

Section 95 of the Resource Management Act 1991

Notification Decision – Discretionary Activity

1 Consent Application

Council Reference	SL1800010 and P110326
Reporting Planner	Wayne Smith, Consultant Planner
Applicant	TMB Developments
Application	<p><u>Subdivision</u> Proposed subdivision of Lot 2 of SD1800047 (formerly Pt Lot 2 DP 16082) to create 27 residential sized lots, a road to vest, and amalgamated balance areas.</p> <ul style="list-style-type: none"> Proposed Lots 1-27 between 1435m² and 2500m²; and Proposed Lot 29 – Road to Vest (Note: previous references had Road to Vest as Lot 28 – there is no Lot 28 on the approved scheme plan); and Proposed Lots 101-104 held in the same computer register. <p>The most recent scheme plan is dated March 2019, and referenced S14744 Rev. L</p> <p>The application represents a subdivision within the Urban Transition Environment Zone and requires consent as a Discretionary Activity.</p> <p><u>Landuse</u> The removal of existing dry stonewalls within the site to enable the subdivision to occur and related earthworks of more than 2500m³ associated with the subdivision development. The net dry stonewall removal is 9.4m with 24m affected and requires consent as a Discretionary Activity.</p> <p><u>Other</u> Certificate issued under Section 243 of the RMA cancelling existing easements.</p>
Property Address	422 Three Mile Bush Road, Kamo
Legal Description	Part Lot 2 DP 16082 Lot 1 DP 436342 Lot 3 DP 436342
Date Lodged	20 July 2018
Site Visit	30 July 2018
Environment	Urban Transition Environment (UTE) Outstanding Natural Landscape Area (part of the larger site but not the area involved in this subdivision application)
Resource Notations	Kiwi Presence (Area encompassing from approximately 400m from Three Mile Bush Road to southern site boundary).
Other	N/A
Plan Changes	N/A

NES The subdivision of land is an activity covered under the Regulation but there is no evidence that HAIL activities have occurred on the application site in the past. The previous subdivision application, SD1800047, concluded that the Regulation did not apply.

Distributions

<i>Internal</i>	<i>Date sent</i>	<i>Amendments sent</i>	<i>Comments received</i>
Senior Development Engineering Officer,	20/07/18	Various amendments up to 07/03/19	15/03/19

<i>External</i>	<i>Date sent</i>	<i>Amendments sent</i>	<i>Comments received</i>
LINZ	27/07/18		30/07/18

Iwi - Ngati Kahu O Torongare	20/07/18		1/08/18 Comments provided subsequent to this as part of the s92 response
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2 Further Information

Requested

S92(1) (further information)

Extensive request relating to

- landscape and visual assessment
- insufficient consultation with tangata whenua
- questions over the stone walls affected by the proposed subdivision
- road design

Changes prompted further requests relating to stormwater and a revamp of lot layout.

Received

Preliminary responses received at varying dates and all information requirements have been satisfied.

The final amended scheme plan was received 07/03/19.

3 Description of Proposal

The application is for the proposed subdivision of Lot 2 of SD1800047 (formerly Pt Lot 2 DP 16082) to create 27 residential sized lots, a road to vest, and amalgamated balance areas.

- Proposed Lots 1-27 between 1435m² and 2500m²
- Proposed Lot 29 – Road to Vest (Note: previous references had Road to Vest as Lot 28 – there is no Lot 28 on the approved scheme plan)
- Proposed Lots 101-104 held in the same computer register.

The most recent scheme plan is dated March 2019, and referenced S14744 Rev. L.

There is a landuse component which seeks approval for the removal of existing dry stonewalls within the site to enable the subdivision to occur and related earthworks of more than 2500m³ associated with the subdivision development. The net removal is 9.4m with 24m affected.

The final component is a seeking a certificate to be issued under Section 243 of the RMA cancelling existing easement for the site which are to be superseded by this application.

The application represents a subdivision within the Urban Transition Environment (UTE) Zone. The applicant has provided a full description of the proposal in Section 3 of the application. Having reviewed the application, I agree with this description.

As part of the Section 92 request the applicant provided additional supporting information which detailed and discussed the design aspects which promoted the final design to be considered.

4 Site and Surroundings

The applicant has provided a full description of the site and surrounds in Section 2 of the application. Having visited the site 30 July 2018, I agree with this description.

A key component of the application is the treed entrance and access which provides a substantial screening for the development from the road. This native bush alters the design widths without compromising the functionality of the road carriageway. These areas are to be protected.

The application site contains a number of stone walls which provide key features within the site and impact on lot layout where the use of these walls is maximised. The changes required to the walls are to enable access to parts of the site.

A previous application SD1800047 created the application site and several lots. The application site being proposed Lot 2 of that subdivision contains all of the land within the overall property which has a UTE zoning.

5 Reasons for Consent

Operative Whangarei District Plan

Rule UTE 3.1 provides for all subdivisions not in accordance with an approved management plan to be considered as a discretionary activity.

As there is no proposed management plan the application is considered to be a **Discretionary Activity**.

For the landuse components the following rules apply.

Rule UTE.2.1.(f) is not complied with as 2500m² of earthworks are proposed to be exposed at any one time.

Rule BH.1.8.4 relating to the protection of dry stonewall cannot be complied with as a net 9.4m of stone wall is proposed to be removed.

The application requires consent as a Discretionary Activity for the landuse components.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

Within the previous application, the NES Regulation was considered. The position accepted by Council under earlier applications was that based on the evidence provided (by the applicant), and an investigation of the site history, that the land in question is not, or is more likely than not, been used for a hazardous activity or industry.

As such the NES for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply.

6 Notification Assessment (Sections 95A and 95B)

Statutory Matters – Public Notification Section 95A

Section 95A of the Resource Management Act 1991 (the Act) provides the process to determine public notification.

The proposal does not require public notification pursuant to s95A(3) and the application is not precluded from notification because the plan rules allow for notification to occur. The application is however a Discretionary subdivision.

No special circumstances exist to warrant public notification.

Statutory Matters – Limited Notification Section 95B

Section 95B provides the steps to determine limited notification.

Pursuant to Section 95B(2) no groups are affected.

Pursuant to Section 95B(3) no land subject to a statutory acknowledgement is affected.

The application is not precluded from limited notification pursuant to Section 95B(6) (a) or (b) however there are no persons deemed to be potentially affected by the proposed subdivision.

Permitted Baseline

Pursuant to Section 95D(b) of the Act a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the 'permitted baseline' test). There are three categories to the permitted baseline test, these being

- 1 what lawfully exists on the site at present
- 2 activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain resource consent
- 3 activities which could be carried out under a granted, but as yet unexercised, resource consent.

Having regard to the above, the following matter is considered relevant to the consideration of this application:

Subdivision is only permitted where a Management Plan applies. There is no existing management plan for this site or location and in this circumstance all subdivision is deemed to be a Discretionary Activity. The permitted baseline argument is not considered relevant to this application.

Matters of Discretion

The application is Discretionary Activity and there are no restrictions on the matters to which Council can consider in determining this application.

Assessment of Effects Pursuant to Section 95D

Having regard to the above and after undertaking an analysis of the application (including the proposed mitigation measures), the adverse effects of the activity on immediate environment are discussed below. The application as a Discretionary Activity is precluded from public notification and so consideration is not whether this proposal adversely affects any immediate or adjacent properties. The application conclusion states that there are no parties deemed to be affected by the proposed subdivision. The following assessment considers what effects (if any) occur as a result of the proposed subdivision.

Visual, Landscape, Amenity

There are several key considerations when assessing applications within the UTE zone. One of the key policy directions is the overall design expectations and the aspects of this component to which the application should comply or satisfy. Matters such as visual amenity, landscape values, and rural character and values are very important considerations. To achieve this there are a number of factors which in combination achieve the intent of the zone and the key deliverables for this aspect. Some of the key factors include:

- Clustering of housing and avoidance of ribbon style development;
- provision of open space;
- appropriate densities;
- building platforms and envelopes;
- road setback;
- landscaping;
- protection of historical or features within the site including elite soils;
- rural outlook; and,
- overall environmental benefit.

In considering visual amenity, landscape values, and rural character effects it is important to have an overall focus. The application includes as part of the application a visual assessment and details of the design rationale which addresses the layout of the proposed subdivision. The sites fall within the size

guidelines for the zone but do not offer building envelopes. There is a degree of control with a minimum 10m setback from the road and requirements for landscaping and fencing to meet certain expectations.

The density and overall level of development is consistent with the intent of the zone.

There are several clusters of lots which are adequate in achieving this requirement and which avoid ribbon style development. The lots also enjoy a rural outlook which combined with the retention of stone walls and existing mature vegetation offers an important focus and aspect for the rural outlook. With smaller lots, a road setback requirement and building limitations there are sufficient design controls to enable a degree of flexibility for the development of each lot while maintaining the rural feel to the subdivision.

It is considered that with the existing onsite features and mix of onsite controls for each lot that the intent of the UTE zone is achieved and in particular the amenity and rural character considerations which are required to be satisfied. This is reflected in the Section 92 response from the Agent dated 3 October 2018 that set out the design principles for the subdivision describing how the subdivision responds to the site and meets the description and expectation of the UTE.

It is therefore contended that effects on adjoining lot owners and occupiers are less than minor.

Cultural and Heritage Considerations

The application includes a historical account of the walls within the site which are all post 1900 and as such not formally protected. However, these walls are nevertheless an important design feature and therefore protection is afforded via private covenants and other conditions on an ongoing basis. There are advice notes which refer to Heritage New Zealand's Accidental Discovery Protocol which will apply to the development.

It is contended that heritage considerations are satisfied and concludes as less than minor.

The application did not originally address cultural issues which could apply to the site. The application was sent to Ngati Kahu O Torongare who provided comments and requested consultation for the proposal. This consultation process occurred and no concerns were raised or identified. The overall effects on cultural values are considered to be less than minor.

Flora and Fauna

There are key pockets of existing vegetation to be retained as part of this application including the vegetation through which the access is located. The widths of the legal road have been reduced to ensure minimal damage to trees whilst not compromising of traffic related considerations. The vegetation on the balance lots is to be protected by no build covenants which ensure that this important feature within the immediate locality is protected.

The site is located within an area where Kiwi and other fauna is located. Past involvement from the Department of Conservation has resulted in the suite of conditions proposed under this application. These measures include the following for each residential lot:

- the banning of mustelids
- restrictions on the number of dogs,
- Kiwi aversion training
- Onsite management of cats and dogs.

It is therefore contended that there are sufficient conditions to be imposed which result in effects on flora and fauna to be less than minor.

Remaining Considerations

There are a number of other potential effects which apply to the proposed subdivision and which need to be considered in assessing the overall effects of the proposed subdivision within the UTE zone. In considering and determining the overall effects these additional matters do not result adverse effects on any persons. Considerations such as effects on highly versatile soils and utilities all result in effects that are not more than minor.

Engineering Considerations

The Council's Senior Environmental Engineering Officer has provided his assessment of the application from an engineering perspective. The assessment concludes that following the receipt of additional information requested under Section 92 for stormwater management, access, and firefighting requirements and the various scheme plan changes that have been made since lodgement, that the effects of the subdivision development from an engineering perspective are less than minor. Appropriate conditions of consent can be imposed which achieve the required Engineering Standards. The Engineer's report addresses each of the engineering components required to be considered including the rationale for each of the conditions required to be imposed should consent be granted.

With all engineering matters addressed and able to be conditioned appropriately there are no parties potentially affected from any engineering aspects. In this respect the effects from an engineering perspective are considered to be less than minor.

The following section is directly sourced from the Engineering report prepared by the Council's Senior Development Engineering Officer.

Relevant Standard

All engineering works forming part of this consent will be assessed under and are to comply with Whangarei District Council's (Council) Environmental Engineering Standard 2010 version unless conditions specify otherwise.

Hazards

- *The site has a low instability hazard designation identified on Council's Geographic Information System maps.*
- *The applicant has submitted an engineering suitability report ref: 18009 compiled by Base Group Consulting Chartered Professional Engineers dated 19 February 2018 in support of the application, this report includes a detailed site investigation and concludes that subject to restrictions and recommendations the site is suitable for development.*
- *It is noted that further to some discussions the applicant has submitted amended engineering suitability report ref: 18009 rev. 1 compiled by Base Group Consulting Chartered Professional Engineers dated 19 February 2019 in support of the application.*
- *As the latest approach, the agent has submitted by email dated 7/03/2019 an amended engineering suitability report ref: 18009 rev. 2 compiled by Base Group Consulting Chartered Professional Engineers dated 7 March 2019 in support of the proposal.*
- *This proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of potential instability.*

Site visit details

- 27/07/18

Telecommunications and Power

- *UTE Policy 3.2.13 Utilities states "To ensure the lifestyle needs of the likely residents within the development and wider community are provided for in relation to communication and electricity transmission and generation".*
- *Existing dwelling on proposed Lot 20 has an existing power and telecommunication connections.*
- *It is stated that all proposed lots will be provided with standard power and telecommunication connections.*
- *It is also noted that Emma Miller in her letter dated 3 October 2018 confirmed that, given the anticipated constraints for the road construction through the vegetation at the northern end of the site, power, fibre and telecommunications services are proposed to be located along the eastern boundary of the site, joining the road at the northern edge of the bush. And all necessary easements will be created.*

Earthworks

- *A significant volume of earthworks is required for construction of vehicle access with more than 2,000m² of soil will be exposed at any time; therefore, it is a Discretionary Activity and land use consent will be required under UTE.2.1(f) to this works to be undertaken.*
- *The potential effects of the proposed earthworks are considered to be less than minor in this case.*

Roading

- *UTE Policy 3.1.8 Roading requires the demonstration of sustainable, low impact management of the roading network (including State Highways) to be achieved in accordance with Council's Environmental Engineering Standards 2010.*
- *UTE Policy 3.2.15 Walking and Cycling requires the facilitation of the provision of walkways, bridle trails, and cycleways for public access for recreation where desirable.*
- *Three Mile Bush Road is classified as a collector road with a sealed surface in the area of the proposed vehicle access with a speed environment of between 70 to 80 km/h requiring sight lines of 85 to 105m.*
- *The application includes a Traffic Effects Assessment compiled by Engineering Outcomes Ltd dated 25 May 2018 this report investigates the existing roading network directly affected by this proposal and determines that the traffic effects relating to the proposal will be no more than minor with the proposed mitigation measures which include: "Type 2" taper on the site of Three Mile Bush Road east of the proposed crossing is formed as depicted in Council's Environmental Engineering Standards 2010 Sheet 21.*
- *I visited the site with Council's Senior Roading Engineer Mr. Nick Marshall and we both concluded that potential effects on Three Mile Bush Road traffic and pedestrian safety will be less than minor in this case.*
- *The potential effects of the proposed access on the existing roading network are considered to be less than minor in this case.*

Access

- *Table 3.7 of Council's Environmental Engineering Standards 2010 Edition does not include a specification for the UTE Environment; however, it was discussed and agreed (WDC Resource Consent Manager) that the Living 3 urban standards of private access ways are required.*
- *It is stated that the site has 230m of road frontage to Three Mile Bush Road, but there is no existing formed crossing to the subject site. The existing crossing located to the north east of Lot 3 DP 201772, is not part of the subject site, as it is proposed to be amalgamated with lot 3 as part of ongoing SD1800047. There is a right of way over this lot that provides legal access to the subject site.*
- *It is noted that the application will have effects that are less than minor from an engineering perspective provided the development is carried out in accordance with the recommended conditions listed in the engineering suitability report ref: 18009 compiled by Base Group Consulting Chartered Professional Engineers dated 19 February 2018, which has been provided with the application.*
- *It is noted that for a Rural Live and Play environment NZS4404 recommends a 5.5m to 5.7m movement lane plus a shoulder with 15m road width which is proposed at the subdivision. However, this may need to be increased at critical locations where the road widening and side drains dictate. It is possible that some reduction in the width would be necessary through the northern section that passes between the trees, and retention of the tree is preferred. It is stated that preliminary consultations with both the WDC Roading Department and Parks Department has been undertaken and this approach was excepted "in principal" as a preferred option.*
- *The subdivision will be accessed via proposed road to vest (Lot 29) which will follow an old track through the trees, and then connects to existing driveway. It is proposed that the road will*

be constructed with a 6m wide sealed carriageway (minimising the impervious areas of the development but still allowing two vehicles to pass) with the cul-de-sac will be formed in accordance with WDC EES Sheet 11, with a minimum turning radius of 9.5m. Will require public road name.

- It is expected that vehicle entrance crossing on Three Mile Bush Road will be designed and constructed noting recommendations of the Traffic Effects Assessment compiled by Engineering Outcomes Ltd dated 25 May 2018 to the approval of the Council's Roading Department or delegated representative.
- It is proposed that concrete or sealed surface private way with 4.5m wide carriageway and 0.95m wide footpath will be provided where the number of lots exceeds 4, with the formation width reducing to 3.0m wide where the number of lots served less than 4. However, at least 4.0m wide carriageway is required where fire appliance access is required.
- It is noted that application is proposing:
 - To allow for the discretion to reduce the width of proposed road through the taraire trees if necessary and practicable; and
 - To reduce the legal width of proposed rights of way 'C' and 'G' to 8 metres;
 - To reduce constructed formation of the road and rights of way to be without a shoulder, and instead to have a kerbed edge.
- Further to our telephone discussion with Phillip Lash, an email confirmation dated 18/03/2019 was provided that the intention is to use Living 3 construction standards without footpath proposed for this development. It was also confirmed that underlying Lot 102 has no practical reason to use proposed right of way 'B' access, so it can be constructed in accordance with Table 3.7 3.7 Category C(alt)*.
- Lots 6 & 7 will gain vehicle access via the proposed right of way 'A' (two users) which is to be constructed in accordance with Table 3.7 3.7 Category C(alt)* of Council's Environmental Engineering Standards 2010 Edition.
- Lots 25 & 26 will gain vehicle access via the proposed right of way 'B' (three users) (over Lot 102) which is to be constructed in accordance with Table 3.7 3.7 Category C(alt)* of Council's Environmental Engineering Standards 2010 Edition.
- Lots 9 & 11 – 15 will all gain vehicle access via the proposed right of way 'C' (seven users) (over Lot 10) which is to be constructed in accordance with Table 3.7 3.7 Category G of Council's Environmental Engineering Standards 2010 Edition. ROW will require private access name.
- Lots 9, 11 & 12 will all gain vehicle access via the proposed right of way 'D' (four users) (over Lot 10) which is to be constructed in accordance with Table 3.7 3.7 Category D of Council's Environmental Engineering Standards 2010 Edition.
- Lots 16 – 20 & 27 will all gain vehicle access via the proposed right of way 'G' (seven users) (over Lot 100) which is to be constructed in accordance with Table 3.7 3.7 Category G of Council's Environmental Engineering Standards 2010 Edition. ROW will require private access name.
- Lots 18, 19 & 27 will all gain vehicle access via the proposed right of way 'H' (four users) (over Lot 100) which is to be constructed in accordance with Table 3.7 3.7 Category D of Council's Environmental Engineering Standards 2010 Edition.
- This proposal does not comply with Rule 47.2.11 of Council's Environmental Engineering Standards 2010 Edition; hence, it is a Restricted Discretionary activity.
- Potential effects of the above not compliances are considered to be less than minor in this case.

Onsite Parking & Manoeuvring

- *The proposed lot sizes and configuration are able to comply with Rule 47.2.1 Parking and Loading including Appendix 6A of the District Plan and Section 3.4.18 and Sheets 26, 27, 28 of Council's Environmental Engineering Standards 2010.*

Wastewater

- *All lots will require onsite treatment and disposal as there is no public system available for connection.*
- *UTE Policy 3.1.5 Storm water and Wastewater requires the demonstration of sustainable low impact management of wastewater using best practical options and present day standards.*
- *It is noted that existing dwelling on proposed Lot 20 already has onsite wastewater treatment and disposal system, and no changes proposed to already existing arrangements.*
- *An engineering site suitability report ref: 18009 compiled by Base Group Consulting Chartered Professional Engineers dated 19/02/2018 has been submitted in support of this application, this report includes an onsite soil assessment and a general assessment of onsite effluent disposal capability for proposed lots in accordance AS/NZS 1547: 2000 including effluent field slope gradient, soil category, overland flow path separation, water table depth, and recommended secondary treatment design option. It was also recommended that for the majority of proposed allotments, communal wastewater land application areas be used in various appropriate locations in the balance areas of the site.*
- *It is noted that further to some discussions the applicant has submitted amended engineering suitability report ref: 18009 rev. 1 compiled by Base Group Consulting Chartered Professional Engineers dated 19 February 2019 in support of the application.*
- *As the latest approach, the agent has submitted by email dated 7/03/2019 an amended engineering suitability report ref: 18009 rev. 2 compiled by Base Group Consulting Chartered Professional Engineers dated 7 March 2019 in support of the proposal.*
- *It is stated that proposed Lots 14, 15, 19, 20, 25 & 26 will have individual on-site wastewater treatment and disposal.*
- *Proposed Lots 1 – 9 will have communal disposal system located on balance Lot 101 in the area marked 'L' on the scheme plan.*
- *Proposed Lots 10– 13 will have communal disposal system located on balance Lot 101 in the area marked 'T' (with reserve area marked 'L') on the scheme plan.*
- *Proposed Lots 16 – 18 & Lot 27 will have communal disposal system located on balance Lot 100 in the area marked 'J' on the scheme plan.*
- *Proposed Lots 21 – 24 will have communal disposal system located on balance Lot 102 in the area marked 'K' (with reserve area marked 'L') on the scheme plan.*
- *These restrictions and recommendations will be included as part of a consent notice that will be registered on the Computer Freehold Register of the subject lots.*

Water Supply

- *Onsite supply will be required as there is no public system available for connection, rain water will be utilised from roof top.*
- *It is noted that existing dwelling on proposed Lot 20 already has onsite water supply system, and no changes proposed to already existing arrangements.*

Fire Fighting

- *UTE Policy 3.2.14 Fire Protection requires adequate provision for fire fighting water supply for every building site at the time of subdivision. Section 6.4.3 of Council's Environmental*

Engineering Standards 2010 specifies compliance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509: 2008.

- *It is stated that on proposed Lot 1 individual fire fighting water supply will be provided at the building consent stage in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509: 2008. It will be covered by consent notice.*
- *Also, three communal fire fighting water supply (tank storage of 25,000 litre each) are proposed at subdivision stage within proposed easements marked 'X' on Lot 102, marked 'Y' on Lot 101 and marked 'Z' on Lot 100. This proposal complies with SNZ PAS 4509: 2008 as the tanks will be located within 135m of each future residential dwelling on proposed Lots 2 – 27. Necessary maintenance requirements will be covered by consent notices on subject lots.*

Stormwater

- *UTE Policy 3.1.5 Stormwater and Wastewater requires the demonstration of sustainable low impact management of storm water using best practical options and present day standards.*
- *An engineering site suitability report ref: 18009 compiled by Base Group Consulting Chartered Professional Engineers dated 19/02/2018 has been submitted in support of this application, and concludes that subject to restrictions and recommendations the site is suitable for development.*
- *Report stated that surface water runoff from the road carriageway will be directed to road side swales that will then be conveyed to the south of the site for discharge via an existing overland flow path to the natural water course. It is proposed that water quality objectives will be met with low impact drainage solutions comprising shallow road side vegetated swales and grassed filter strips. All storm water from all impervious surfaces of proposed residential allotments will also be directed to the natural water course using a combination of methods.*
- *The report stated that water quantity treatment for the subdivision site is provided by utilising the downstream man-made reservoir to attenuate and buffer the peak runoff from the newly formed impervious areas. The report recommending some necessary modification works to increase attenuation capacity of existing reservoir.*
- *The report also suggested that where possible a conventional piped system be provided to service the individual lots adjacent to the main access roads and right of ways. It is expected that this will apply to Lots 2 – 5, 7 – 10, 14 – 19, 21 – 24 and 101. It is proposed to provide a piped service connection to receive harvesting tank overflow associated with low rainfall events, while larger events will discharge via adjacent swale drains and general overland sheet flow. The indicative locations of piped systems are shown on the plans included in the report and it is expected that conventional pipes sized from 150mm to 225mm diameter will be suitable for use.*
- *The report also suggested that Lots 1, 6, 11 – 13, 20 and 25 – 27 not positioned adjacent to swale drains or overland flow paths surface water is to discharge as dispersed sheet flow following natural topography.*
- *The application stated that existing storm water reservoir is located on Lot 1 DP1800047, which is currently in the same ownership as the subject site. Therefore, the applicant (and owner of all relevant land) undertakes to register a suitable covenant on lot 1 SD1800047 that will ensure that the retention of the reservoir and that the necessary modification works will be undertaken to it as recommended in the Base Group Consulting Chartered Professional Engineers report dated 19/02/2018.*
- *It is noted that the proposed storm water disposal design approach was checked by Council's Storm Water Engineer. And Phanida Phukoetphim confirmed by email dated 17 December 2018 that Base Group Consulting storm water design approach is acceptable for this subdivision proposal.*
- *It is noted that further to some discussions the applicant has submitted amended engineering suitability report ref: 18009 rev. 1 compiled by Base Group Consulting Chartered Professional Engineers dated 19 February 2019 in support of the application. In the latest report, Base Group are suggesting that there may be an alternative to the originally proposed upgrade works to the existing main pond to cover the sites storm water attenuation and remove it from the adjoining*

property. As an alternative option two dry attenuation ponds will be located on proposed Lot 101. Because the ponds would benefit the lots from proposed development, the ponds retention can be covered by a standard 'right to drain storm water' easement with additional wording on required maintenance.

- On the basis of the latest Base Group suitability report the applicant is looking for an option to include wording of the two possible conditions for attenuation.
- However, it should be noted that, I am still waiting for the Council's Storm Water Engineer confirmation that an alternative Base Group Consulting storm water dry ponds attenuation design approach is acceptable.
- Further to a heavy workload for the Council's staff at the moment and some additional discussions with Phil Lash, the agent has submitted by email dated 7/03/2019 an amended engineering suitability report ref: 18009 rev. 2 compiled by Base Group Consulting Chartered Professional Engineers dated 7 March 2019 in support of the proposal. This report not any more include an alternative option for the stormwater attenuation, and refer to the original proposal to utilise the existing dam storage to cover the attenuation requirements for the subdivision. This proposal has already been reviewed by Phanida Phukoetphim and confirmed by email dated 17 December 2018.
- The existing overland flow paths are to be maintained to cater for the 1% (+20% allowance for climate change) Annual Exceedance Probability rainfall event flows. No modification of the existing ground profile, plantings, fencing or structures of any kind will be permitted within the overland flow path unless a specific design has been done by a Chartered Professional Engineer which mitigates the effects of the obstruction and is approved in writing by the Council's Waste & Drainage Department manager or delegated representative.
- The area of the proposed allotments are less than 1ha; therefore, easements in gross will be required over all existing overland flow paths at subdivision stage to ensure no modification of the existing ground profile such as plantings, fencing or structures of any kind in areas proposed for development such as building sites, vehicle access & effluent disposal areas will be permitted within the overland flow path unless a specific design has been done by a Chartered Professional Engineer which mitigates the effects of the obstruction and is approved in writing by the Council's Development Engineer.

Development Contributions

- Contributions will need to be checked with the Development Contributions Officer.

Table Summary of Connection Requirements for Proposed Allotments					
	Lots 1-19	Lot 20 (with existing dwelling)	Lots 21-27	Lot 29 (road to vest)	Lots 100-104
Sewer	Will rely on on-site treatment and disposal	Existing on-site treatment and disposal	Will rely on on-site treatment and disposal	No Connection Required	No Connection Required
Storm water	Will rely on on-site treatment and disposal	Existing on on-site disposal	Will rely on on-site treatment and disposal	Will rely on on-site treatment and disposal	No Connection Required
Water	Will rely on on-site supply	Existing on-site supply	Will rely on on-site supply	No Connection Required	No Connection Required

As a result of this analysis of potential effects resulting from the proposed subdivision it is determined that there are no persons that are considered to be adversely affected by the proposed subdivision.

7 Recommendation

That pursuant to Sections 95A of the Act, this application proceeds without public notification because:

- 1 The application is not for an activity that requires mandatory notification pursuant to Section 95A of the RMA.
- 2 The application is residential subdivision that is precluded from notification pursuant to Section 95A(5).
- 3 There are no special circumstances to warrant public notification.

That pursuant to Sections 95B and 95E of the Act, this application proceeds on a non-notified basis because

1. The adverse effects of the activity on the environment are considered to be less than minor
2. No persons are deemed to be adversely affected by the activity have been obtained.
3. No special circumstances exist to warrant notification.



Wayne Smith
Consultant Planner

20 March 2019

Date



Kaylee Kolkman
Team Leader, RMA Consents

21 March 2019

Date

Notice of Decision

SL1900010 P110236

IN THE MATTER of the Resource Management Act 1991

and

IN THE MATTER of an application under Section 88 of the Resource Management Act 1991 by TMB Developments

Section 104 of the Resource Management Act 1991

Decision – Discretionary Activity

1 Application Details

The application details, including the proposal have been detailed in Section 1 of the attached Notification Assessment. In addition, the application site and the surrounding environment and the reasons for consent, and have been detailed in Sections 4 and 5 respectively of the attached Notification Assessment report.

2 District Plan Zoning/Environment and other Notations

The District Plan zoning/environment and other notations affecting the site have been detailed in Section 1 of the attached Notification Assessment.

3 Statutory Context

Section 104 of the Act sets out those matters that, subject to Part 2, a consent authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a Plan or Proposed Plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

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

4 Actual or Potential Effects on the Environment (Section 104(1)(a))

Section 104(2) of the Act allows the consent authority to disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (i.e. the permitted baseline principle). This matter has been addressed in Section 6 of the Notification Assessment report and also applies to this consideration.

The adverse effects of this activity have been addressed in Section 6 of this report as they applied to this Discretionary Activity. The effects of the proposed subdivision on the wider environment and immediate properties are considered to be less than minor.

In order to avoid, remedy or mitigate these adverse effects conditions of consent relating to the following matters are recommended:

1. General Accordance Condition – in order to ensure the effects considered within this application are consistent with those that result, a condition shall require the proposal to be given effect to in accordance with the information and details provided in support of the application.

The subdivision is to be undertaken in one stage.

2. Engineering Conditions – these conditions are required to ensure all engineering works are carried out in accordance with Councils Environmental Engineering Standards and the

standards of the appropriate utility providers. In addition, Council's Senior Environmental Engineering Officer, whose full report is on file, has recommended the following conditions, which are summarised below:

- Legal road formation and design, intersection off Three Mile Bush Road, road corridor, property access and entrances all to be formed to Council requirements.
- Suitable provision for firefighting throughout the development with tanks and other requirements.
- Core infrastructure for stormwater, water supply and wastewater all of which is privately provided as there is no Council provided service.
- Proposed earthworks – measures to remedy and mitigate.

3. Consent Notice Condition – to be imposed on the respective lots and relate to;

- Development obligations around impermeable surfaces, building controls, road setbacks
- Maintenance obligations for infrastructure
- Limitations on cats and dogs
- Stone walls

Overall the effects of the activity are considered to be acceptable because the potential effects of the proposed subdivision are considered to be no more than minor and further mitigated by conditions of consent.

5 Relevant Provisions of the Operative/Proposed Plan (Section 104(1)(b)(vi))

Operative District Plan

The objectives and policies of the Operative District Plan of relevance to this application are contained in the Urban Transition Environment zone and in particular Objectives detailed within UTE 1.3(1-6) and Policies detailed within UTE 1.4(1) and UTE 3.2 Policies (1-22).

The overall intent for this zone is to provide for residential sized properties within a rural context and which ensure that rural outlook, ambiance, and outlook is provided for. These UTE areas are typically on the fringes of urban and rural environments. The developments shall provide all necessary servicing of lots.

The proposed subdivision appears to meet these expectations and is considered to be consistent with the overall intent of this chapter.

The application, at section 6 of the planning assessment provides an assessment of the relevant objectives and policies contained in the Urban Transition Environment, and Historic Heritage sections of the Operative District Plan. This assessment concludes that the proposal is consistent with the relevant objectives and policies. For the purpose of this report, the conclusion reached in the application as lodged is accepted. The proposal is therefore assessed as consistent with the objectives and policies of the Operative District Plan.

There are no other planning documents considered to be applicable in the assessment of this proposal.

6 Other Relevant Matters (Section 104(1)(c))

There are no other matters considered relevant to making an appropriate consideration of this application.

7 Part 2 Matters

Part 2 of the RMA 1991 promotes the sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment. The application is considered to be consistent with those matters detailed within Part 5.

The overarching intent of the purpose and principles of the Resource Management Act 1991 have been taken into consideration during the assessment of this application. No apparent conflicts with the purpose and principles of the Act have been identified.

8 Decision and Reasons

Pursuant to Sections 104, 104B of the Resource Management Act 1991, and in accordance with delegated authority under Section 34A, the subdivision resource consent application SL1800010, P110326, by TMB Developments to subdivide Lot 2 of SD1800047 (formerly Pt Lot 2 DP 16082) to create 27 residential sized lots, a road to vest, and amalgamated balance areas, and to remove dry stonewall and undertake earthworks associated with the subdivision at 422 Three Mile Bush Road, Kamo is granted subject to the conditions below and for the following summary reasons:

- 1 Any actual or potential effects on the environment are considered to be less than minor with the imposition of conditions including those required to be met on a continuous basis via Section 221 consent notices.
- 2 The proposal is considered to generally consistent with the relevant provisions of the Operative District Plan.
- 3 There is no reason under Part 2 of the RMA not to grant consent.
- 4 There are no other relevant matters relevant to the consideration of this application.

9 Conditions

Determination 1 – Landuse Consent

That pursuant to Sections 104, 104B, and 108 of the Resource Management Act 1991, Council grants consent subject to the following conditions:

1. That the application proceeds in accordance with the plans and information contained within the application prepared by Reyburn and Bryant dated July 2018 reference 14744.

Determination 2 - Subdivision

Pursuant to Section 108 and 220 of the Resource Management Act 1991 resource consent is granted subject to the following conditions:

1. **That before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:**
 - a That the survey plan submitted for approval shall conform with the subdivision consent obtained and the plan of subdivision prepared by Reyburn and Bryant and referenced S14744 rev. L dated March 2019, as attached 'Approved Plans' to this consent decision.
 - b 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 Council's Development Engineer for approval.

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

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Council's Development Engineer.

Plans are to include but are not limited to:

- i Design details of the construction of a new vehicle entrance crossing on the southern side of Three Mile Bush Road for the proposed road to vest (located within Lot 29) noting recommendations of the Traffic Effects Assessment compiled by Engineering Outcomes Ltd dated 25 May 2018 and in accordance with Council's Environmental Engineering Standards 2010 Edition.
- ii Design details of the road to vest located within proposed Lot 29 from Three Mile Bush Road with a 6m sealed surface width (width of proposed road may vary through the taraira trees if necessary and practicable) with wide grassed swales in accordance with

Table 3.2 Class requirements, Sheet 3 and Section 3 of Council's Environmental Engineering Standards 2010 Edition including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, culverts, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining and street furniture and the cul-de-sac will be formed at the end of the road in accordance with WDC EES, Sheet 11, with a minimum turning radius of 9.5m.

- iii Design details of the construction of right of way 'C' in accordance with Table 3.7 Category B and Sheet 9 of Council's Environmental Engineering Standards 2010 Edition and including a typical cross section, long section, culverts, big width grassed swales, flow paths and overland flow.
- iv Design details of the construction of right of way 'G' in accordance with Table 3.7 Category G and Sheet 9 of Council's Environmental Engineering Standards 2010 Edition with 9.5m radius turning head and including a typical cross section, long section, culverts, big width grassed swales, flow paths and overland flow.
- v Design details of the construction of right of way 'A' & 'B' in accordance with Table 3.7 Category C(alt)* and Sheet 9 of Council's Environmental Engineering Standards 2010 Edition and including a typical cross section, long section, culverts, big width grassed swales, flow paths and overland flow.
- vi Design details of the construction of right of way 'D' and 'H' in accordance with Table 3.7 Category D and Sheet 9 of Council's Environmental Engineering Standards 2010 Edition with 9.5m radius turning head and including a typical cross section, long section, culverts, big width grassed swales, flow paths and overland flow.
- vii Design details of a stormwater overflow connections for proposed Lots 2–5, 7–10, 14–19, 21–24 & 101 as recommended in the Base Group engineering suitability report provided with the application and in general accordance with Council's Environmental Engineering Standards 2010 Edition.
- viii Design details of sufficient water supply for fire-fighting purposes for proposed lots by way of three (25m³ each) common tanks storage located on proposed easements marked 'X' on Lot 102, marked 'Y' on Lot 101 and marked 'Z' on Lot 100, and this water supply be accessible by fire-fighting appliances in accordance with Section 6.7.8 of Council's Environmental Engineering standards 2010 Edition and more particularly with "NZFS Fire Fighting Code of Practice SNZ PAS 4509: 2008.
- ix Design details of any necessary upgrade of the existing storm water attenuation reservoir located immediately downstream on neighbouring Lot 1 SD1800047, and associated storm water layout plans with necessary pipes, culverts, drains, spillways and overland flow paths or alternative stormwater attenuation system designed by a Chartered Professional Engineer.
- x Design details of all necessary earthworks and sediment control plan for all works associated with the proposed development.

Note Plans must be prepared noting restrictions and recommendations identified in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009, dated 19/02/2018, and provided with the application.

- c. The consent holder must submit an Inspection & Test Plan (ITP) for approval prepared in accordance with Council's Environmental Engineering Standards 2010 Edition and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site. Note that this ITP will be processed in conjunction with the submitted engineering plans required by condition 1(b) and Council reserves the right to withhold ITP approval until the engineering plans are approved as these documents are to be read in conjunction with each other.
- d. The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's

Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Council's Development Engineer or delegated representative.

- e. The consent holder must create easements over services and rights of way to the approval of the Council's Development Engineer or delegated representative.
- f. The consent holder must create easements in gross over all overland storm water flow paths that fall into areas proposed for development (i.e. house site, effluent disposal site, access way from road to house site etc.) and/or as directed by the Council's Development Engineer. The easements are to cover the extent of the 1% Annual Exceedance Probability flows (+20% allowance for climate change) and are to be to the satisfaction of the Council's Development Engineer or delegated representative.

Note: Overland flow paths are to be assessed in accordance with Section 4.9 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

- g. The consent holder must provide Council with three proposed road names in writing for road to vest (located within proposed Lot 29) in accordance with Council's 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 road should also be submitted and any evidence of consultation relating to the proposed names. (Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/).
- h. The consent holder must provide Council with three proposed access names in writing for proposed right of way 'C' & 'G' in accordance with Council's 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 access should also be submitted and any evidence of consultation relating to the proposed names. (Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/).

Note: Conditions (g) & (h) will not be deemed to be satisfied unless Council has approved the submitted names in writing.

- i. The consent holder is to submit a Contract Construction Management Plan in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Council's Development Engineer or delegated representative.
- j. The scheme plan shall show the following amalgamation condition:
'Lots 100 - 104 hereon to be held in the same computer register.' (see LINZ ref. 1537444)

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

- a. A pre-start meeting is required to be undertaken with the consent holder's representative (DR), contractor(s) and all other IQP's or agents for consent holder and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Council's Development Engineer or delegated representative.
- b. All work on the approved engineering plans in Condition 1(b) is to be carried out to the approval to the approval of the Council's Development Engineer.

Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 1(c) and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.

No construction works are to commence onsite until the engineering plans required in condition 1(b) have been approved and all associated plan inspection fees have been paid.

- c. 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 IQP and an "inspection and Test Plan" for approval by the Council's Development Engineer before any works commences.
- d. 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 Council's Development Engineer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
- e. The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
 - Name and telephone number of the project manager/IQP.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.

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.

- f. The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Development Engineer or their delegated representative.
- g. The consent holder shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the approval to the satisfaction of the Council's Development Engineer or delegated representative.
- h. Dust nuisance must be controlled onsite (by use of a watercart or similar) by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the boundary of the development to the satisfaction of the Council's Development Engineer or delegated representative.
- i. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that the existing effluent disposal field for the existing dwelling on proposed Lot 20 is contained within the allotment boundaries so as to comply with Section 15.1 - Permitted Activities for Sewage discharges of the Northland Regional Council Regional Water and Soil Plan for Northland noting the required separation distances to boundaries & surface water to the satisfaction of the Council's Development Engineer or delegated representative.
- j. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Council's Development Engineer or delegated representative.
- k. Any damage to Council's road berms, road carriageway formation and storm water channels associated with the subdivision and land use development works must be reinstated by consent holder similar to surrounding environment in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the satisfaction of the Council's Development Engineer or delegated representative.
- l. The consent holder must submit certified RAMM data for the Road to Vest and all new/upgraded or extended vehicle crossing culverts prepared by a suitably qualified person

in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Council's Development Engineer or delegated representative.

- m. The consent holder must supply and erect the Public road name for (Specify ROW, access lot or 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 located in a position where it is most visible for road users to the satisfaction of the Council's Development Engineer or delegated representative.
- n. The consent holder must supply and erect the Private access name for ROW marked 'C' & 'G' 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 located in a position where it is most visible for road users to the satisfaction of the Council's Development Engineer or delegated representative.
- o. The consent holder shall provide a conservation covenant pursuant to s77 of the Reserves Act 1977 or (secure by way of a s221 consent notice) which covenants all native vegetation on Lot 102 of the scheme plan ref S14744 Rev L and dated February 2019. If a conservation covenant is proposed, then a legal undertaking to register the document shall be provided
- p. The consent holder shall only remove those sections of the existing wall as detailed within the Reyburn and Bryant plan SP147744 Rev A dated July 2018. The extent of wall removal shall be minimised to only that necessary for vehicle access requirements. All new ends to the existing stone walls shall be reinstated using the same method of construction and same materials and shall be built to the same dimensions and appearance to that of the existing walls.
- q. If the stormwater attenuation system proposed under 1(b)(ix) is located within the neighbouring Lot 1 SD1800047, then the following condition shall apply:

Provide a legal undertaking to prepare a Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered (lot is not strictly part of the subdivision site but does receive the stormwater) on the Computer Freehold Register of Lot 1 SD1800047 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:

- i. The owners of Lot 1 SD1800047 shall be aware that the communal storm water treatment and attenuation reservoir upgraded as part of subdivision works must be monitored and maintained in accordance with the recommendations identified in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009 dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- r. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of proposed Lots 1 - 27 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 development shall comply with the restrictions and recommendations (specific foundations design, wastewater treatment and disposal, storm water treatment, attenuation and disposal) identified in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009, dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii. On proposed Lots 14, 15, 19, 20, 25 & 26 a waste water treatment system capable of treating the domestic wastewater generated by the dwelling to a secondary standard certified by a Geo-Specialist with regard to stability, shall be installed and the treated waste water shall be discharged to land by way of pressure compensating dripper irrigation unless an alternative system certified by a Geo-Specialist with regard to stability is approved by Council's Development Engineer or delegated representative in writing. A detailed design report shall be prepared at building consent stage by a

suitably qualified and experienced person that shall supervise the construction and commissioning of the system.

- iii At the time of the building consent the owners of Lots 1–9, 10–13, 16–18, 21 and 24–27 shall arrange to supply and install (at its own cost) and be responsible for ongoing maintenance and associated costs for a private sewage treatment system and pumping pipeline connecting into the dedicated communal waste water disposal area.
- iv The owners of Lots 1–9 shall be aware that the communal waste water disposal land application area is located within the area ‘L’ on proposed Lot 101 and must be maintained as recommended in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009 dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- v The owners of Lots 10–13 shall be aware that the communal waste water disposal land application area is located within the area ‘T’ (and reserve are ‘L’) on proposed Lot 101 and must be maintained as recommended in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009 dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- vi The owners of Lots 16–18 shall be aware that the communal waste water disposal land application area is located within the area ‘J’ on proposed Lot 100 and must be maintained as recommended in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009 dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- vii The owners of Lots 21–24 and 27 shall be aware that the communal waste water disposal land application area is located within the area ‘K’ on proposed Lot 102 (and reserve are ‘L’ on proposed Lot 101) must be maintained as recommended in the Base Group Consulting Chartered Professional Engineers engineering suitability report reference 18009 dated 19/02/2018 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- viii The owners of Lots 2–5 and 23–27 shall be aware that the common water tank constructed as part of subdivision works within the easement ‘X’ on proposed Lot 102 is for the purposes of fire-fighting water supply and must be maintained full with a minimum water volume of 25m³ in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- ix The owners of Lots 6–15, 21 & 22 shall be aware that the common water tank constructed as part of subdivision works within the easement ‘Y’ on proposed Lot 101 is for the purposes of fire-fighting water supply and must be maintained full with a minimum water volume of 25m³ in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- x The owners of Lots 18–20 shall be aware that the common water tank constructed as part of subdivision works within the easement ‘Z’ on proposed Lot 100 is for the purposes of fire-fighting water supply and must be maintained full with a minimum water volume of 25m³ in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- xi (Lot 1 only) Upon construction of any habitable dwelling, sufficient water supply for fire-fighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by fire-fighting appliances in accordance with Council’s Environmental Engineering Standards 2010 and more particularly with the ‘NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008’. Demonstration of achievement of an alternative means of compliance with this standard will be considered to satisfy this requirement but note that written approval from the NZ Fire Service is required.

- xii The owners of proposed lots shall be responsible to ensure that any further development of the site including building sites, earthworks, drainage works, effluent disposal fields & vehicle access formations will be undertaken in such a manner that will not result in the obstruction or diversion of any existing overland flow path unless a specific design has been done by an IQP or Chartered Professional Engineer which mitigates potential adverse flooding effects on any neighbouring properties created by the obstruction or diversion and is approved in writing by the Council's Development Engineer or delegated representative.
- Note Overland flow paths are to be assessed in accordance with Section 4.9 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.
- xiii The minimum setback from the road boundary for any building shall be 10m (Lots 2-5, 7-8, 16, & 21-24).
- xiv Road boundary treatment on Lots 2-5, 7-8, 16, and 21-24 shall be restricted to a maximum of 900mm and should not be of an urban form and not solid. Post and rail fencing would be appropriate. Hedging to a similar maintained height of 900mm would also be appropriate as an alternative.
- xv Mustelids, rodents and any other domestic animal, apart from cats and dogs, shall not be kept on the property.
- xvi Two dogs to be de-sexed and registered shall be allowed to kept on site.
- xvii Two cats which must be de-sexed and fitted with collars to avoid confusion with feral cats shall be allowed to kept on the site.
- xviii Any dog residing within the lots shall be kept under the following conditions, to the satisfaction of the Whangarei District Council Team Leader RMA Approvals and Compliance or their delegated representative.
- Shall have completed Kiwi aversion training before being introduced to the lots.
 - Shall be prevented from roaming at by securing them inside a building, or if retained outside shall be secured with an escape proof enclosure/ area.
 - Working dogs should be kept in an escape proof enclosure / area when not working.
- xix No building may be erected within the 'no build areas' zone identified on the survey plans.
- xx There shall be no more than one residential unit per site.
- xxi Except for the existing buildings located within the application site, building facade materials and finishes shall have a reflectance value of no more than 40%. Smaller architectural elements, such as joinery or other minor features, are excluded from this requirement. Windows shall not be mirror type glazing.
- xxii Except for the existing buildings located within the application site, roof surfaces shall have a reflectance value of no more than 30%.
- xxiii Building heights shall be limited to 6.0m maximum in line with District Plan height meaning of words.
- xxiv The maintenance of the swale drain and vehicle crossing within the road reserve (directly adjacent to each lot) shall remain the responsibility of the property owner. These structures shall be maintained in a state consistent with the relevant construction engineering drawings required and approved for this consent. Any modification to these swales or to vehicle crossings shall not be undertaken without the approval of Council's Roading Manager. The constructions of any additional crossings require the approval of Council's Roading Manager.
- xxv Stone walls which may be present on the respective lots are not to be removed and

shall be maintained to a good standard by the owner to that satisfaction of the team Leader RMA Approvals and Compliance or their delegated representative.

xxvi Any fence or barrier not being located on the roadside boundary shall be no higher than 1.80 metres.

- s. A Conservation Covenant pursuant to Section 77 of the Reserves Act 1977 in respect of areas 'O', 'M', 'N', 'F', 'R', 'S', 'U', 'V', & 'W' contained within Lots 101, 102, 103, & 104 shown under condition 1 (a) is to be prepared and registered by the Council at the applicant's expense. The Conservation Covenant is to allow for but not be limited to:
- Pest and weed control measures; and
 - Restoration and enhancement and/or pruning of vegetation cover in the covenanted area and fencing for stock exclusion (where applicable); and
 - Stormwater generated from built development shall be designed to adequately control; and dissipate the water to avoid scouring that has an adverse effect on soils and health of the protected vegetation; and
 - Management and use of the site and protected vegetation shall be undertaken in compliance with the Northland Plant Pest Management Strategy and National Pest Plant Accord (NPPA) and in so doing exclude, and where necessary, control all known plant pest species that occur on the property; and
 - Monitoring around the house sites of the adjoining residential lots for new weeds, post- construction to prevent any unwanted plants from spreading into the bush or streams. Avoid all dumping of garden waste into the bush.

A formal request should be made to Council to have the covenant prepared at the appropriate time.

- t. Provide to the Team Leader RMA Approvals and Compliance or their delegated representative, a vegetation condition report from a suitably qualified arborist which assesses the trees immediately adjacent to the road corridor following the construction of the road and other infrastructure associated with the proposed subdivision. The report shall detail any remediation works required to be immediately undertaken. Provide confirmation from the suitably qualified arborist that all recommended works within the post construction assessment have been completed.

Determination 3 – Section 243 Resolution

Pursuant to Section 243(e) of the RMA 1991 the condition which creates Right of Way A on resource consent application SD1800047, and over Lot 3 of SD1800047 is to be cancelled as it relates to Lot 2 SD1800047.

Determination 4 - Section 37

Pursuant to Section 37 of the Resource Management Act 1991, Council approves the additional ten (10) days to allow processing of this consent to be completed due to the negotiation of the agreed conditions to be imposed.

Advice Notes

1. This resource consent will lapse five years after the date of commencement of this consent (being the date of this decision) unless:
 - It is given effect to before the end of that period; or

- An application is made to Council to extend the period after which the consent lapses, and such application is granted prior to the lapse of consent. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
2. Section 357 of the Resource Management Act 1991 provides a right of objection to this decision. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
 3. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.
 4. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.
 5. The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
 6. Any works carried out within Council's road reserve will require an approved Corridor Access Request.
 7. A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, ph. 430 4230 ext. 8231.
 8. Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.
 9. The consent holder shall obtain all necessary Building Consents which may be required for the proposal.
 10. The consent holder should recognise that the proposed development is located on an 'at risk' aquifer and to ensure that the development does not result in contamination of the surrounding aquifer or a reduction in groundwater recharge. Mitigation measures may include the return of the collected or diverted treated storm water to aquifer recharge, the use of low impact storm water design, and the use of pervious surfaces for roading and drainage.
 11. All earthworks are required to comply with Section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting erosion & sediment control and dust suppression requirements.
 12. All works to be carried out pursuant to condition 1(b) above shall be undertaken on public land unless written right of entry is obtained from the owners of all private land upon which work is to be carried out. Where any necessary written right of entry has not been obtained, any such infrastructure work shall be re-routed to achieve compliance with this condition.
 13. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.
 14. Please note the normal requirements of Land Information New Zealand in regard to the issuing of amalgamated titles. These include requirements for the land to be held in the same ownership, and for any existing joint family home settlements to be cancelled or extended to include all the land being amalgamated.

15. Under Section 120 an applicant/consent holder can appeal to the Environment Court against the whole or any part of the decision of a consent authority for a resource consent. The scope of appeal within s120(1A) states if the consent was for a boundary activity, and/or a subdivision consent or a residential activity, then the decision cannot be appealed (unless the proposal was for a non-complying activity). Therefore, there are no rights of appeal to the Environment Court in relation to this decision.
16. The Team Leader RMA Approvals and Compliance shall be notified at least five (5) working days prior to activities commencing on the subject site.



Wayne Smith
Consultant Planner

20 March 2019

Date



Kalyee Kolkman
Team Leader, RMA Consents

21 March 2019

Date