and experienced person. The Consent Holder shall provide to the Council's assigned Monitoring Officer certification from the appropriately qualified

and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.

28. No works may be carried out between 1 May and 30 September in any year unless the prior written agreement of the Council's Compliance Manager has been obtained.
29. Any request to undertake works between 1 May and 30 September in any year must be in writing and shall be made at least two weeks prior to the proposed date that the works are required to be undertaken. This written request shall include an amended ESCP for the works that has been prepared in accordance with condition 4.
30. Drains and cut-offs constructed to divert stormwater shall be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event. All channels on grades greater than 2% shall be protected to avoid erosion occurring.
31. All offsite stormwater shall be directed away from earthworks areas and no drainage pathways shall be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
32. No slash, soil, debris and detritus associated with the exercise of these consents shall be placed in a position where it may be washed into any water body.
33. All bare areas of land and fill shall be covered with aggregate, or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.
34. The exercise of these consents shall not give rise to any discharge of contaminants, including dust, which in the opinion of the Council's assigned Monitoring Officer is noxious, dangerous, offensive or objectionable at or beyond the property boundary.

### **Fire Fighting Water Supply**

35. Where reticulated water supply cannot achieve compliance with firefighting water pressure/flow requirements of SNZ/PAS4509:2008. The consent holder shall install an additional firefighting supply consisting of water tanks containing at least 50,000 litres located within Lot 58 with suitable hydrant connections to an additional water supply to the hydrants that will be installed. Water tanks shall:
  - b. Be in part buried with a maximum exposed being 1500mm.
  - c. Be marked with signage to denote 'firefighting water supply only'.
  - d. Have lid padlocks to be able to be opened with a 133 or similar fire alarm key.

- e. Be installed so that lids are as close to roadway as possible.
36. The consent holder shall provide an easement in gross over Lot 58 to the fire service provide on-going rights to access the water.

### **Heritage Management**

37. The proposed stonewall removal and replacement shall be undertaken and located in accordance with the recommendations set out in the archaeological assessment prepared by Geometria, and the proposed landscape plans prepared by Littoralis referenced.
38. All existing stonewall rock shall remain onsite and be reused in the stonewall construction.
39. Where, during earthworks on the site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:
- i. All works within 20m of the discovery site will cease immediately. The contractor/works supervisor shall shut down all equipment and activity.
  - ii. The area shall be secured and the consent holder or proponent and Hamilton City Council must be advised of the discovery.
  - iii. Heritage New Zealand Pouhere Taonga shall be notified by the consent holder or proponent so that the appropriate consent procedure can be initiated.
  - iv. The consent holder or proponent shall consult with a representative of the appropriate iwi to determine what further actions are appropriate to safeguard the site of its contents.
40. In the case where human remains have accidentally been discovered or are suspected to have been discovered, the following will also be required:
- i. The area shall be immediately secured by the contractor in a way which ensure human remains are not further disturbed. The consent holder or proponent shall be advised of the steps taken.
  - ii. The Police shall be notified of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent shall notify the appropriate iwi and Heritage New Zealand Pouhere

Taonga and Whangārei District Council within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.

- iii. Excavation of the site shall not resume until the Police, Heritage New Zealand Pouhere Taonga and the relevant iwi have each given the necessary approvals for excavation to proceed.

Advice Note: If any land use activity (such as earthworks, fencing or landscaping is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded) an "authority" consent from Heritage New Zealand Pouhere Taonga must also be obtained for the work to lawfully proceed.

### **Food and Beverage Activity**

41. The Food and Beverage Activity shall be established within Lot 22, in general accordance Neighbourhood Café – Preliminary Concept Plans prepared by Felicity Christian Architect and Littoralis reference 1304.
42. The Food and Beverage Activity shall comply with the following permitted activity rules of the Proposed District Plan (appeals version) unless separate resource consent approval is obtained:
  - a. GRZ-R3 Building and Major Structure Height;
  - b. GRZ-R4 Building and Major Structure Setbacks;
  - c. GRZ-R5 Building and Major Structure Height in Relation to Boundary;
  - d. GRZ-R7 Impervious Areas;
  - e. GRZ-R8 Building and Major Structure Coverage;
  - f. GRZ-R18 Food and Beverage Activity rules .3, .4, 8 and 9;
  - g. NAV.6.1. GRZ noise limits; and
  - h. SIGN-R3 Any sign in Residential Zone.
43. Within the first available planting season (May-October) following construction (at completion of final building consent inspection) of the cafe, the consent holder shall implement the landscaping in accordance with conditions 50 h and i and thereafter maintain and protect this planting to ensure it establishes as intended.

### **Ecology**

44. Any works requiring stream crossings over the Waitaua Stream shall be completed in accordance with:

- (a) Whangārei District Council and Northland Regional Council Environmental Engineering Standards;
- (b) New Zealand Fish Passage Guidelines; and
- (c) Stream Crossing Plan, prepared by LED, dated 28 October 2021 reference C01 revision 01;

to ensure that fish passage on site is maintained and unimpeded fish passage is provided throughout the Site as per best practice described under New Zealand Fish Passage Guidelines (NIWA 2018) as detailed in the Stream Crossing Plan.

#### **Emergency Access**

45. That prior to the construction of any public or habitable building, ongoing adequate emergency access shall be provided to the site.

### **Post Construction**

#### **General Engineering**

- 46. The consent holder must submit a certified and dated 'As-built' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition. This condition shall be deemed satisfied once the As-built plans have been approved by Councils' Development Engineer or delegated representative.
- 47. The consent holder must submit certified RAMM data for all new/upgraded Roading infrastructure prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Development Engineer or delegated representative.
- 48. The consent holder shall submit written confirmation from power and telecommunication 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 Council's Post Approval Officer or their delegated representative.
- 49. The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas of or ground stabilisation, cut or fill, from a Chartered

Professional Engineer. Any site restrictions shall be included and confirmation that the land is suitable for building development, for the certification of the Development Engineer or delegated representative. This Form EES-PO1 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.

## **SUBDIVISION CONSENT**

Under ss 108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

### **General Accordance Condition:**

50. This resource consent shall be carried out in general accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent number SL2100046:

- a. Application Form and Assessment of Environmental Effects prepared by Barker and Associates dated 1 October 2021 Revision 1;
- b. Section 92 Further Information Responses prepared by Barkers and Associates, including:

19 October 2021

- Gully Setback prepared by Blue Wallace Surveyors Limited referenced dated 20183-00-PL-103; and
- Scheme Plan showing boundary extents prepared by Blue Wallace Surveyors Limited reference 20183-00-PL-102 revision 18 dated May 2021.

10 November 2021

- Stream Crossing Plan, prepared by LDE, reference 18733-C01 revision 1 dated 26 October 2021;
- Geotechnical Investigation Report prepared by LDE, reference 18733 Revision A Response to S92 amendments dated 5 November 2021;
- Three Waters Design Report prepared by LDE, reference 18733 dated 13 September 2021 and RFI responses for stormwater prepared by LDE dated 4 November 2021;
- Response to Wastewater RFI prepared by LDE dated 5 November 2021;

November 2021



- Neighbourhood Café – Preliminary Concept Plans prepared by Felicity Christian Architect and Littoralis referenced 1304;
  - Response to the transport related items, prepared by Engineering Outcomes dated 11 November 2021;
  - Biophysical analysis Hurupaki Heights, prepared by Littoralis; and
  - Cross sections of proposed walking track Hurupaki Heights prepared by Littoralis.
- c. Scheme Plan prepared by Blue Wallace Surveyors Limited reference 20183-00-PL-100 revision 18 dated May 2021;
- d. Scheme Plan showing boundary extents prepared by Blue Wallace Surveyors Limited reference 20183-00-PL-100 revision 18 dated May 2021.
- e. Engineering Plans prepared by Blue Wallace Surveyors Limited:
- Existing site reference 20183-00-EN-200 revision 1 dated May 2021;
  - Design contours site reference 20183-00-EN-201 revision 1 dated May 2021;
  - Cut/fill reference 20183-00-EN-202 revision 1 dated May 2021;
  - Erosion and sediment control 20183-00-EN-250 revision Draft dated September 2021;
  - Roading overall layout 20183-00-RC-300 revision 2 dated July 2021;
  - Road 1 long-section and layout 20183-00-RC-301 revision 2 dated July 2021;
  - Road 2 long-section and layout 20183-00-RC-302, 303 and 304 revision 2 dated July 2021;
  - Road 3 long-section and layout 20183-00-RC-305 and 306 revision 2 dated July 2021;
  - Access lot 302 long-section and layout 20183-00-RC-307 revision 2 dated July 2021;
  - Turing circles 20183-00-RC-308 revision 2 dated July 2021;
  - Roading typical cross sections 20183-00-EN-350, 351, 352, 353, 354, 355, 356, 357, 358, 359 and 360 revision 4 dated April 2022;
  - Sanitary sewer 20183-00-RC-400 and 401 revision 2 dated May 2021;
  - Stormwater plans 20183-00-RC-500 and 501 revision 2 dated May 2021;

- Water reticulation 20183-00-RC-600, 601, 602 and 603 revision 2 dated May 2021;
  - Combined services 20183-00-RC- 700, 701, 702 and 703 revision 2 dated May 2021; and
  - Lighting and planting plan 20183-00-EN – 801 revision 2 dated May 2021.
- f. Integrated Traffic Assessment prepared by Engineering Outcomes Ltd dated 1 October 2021;
  - g. Three Waters Design Report referenced 18733 prepared by LDE dated 24 August 2021;
  - h. Geotechnical Investigation referenced 18733 prepared by LDE dated 24 June 2021;
  - i. Assessment of Landscape and Neighbourhood Amenity Effects prepared by Littoralis dated September 2021;
  - j. Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021; and
  - k. Archaeological Assessment prepared by Geometria Limited dated 8 April 2021.

51. That before the survey plan is certified pursuant to s 223 of the RMA, the following requirements are to be satisfied:

**Survey Plan**

- a. The survey plan submitted for approval shall be in general accordance with the Scheme Plan prepared by Blue Wallace Surveyors Limited, entitled “Scheme Plan, Proposed Subdivision of Lots 2 & 3 DP 99045” reference 20183-00-PL-100 revision 18 dated May 2021. The survey plan submitted shall show:
  - i. Lot 100 as road to vest to Whangārei District Council;
  - ii. Lots 200, 201, 203 and 204 as drainage reserve to vest to Whangārei District Council;
  - iii. Lot 205 as recreation reserve to vest to Whangārei District Council;
  - iv. Lot 300 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 12 - 14, and individual Records of Title are to be issued in

accordance therewith. See LINZ Request:\_\_\_\_\_ (RMA Sec 220(1)(b)(iv));

- v. Lot 301 (Legal Access) is to be held as three undivided one-third shares by the owners of Lots 33, 36 & 37, and individual Records of Title are to be issued in accordance therewith. See LINZ Request: \_\_\_\_\_ (RMA Sec 220(1)(b)(iv));
- vi. Lot 302 (Legal Access) is to be held as ten undivided one-tenth shares by the owners of Lots 65 - 74, and individual Records of Title are to be issued in accordance therewith. See LINZ Request:\_\_\_\_\_ (RMA Sec 220(1)(b)(iv));
  - i. Easements in gross “F” and “G” for the purpose of pedestrian access in favour of Whangārei District Council;
  - ii. Easements A – I for the purpose of right of way, right to drain sewer, right to convey water, right to convey electricity and telecommunications and right to drain stormwater.
  - iii. Easements over any stormwater overland flow paths affected by the development.

### **General Engineering**

- b. The consent holder shall provide written confirmation from the telecommunications and power utility service operator 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 Council’s Post Approval Officer or delegated representative.
- c. The consent holder must create easements over proposed and existing services and rights of way to the approval of the Development Engineer or delegated representative.
- d. An easement shall be provided for Council maintenance of the vested potable water line within the right of way.
- e. The consent holder must provide Council with three proposed street/road/access names in writing for (right of way) in accordance with Council’s Road Naming Policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed

street/road/access should also be submitted and any evidence of consultation relating to the proposed names.

- i. *Please refer to the road naming policy and guidelines available on Council's website*

<http://www.wdc.govt.nz/PlansPoliciesandBylaws/Policies/Pages/Road-Naming-Policy.aspx>

- ii. *Note: This condition will not be deemed to be satisfied unless Council has approved the submitted names in writing.*

- f. The consent holder shall provide certification that the reticulated water supply to all lots will achieve sufficient pressure/flow to comply with the firefighting water supply requirements of SNZ/PAS4509:2008.
- g. The consent holder shall provide evidence to confirm that condition 11 has been complied with.

#### **Ecological Restoration Works Landscape Works and Landscaping**

- h. A detailed Landscape Integration and Ecological Restoration Strategy is to be prepared by a suitably qualified Landscape Architect and suitably qualified Ecologist for the certification by the Council's Manager RMA Consents or delegated representative. The Strategy shall be for the purposed restoration and enhancement of the Waitaua Stream Corridor Enhancement Area and the Hurupaki Cone Enhancement Area and landscape improvement of proposed reserves (lots 200 – 205). The Strategy shall be generally in accordance with the following referenced documents:
  - i. Assessment of Landscape and Neighbourhood Amenity Effects prepared by Littoralis dated September 2021; and
  - ii. Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021.
- i. Certification of the Landscape Integration and Ecological Restoration Strategy shall be on the basis that the following information at a minimum being provided:
  - i. Detailed plans for integration and rehabilitation of Lot 205 recreation reserve to vest, including at least:
    - playground design;
    - planting plan for the Hurupaki Cone Enhancement Area; and
    - public walking tracks.

- ii. Detailed remediation and planting of Lots 203 and 204 drainage reserve to vest, including at least:
  - planting plan for the Waitaia Stream Corridor Enhancement Area; and
  - integration of the stonewall.
- iii. Details of landscape design and planting around the stormwater pond 205.
- iv. Details of landscape design and planting with Lots 200 and 201, including integration of the stonewall and planting around the stormwater pond.
- v. Planting plan/s shall schedule all species involved, their numbers, grades and the centres at which they are to be installed. Planting shall be configured with a goal of achieving 90% canopy closure within three years for all landscape planting areas and within five years for the Waitaia Stream Corridor and Hurupaki Cone Enhancement Areas.
- vi. An Ecological Pest and Weed Control Management Plan (EPWCMP) The purpose of the EPWCMP is to ensure long term environmental benefit objectives are achieved. The EPWCMP shall be for the purpose of achieving the recommendations of the Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021. The EPWCMP shall specify the pest and weed control required as part of the establishment of the landscape and ecological rehabilitation measures, as well as the on-going replacement planting and weed and pest controls following establishment works (to be given effect to post section 224 (c) certification).
- vii. A monitoring programme of protection and ongoing maintenance being no less than five years from establishment including details on weed control, cultivation, control of plant pests and diseases, inspection of plants for losses and replacement planting during the planting season, removal of litter, checking of stakes and ties, trimming, pruning, topping up mulch as it may have been applied to amenity planting areas and other works required to ensure plantings maintain healthy growth and form.

52. Before a certificate is issued pursuant to s 224(c) of the RMA the following requirements are to have been satisfied:

**General Engineering**

- a. The consent holder shall provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries for the certification of the Council's Development Engineer or delegated representative.

### **Ecological and Landscape Planting**

- b. All landscape and ecological planting and all plant and animal pest and weed management within lots 200 – 205 shall be implemented in accordance with the certified Landscape and Ecological Enhancement Strategy required by condition 51.i to vi.. Evidence of compliance condition shall be provided to Council in writing from a suitably qualified and experienced landscape architect and suitably qualified and experience ecologist prior to the issue of the s224(c) certificate.
- c. The consent holder shall install signage at the public walkway entrance points into the proposed Ecological Enhancement Areas to inform users that all dogs must be on leads at all times when entering these areas.
- d. That consent holder shall install educational signage along the public walkways/tracks within the Ecological Enhancement Areas. The signage shall describe:
  - i. the existing ecological baseline conditions of the area (including susceptible species presence),
  - ii. the significance of the restoration works carried out on site,
  - iii. the overall goals of the habitat enhancement programme; and
  - iv. any other information that is deemed of importance to preserve the biodiversity values on site and immediate surrounds.

### **Walking Tracks**

- e. The proposed walking tracks over Lots 203 and 205 shall be constructed to the appropriate standard set out in SNZ HB 8630:2004 'Tracks and Outdoor Visitor Structures' to Parks and Recreations certification.

### **Bond**

- f. Pursuant to s 108(2)(b) and 108A of the RMA, a bond shall be entered into with respect to the Landscape Integration and Ecological Enhancement Strategy certified by Council under condition 51.h and i. In accordance with the certified Landscape Integration and Ecological Enhancement Strategy the consent holder shall prepare a cost schedule setting out the maintenance costs associated with replacement planting and weed and pest controls for a period of five years plus 50% contingency shall be



provided to form the basis for a bond under ss 108 and 108A. The cost schedule is to be provided to the satisfaction of Council's Manager RMA Consents or delegated representative. Costing for the bond shall be based on the cost of works required for the landscape maintenance requirements and pest and weed control monitoring requirements, as detailed in the Landscape Integration Plan and Ecological Enhancement Strategy certified in condition 51.h and i above.

- g. The bond shall be prepared by the Council's solicitor at the expense of the consent holder and shall be drawn if required by the Council in a form enabling it to be registered pursuant to s 109 of the RMA against the title or titles to the land to which this bond relates. Performance of the bond shall be with a cash bond or other suitable financial instruments to the satisfaction of the Council, with provision for release of a portion of bond once every year for the five year period of the bond. The bond, prepared at that new registered proprietor's expense and to the reasonable satisfaction of the Council's solicitor, shall include the same terms and conditions as are included in the bond presently securing performance of the maintenance works for the subject lot.
- h. The maximum amount of the bond registered in that can be released in any one year is one fifth of the total bond amount and will only be released on receipt of suitable evidence that maintenance and failed plant replacement has been suitably carried out in accordance with condition 51 h and i. 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.

### **Consent Notices**

- i. Pursuant to s 221 of the RMA, the consent holder is to ensure that a consent notice must be prepared and be registered on the Computer Freehold Register on Lot 58 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. Any water tanks installed in accordance with condition 30 shall remain in place and be maintained to comply with SNZ/PAS4509:2008 until such time as reticulated water supply can achieve sufficient press pressure/flow requirements of SNZ/PAS4509:2008, FW2. The water tanks shall only be removed once the consent holder has provided hydrant flow testing proving that the firefighting water supply requirements of SNZ/PAS4509:2008, FW2 have been met. The approval of the Council's Water Services Manager or delegated representative shall be obtained as part of this process.

- ii. No residential activity shall occur onsite until water tanks are removed in accordance with condition 35 once the testing results are approved by Council's Water Services Manager or delegated representative.
- iii. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- iv. Any future building shall be finished in external materials (including roofing) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
- v. No building shall exceed a height of 5.5 metres, where the vertical distance between the natural ground level (prior to earthworks being undertaken) at any point and the highest part of the building immediately above shall be less than 5.5m.

*Note: For the purpose of calculating height, a) Chimneys (not exceeding 1.1m in width) are excluded.*

- vi. Residential development shall be limited to one Principal Residential Unit. Construction of a minor residential unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the Whangārei District Council District Plan.
- j. Pursuant to s 221 of the RMA, the consent holder shall ensure that a consent notice must be prepared and be registered on the Computer Freehold Register on Lots 1 - 54 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:

Lots 1 - 54

- i. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative

engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.

Lots 1 – 5

- ii. Prior to occupation of any principal residential unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small 5000 litre water tank with a pump for each principle residential unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water pressure. This lot will be affected until Whangārei District Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.

Lots 16 – 18, 20 and 21

- iii. All buildings and major structures within the lot shall be setback 10m - 5m from the top of the bank line at the head of the gully unless specific engineering foundation is provided in accordance with Geotechnical Assessment prepared by LDE dated 24 June 2022.
- k. Pursuant to s 221 of the RMA, the consent holder shall ensure that a consent notice must be prepared and be registered on the Computer Freehold Register on Lots 55 – 57 and 59 - 73 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:

Lots 55 – 57 and 59 – 73:

- i. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.

Lots 55 – 57, 59, 72 and 73:

- ii. Prior to occupation of any principal residential unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small

5000 litre water tank with a pump for each principle residential unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water pressure. This lot will be affected until Whangārei District Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.

- vii. Any future building or major structure shall be finished in external materials (including roofing) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
- viii. Residential development shall be limited to one Principal Residential Unit. Construction of a minor residential unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the Whangārei District Council District Plan.
- ix. Any future building or major structure development shall comply with the following:
  - The maximum building height and major structure height is 8m above ground level.
  - All building and major structures are setback at least 1.5m setback from any side boundary and 3m setback from any road boundary.
  - All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.
- x. Any impervious area within the site shall not exceed 60% of the net site area and the impervious area shall be set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
- xi. Any fences:

1. Shall not exceed a maximum height of 2m above ground level;
2. Shall not be fortified with any form of electrification or barbed wire except for stock exclusion purposes; and
3. Within 3m of a road boundary, is at least 50% visually permeable for any portion above 1m high.

Lots 60 - 67

- xii. Prior to occupation of any principal residential unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small 5000 litre water tank with a pump for each principle residential unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water pressure. This lot will be affected until Whangārei District Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.
- xiii. Any future building or major structure shall be finished in external materials (including roofing) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
- xiv. Residential development shall be limited to one Principal Residential Unit. Construction of a minor residential unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the Whangārei District Council District Plan.
- xv. No building shall exceed a height of 5.5 metres, where the vertical distance between the natural ground level (prior to earthworks being undertaken) at any point and the highest part of the building immediately above shall be less than 5.5m.  
  
*Note: For the purpose of calculating height, a) Chimneys (not exceeding 1.1m in width) are excluded.*
- xvi. Any future building or major structure development shall comply with the following:

- All building and major structures are setback at least 1.5m setback from any side boundary and 3m setback from any road boundary.
  - All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.
- xvii. Any impervious area within the site shall not exceed 60% of the net site area and the impervious area shall be set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
- xviii. Any fences:
1. Shall not exceed a maximum height of 1.5m above ground level;
  2. Shall not be fortified with any form of electrification or barbed wire except for stock exclusion purposes; and
  3. Shall be visually permeable (with the fence surface being at least 75% visually permeable) and recessive in colour.
- xix. All buildings, major structures and earthworks shall be setback 5m from the northern site boundary.

Lots 68 - 73

- xx. All buildings and major structures within lots 71- 76 shall be setback 10m - 5m from the top of the bank line at the head of the gully unless specific engineering foundation is provided in accordance with Geotechnical Assessment prepared by LDE dated 24 June 2022.
- I. A solicitor's undertaking shall be provided to Council confirming that the consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

**Review Condition**

53. That pursuant to s128 of the RMA, the consent authority may at six monthly intervals from the date of the grant of consent until the issue of a s224(c) certificate, serve



notice on the consent holder of its intention to review the conditions of this consent to deal with an effect on the environment which arises after the date of the grant of the consent where such effect is contrary to, or is otherwise not in accord with, the engineering/geotechnical assessments provided with the application for the consent.

**Duration of Consent**

54. Under s 125 of the RMA, this consent lapses five years after the date it is granted unless:

- a. The consent is given effect to; or
- b. The Council extends the period after which the consent lapses.

## **ATTACHMENT 4**

# Rural Production Zone (RPROZ)

## Issues

The Rural Production Zone (RPROZ) encompasses a large area of the Whangarei District. The purpose of the Rural Production Zone is to sustainably manage the [natural and physical resources](#) of the [rural area](#) in order to:

- Protect, sustain and promote [rural production activities](#) as well as those activities that support rural communities.
- Protect areas of significant ecological and biodiversity values (such as indigenous bush and wetlands).
- Enable the rehabilitation of ecological and biodiversity values.
- Maintain rural amenity and character.

The zone comprises a varied array of topography, landforms, landscapes, soil types, biodiversity and catchments. It is important that the ecological and landscape values of the Rural Production Zone are recognised and where appropriate are protected and enhanced. Ecological and landscape values contribute significantly to the rural character and distinctiveness of the Whangarei District. Parts of the Rural Production Zone are located within the coastal [environment](#). The values of the coastal [environment](#) are managed by the District Plan's Coastal Environment provisions as well as the provisions in this section.

The interplay of historical [land](#) use and values has resulted in the environmental character that exists in the Rural Production Zone today. This character is made up of the varied natural landforms and natural features, openness, as well as an existing [subdivision](#) and development pattern. It is mostly characterised by a working/living [environment](#), with the noises, odours and visual [effects](#) associated with a wide range of [farming](#), horticultural, forestry and [mineral extraction](#) activities. There is an expectation that [rural production activities](#) will be able to continue to operate without onerous or restrictive intervention in the Rural Production Zone.

[Rural production activities](#) are important contributors to the Whangarei and Northland economy. The Rural Production Zone includes most of the productive rural [land](#) area of the District. It is important that these areas are not compromised for rural production. It is expected that a diverse range of [rural production activities](#) will continue to operate and new activities will establish in the Rural Production Zone. Changing demands for existing produce and new markets establishing mean that the provisions for the Rural Production Zone need to be flexible to accommodate current and future production needs.

The Rural Production Zone provides for [commercial activities](#) and [industrial activities](#) that have a functional need to service [rural production activities](#) and/or rural communities or provide location based recreation or tourist activity.

Conflicting [land](#) use and [reverse sensitivity effects](#) must be carefully managed where the Rural Production Zone interfaces with [sensitive activities](#) including habitable [buildings](#) in other [rural areas](#) and [Residential Zones](#), and with [Business Zones](#). Where the Rural Production Zone is traversed by existing major [infrastructure](#) services, [land](#) use conflicts must be managed. Quarrying [Resource Areas](#) apply over the Rural Production Zone and [Strategic Rural Industries](#) Zones are surrounded by the Rural Production Zone. Providing for [mineral extraction](#) activities and [strategic rural industries](#) to occur and avoidance of conflicting [land](#) use activities is important for their on-going operation.

A history of ad hoc rural living [subdivision](#) and development has resulted in a scattered and ad hoc pattern of development across the [rural area](#). Where the [rural area](#) abuts Whangarei City, Rural Production Zone will apply. Areas for future urban growth, [land](#) use and [subdivision](#) development is spatially managed by the Future Urban Zone to maintain options for the continued growth of the City. Where rural living clusters have reached significant density and lifestyle character they have been

# Rural Production Zone (RPROZ)

identified as the Rural Lifestyle Zone to manage the actual and potential [reverse sensitivity effects](#) associated with rural living activities occurring in close proximity to [rural production activities](#).

The Rural Production Zone will not support an increased level of clustered rural living development. Consistent with a consolidated pattern of development residential, rural residential and rural living activities are directed to identified rural settlements, the Future Urban Zone or the Rural Lifestyle Zone to protect the productivity, biodiversity and rural character of the Rural Production Zone.

Urban and rural residential types of development can erode the viability of rural productivity and can create [reverse sensitivity](#) impacts on productive uses through the visual [effect](#) of large scale [buildings](#) and incidental [structures](#), increased traffic generation, and loss of amenity including privacy, rural outlook, spaciousness, and quietness, particularly when a new incompatible activity is located near an existing activity, with resulting conflicts.

Objectives	
RPROZ-O1 – Rural Land Resources	Identify and protect productive rural <a href="#">land</a> resources for a diverse range of <a href="#">rural production activities</a> .
RPROZ-O2 – Land Use Activities	Enable a wide range of <a href="#">rural production activities</a> and provide for <a href="#">commercial activities</a> and <a href="#">industrial activities</a> that support <a href="#">rural production activities</a> and/or rural communities including recreation and tourist based activities to establish and operate in the Rural Production Zone to contribute to the District's economy.
RPROZ-O3 – Rural Character and Amenity	Recognise, maintain and where appropriate protect the rural character and amenity of the Rural Production Zone.
RPROZ-O4 – Adverse Effects	Avoid adverse <a href="#">effects</a> on productive <a href="#">land</a> resources from residential, rural residential and rural living <a href="#">subdivision</a> and development in the Rural Production Zone.
RPROZ-O5 – Fragmentation	Minimise the fragmentation of rural <a href="#">land</a> and promote <a href="#">allotment</a> sizes that facilitate <a href="#">rural production activities</a> other than to protect significant ecological and biodiversity values.
RPROZ-O6 – Coastal Environment	Provide for <a href="#">rural production activities</a> that are compatible with the Coastal Environment.
RPROZ-O7 – Protection and Enhancement	Encourage protection and enhancement of significant ecology, biodiversity, landscapes and <a href="#">historic heritage</a> .

Policies	
RPROZ-P1 – Rural Character and Amenity	<p>To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:</p> <ol style="list-style-type: none"> <li>1. A dominance of natural features including landforms, watercourses and vegetation.               <ol style="list-style-type: none"> <li>a. A predominately working rural production <a href="#">environment</a>, including:</li> </ol> </li> </ol>

# Rural Production Zone (RPROZ)

	<ul style="list-style-type: none"> <li>i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.</li> <li>ii. <u>Ancillary activities</u> and <u>structures</u> (including <u>crop support structures</u> and <u>artificial crop protection structures</u>) across the landscape.</li> <li>b. Seasonal activities.</li> <li>c. A low intensity of development, involving a combination of domestic and rural production <u>buildings</u> and <u>major structures</u>.</li> <li>d. Varying levels of noise associated with seasonal and intermittent <u>rural production activities</u>.</li> <li>e. Relatively open space and low density of development.</li> <li>f. Odours, noise and dust typical of rural activities.</li> <li>g. Generally low levels of vehicle traffic with seasonal fluctuations.</li> </ul>
RPROZ-P2 – Land Use Activities	<p>To protect rural productive <u>land</u>, rural character and amenity and to encourage consolidation of activities within Whangarei City by:</p> <ol style="list-style-type: none"> <li>1. Only providing for <u>commercial activities</u> and <u>industrial activities</u> in the Rural Production Zone where it is demonstrated that the activity: <ul style="list-style-type: none"> <li>a. Has a direct connection with the rural resource and supports <u>rural production activities</u> and/or rural communities, including recreation and tourist based activities.</li> <li>b. Requires a rural location for its operational function.</li> <li>c. Will minimise the potential for <u>reverse sensitivity effects</u> between incompatible <u>land</u> use activities.</li> <li>d. Will contain and manage adverse <u>effects on-site</u>.</li> <li>e. Will contribute positively to the economy of the District.</li> <li>f. Can meet and fund local <u>infrastructure</u> requirements.</li> </ul> </li> <li>2. Not directly regulating outdoor agricultural and horticultural activities, excluding <u>intensive livestock farming</u>.</li> <li>3. Permitting <u>farming</u> and <u>activities ancillary to farming or forestry</u>.</li> <li>4. Requiring larger <u>allotments</u> sizes to retain productive rural options.</li> </ol>
RPROZ-P3 – Reverse Sensitivity	<p>Avoiding <u>reverse sensitivity effects</u> by preventing <u>sensitive activities</u> within close proximity to Quarrying <u>Resource Areas</u>, <u>Strategic Rural Industries</u>, <u>intensive livestock farming</u> or other <u>rural production activities</u> that are lawfully established.</p>
RPROZ-P4 – Unsealed Roads	<p>To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for <u>residential units</u> from unsealed <u>roads</u>.</p>
RPROZ-P5 – Maintain Amenity and Character	<p>To maintain rural amenity, and character by ensuring that all new <u>buildings</u> and <u>major structures</u> and rural <u>land</u> uses:</p>

# Rural Production Zone (RPROZ)

	<ol style="list-style-type: none"> <li>1. Are of a scale and character appropriate to the Rural Production Zone.</li> <li>2. Are sited in a location sufficiently <u>setback</u> from <u>site boundaries</u> to enable privacy, the retention of openness and <u>access</u> to sunlight.</li> <li>3. Avoid ribbon development.</li> </ol>
RPROZ-P6 – Setback Buffers	To avoid inappropriate <u>subdivision</u> and development in areas required for future urban growth by identifying ‘ <u>setback</u> buffers’ between the Rural Production Zone and the <u>Residential Zones</u> , Future Urban Zone and Rural Lifestyle Zones and the Settlement Zone Residential Sub-Zone.
RPROZ-P7 – Subdivision Greater than 20ha	<p>To enable the <u>subdivision</u> of rural <u>land</u> into <u>allotments</u> of 20ha or more, where the following has been provided for:</p> <ol style="list-style-type: none"> <li>1. Efficient and effective on-site servicing.</li> <li>2. Avoidance of erosion, subsidence, slippage, flooding or inundation from any source.</li> <li>3. Stability of <u>land</u> and its suitability to provide a foundation for the erection of <u>buildings</u> and vehicle <u>access</u>, and parking areas (where provided).</li> </ol>
RPROZ-P8 – Subdivision Less than 20ha	<p>To avoid the <u>subdivision</u> of <u>land</u> into <u>allotments</u> less than 20ha unless it is demonstrated that all of the following are achieved:</p> <ol style="list-style-type: none"> <li>1. It does not create a rural residential or rural lifestyle <u>allotment</u>, other than where a <u>Net Environmental Benefit</u> is achieved.</li> <li>2. The <u>subdivision</u> of rural <u>land</u> and associated <u>buildings</u> does not inhibit or restrict the productive potential or reasonably anticipated productive potential of <u>rural production activities</u>.</li> <li>3. The size, shape and arrangement of <u>allotments</u>:             <ol style="list-style-type: none"> <li>a. Is a practical size for <u>rural production activities</u>, other than where a <u>Net Environmental Benefit</u> is achieved.</li> <li>b. Does not restrict the range of options for the use of production <u>land</u>.</li> </ol> </li> <li>4. The viability of the existing <u>rural production activity</u> is not compromised and the existing <u>rural production activity</u> can continue to operate efficiently at the subdivided scale.</li> <li>5. The <u>subdivision</u> and subsequent development will not result in adverse <u>effects</u> on the operation and viability of any adjoining <u>rural production activity</u> or <u>strategic rural industry</u>.</li> <li>6. The <u>subdivision</u> and subsequent development will not require connection to the District’s <u>reticulated</u> sewer or an extension or upgrading of any service or <u>road</u>, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District’s <u>infrastructure</u> network.</li> </ol>
RPROZ-P9 – Net Environmental Benefit	To protect and enhance biodiversity, landscapes, <u>historic heritage</u> and significant ecology whilst protecting productive rural <u>land</u> resources, rural character and amenity by providing for <u>subdivision</u> where all of the following are achieved:

# Rural Production Zone (RPROZ)

1. A **Net Environmental Benefit** is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:
  - a. Appropriate area(s) of **indigenous vegetation**, or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the Northland Regional Policy Statement 2016; or
  - b. Appropriate area(s) of Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, High Natural Character; or
  - c. Heritage **Buildings** or **Sites** of Significance to Māori; or
  - d. Appropriate area(s) of **Highly Erodible Land**, or **land** within a riparian margin of a **stream**, **river**, estuary or the coast located within Acutely or Chronically threatened **land environment** associated with Land Environments of New Zealand Level 4, will be retired and rehabilitated.
2. The **effects** of the number, size and location of **allotments**, **building platforms** and **access**, are managed by:
  - a. Avoiding:
    - i. Adverse **effects** on the areas(s) protected under clause (1) of this policy.
    - ii. Adverse cumulative **effects**.
    - iii. **Reverse sensitivity**.
    - iv. Development on **highly versatile soils**.
    - v. An urban form, by encouraging small clusters of **allotments**.
  - b. Minimising fragmentation of rural **land**.
  - c. Protecting the productive potential of the **site**.
  - d. Retaining natural character, landscape qualities and characteristics, rural character and amenity.
  - e. Determining whether fewer than the maximum number of **allotments** should be created.
  - f. Assessing the proposal against the Coastal Environment objectives and policies where the **site** is located in the Coastal Environment.

RPROZ-P10 – Other Subdivision

To provide for limited **subdivision** of rural **land** creating a new **allotment** for a surplus existing **residential unit** where the balance area of the farm is large and dimensions of the new **allotment** can accommodate the existing on-**site** services and provide for efficient **access**.

RPROZ-P11 – Location and Design of Subdivisions and Associated Land Developments

To locate and design **subdivision** and associated **land** development to avoid urban form and character, maintain rural character and **amenity values** and protect and enhance environmental features by:



# Rural Production Zone (RPROZ)

1. Designing subdivisions to respond to the topography and characteristics of the land being developed.
2. Avoiding development on highly versatile soils.
3. Identifying building platforms that respond to site topography and environmental characteristics.
4. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
5. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
6. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.

## RPROZ-P12 – Quarrying Resource Area Overburden

Recognise that the placement of overburden from an adjacent Quarrying Resource Area may be appropriate if:

1. It is demonstrated that:
  - a. The placement is necessary for the efficient use and development of that Quarrying Resource Area, including if doing so would preserve the long-term access to regionally significant mineral resources.
  - b. The placement is a final or long term deposition.
  - c. There is no practicable alternative within the Mining Area of the Quarrying Resource Area.
2. Progressive rehabilitation occurs so that rural character and amenity values are maintained.
3. The placement avoids highly versatile soils.
4. The placement is managed to protect existing and consented sensitive activities from unreasonable effects of noise, vibration, dust and illumination.
5. Other adverse effects are first avoided, and if not avoided, are remedied or mitigated.
6. An effective separation distance from existing and consented sensitive activities is maintained to give effect to 4 and 5 above.

*Note:*

1. *Any placement of overburden outside the Mining Area but inside the Quarrying Resource Area is subject to policy QRA.1.3.3.*

# Rural Production Zone (RPROZ)

## Rules

RPROZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Resource consent is not required under any rule of the District Plan.</li> <li>The activity is not prohibited under any rule of the District Plan.</li> </ol>	
RPROZ-R2	Minor Building	
	<p>Activity Status: Permitted</p> <p>Note:</p> <ol style="list-style-type: none"> <li><u>Minor buildings</u> are exempt from rules RPROZ-R3 – R5.</li> </ol>	
RPROZ-R3	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum <u>building height</u> and <u>major structure height</u> is 10m above <u>ground level</u>.</li> </ol> <p>Compliance Standards:</p> <ol style="list-style-type: none"> <li><u>Mineral Extraction</u> Activities within the <u>Mining Area</u> of a Quarrying <u>Resource Area</u> are exempt and will be assessed by applying the Quarrying Resource Area Chapter provisions.</li> <li>Frost protection fans are exempt from RPROZ-R3 and shall comply with RPROZ-R11.</li> <li><u>Crop protection structures</u> and <u>artificial crop protection structures</u> are exempt from RPROZ-R3 and shall comply with RPROZ-R12.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
RPROZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All <u>buildings</u> and <u>major structures</u> are set back at least: <ol style="list-style-type: none"> <li>8m from all <u>site boundaries</u>.</li> <li>27m from Mean High Water Springs and the top of the bank of any <u>river</u> that has a width</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Rural Production Zone (RPROZ)

	<p>exceeding 3m (excluding bridges, culverts and fences).</p> <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> <li>1. <u>Mineral Extraction</u> Activities within the <u>Mining Area</u> of a Quarrying <u>Resource Area</u> are exempt and will be assessed by applying the Quarrying Resource Area Chapter provisions.</li> <li>2. Frost protection fans are exempt from RPROZ-R4 and shall comply with RPROZ-R11.</li> <li>3. <u>Crop protection structures</u> and <u>artificial crop protection structures</u> are exempt from RPROZ-R4 and shall comply with RPROZ-R12.</li> </ol>
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RPROZ-R5	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum cumulative <u>building</u> and <u>major structure</u> coverage is 20% of the <u>net site area</u>.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

RPROZ-R6	Indigenous Vegetation Clearance	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The clearance of <u>indigenous vegetation</u>: <ul style="list-style-type: none"> <li>Either <ul style="list-style-type: none"> <li>a. Does not exceed 500m<sup>2</sup> per <u>site</u> within each 10 year period from 12 December 2018; except where: <ul style="list-style-type: none"> <li>i. The clearance is directly associated with <u>rural production activities</u> and that clearance is: <ul style="list-style-type: none"> <li>a) Up to 2,000m<sup>2</sup> in area per <u>site</u> within each 10 year period from 12 December 2018 and the vegetation does not meet the significance criteria in Appendix 5 of the Regional Policy Statement for Northland 2016; or</li> <li>b) Of <u>indigenous vegetation</u> that has grown naturally since 12 December 2018 on <u>land</u> lawfully</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Rural Production Zone (RPROZ)

	<p>cleared of <u>indigenous vegetation</u>.</p> <p>AND</p> <p>b. Is not within 20m of a <u>water body</u>.</p> <p>OR</p> <p>c. Is associated with:</p> <ul style="list-style-type: none"> <li>i. Routine maintenance within 7.5m of the <u>eaves</u> of existing <u>buildings</u>: <ul style="list-style-type: none"> <li>a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.</li> <li>b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance; or</li> </ul> </li> <li>ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities; or</li> <li>iii. Pest plant removal and biosecurity works; or</li> <li>iv. Vegetation removal for customary rights; or</li> <li>v. <u>Conservation</u> planting, including planting for ecological restoration purposes.</li> </ul>
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RPROZ-R7	Principal Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The maximum density is 1 <u>principal residential unit</u> per 20ha provided that 1 <u>principal residential unit</u> is permitted on an <u>allotment</u> of any size.</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Rural Production Zone (RPROZ)

RPROZ-R8	Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum density is 1 <u>minor residential unit</u> per <u>site</u>.</li> <li>2. The nearest distance between the <u>minor residential unit</u> and the <u>principal residential unit</u> does not exceed 15m.</li> <li>3. The maximum <u>gross floor area</u> of the <u>minor residential unit</u> (including decking and <u>garage</u> areas) is 90m<sup>2</sup>.</li> </ol>	<p>Activity Status when compliance not achieved with RPROZ-R8.2 – 3: Discretionary</p> <p>Activity Status when compliance not achieved with RPROZ-R8.1: Non-Complying</p>
RPROZ-R9	Sensitive Activity	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The <u>sensitive activity</u> (excluding non-habitable <u>buildings</u>) is set back at least:             <ol style="list-style-type: none"> <li>a. 500m from:                 <ol style="list-style-type: none"> <li>i. The <u>Mining Area</u> of all Quarrying <u>Resource Areas</u>.</li> <li>ii. The <u>Strategic Rural Industries</u> Zone.</li> <li>iii. <u>Business Zones</u>.</li> </ol> </li> <li>b. 30m from:                 <ol style="list-style-type: none"> <li>i. All unsealed metal <u>roads</u>.</li> <li>ii. All existing <u>plantation forestry</u> on a separate <u>site</u>.</li> </ol> </li> <li>c. 250m from:                 <ol style="list-style-type: none"> <li>i. Existing <u>intensive livestock farming</u> on a separate <u>site</u>.</li> <li>ii. Existing <u>activities ancillary to farming or forestry</u> on a separate <u>site</u>.</li> <li>iii. The Fonterra Kauri Milk Processing <u>Site Strategic Rural Industries</u> Zone – Ancillary Irrigation Farms.</li> </ol> </li> </ol> </li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>Any application shall comply with information requirement RPROZ-REQ1.</i></li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Rural Production Zone (RPROZ)

RPROZ-R10	Commercial Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity generates less than 20 <u>traffic movements</u> per <u>site</u>, per <u>day</u>.</li> <li>2. There is no car parking between the <u>residential unit</u> and the <u>road</u>.</li> <li>3. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</li> <li>4. The activity does not exceed the use of 15% of the total <u>gross floor area</u> of all <u>buildings</u> on <u>site</u>.</li> <li>5. The total area of signage is less than 0.25m<sup>2</sup>, per <u>site</u>.</li> <li>6. There is no <u>illuminated signage</u> or moving signage.</li> <li>7. The activity is an <u>ancillary activity</u> to the residential use of the <u>site</u>.</li> <li>8. The principal operator of the activity is a permanent resident on the <u>site</u>.</li> <li>9. The activity does not include, before 08:00 or after 18:00 on any <u>day</u>, the operation of machinery, receiving customers or the loading or unloading of vehicles.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
RPROZ-R11	Frost Protection Fans	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum <u>height</u> of the frost protection fan is 20m above <u>ground level</u>.</li> <li>2. The frost protection fan is set back at least 8m from all <u>site boundaries</u>.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Rural Production Zone (RPROZ)

RPROZ-R12	Crop Support Structures or Artificial Crop Protection Structures	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum <u>structure height</u> is 10m above <u>ground level</u>.</li> <li>2. The <u>structure</u> is set back at least:               <ol style="list-style-type: none"> <li>a. 1m from all <u>site boundaries</u>.</li> <li>b. 27m from Mean High Water Springs and the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
RPROZ-R13	Farm Quarrying	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or <u>ancillary activity</u>.</li> <li>2. The activity does not extract over 5,000m<sup>3</sup> in any 12 month period on the <u>site</u>.</li> <li>3. The activity does not undertake blasting.</li> <li>4. The activity does not establish within 500m of an existing <u>sensitive activity</u> on an adjacent <u>site</u>.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
RPROZ-R14	Activities Ancillary to Farming or Forestry	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity does not operate within 250m of an existing <u>sensitive activity</u> on a separate <u>site</u>.</li> <li>2. The activity operates within any combination of <u>buildings</u> and <u>major structures</u>, and those <u>buildings</u> and <u>major structures</u> do not exceed a cumulative <u>gross floor area</u> of 2,000m<sup>2</sup> per <u>site</u>.</li> <li>3. The activity does not operate from an outdoor area larger than 500m<sup>2</sup>.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>



# Rural Production Zone (RPROZ)

RPROZ-R15	Intensive Livestock Farming	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or <u>ancillary activity</u>.</li> <li>The activity operates within any combination of <u>buildings</u> and <u>major structures</u>, and those <u>buildings</u> and <u>major structures</u> do not exceed a cumulative <u>gross floor area</u> of 2,000m<sup>2</sup> per <u>site</u>.</li> <li>The activity is set back 250m from the <u>boundary</u> of a separate <u>site</u> containing a <u>sensitive activity</u>.</li> </ol>	<p>Activity Status when compliance not achieved with RPROZ-R15.1 and 2: Discretionary</p> <p>Activity Status when compliance not achieved with RPROZ-R15.3: Non-Complying</p>
RPROZ-R16	Emergency Services		
RPROZ-R17	Farming		
RPROZ-R18	Plantation Forestry		
		<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or <u>ancillary activity</u>.</li> </ol>	
RPROZ-R19	Buildings and Major Structures (excluding minor buildings) associated with Emergency Service		
		<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or <u>ancillary activity</u>.</li> </ol>	
RPROZ-R20	Industrial Activities		
RPROZ-R21	Place of Assembly		
RPROZ-R22	Recreational Facilities		
RPROZ-R23	General Community		
RPROZ-R24	Educational Facilities		
RPROZ-R25	Care Centre		
RPROZ-R26	Retirement Village		
RPROZ-R27	Supported Residential Care		

# Rural Production Zone (RPROZ)

	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or <u>ancillary activity</u>.</li> </ol>
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RPROZ-R28	Hospitals
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or <u>ancillary activity</u>.</li> </ol>

RPROZ-REQ1	Information Requirement
	<ol style="list-style-type: none"> <li>Any application under rule RPROZ-R9 must include a transport assessment statement which:             <ol style="list-style-type: none"> <li>Establishes the current and predicted transport <u>environments</u>/traffic volumes along the <u>road</u> from which the <u>sensitive activity</u> will be set back.</li> <li>Establishes the likelihood of changes to the nature, scale and intensity of <u>land</u> uses and their traffic generating potential within the catchment served by the <u>road</u>.</li> </ol> </li> </ol>

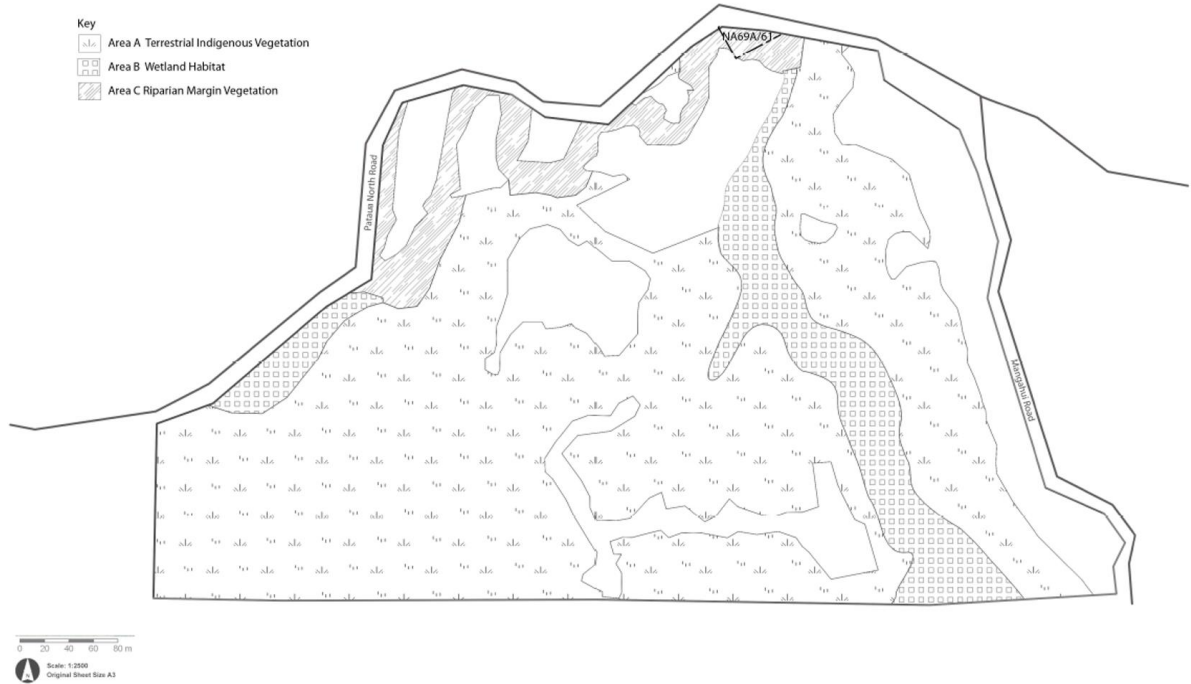
# Rural Production Zone (RPROZ)

## PREC18 – 734 Pataua North Road (Part Lot 1 DP 94742)

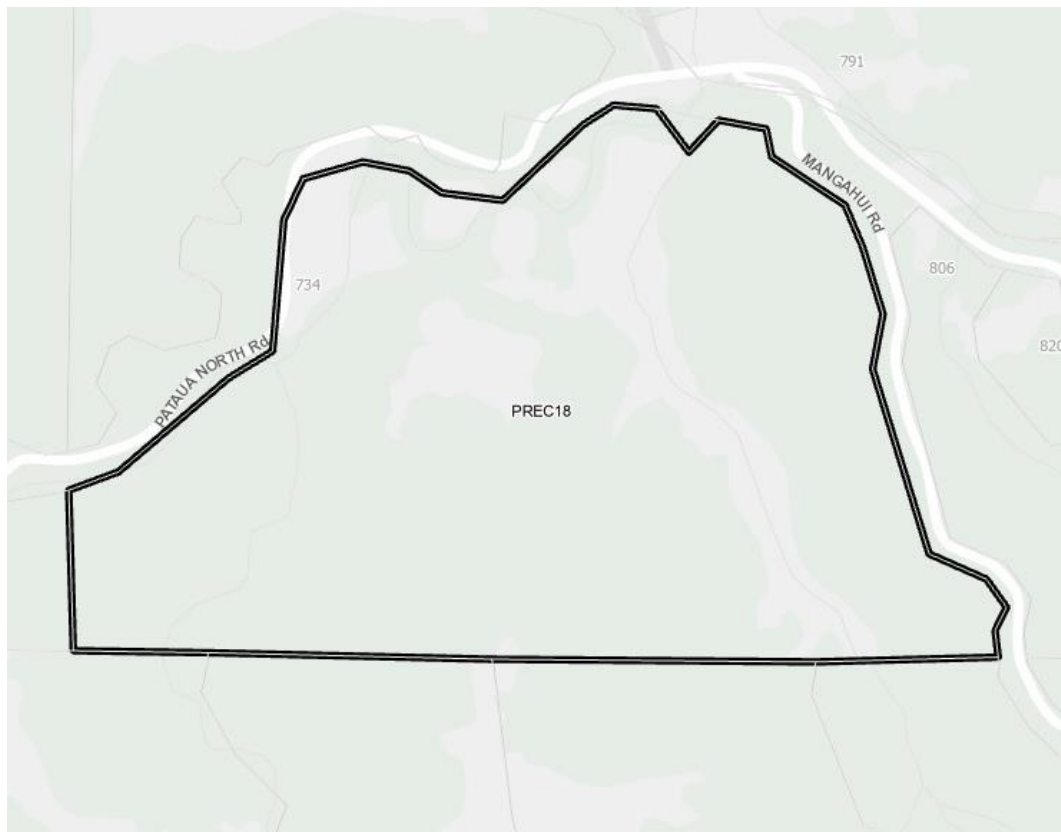
### Rules

PREC18-R1		
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any <u>boundary relocation subdivision</u> between Section 24 Block VII Whangarei SD and Part Lot 1 DP 94742, or subsequent <u>allotment</u> created under PREC18-R1.2 provided it complies with rule SUB-R16, except that each <u>site</u> is not required to have existed at 12 December 2018.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>2. A single application for resource consent, implementation of which may be staged, for <u>subdivision</u> within Pt Lot 1 DP 94742 (734 Pataua North Road) that proposes environmental protection and on-going management of an environmental protection area where:             <ol style="list-style-type: none"> <li>a. The <u>subdivision</u> complies with rule SUB-R17.4 except:                 <ol style="list-style-type: none"> <li>i. That the <u>site</u> does not have to have existed on 12 December 2018.</li> <li>ii. SUB-R17.4(b)(i), (ii) and (iii).</li> <li>iii. SUB-R17.4(d)(iii)(b).</li> <li>iv. SUB-R17.4(e).</li> </ol> </li> <li>b. The <u>subdivision</u> complies with the following:                 <ol style="list-style-type: none"> <li>i. The environmental protection area includes the following areas as shown on PREC18 - Map 1:                     <ol style="list-style-type: none"> <li>a) The terrestrial indigenous vegetation area marked A; and</li> <li>b) The wetland habitat area marked B; and</li> <li>c) The indigenous riparian margin vegetation area marked C.</li> </ol> </li> <li>ii. The maximum number of additional <u>allotments</u> that can be approved is 8.</li> </ol> </li> <li>c. Any <u>subdivision</u> under rule PREC18-R1 shall comply with information requirements SUB-REQ3.1, SUB-REQ3.6 and SUB-REQ3.7.</li> </ol> </li> </ol>	

# Rural Production Zone (RPROZ)



**PREC18 - Map 1: 734 Pataua North Road (Part Lot 1 DP 94742)**



**PREC18 – Map 2: 734 Pataua North Road (Part Lot 1 DP 94742)**

# Rural Production Zone (RPROZ)

**PREC19 – 128 and 172 Awaroa River Road, Whangarei (Lot 3 DP 317977 and Lot 2 DP 87364)**

## Rules

PREC19-R1		
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. A single application for resource consent (implementation of which may be staged) to subdivide 128 and 172 Awaroa River Road, Whangarei (Lot 3 DP 317977 and Lot 2 DP 87364) where:               <ol style="list-style-type: none"> <li>a. A total of 7 additional <u>allotments</u> are created (excluding 2 balance <u>allotments</u> arising from the 2 existing <u>allotments</u>, each containing an existing <u>residential unit</u>).</li> <li>b. All existing <u>indigenous vegetation</u> within Lot 3 DP 317977 and Lot 2 DP 87364 shall be legally protected in perpetuity in its entirety and managed on an on-going basis in accordance with a Management Plan.</li> <li>c. Every covenanted area is held within a single <u>allotment</u>.</li> <li>d. No new <u>buildings</u> or <u>major structures</u> have been erected since 12 December 2018 prior to <u>subdivision</u> approval.</li> <li>e. Every proposed <u>allotment</u> shall identify a <u>building</u> envelope no larger than 100m<sup>2</sup> and that complies with the <u>setbacks</u> of the Rural Production Zone.</li> <li>f. Every proposed <u>allotment</u> shall identify the balance of the <u>allotment</u> beyond the identified <u>building</u> envelope as subject to a No Build covenant.</li> <li>g. <u>Buildings</u> and <u>major structures</u> within <u>building</u> envelopes in accordance with PREC19-R1.1(e) shall:                   <ol style="list-style-type: none"> <li>i. Where the <u>building</u> envelope is located above the 80m contour, not exceed 6m in <u>height</u> above <u>ground level</u>, and otherwise not exceed 8m in <u>height</u> above <u>ground level</u>.</li> <li>ii. Have a roofline below the 90m contour.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p>

# Rural Production Zone (RPROZ)

- iii. Not exceed a combined gross floor area of 750m<sup>2</sup>.
- iv. Not have exteriors:
  - a) Coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
  - b) Utilising mirror glazing.
  - c) With a roof colour with a light reflectance value greater than 30%.
- v. Be built into the landform, stepped in structure, with irregular roofline.
- h. The application shall identify areas of landscape mitigation planting:
  - i. Within every proposed allotment, to filter views of the proposed building envelopes from outside of the subdivision and between building envelopes.
  - ii. For building envelopes above the 70m contour, to ensure that there is a permanent vegetated backdrop so that buildings are not seen on the skyline.
- i. Planting of areas identified in PREC19-R1.1(h) shall be established in accordance with (h) and shall be:
  - i. Legally protected in perpetuity in its entirety.
  - ii. Managed on an on-going basis in accordance with a Management Plan.
- j. All proposed access, driveways and manoeuvring areas shall be finished with recessive materials (i.e. blue metal, concrete with exposed aggregate or black oxide additive)
- k. The application shall include proposed conditions of consent which are a means by which compliance with rules PREC19-R1.1(g), (i) and (j) is ensured.
- l. The application shall include a management plan that specifies the protection measures proposed to ensure

# Rural Production Zone (RPROZ)

that the vegetation remains protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:

- i. The establishment of secure stock exclusion.
- ii. Site preparation and the establishment of plantings.
- iii. The maintenance of plantings. The survival rate must ensure a minimum 90% of the original density and species.
- iv. The maintenance of indigenous vegetation must ensure animal and plant pest control occurs.

Matters of control:

1. The extent of covenant areas and need for on-going management such as pest and weed control, and stock proof fencing.
2. The location and suitability of building envelopes to mitigate effects on privacy, rural character, landscape and amenity values.
3. The adequacy of landscape mitigation planting to mitigate effects on privacy, rural character, landscape and amenity values.
4. The need for additional planting to strengthen any existing native vegetation screening of proposed building envelopes.
5. The use of recessive materials on driveways and maneuvering areas to mitigate landscape effects.
6. The visibility of water tanks, including a preference for vegetative screening.
7. The type and colour of boundary fencing and gates including:
  - a. A preference for post and wire or post and rail.
  - b. A preference for timber rail or steel rail gates.
  - c. A preference for recessive colours.
  - d. Discouragement of solid close board timber fences and gates.

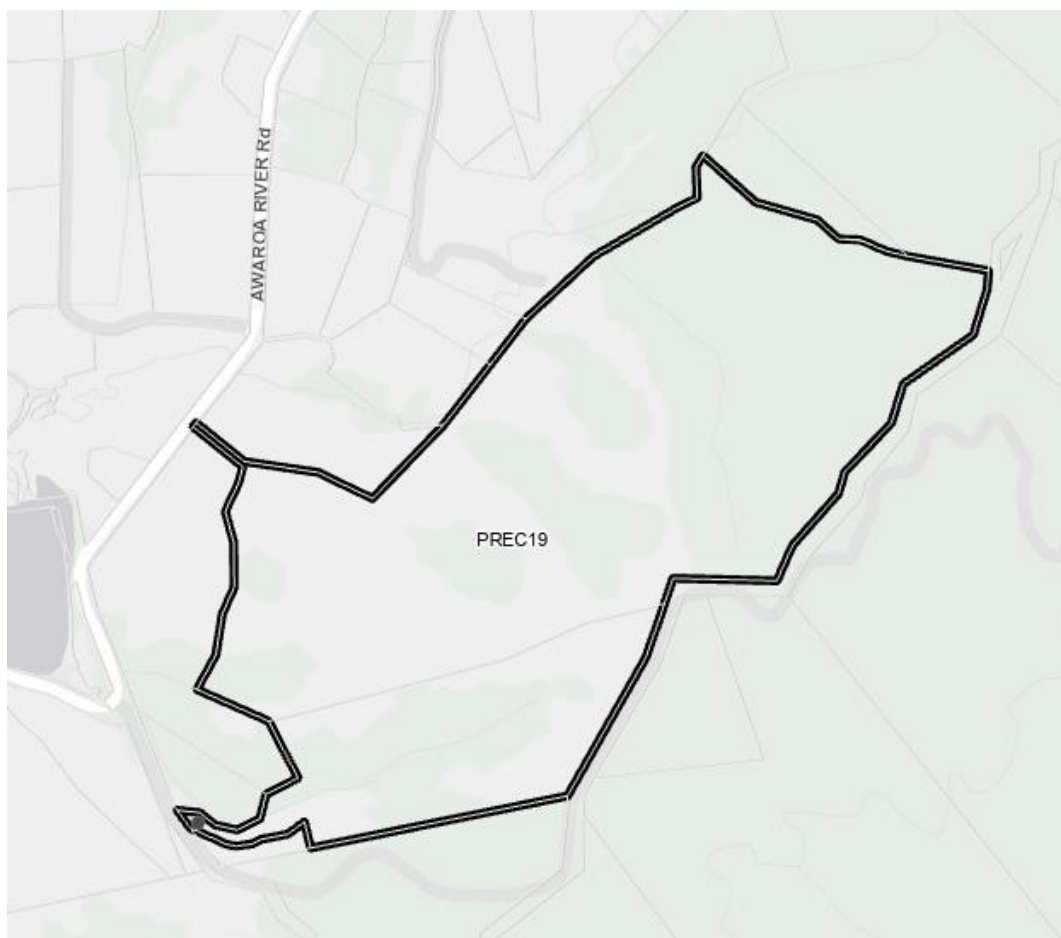


## Rural Production Zone (RPROZ)

8. Recessive external lighting.
9. Eco-sourcing of plant species required for landscape planting.
10. Avoiding pest species for landscape planting.
11. Appropriateness of conditions to enforce ongoing compliance.

*Note:*

1. *Refer to the How the Plan Works Chapter for Assessment of Controlled Activities.*



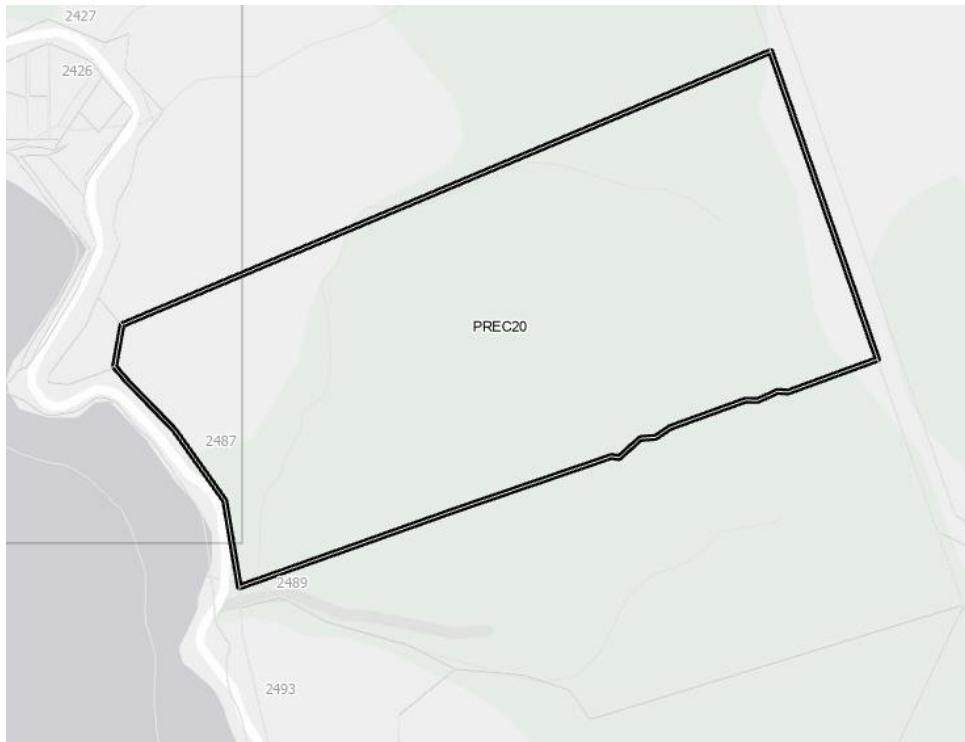
**PREC19 - Map 1: 128 and 172 Awaroa River Road, Whangarei (Lot 3 DP 317977 and Lot 2 DP 87364)**

# Rural Production Zone (RPROZ)

## PREC20 – 2487 Whangarei Heads Road (Part Allot 17 PSH of Manaia)

### Rules

PREC20-R1		
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. A <u>subdivision</u> application for resource consent (implementation of which may be staged) to subdivide 2487 Whangarei Heads Road (Part Allot 17 PSH of Manaia) where:               <ol style="list-style-type: none"> <li>a. A maximum of three additional <u>allotments</u> are created (excluding the balance <u>allotment</u>); and</li> <li>b. All <u>land</u> identified as Outstanding Natural Landscape in the <u>Resource Area</u> Map 39R shall be:                   <ol style="list-style-type: none"> <li>i. Legally protected in perpetuity in its entirety.</li> <li>ii. Managed on an on-going basis in accordance with a Management Plan.</li> <li>iii. Held within a single <u>site</u>.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p>



**PREC20 – Map 1: 2487 Whangarei Heads Road (Part Allot 17 PSH of Manaia)**

# Rural Production Zone (RPROZ)

## PREC21 – 1007 Cove Road, Waipu (Lot 3 DP 67636)

### Rules

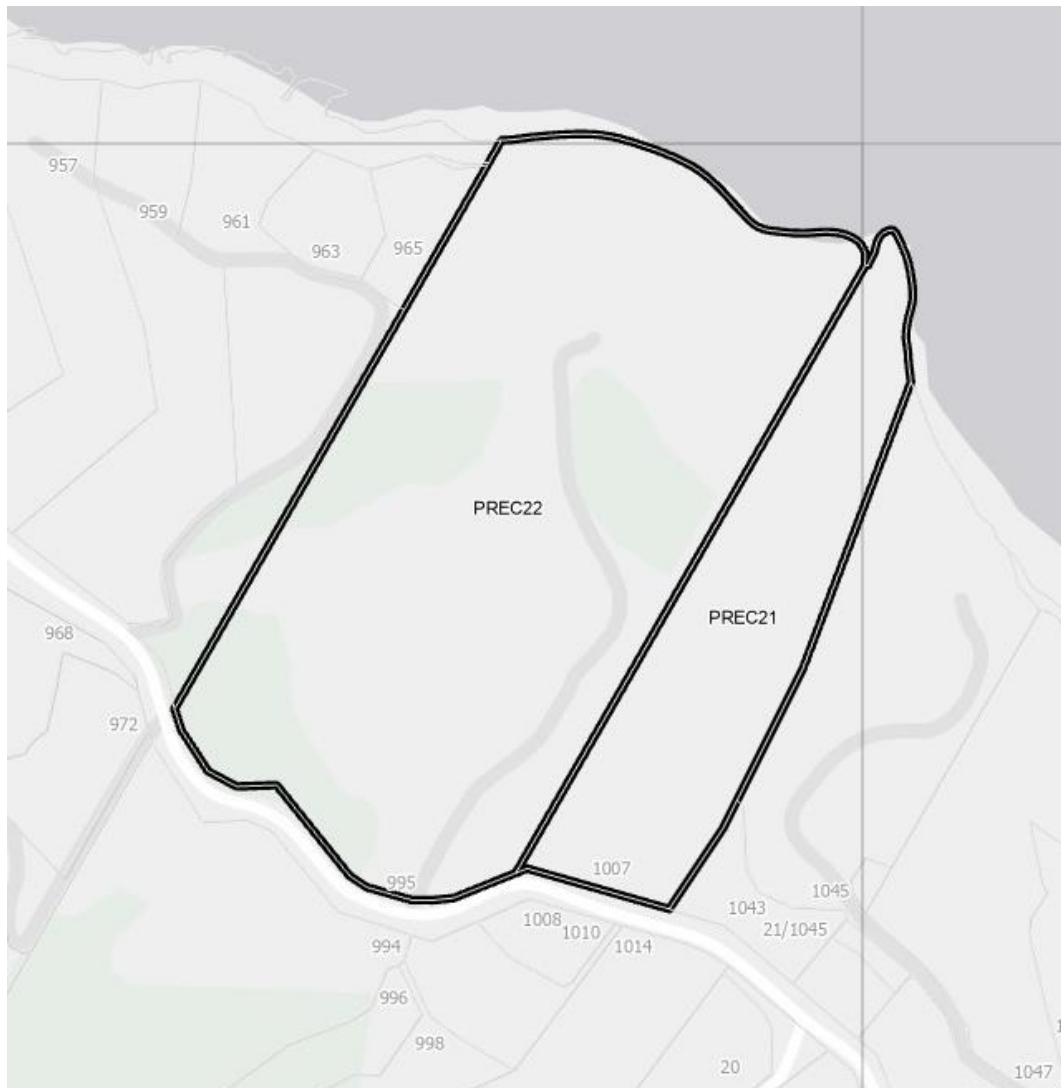
PREC21-R1		
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. A single application for resource consent (implementation of which may be staged) that achieves a <a href="#">Net Environmental Benefit</a> to subdivide 1007 Cove Road, Waipu (Lot 3 DP 67636) where:               <ol style="list-style-type: none"> <li>a. Up to a maximum of 3 additional <a href="#">allotments</a> are created (excluding 1 balance <a href="#">allotment</a>).</li> <li>b. Every <a href="#">allotment</a> has a <a href="#">net site area</a> of at least 2,000m<sup>2</sup>.</li> <li>c. Designation WDC-54 insofar as it crosses the <a href="#">site</a> has been given effect to, with no compensation payable by:                   <ol style="list-style-type: none"> <li>i. Incorporating the <a href="#">land</a> within the <a href="#">site</a> that is subject to the designation into an <a href="#">esplanade reserve</a> pursuant to section 231 of Resource Management <a href="#">Act</a> 1991, which is to be vested in the Council; or</li> <li>ii. Incorporating the <a href="#">land</a> within the <a href="#">site</a> that is subject to the designation into an <a href="#">esplanade strip</a> pursuant to section 232 of the Resource Management <a href="#">Act</a> 1991, which is to be created by an instrument registered against the relevant title(s); or</li> <li>iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public <a href="#">access</a> in perpetuity across the <a href="#">land</a> within the <a href="#">site</a> that is subject to designation.</li> </ol> </li> <li>d. Any <a href="#">subdivision</a> under rule PREC21.R1.1(c) shall comply with the following information requirements where relevant                   <ol style="list-style-type: none"> <li>i. SUB-REQ3. 1 – 3.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. Any non-complying <a href="#">subdivision</a> shall comply with information requirement SUB-REQ3.7.</li> </ol>

# Rural Production Zone (RPROZ)

- ii. SUB-REQ3.4.
- iii. SUB-REQ3.5.

*Note:*

1. There is no requirement for an esplanade strip or esplanade reserve in addition to PREC21-R1.1(c).



**PREC21 – Map 1: 1007 Cove Road, Waipu (Lot 3 DP 67636)**

# Rural Production Zone (RPROZ)

## PREC22 – 995 Cove Road, Waipu (Part Lot 1 DP 69511)

### Rules

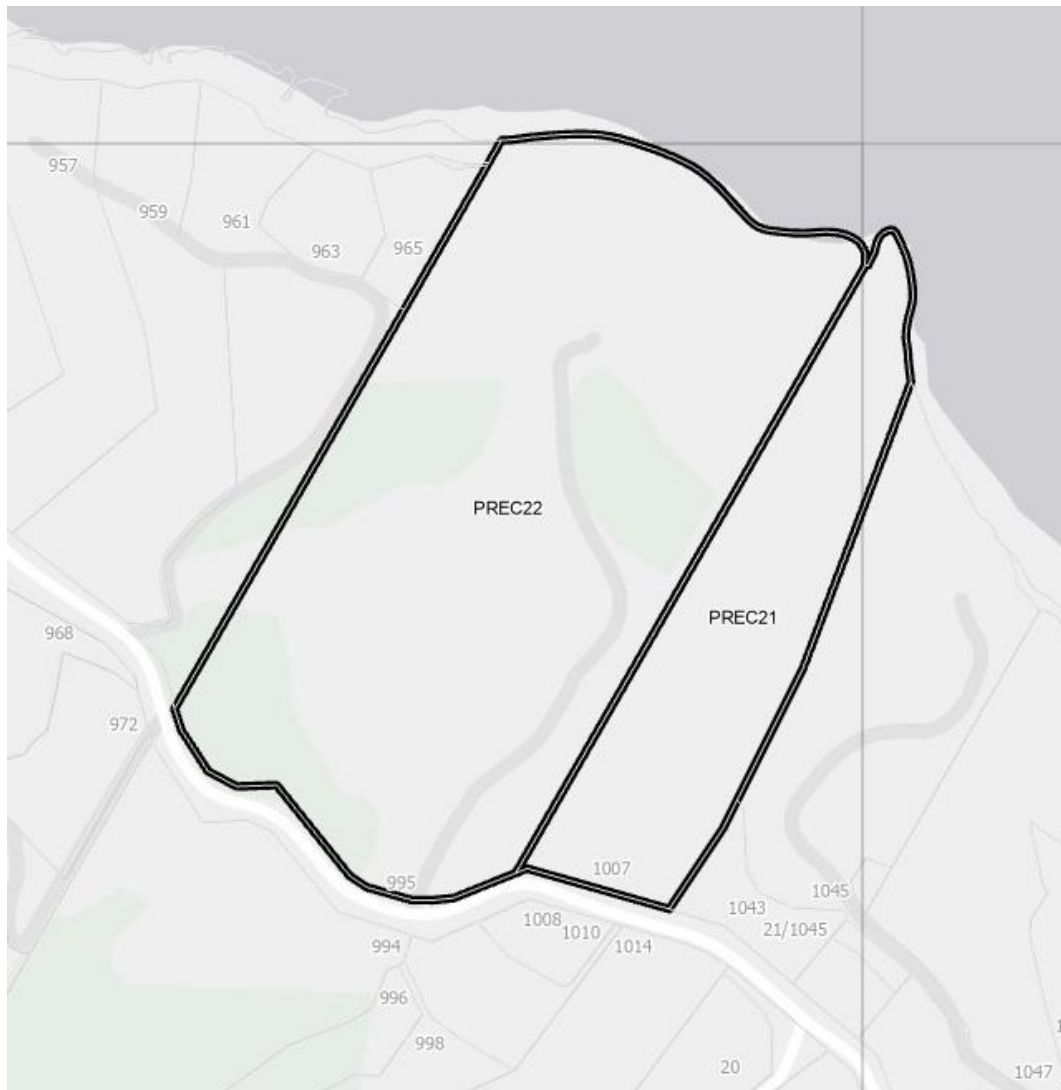
PREC22-R1		
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. A single application for resource consent (implementation of which may be staged) that achieves a <a href="#">Net Environmental Benefit</a> to subdivide 995 Cove Road, Waipu (Part Lot 1 DP 69511) where:               <ol style="list-style-type: none"> <li>a. Up to a maximum of 4 additional <a href="#">allotments</a> are created (excluding 1 balance <a href="#">allotment</a>).</li> <li>b. Every <a href="#">allotment</a> had a <a href="#">net site area</a> of at least 2,000m<sup>2</sup>.</li> <li>c. Designation WDC-54 insofar as it crosses the <a href="#">site</a> has been given effect to, with no compensation payable by:                   <ol style="list-style-type: none"> <li>i. Incorporating the <a href="#">land</a> within the <a href="#">site</a> that is subject to the designation into an <a href="#">esplanade reserve</a> pursuant to section 231 of Resource Management <a href="#">Act</a> 1991, which is to be vested in the Council; or</li> <li>ii. Incorporating the <a href="#">land</a> within the <a href="#">site</a> that is subject to the designation into an <a href="#">esplanade strip</a> pursuant to section 232 of the Resource Management <a href="#">Act</a> 1991, which is to be created by an instrument registered against the relevant title(s); or</li> <li>iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public <a href="#">access</a> in perpetuity across the <a href="#">land</a> within the <a href="#">site</a> that is subject to designation.</li> </ol> </li> <li>d. Any <a href="#">subdivision</a> under rule PREC22-R1 shall comply with the following information requirements where relevant                   <ol style="list-style-type: none"> <li>i. SUB-REQ3.1 – 3.</li> <li>ii. SUB-REQ3.4.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. Any non-complying <a href="#">subdivision</a> shall comply with information requirement SUB-REQ3.7.</li> </ol>

# Rural Production Zone (RPROZ)

- iii. SUB-REQ3.5 (where the application creates 3 or less additional allotments, excluding one balance allotment).

*Note:*

1. There is no requirement for an esplanade strip or esplanade reserve in addition to PREC22-R1.1(c).



**PREC22 – Map 1: 995 Cove Road, Waipu (Part Lot 1 DP 69511)**

# Rural Production Zone (RPROZ)

## Revision and Sign-off Sheet

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
AM	New Chapter	Plan Change 85A	6 March 2019	21 February 2019	MM
EE	Index RPE.3.3, RPE.3.4	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-190</a>	11 June 2019	11 June 2019	MM
EE	RPE.2.3	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-195</a>	18 June 2019	18 June 2019	MM
EE	RPE.3.3	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-223</a>	5 August 2019	5 August 2019	MM
AKM	Whole Chapter	National Planning Standards 2019	9 March 2022	17 February 2022	DK

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