

Application for a Resource Consent – Resource Management Act 1991

This application form must be provided with applications to the council for new and replacement resource consents, and changes to the conditions on an existing resource consent.

If you would like to talk or meet with a consents officer to discuss your application prior to lodging with the council, please phone **0800 002 004** or email request to info@nrc.govt.nz.

PART 1: Administration Matters

1 Full Name of Applicant(s) *(the name(s) that will be on the resource consent document)*

Surname:

First Names:

OR

If the application is being made on behalf of a trust, the Trustee(s) who has/have signing authority for the trust must be named.

Trust Name:

Trustee's Name(s):

OR

Company Name: North Views

Contact Person: Philippa Harris and Mark Armstrong

Email address:

Please Note: If an email address is provided, then all correspondence for this application will be via email.

Postal address: 402a Ocean Beach Road, Mt Maunganui 3116

Telephone: *(please tick preferred contact number)*

Residential

Business

Mobile 021878990

2 Details of the Address for Service of documents if different from the Applicant (e.g. Consultant). This address will be used for all documents if completed.

Company Name: Chester Consultants

Contact Person: Hamish Anderson

Email address: hamish@chester.co.nz

Please Note: If an email address is provided, then all correspondence for this application will be via email.

Postal address: 28 The Warehouse Way, Northcote, Auckland 0627

Telephone: (please tick preferred contact number)

Residential Business

Mobile 021707740

3 Invoices

Charges relating to the processing of this resource consent application should be sent to:

Applicant Address for service

Charges relating to the ongoing monitoring of a resource consent should be sent to:

Applicant Address for service

4 Name and Address of all Owners/Occupiers of the Site relating to Application if different from the Applicant

Owner(s):

Postal Address:

Telephone: (please tick preferred contact number)

Residential Business

Mobile

Occupier(s):

Postal Address:

Telephone: (please tick preferred contact number)

Residential Business

Mobile

Please Note: If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.

5 Extending Timeframes

The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however, these timeframes can be extended, if necessary, with the Applicant's agreement. If the council does not meet these timeframes, then it is required to refund 1% of the total processing cost of the application for each day it exceeds the timeframe up to a maximum of 50%.

Do you agree to the council extending RMA resource consent processing timeframes?

- Yes**, provided that I can continue to exercise my existing resource consent until processing of this application is completed.
(Replacement application only. No refund is required to be paid until after the existing resource consent expires.)
- Yes**, provided that the extension is for the specific purpose of discussing and trying to agree on resource consent conditions.
- Yes**, provided that the application process is completed before this date (dd/mm/yy):
- No**.

6 Deposit Fee

An initial minimum fee is payable with this application. These fees can be found on the council's website www.nrc.govt.nz – [Schedule of Minimum Estimated Initial Fees](#) information. Please contact council consents staff if you need assistance with determining the correct minimum initial fee.

Unless agreed to prior to lodging your application, the council will not commence processing your resource consent application until payment of the minimum initial fee is received (i.e. the statutory processing time for the application will not start).

This minimum initial fee may be paid online, by cheque, or by EFTPOS at one of the council's offices.

Instructions for paying online can be found on the council's website at "[Pay online](#)". Please use either the first six numbers of your resource consent (e.g. CONXXXXXX or AUT.XXXXXX), if known, or the Applicant's name as the Reference/Customer number when paying online.

If you do pay online, then please enclose evidence of payment so that the council is aware that the payment has been made.

If the costs of processing the resource consent application are greater than the minimum estimated initial fee, then the applicant will be required to pay the additional actual and reasonable costs of processing the application.

Note: Annual User Charges for Resource Consent Holders

Holders of resource consents will in most cases be required to pay a "Minimum Annual Charge" for administration of the resource consent once issued. There is also likely to be additional annual charges for the monitoring of the resource consent, which will be dependent on the type of activity the resource consent is for. These charges are detailed on the council's website www.nrc.govt.nz in the Annual Charges section of the council's [Charging Policy](#).

7 Applications for Activities within the Coastal Marine Area (CMA)

Prior to lodging an application with the council to undertake any activity in the coastal marine area (CMA), the applicant is required under the Marine and Coastal Area (Takutai Moana) Act 2011 to notify the application to all groups who have applied for customary marine title in that location, and seek their view on the application. This notification should, as a minimum, include a summary of the application that provides sufficient detail for a group to understand what is being proposed.

The council cannot accept an application to undertake an activity in the CMA unless the applicant for the resource consent provides evidence of this notification occurring. A response from customary marine title groups is not required by the council.

To ensure you meet the above requirement, you are advised to contact council consents staff to obtain a list of all of the current customary marine title applicant groups within the area where you are proposing to apply for a resource consent.

Information on customary marine titles is available on the [Ministry of Justice/Marine and Coastal Area Applications](#) website.

8 Consultation

The RMA does not require any person, including the applicant or council, to consult with anyone. It is, however, best practice to do so and will allow the council to make a more informed decision.

It is important to remember that consultation does not require reaching an agreement – it is to allow you and the council to be informed about a person's views. If you do consult, and there are concerns raised that cannot be resolved and you still want to go ahead with your application, then you should have made a genuine attempt to consult with that person(s) in an open and honest manner. Their views should be recorded so they can be taken into account by the council when considering your resource consent application.

PART 2: Application Details

1 Description of Activity

Please describe in detail the activity for which resource consent is being sought.

Retrospective consent for vegetation removal and earthwork near watercourse, works within 10m of a wetland, 23 lot residential subdivision

2 Location Description of Activity

Site Address: 7a Wrathall Road, Mangonui

Legal Description: Lot 1 DP 177443 held in Record of Title NA105B/520

(Legal description can be obtained from your Certificate of Title, valuation notice, or rates demand)

3 Site Plan

On a separate page (*minimum A4 size*), please provide a site plan showing the location of the activity, site layout, and surrounding environment in relation to property boundaries. Please include any buildings or developments on the site.

These plans should be provided electronically and be of good quality, to enable use in resource consent documentation.

If you do not have access to mapping software, we recommend you use the council's "[Property and Boundaries](https://localmaps.nrc.govt.nz/LocalMapsGallery/)" map available on our website <https://localmaps.nrc.govt.nz/LocalMapsGallery/>.

This council map contains aerial photography and shows property boundaries and details. You can carry out a property search and print maps of aerial photography.

4 Resource Consent(s) being Applied for

Coastal Permit

Mooring

Marine Farm

Structure

Pipeline/Cable

Other (*specify*)

Land Use Consent

Quarry

Earthworks

Dam Structure

Vegetation Clearance

Construct/Alter a Bore

Structure in/over Watercourse

Other (*specify*) NES Freshwater

Water Permit

- Stream/Surface Take Damming Groundwater Take
- Diverting Water Other (specify)

Discharge Permit

- Domestic Effluent to Land General Discharge to Land Farm Dairy Effluent to Land/Water
- Air Water Other (specify)

5 Is this application to replace an existing or expired resource consent(s)? Yes No

If Yes:

(a) Please state the resource consent number(s):

.....
.....

(b) Do you agree to surrender the existing resource consent once a new one has been issued: Yes No

6 Is this application to change a condition of an existing resource consent? Yes No

If Yes, please state the resource consent number(s):

.....
.....

7 Please specify the duration sought for your resource consent(s) –
Only for new or replacement applications.

30 years months

8 Do you also require consent(s) from a district council? Yes No

If Yes, please complete the following:

Type of consent required? Land use and subdivision

Has it been applied for? Yes No

Has it been granted? (If Yes, please attach) Yes No

PART 3: Assessment of Environmental Effects (AEE)

1 An AEE must be provided with your application that has been completed in accordance with the requirements of [Schedule 4 of the RMA](#).

As a minimum, your AEE must include the following:

- Description of the environmental effects of the activity.
- Description of ways in which adverse environmental effects can be avoided, remedied or mitigated.
- Names of people affected by the proposal.
- Record of any consultation you have undertaken, including with affected persons (if any).
- Discussion of any monitoring of environmental effects that might be required.
- An assessment of the activity against any relevant objectives, policies, or rules in the Regional Plans.
- For a coastal permit, an assessment of your activity against any relevant objectives and policies of the New Zealand Coastal Policy Statement.
- An assessment of effects on tangata whenua and their taonga.

This AEE needs to be provided in a separate document attached to this application form.

Any activity needing a resource consent will have some environmental effects. The council will not accept an AEE that says there are no environmental effects from the activity.

You will need to complete the AEE at a level that corresponds with the scale and significance of the effects that the activity may have on the environment. Depending on the scale of the activity, you may need to get help from an expert(s) to prepare your AEE.

The council has a set of standard AEE forms for a selection of common activities. These AEE forms do not cover the relevant objectives, policies, or rules in the Regional Plans nor effects on tangata whenua. If you use one of these forms, then you will need to provide a separate assessment of these matters. These AEE forms can be found on the council's website www.nrc.govt.nz – “Forms and Fees”.

It is important that you provide the council with a complete and well-prepared AEE, otherwise the council may not accept your application.

If your application is for a change to a condition of resource consent under Section 127 of the RMA, then your AEE only needs to cover the effects of the change being requested.

2 Assessment of Effects on tangata whenua and their taonga

The Regional Plan for Northland requires that an AEE must also include an assessment of the effects on tangata whenua and their taonga if one or more of the following is likely:

- Adverse effects on [mahinga kai](#) or access to [mahinga kai](#); or
- Any damage, destruction or loss of access to [wāhi tapu](#), sites of customary value and other ancestral sites and [taonga](#) with which Māori have a special relationship; or

- Adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities; or
- Adverse effects on [taiāpure](#), [mātaītai](#) or Māori non-commercial fisheries; or
- Adverse effects on protected customary rights; or
- Adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan for Northland (refer [Maps | Ngā mahere matawhenua](#)).

Your AEE must include an assessment of whether any of the above affects are likely to occur.

If they are likely to occur, then you will need to complete a Cultural Impact Assessment (CIA) and provide this with your resource consent application. The Regional Plan for Northland provides details of what must be included in this CIA, and should be referred to.

The best way to find out what the effects of your proposal may be on tangata whenua is to contact local iwi/hapū groups (who represent tangata whenua) and discuss your proposal with them. Council consents staff can provide a list of contact details for local iwi/hapū groups in the area of your proposal. You can then send a copy of your proposal to these groups and seek feedback from them prior to lodging your application. Some iwi/hapū have also developed iwi/hapū Environmental Management Plans that are useful documents that can assist to identify issues of concern to those iwi/hapū for activities occurring in their rohe. The iwi/hapū Environmental Management Plans can be obtained directly from the iwi/hapū or from the council upon request.

3 Assessment of Affected Persons

If the adverse effects of your activity on a person are likely to be minor, or more than minor, then that person is deemed to be an “affected person” for your resource consent application.

An affected person may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Fish and Game Council, Iwi and Hapū, and community groups.

If you do not think there will be any affected persons for your resource consent application, then you do not need to provide any details on this matter in your AEE. However, the council will still undertake an assessment of whether there are any affected persons as part of processing the resource consent application.

If there are persons you have identified who may be affected, and you have discussed your proposal with these persons, please record any comments made by them and your response, and include this information with your application. If you have written approvals from these parties, then these should be provided as well. The council has a written approval form that can be used for this purpose.

Iwi Settlement Acts

If there is an **Iwi Settlement Act** that covers the area of your application, then there may be “Statutory Acknowledgement” areas which could be adversely affected by your activity. If the location of your activity is within, adjacent to, or may have an adverse effect on, a Statutory Acknowledgement area, then you will need to assess whether the trustees of the Statutory Acknowledgement are affected persons. Information about Statutory Acknowledgements in Northland can be found on the council’s webpage at [“Statutory Acknowledgements in Northland”](#).

Checklist

The following information **must** be included in your application to ensure that is not returned as incomplete under Section 88 of the RMA.

- All applicable application form details have been completed.
 - Assessment of Environmental Effects in accordance with Schedule 4 of the RMA.
 - Assessment of effects on tangata whenua and their taonga.
 - Site plan(s). These are required to be of good quality, and preferably electronically, to enable use in resource consent documentation.
 - Evidence of payment of the required minimum estimated initial fee.
 - If you are applying for a coastal permit, evidence that you have provided notice of your application to all groups who have applied for customary marine title in the location of your application and that you have sought their view on the application. The council cannot legally accept an application without evidence of this.
-

□

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□

Information Privacy Issues

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application. The information will be held by the council and is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public.

Under Section 88 and/or 127 of the Resource Management Act 1991 (RMA), the undersigned makes this application for resource consent(s).

- 1 I/We confirm that I have authority to sign on behalf of the person(s) named as the applicant(s) for this application for resource consent.
- 2 I/We have read, and understand, all of the information contained within this application form, including the requirement to pay any additional actual and reasonable costs for the processing of the application.
- 3 I/We confirm that all of the information provided is true and correct and I understand that any inaccurate information provided could result in my resource consent (if granted) being cancelled.


Signature(s): Date: 18/12/23


Signature(s): Date: 18/12/23

Signature(s): Date:

Please note that a signature is not required if submitting application electronically.

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Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Please note that a signature is not required if submitting application electronically.



Assessment of Environmental Effects

📍 7A Wrathall Road, Mangonui, Far North District
Proposed Subdivision

Prepared For:
North Views

Job No.: 15360
Rev: 0

Date: 19 December 2023

CHeSTER

1 Revision History

| Revision No | Description/comments | Prepared By | Date |
|-------------|----------------------|-------------|------------------|
| 0 | Original | H. Anderson | 18 December 2023 |

2 Document Control

| Action | Name | Signed | Date |
|-------------|-------------------------------------|--|------------------|
| Prepared by | H. Anderson Planning Team Leader |  | 18 December 2023 |
| Reviewed by | P. Rodgers Senior Planner |  | 18 December 2023 |

3 Distribution

| Business/company | Attention | Role |
|------------------|-----------|------|
| | | |
| | | |



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5 Appendices

| Appendix | Document | Author | Date |
|----------|-------------------------|-------------------------|------------|
| 1 | Title | LINZ | 18/12/2023 |
| 2 | Scheme plan | Chester Consultants | 22/11/2023 |
| 3 | Geotech report | Soil & Rock Consultants | 11/12/2023 |
| 4 | Ecology report | Wildlands | Dec 2023 |
| 5 | Traffic assessment | TEAM | 27/11/2023 |
| 6 | Land Development report | Chester Consultants | 22/11/2023 |
| 7 | Engineering plans | Chester Consultants | 22/11/2023 |



1 Executive Summary

Resource consent is sought to create 23 residential lots via subdivision, stream works, vegetation removal and earthworks on the site at 7a Wrathall Road, Mangōnui.

Overall, it is concluded that the effects on the environment of the proposal will be less than minor, subject to appropriate conditions of consent.

The proposal is not in any way contrary to the relevant objectives and policies of the Far North District Plan, the Northland Regional Plan, the National Policy Statement for Freshwater 2020 or any other statutory document; in fact, the proposal supports many of the relevant objectives and policies.

No persons are considered adversely affected by the proposal to an extent which is minor or more than minor.

It is considered that the proposal is consistent with Part 2 of the Resource Management Act.

It is therefore considered that the application may be processed on a non-notified basis and consent may be granted subject to appropriate conditions.

2 Subject Site

2.1 Subject Site Details

| | |
|-----------------------|--|
| Address | 7A Wrathall Road, Mangōnui |
| Legal Description | Lot 1 DP 177443 held in Record of Title NA105B/520 |
| Property Area | 18.4 hectares |
| Regional Authority | Northland Regional Council |
| Territorial Authority | Far North District Council |

3 Site and Surrounding Environment

3.1 Site Description

The site is legally described as Lot 1 DP 177443 and comprises an area of 18.4 hectares. A copy of the Record of Title is included in Appendix A.

As shown in Figure 1 below, the site is located on the western side of Wrathall Road and on the southern side of State Highway 10. The site is accessed via a gravel driveway that extends from the northeast corner, off Wrathall Road, to the centre of the site. A dwelling and associated ancillary buildings are present near the elevated northeast corner of the site and an access traverses the centre of the site.





Figure 1: Aerial image of locality. Source: FNDC GIS

The site is currently not serviced by the reticulated network for water, wastewater, or stormwater.

The site is predominantly pasture and has a general slope down from the north, east and south to a valley.

There are areas of vegetation remaining on the site, described by the Wildlands ecologist (report attached as Appendix D) as:

The vegetation cover is mainly exotic grassland and indigenous vegetation. There are several gully features, seeps and flowpaths located around the site. The main watercourse extends from near the southeast corner of the property to a large pond located adjacent to the western boundary where the watercourse exits the property.

*Indigenous vegetation at the site is restricted to gullies or alongside watercourses. The regenerating indigenous vegetation alongside the watercourses fulfils a dual role of protecting both ecological and soil and water values. Previous occupiers of the site established several groves of *Kentia palm* (*Howea forsteriana*), and recent planting of indigenous species has been undertaken by the current owners on the sides of some gullies and alongside some watercourses.*

A site assessment was carried out by Wildlands ecologists, which identified the following permanent stream on the site:

A permanent stream bisects the property, flowing from near the southeast corner of the site to the large pond located approximately adjacent to the mid-point of the western boundary of the site.

The ecologists have identified three wetlands on the site:





Figure 2: Wetlands overlaid over draft scheme plan. Source: Wildlands

There is also a floodplain that enters the site from the west, as shown on Northland Regional Flood Hazards maps, refer Figure 3. It includes the River Flood Hazard Zone - Regionwide Model 50yr Extent (NRC) and River Flood Hazard Zone - Priority Rivers - 100yr CC Extent (NRC).



Figure 3: Aerial image of locality with flood overlay. Source: NRC GIS



There are existing powerlines that cross the site in an east-west direction. The layout of the site, including the proposed lot boundaries, road and access lots have been cognisant of those lines.

The site is zoned as Rural Living under the Operative Far North District Plan, as shown in Figure 4 below.



Figure 4: District Plan zoning. Source: FNDC GIS

3.2 Surrounding Environment

To the west of the site is the Mangōnui Domain Recreation Reserve that has the appearance of farmland. To the south of the site is productive farmland. To the east are residential lots of a similar size to those proposed. Each of those lots is occupied by a dwelling. To the north of the site is a heavily wooded lot separated from the site by Council road reserve. That road reserve contains an overgrown vehicle track.

3.3 Background

A 12-lot subdivision and associated land use consent (RC: 2190490 RMASUB) was approved for this site on 23 December 2019. Whilst that consent has not lapsed, this application is from a different applicant and proposes increased density and an altered layout and a Section 127 application was not a path that could be followed.



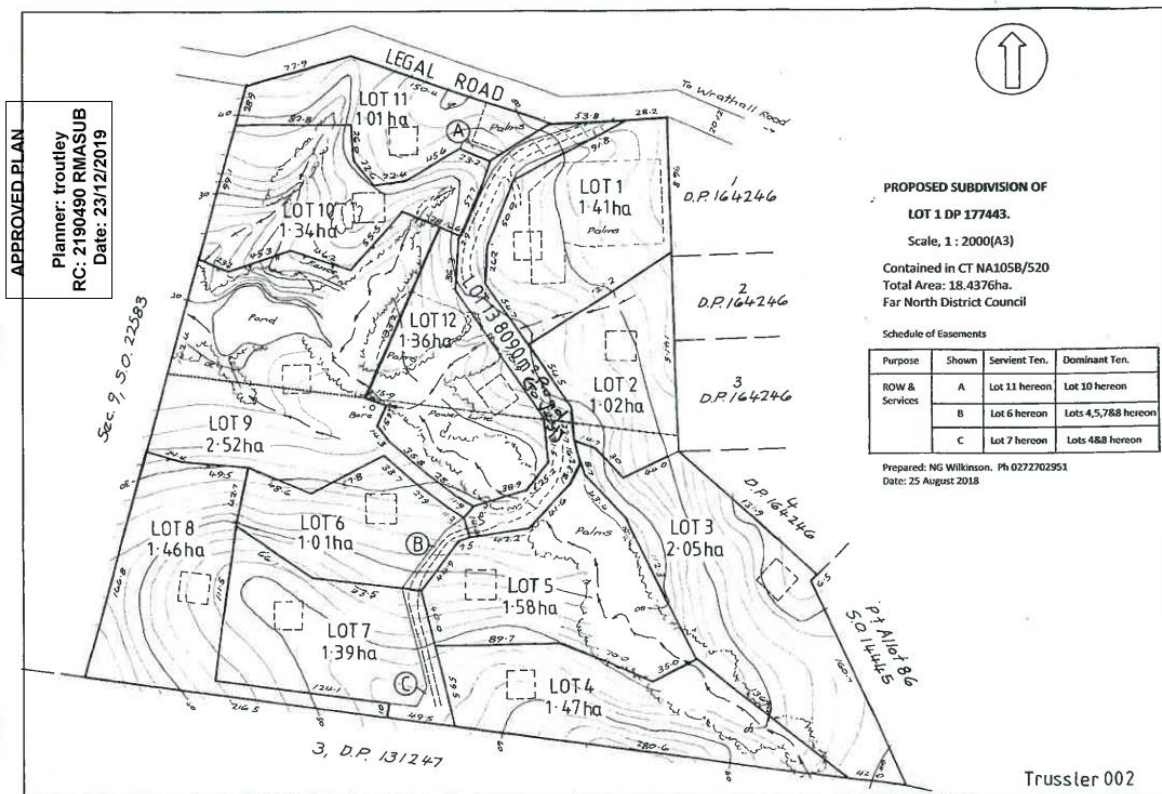


Figure 5: Approved 12 Lot Subdivision

4 Proposal

4.1 Description of the Proposal

The applicant proposes to subdivide the site into 27 Lots, consisting of 23 residential lots, 1 road reserve that is proposed to be vested to council and jointly owned accessways (JOALS). The existing dwelling is proposed to be removed but the driveway leading to it is proposed to be retained. This existing driveway is proposed to be shared between Lot 2 and Lot 3.

It is proposed to have a new no exit road constructed for the development that will connect to Wrathall Road.

A copy of the Scheme Plan is provided in Appendix B and shown in Figure 6 below.



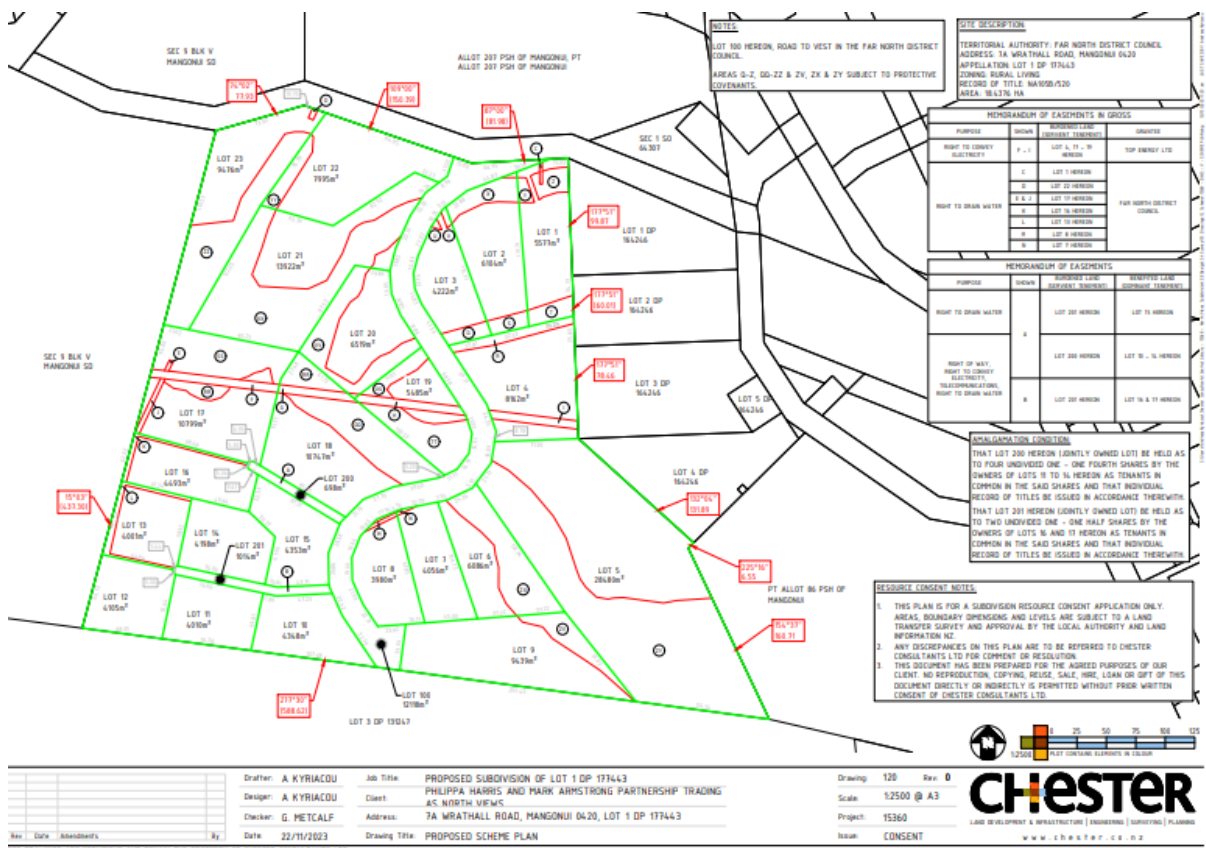


Figure 6: Proposed Scheme Plan. Source: Chester Consultants

To create the road access to the site and manoeuvring and individual lot access within the site earthworks will be required. Appendix 7 contains the earthworks plans and cross sections but below is a summary:

- An area of 2.84 hectares.
- Total volume of 17,784m³ (comprising 8836m³ of cut and 8948m³ of fill)
- Maximum cut depth of 3.19m (for the access and at chainage 75)

Previous stream works activity has occurred on the site, including a portion of the stream bed being replaced with a concrete drainage channel and rocks. The Wildlands ecologist (report attached as Appendix 4) has quantified the stream works as follows:

A shallow sided concrete channel c. 75 metres long and c. 1.8 metres wide was constructed in the central section of the bed of the permanent stream during the summer of 2022 – 2023. A concrete pipe culvert c. 900 millimetre diameter and c. 10 metres in length is present under the vehicle crossing at the upstream end of the concrete channel.

There is also a manmade pond on the site, where a perched concrete spillway exists at the outflow of the pond. These features were existing on the site prior to the applicant purchasing the site.

Retrospective consent will be required for the following vegetation removal that has occurred on the site, as stated by Wildlands ecologist:

*Several areas on the sides of gullies have been recently cleared of vegetation that comprised mostly exotic pest species, and then planted with indigenous species.
 A substantial area of mostly exotic vegetation has been cleared along a c. 100 metre section of the permanent stream.*



Subsequent to the vegetation clearance, several of the cleared gully sides have been recently planted with indigenous species as described above in section 4.2.3. (Vegetation Type 3: Indigenous planting). An area of c. 644 m² at the eastern edge of the pond, and an area of c. 3,190 m² in the vicinity of the concreted channel (Plate 7) are currently largely bare of vegetation.

It is not proposed to have an esplanade strip along the waterway as the watercourse is too narrow (1.8m in width) and does not meet the requirements for an esplanade strip.

5 Statutory Context

5.1 Far North Council District Plan

The Far North District Council closed consultation on the Proposed FNDP on 21 October 2022. Given hearings have not been held on the Proposed Plan the Operative Plan is considered to hold more weight.

Under the District Plan the site is zoned Rural Living, with River Flood Hazard Zone (100 Year ARI Event) and River Flood Hazard Zone (10 Year ARI Event), as shown in Figures 2 and 3 above.

Under the District Plan, resource consent is required for the following reasons:

Natural and Physical Resources

- To undertake general earthworks of 17,784m³, as the earthworks are greater than 2000m³ in the Rural Living zone, therefore do not comply with Rule 12.3.6.2.1 (a) and are considered a **discretionary** activity under Rule 12.3.6.3.
- To undertake general earthworks that will have a cut and fill face that exceeds 1.5m in height in the Rural Living zone, therefore do not comply with Rule 12.3.6.2.1 (b) and are considered a **restricted discretionary** activity under Rule 12.3.6.2.

Subdivision

- The proposed subdivision is considered a **discretionary** activity pursuant to Rule 13.7.2.1 (iv) as a number of proposed lots will measure less than 4000m² but greater than 3000m².
- The proposed subdivision is considered a **controlled** activity pursuant to Rule 13.7.3.2 as the site is identified as being subject to natural hazards being flooding and instability.
- The proposed subdivision is considered a **controlled** activity pursuant to Rule 13.7.3.7 "Telecommunications", as the application is seeking to not provide telecommunications to the boundary of the proposed Lots, and to instead allow wireless telecommunications to provide internet and phone services to the site.

5.2 Proposed Regional Plan for Northland 2023

- The recent installation of the concrete channel in the bed of the permanent stream is a **discretionary** activity pursuant to Rule C.2.1.11 Activities in the beds and lakes of rivers, 1) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed of a lake or river. In this instance, retrospective consent will be required.
- The recent vegetation clearance of riparian vegetation at the site is within 10m of a watercourse and exceeds 200m² and is therefore considered a **discretionary** activity pursuant to Rule C.8.4.3. In this instance, retrospective resource consent is required.



- **Controlled** activity for land preparation pursuant to Rule C.8.2.2
- **Discretionary** activity pursuant to Rule C.8.3.4 as the earthworks have and will be undertaken on erosion prone land.

5.3 National Environmental Standard for Freshwater (2020)

As a natural wetland is located within 100 m of the development, resource consent is required under the National Environmental Standard for Freshwater Management (NES – FM).

The wetland survey conducted at the site by Wildlands (refer to Appendix 4) identified a wetland in the north corner of the site and within 100m of the development footprint. This wetland is considered natural under the NES – FM framework.

Whilst proposed earthworks and future dwellings and will be located in excess of 10m from the wetlands, there will be discharge of stormwater within 100m of the wetlands.

For these reasons, the proposal is considered a **non-complying** activity under Regulations 54 (c) wetland.

5.4 NES - Contaminants in Soil 2011

The proposal involves the subdivision of a piece of land that causes it to cease being production land. This is an Activity pursuant to clause 5(8)(c).

As a PSI and DSI have not been carried out for the site, it does not meet the regulations applicable as a Controlled or Restricted Discretionary activity, and therefore Regulation 11 applies.

5.5 Overall Status

The overall activity status of this application is **Non-Complying**.

5.6 Resource Management Act 1991- s95-95E and s104-104B

In terms of notification considerations in sections 95A-95E of the Act the following matters are noted:

- i. public notification is not requested by the applicant
- ii. there are no special circumstances necessitating public notification

As a non-complying activity, the provisions in sections 104 and 104B direct the substantive determination of applications and the following sections of this AEE have regard to the relevant provisions referred to therein.

6 Assessment of Environmental Effects

6.1 Rural Character and Amenity

The Resource Management Act 1991 (RMA) defines amenity values as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The surrounding lawfully established physical environment provides a useful context in terms of evaluating character and amenity effects of the proposal on the existing environment.

The following activities are proposed as part of this application which have the potential to effect residential character and amenity:



- A new road to vest which will be an increase in impervious area and built development within the rural landscape.
- The subdivision will enable the future residential development of Lots 1-24, resulting in future construction activities, more built development in the landscape and/or land disturbance activities.

The proposed subdivision has been designed to utilise existing cleared areas on the site to accommodate additional future building platforms.

The creation of 23 vacant lots, whilst denser than much of the surrounding area, will result in a development that is consistent with the anticipated pattern of development envisaged by the District Plan.

Future residential development on each of the lots could result in additional effects relating to the scale, built form and intensity of use of each lot, including wastewater and stormwater discharges, additional vehicle movements and residential noise. However, these effects are not within the scope of this proposal and will be assessed as part of future resource consents for the development of the future lots.

Each of the proposed allotments has been sufficiently sized and shaped so that a future dwelling can be located on each of the lots that meet the general standards for building areas to achieve the purpose of the zone. The lot layout is logical and not out of the ordinary or resulting in adverse effects that are minor or more than minor.

By utilising the existing cleared areas on the site and avoiding extensive land disturbance, the subdivision will achieve protection of landscape values, including avoiding the need to remove additional vegetation, avoiding future development that would protrude above a notable ridgeline or be visually dominant when viewed from public place.

The future buildings and works will be located away from existing vegetation and wetlands on the site. They will be visible from adjacent properties to the east and south but will generally sit at a lower elevation and, when developed, will not lead to dominance of those adjacent sites.

The initial works from the subdivision will largely comprise a road to the allotments with the built form not commencing on those sites until a period following the titles being issued. That road will be well removed from the adjacent sites to the east and south and will not represent a large change to the existing environment.

The road generally follows the alignment of the existing access through the site and it has been sized to accord with Council standards. The formation of the road will represent a change to the existing site but one that is envisaged by the District Plan. The properties to the east and south are elevated above the level of the site and, as the road, will be cut into the slope, the extent of those works will not be visible from those adjacent sites.

Vegetation clearance has been undertaken on the site but at a lower level than the surrounding sites and is not readily apparent from off-site. In addition, as part of this proposal, considerable additional native vegetation is proposed to partially compensate for the vegetation removed and partially to soften the future development of the site.

The proposal is in keeping with what is a generally supported and expected level of rural-residential development in this immediate area and which is already evident across the landscape. Therefore, potential adverse effects on residential amenity will be less than minor.

6.2 Site servicing effects

Potential future wastewater and stormwater discharges as well as provisions for water and vehicle access to the sites have been assessed by Chester Consultants (refer to Appendices 6 and 7).

In summary, the Engineering Report concludes:



Water Supply

On-site rainwater tanks are proposed for potable water supply which is typical in the surrounding rural area. At the time of the building consent application for the new dwellings on the development site, rainwater tanks are to be designed and installed in accordance with the New Zealand Building Code. Finalised water supply design will be done at building consent for future development of each site.

Fire Fighting

The site is zoned rural living and there is no reticulated water supply network available. As such, at source firefighting water supply solutions need to be utilized. To achieve this, we recommend that a consent notice be placed on the titles that requires firefighting water supplies be made available and established at future development of the lots.

Stormwater

The site is not serviced by public stormwater infrastructure. However, the site currently has 7 existing culverts that run underneath the existing accessway discharging to the existing watercourses.

For the primary storm event, it is proposed to incorporate both public and private infrastructure within the development site to service the development. The primary system is proposed to cater for the 50% AEP storm event.

The road is proposed to be serviced via catchpits and piped infrastructure as well as kerb cutouts to allow discharge to the existing watercourses within the development. Where there are kerb cutouts along the road it is proposed to have rock lined channels that will divert the water to the existing culverts and watercourses. The driveways are proposed to be serviced via catchpits that will discharge to a new stormwater piped system.

The existing culverts within the development site are proposed to be retained for the development. The culverts have been checked for capacity for the 5% AEP storm event and the 20% AEP storm event and found that they all have capacity for post-development conditions.

Every lot is planned to have its own stormwater connection. How each lot's discharges will depend on its location. Lots with road frontage will discharge water through the kerb. Lots near existing streams will discharge into those streams, and lots with access to the pipe network will connect directly into this to discharge further downstream.

An assessment was done to determine the capacity of the existing culvert that runs underneath Paradise Road. This was done to determine the effect the development will have on the tailwater and headwater of that culvert thus affecting the flood levels.

It was found that all 6 culverts can discharge the flows from the 5% AEP and 20% AEP storm event without overtopping the road.

The development does not create high contaminant sources that would default to stormwater quality treatment (SWQT) being required e.g., large car parks, high volume roads etc. The road being constructed is not a high use road and, in our opinion, can be considered a low contaminant generating area. Therefore, the proposed road is not high contaminating generating and does not require SWQT.

Stormwater quality volume of roof areas only is recommended over the development site as the best practical option. This is being achieved by proposing water reuse for each individual lot which itself will provide the retention required.

Regarding stabilisation of the channels, buffer zones have been proposed around the existing streams to allow for planting which will provide a form of channel stabilisation. Additionally, portions of the existing streams have been modified so are not prone to channel erosion.

In our opinion, providing all roof areas are captured in rain tanks, the proposed riparian planting is implemented, and all stormwater discharges are in a controlled manner with erosion and scour protection at the outlet the downstream receiving environment will be adequately protected from potential stream channel erosion.



Wastewater

The site does not have a connection into the public wastewater network as there is no wastewater infrastructure nearby as the site is rural. As such, on-site wastewater treatment and disposal is proposed. Based on the assessment contained in Appendix 6, the proposed lots are suitable to accommodate dwellings serviced by an on-site wastewater treatment and disposal system designed in accordance with AS/NZS 1547:2012.

Telecommunications

The site has good wireless telecommunications services provided via cell phone towers (Spark tower located on Wrathall Road) and wireless phone and internet (4G- which is faster than copper connections) from Spark (Wrathall Road designated telecommunications site for their cell phone tower). For that reason, telecommunications infrastructure is not proposed to be installed each of the property boundaries.

Site servicing conclusion

With regard serving, I rely on the professional advice of Chester Consultants and conclude that the proposed vacant sites can adequately be serviced. The details of which will be provided as part of future dwelling design, therefore potential adverse effects in this regard are de minimis.

6.3 Site Stability and Earthworks

Site stability has been assessed by Soil & Rock Consultants (refer to Appendix 3). With regard to stability and earthworks, the report notes:

- *Several historic land slips and hummocky areas have been identified within the site.*
- *There are areas of wet ground surface below steeper slope areas and at isolated places about the site. Rushes are generally present at these areas, at/near incised smaller gullies or water courses indicating the potential for high groundwater table and/or soil poor drainage.*
- *Site soils are generally slightly to moderately sensitive, with higher sensitivity observed in the sections with greater sand content.*
- *Care is required during construction to ensure the soils are protected to ensure favourable short and long-term subgrade performance. Practical means of protecting the soils include avoidance of vibration-based compaction equipment, protecting the subgrade following initial site clearance by placement of a layer of hardfill, and minimising the passage of heavy or vibrating construction plant. Reference should be made to Section 11.0 of this report regarding subgrade protection measures.*
- *These soils are not conducive to liquefaction (and consequently lateral spread) under any design-level seismic event. Scattered surficial thin layers of very loose to loose sandy silt/silty sand are present throughout the site. Mitigation measures such as removal of this material are recommended.*
- *Various evidence of past instability (both small scale and larger scale) has been observed throughout the site including slumped or undulating/hummocky ground and slips. These features are common in Northland Allochthon Geology indicating the underlying past instability. Any development (dwellings, accessways, services, etc) in these areas will require significant earthworks to ensure the stability risk is adequately mitigated. This will involve possibly construction of engineering structures such as shear keys, palisade/barrier pile walls, and/or deep buttress (counterfort) drains, operating singularly or in combination. Several overland flow paths/watercourses, and ponds with rushes are present throughout the site.*
- *Based on the testing, recommendations were made regarding future lot development, including the accessways.*

We rely on the expert opinion of Soil & Rock Consultants that the identified proposed sites could be developed for residential purposes as can the access road. Provided an appropriate works methodology is adhered to, the proposed works will not exacerbate any land instability hazards or risks to the site or adjacent sites.



No further mitigations are considered necessary at this stage. Relevant recommendations of the geotechnical engineers will be secured by the offered S221 Consent Notice.

17,784m³ of earthworks over a 2.84 hectare is required to enable the site. The maximum depth of cut would be 3.19m.

The earthworks are for the proposed public road, two commonly owned accessways and the private accessway.

Erosion and sediment control (ESC) measures can be implemented to reduce the amount of sediment generated, prior to the commencement of vegetation clearance and earthworks. Specific management and implementation of erosion and sediment control may be used including:

- *Undertaking earthworks and construction during the drier summer months to minimise likelihood of heavy rainfall and extended periods of rainfall.*
- *Minimising duration and amount of exposed earth.*
- *Installation of sediment control bunds to divert clean water around the exposed earth site.*
- *Installation of silt fences/super silt fences in accordance with section F1.3/F1.4 of GD05.*
- *Installation of silt socks in accordance with section F1.5 of GD05.*
- *Installation of sediment erosion ponds*
- *Installation of decanting earth bunds*

Sediment control bunds and/or silt fences and/or silt socks are to be implemented prior to physical earthworks being undertaken.

Minor works are required to install riprap and gabion basket erosion protection at the pipe outlet within the flood extent. This work is proposed within the existing profile of the stream bank and, therefore will have no effect on the streams flood conveyance.

For the aforementioned reasons, any adverse stability or earthworks effects will be less than minor.

6.4 Ecology and Vegetation

Subdivision is proposed on a site that has three identified wetlands and a watercourse. Vegetation clearance and earthworks have been undertaken in those wetlands and near the watercourse. In addition, a length of the watercourse has been concreted. For these reasons, the potential ecological effects of the proposal have been assessed by Wildlands (refer to Appendix 4). The Ecological report concludes:

- *Several areas on the sides of gullies have been recently cleared of vegetation that comprised mostly exotic pest species, and then planted with indigenous species. A substantial area of mostly exotic vegetation has been cleared along a c. 100 metre section of the permanent stream. Within this area a concrete channel (c. 1.5 metre wide) has been constructed along a c. 75 metre section of the stream bed. The gully sides are not steep in this zone but are currently bare of vegetation and susceptible to erosion and small slips. The quality of the fish habitat is low along this stretch of the stream due to lack of vegetation on the stream banks, lack of a natural stream bed and associated instream habitat, and other features associated with the concrete stream channel such as the perched outlet at the downstream end of the channel, which may impede fish passage. It should be noted that there are similar restrictions to fish passage already present due to historic modifications including the construction of a dammed pond and a perched concrete spillway installed by previous landowners downstream of the recent works.*
- *There are opportunities to improve ecological condition from the current state and address ecological issues associated with recent works through more extensive planting of indigenous vegetation along stream banks, wetland buffers, and gully sides, and control of pest plants in existing areas of indigenous vegetation.*



- *To mitigate the loss of natural habitat including fish habitat resulting from the installation of the concrete channel, one approach would be to remove the concrete channel, and re-contour and re-landscape that section of the stream and banks. Works would involve landscaping of the stream bed and intensive planting of the banks. However, this approach would involve considerable earthmoving works with heavy machinery, further disruption to vegetation re-establishing on the stream banks, and risk of further significant erosion of the stream banks and sediment loss into the stream. A preferred approach to mitigate for the loss of fish habitat without removing the concrete channel, is to intensively plant the stream banks with vegetation to shade and overhang the channel to improve fish habitat. To facilitate fish passage, it may be feasible to retrofit the concrete channel with roughness elements such as mixed grade rocks of 150mm to 200mm diameter that are irregularly spaced and no more than 90mm apart to create a diverse flow structure across the channel. Structures to facilitate fish passage should also be installed at perched spillways, including those that were present prior to the stream works occurring. A comprehensive Ecological Management Plan should be prepared to guide ecological improvements as part of the consenting process for the proposed subdivision.*

We rely on the expert opinion of Wildlands that the proposed development can be undertaken in a manner where any potential ecological adverse effects are considered to be less the minor.

Recommendations of the Wildlands assessment are inherent in the proposal and have been adopted by the applicant and form part of this application to ensure that potential adverse effects are avoided, remedied, or mitigated to an acceptable level. These include legal protection of remaining areas of bush and ongoing weed and pest control (refer to Section 10 of this report).

6.5 Traffic and Access Effects

The proposed access to the site has been assessed by TEAM (report attached as Appendix 5) that report noted:

- *The crash history does not highlight any patterns that would indicate that there are any inherent safety issues with the roads configuration that could be cause for concern from a traffic engineering perspective.*
- *The proposed development is considered to have very limited options in terms of public transport.*
- *The proposed configuration of the new road is considered to be suitable for the intended use from a traffic engineering perspective.*
- *The configuration of the cul-de-sac is considered to be suitable for the intended use.*
- *The proposed new intersection configuration is considered to be suitable for the intended use, subject to the removal of vegetation from the road reserve on Wrathall Road to provide acceptable sightlines.*
- *The configuration of the CAWs are considered to be suitable to serve all of the lots that could potentially gain access from them.*
- *The existing turning treatment at the Wrathall Road/SH10 intersection is considered to be appropriate to manage the additional traffic generated by the proposed subdivision.*
- *The anticipated number of additional vehicle trips is low from a traffic operational perspective and will be barely noticeable in the surrounding area and on this basis, there is not expected to be any adverse effects on the surrounding network.*

We rely on the expert opinion of TEAM that the proposal can be adequately accessed, ensure vehicle safety, and that any adverse effects in this regard are considered to be less the minor.

6.6 Contamination

The site is currently pasture and there is no evidence that there have been any activities on the site that could have led to contamination. It is noted that approved Consent RC: 2190490 did not consider the



site to be subject to contamination. Since that application, nothing has changed on the site to led to a altering of that stance.

For the aforementioned reasons, any adverse effect from contamination will be less than minor.

6.7 Flooding

The site has identified watercourses and overland flow paths and therefore the potential to be subject to flooding. Chester Consultants (report attached as Appendix 6) have addressed the potential flooding on the site.

All overland flow paths are well defined with the flood hazard being confined to gullies. All proposed Lots have building areas clear of the flood hazard and overland flow paths.

The main consideration with respect to flooding is the potential downstream effect. The flood-prone area downstream of the site is influenced by two contributing catchments. These catchments are referred to as the "western" and "eastern" catchments for the purpose of this analysis.

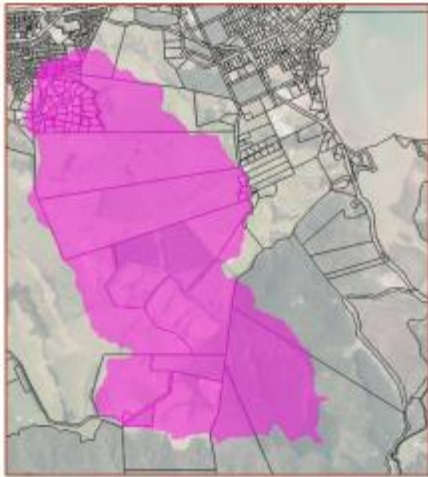


Figure 4-3: Western Catchment

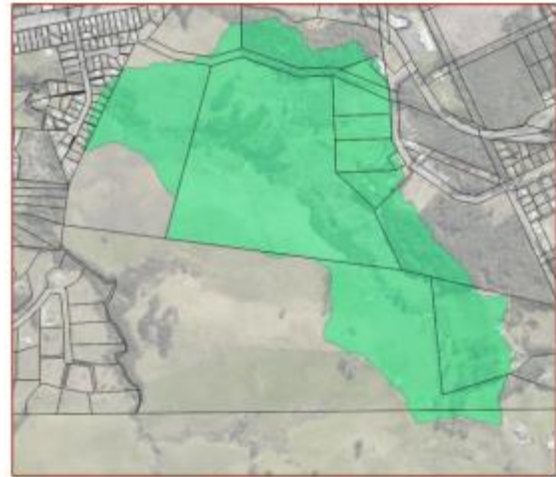


Figure 4-4: Eastern Catchment

Figure 7: Flooding catchments

The assessment found that the proposed development leads to an increase in flow for storm events within the eastern catchment. Similarly, when both catchments' hydrographs are considered together, the development contributes to increased peak flows. However, when attenuating the eastern catchment back to its pre-development flow conditions and combining the hydrographs of the western catchment at maximum probable development (MPD) and the eastern catchment at MPD with attenuation, it becomes apparent that the expected peak flows exceed those when the eastern catchment remains unattenuated. This is likely due to the merging of two peak flows during attenuation. In contrast, when we do not apply attenuation, the peak flows from the eastern catchment reach the junction before the western catchment's flows, resulting in a lower combined flow. Therefore, it is our opinion that attenuation of the larger storm events be avoided due to the coinciding of the two peak flows from the two catchments. This is discussed further in the stormwater section of this report.

Given the nature of the flooding within the development site, we recommend the following building controls which have been considered in the subdivision proposal:

- All proposed dwellings and associated accessways are to be located clear of the 100-year ARI Flood Extent.
- At a minimum, all proposed dwellings are to maintain a 1m (minimum) freeboard above the 100-year ARI Flood Extent perpendicular to the direction of flow at the upstream boundary of the dwelling.



We note that all proposed lots build areas achieve the above by default therefore the minimum requirements set out in clause E1 of the New Zealand Building Code will be suitable to manage the proposed sites flood risk. We do not anticipate the need for any Lot specific consent notices regarding flooding.

6.8 Positive Effects

The proposal will provide for the long-term protection and management of indigenous vegetation at the site. New residential sites will be created which is a positive social and economic effect for future owners and occupiers, while adding to the housing provision in the wider Mangōnui area.

6.9 Summary

Overall, it is considered that the proposal will have no more than minor adverse effects upon the surrounding environment.

7 Notification Assessment

7.1 Public Notification Assessment (s95A)

7.1.1 Step 1 - Mandatory in certain circumstances

The application does not meet any of the criteria under s95A(3), therefore public notification is not required by Step 1.

7.1.2 Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95A(5), therefore public notification is not precluded by Step 2.

7.1.3 Step 3 (Part 1) - Required by rule

The application does not require public notification under s95A(8), therefore Step 3 of the Public Notification assessment is to be continued below.

7.1.4 Step 3 (Part 2) - Effects on wider environment assessment (s95D)

In accordance with s95D, the application will not have and is not likely to have adverse effects on the environment that are more than minor, therefore public notification is not required by Step 3.

7.1.5 Step 4 - Special circumstances

It is considered that no special circumstances warranting public notification of the application exist, therefore public notification is not required by Step 4.

7.2 Limited Notification Assessment (s95B)

7.2.1 Step 1 - Certain affected groups and affected persons must be notified

No affected groups and/or affected persons have been identified in relation to the application (under s95B(2) and s95B(3)), therefore, no limited notification is required under Step 1.

7.2.2 Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95B(6), therefore limited notification is not precluded by Step 2.



7.2.3 Step 3 - Affected persons assessment (s95E)

The application does not meet either of the criteria under s95B(7)-(8) and does not result in any persons considered to be affected persons in accordance with s95E, therefore limited notification is not required by Step 3.

7.2.4 Step 4 - Special circumstances

It is considered that no special circumstances warranting limited notification of the application exist, therefore no one else is to be notified under Step 4.

7.3 Notification Conclusion

The steps set out in s95A and s95B of the RMA were followed to determine whether public or limited notification is warranted for this application. Overall, it is considered that no circumstances warranting public or limited notification exist, therefore the application can be processed on a non-notified basis.

8 Section 104 Assessment

8.1 Actual, Potential and Positive Effects (s104(1)(a)-(ab))

The actual and potential effects of the proposal on the environment have been assessed to be less than minor in the preceding sections of this report.

8.2 Relevant Statutory Documents

8.2.1 NPS – Freshwater 2020

| 2.1 Objective | |
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| <p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <p>(a) first, the health and well-being of water bodies and freshwater ecosystems</p> <p>(b) second, the health needs of people (such as drinking water)</p> <p>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p> | <p>Wildlands have assessed the work on the site and the remainder that is proposed. They have made recommendations for remedial works and future works that will mitigate the effects of works done and avoid the effects from future work.</p> <p>The proposal is consistent with these Objectives.</p> |
| 2.2 Policies | |
| <p>1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p> <p>2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.</p> | <p>Wildlands have undertaken an assessment of the work on the site and the remainder that are proposed. They have made recommendations for remedial works and future works that will mitigate effects of works done and avoid effect from future work.</p> |



- 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- 4: Freshwater is managed as part of New Zealand's integrated response to climate change.
- 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
- 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
- 7: The loss of river extent and values is avoided to the extent practicable.
- 8: The significant values of outstanding water bodies are protected.
- 9: The habitats of indigenous freshwater species are protected.
- 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.
- 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.
- 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.
- 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.
- 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.
- 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

The proposal will be consistent with the relevant Policies.



8.2.2 Far North District Council District Plan Objectives and Policies

| 2.7 Tangata Whenua Objectives | |
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| <p>2.7.1 Through the provisions of the Resource Management Act, to give effect to the rights guaranteed to Maori by Te Tiriti O Waitangi (Treaty of Waitangi).</p> <p>2.7.2 To enable Maori to develop and manage their land in a manner which is consistent with sustainable management of the natural and physical resources of the District as a whole.</p> <p>2.7.3 To recognise and provide for the protection of waahi tapu and other ancestral sites and the mauri (life force) of natural and physical resources.</p> | <p>Wildlands have undertaken an assessment of the work on the site and the remainder that are proposed. They have made recommendations for remedial works and future works that will mitigate effects of works done and avoid effects from future work.</p> <p>The proposal is consistent with these Objectives.</p> |
| 2.8 Tangata Whenua Policies | |
| <p>2.8.1 That Council will provide opportunities for the involvement of tangata whenua in the sustainable management of the natural and physical resources of the District.</p> <p>2.8.2 That tangata whenua be consulted over the use, development or protection of natural resources where these affect their taonga.</p> <p>2.8.3 That the Council will have regard to relevant provisions of any whanau, hapu or iwi resource management plans, taiapure plans or mahinga mataitai plans.</p> <p>2.8.4 That development on ancestral land will be provided for, consistent with the requirement for sustainable management of resources.</p> <p>2.8.5 That waahi tapu and other taonga be identified and protected by provisions in the Plan.</p> | <p>Wildlands have undertaken an assessment of the work on the site and the remainder that are proposed. They have made recommendations for remedial works and future works that will mitigate effects of works done and avoid effect from future work.</p> <p>The proposal will be consistent with the relevant Policies.</p> |
| 8.3 Rural Objectives | |
| <p>8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.</p> <p>8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.</p> <p>8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.</p> | <p>The proposed lots will represent a change in the density of the surrounding area. The existing site measures 18.4 hectares in area and the proposed lots will range between 3980m² and 2.85 hectares.</p> <p>The proposed allotments will be too small to have a productive rural use and that is acknowledged in the reduced density for the Rural Living zoned sites.</p> |



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| <p>8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>8.3.5 To protect outstanding natural features and landscapes.</p> <p>8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.</p> <p>8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.</p> <p>8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.</p> <p>8.3.9 To enable rural production activities to be undertaken in the rural environment.</p> <p>8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.</p> | <p>The subject site does not contain any known high productive soils. The proposal will result in twelve lifestyle residential titles, and one Lot to vest as a legal road (Lot 100). The size of each lifestyle/residential Lot ranges from 1.1ha to 2.5ha which will allow for both residential and lifestyle use. Therefore, it is not considered that the life supporting capacity of soils will be adversely affected by the proposal.</p> <p>Lots 5 and 9 – 12, at the south end of the site will be located adjacent to productive farm. However, it is noted that site is located in the same Rural Living zone as the subject site and will likely be developed at some stage in the future.</p> <p>Vegetation has been cleared on the site but, as noted in the Wildlands report, that clearance is acceptable provided remedial planting is undertaken on the site.</p> <p>The proposal is fully consistent with the relevant Objectives.</p> |
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| <p>8.4 Rural Policies</p> | |
| <p>8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.</p> <p>8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.</p> <p>8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.</p> <p>8.4.4 That development which will maintain or enhance the amenity value of the rural</p> | <p>As noted above, it is considered that the continued lifestyle/rural use of the proposed Lots is consistent with the existing character and use of sites in the locality.</p> <p>The proposal will result in 23 residential allotments and a new public road. The residential allotments are of a size which will not allow production use, however the rural living zone is not anticipated as a production zone. The area to be vested as a road, already contains an existing metalled driveway. Therefore, it is not considered that the proposal will have adverse effects on the life supporting capacity of soils or ecosystems as no physical works are proposed and the large size of the allotments will allow for sustained production opportunities such as grazing.</p> <p>The subject sites are not located within areas containing natural features or landscapes and the wetland areas will be protected. The subject site does not contain any known high productive soils and is utilised for lifestyle purposes and pastoral</p> |



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| <p>environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.</p> <p>8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).</p> <p>8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.</p> <p>8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.</p> <p>8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.</p> | <p>grazing purposes. This use will continue within the proposed new Lots.</p> <p>The amenity of the rural environment is not considered to be compromised by the proposal, as the development is considered to be consistent with the character of the Lots in the surrounding area. The property does not contain any outstanding landscapes and any wetland areas will be protected from development. The amenity of the locality is considered to be maintained by the proposal.</p> <p>The rural environment in the Far North is varied and diverse. The amenity in the locality of this site is lifestyle and rural grazing blocks that are developed with dwellings and rural buildings. The sites in the area are developed as lifestyle blocks that benefit from the rural type setting. The proposed allotment sizes are considered to be consistent with the character of the Lots within the locality. There are sites located adjacent to the subject site which are smaller in area, and sites across the road which are similar in area. The proposed Lots provide opportunities for both lifestyle and production purposes to occur due to the large size of the allotments.</p> <p>The proposal is considered to be consistent with the landuse activities in the locality (being lifestyle and pastoral grazing). The proposal is considered to result in less than minor reverse sensitivity effects. As previously discussed, the proposed allotments are considered to be consistent with the character and amenity of the locality and the rural environment. The scale and intensity of the proposed subdivision is appropriate in the context of the site location.</p> <p>The proposal will be consistent with the relevant Policies.</p> |
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| <h3>8.7.3 Rural Living Objectives</h3> | |
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| <p>8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.</p> <p>8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment.</p> | <p>The proposed lots sizes will range between 3793m² and 2.85 hectares and will therefore be consistent with those anticipated for this area. The site has a general slope down toward a valley in the middle and west side. That slope will mean the lots (and future built form) will be generally lower than the established sites to the east.</p> |



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| | The proposal is fully consistent with the relevant Objectives. |
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8.7.4 Rural Living Policies

8.7.4.1 That a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.

8.7.4.2 That the Rural Living Zone be applied to areas where existing subdivision patterns have led to a semi-urban character but where more intensive subdivision would result in adverse effects on the rural and natural environment.

8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for onsite effluent disposal.

8.7.4.4 That no limits be placed on the types of housing and forms of accommodation in the Rural Living Zone, in recognition of the diverse needs of the community.

8.7.4.5 That non-residential activities can be established within the Rural Living Zone subject to compatibility with the existing character of the environment.

8.7.4.6 That home-based employment opportunities be allowed in the Rural Living Zone.

8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.

8.7.4.8 That the scale and intensity of activities other than a single residential unit be commensurate with that which could be expected of a single residential unit.

8.7.4.9 That activities with effects on amenity values greater than a single residential unit could be expected to have, be controlled so as to avoid, remedy or mitigate those adverse effects on adjacent activities.

8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites.

8.7.4.11 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon

The development of the subdivision has been designed in a way which allows for the continued production use of the site as well as residential activities to occur. This is due to the relatively large size of the residential allotments which range from 3793m² to 2.85 hectares in area. The proposal is considered to be consistent with other development within in the area where lifestyle blocks have been developed into residential allotments. Therefore, the effects of this development are considered to be compatible with others in the locality.

The subdivision is considered a relatively low-density development where only twenty three residential allotments will be created with sizes ranging from 3793m² to 2.8 hectares in area. This is consistent with other development in the area. Therefore, no adverse effects on the rural and natural environment are anticipated as a result of the proposal.

The size of each proposed residential allotment is relatively large with sizes ranging from 3793m² to 2.85 hectares in area. Therefore, it is considered that there is sufficient land associated with any future household unit to provide for outdoor activities as well as sufficient land for on-site effluent disposal. It is considered that wastewater can be achieved within the proposed allotments. All 23 proposed residential Lots have sufficient area available for the disposal of domestic wastewater under typical loading conditions. Provided that the recommendations of this report are implemented, it is considered that the subdivision is feasible from the perspective of on-site wastewater disposal and resulting in a less than minor effect on the receiving environment.

No housing is proposed as part of this particular application. However, it is anticipated that the proposed Lots will be sold and used for rural lifestyle purposes in the future. The large area of the proposed allotments will allow for various choices of housing types and forms of accommodation in recognition of the diverse needs of the community.



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| <p>Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.</p> <p>8.7.4.12 That the Council maintains discretion over new connections to a sewerage system to ensure treatment plant discharge quality standards are not compromised (refer to Rule 13.7.3.5).</p> | <p>The large area of the proposed allotments will allow for residential activities as well as production activities to occur. The surrounding environment also consists of rural lifestyle allotments; therefore, this proposal is considered compatible with the existing character of the environment.</p> <p>It is anticipated that the allotments will be sold and used for residential purposes. The large area of the proposed allotments will allow for ample home-based employment opportunities.</p> <p>The proposed allotments are large in area which allow for adequate access to sunlight and daylight.</p> <p>This is a relatively low scale, low intensity development where twenty three residential allotments will be created.</p> <p>The lifestyle allotments (ranging between 3793m² and 2.85 hectares in area) are large in area which allows for a reasonable level of privacy in itself.</p> <p>The residential allotments of this subdivision, are relatively large in area allowing ample space for adequate effluent disposal systems to be installed. An engineering report has been provided to address on-site effluent disposal site suitability.</p> <p>The proposal will be consistent with the relevant Policies.</p> |
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| 12.3.3 Soil and Minerals Objectives | |
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| <p>12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.</p> <p>12.3.3.2 To maintain the life supporting capacity of the soils of the District.</p> <p>12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.</p> <p>12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.</p> | <p>This application will involve earthworks to create the access road into the site. The proposed lots will be undeveloped at this stage.</p> <p>The site is not currently used for rural production and is zoned for lifestyle rather than rural use. Therefore, whilst there will be earthworks and loss of potentially productive soils, there will be no change to the existing production from the site or that anticipated for the site.</p> <p>The proposal is consistent with these Objectives.</p> |



| 12.3.4 Soil and Minerals Policies | |
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| <p>12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.</p> <p>12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.</p> <p>12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where:</p> <p>(a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living;</p> <p>(b) there are significant ecological, landscape, cultural, spiritual or heritage values;</p> <p>(c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;</p> <p>(d) natural hazards may pose unacceptable risks.</p> <p>12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.</p> <p>12.3.4.5 That soil conservation be promoted.</p> <p>12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.</p> | <p>An erosion and sediment control plan has been prepared for the application. That plan will require the controls to be in place throughout the duration of the works and until the land is stabilised.</p> <p>The geotechnical report identified areas on the site that are subject to instability. The lot location and proposed works reflect those areas of instability.</p> <p>The proposal will be consistent with the relevant Policies.</p> |

| 12.4.3 Natural Hazards Objectives | |
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| <p>12.4.3.1 To reduce the threat of natural hazards to life, property and the environment, thereby to promote the well being of the community.</p> <p>12.4.3.2 To ensure that development does not induce natural hazards or exacerbate the effects of natural hazards.</p> | <p>The site is identified as containing a floodplain. That floodplain is located toward the centre west part of the site. No building platforms are proposed to be located in that portion of the site. The assessment (attached as Appendix 6) determined that any potential flooding on the site would not adversely affect the future dwellings, adjacent sites or the surrounding area.</p> |



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| <p>12.4.3.3 To ensure that natural hazard protection works do not have adverse effects on the environment.</p> <p>12.4.3.4 To ensure that the role in hazard mitigation played by natural features is recognised and protected.</p> <p>12.4.3.5 To improve public awareness of natural hazards as a means of helping people to avoid them.</p> <p>12.4.3.6 To take into account reasonably foreseeable changes in the nature and location of natural hazards.</p> <p>12.4.3.7 To avoid fire risk arising from the location of residential units in close proximity to trees, or in areas not near fire fighting services.</p> | <p>The geotechnical report (attached as Appendix 3) identified several areas of the site that were potential unstable and should not be built on. Those areas have been excluded from the proposed building platforms.</p> <p>The proposal is consistent with these Objectives.</p> |
| <p>12.4.4 Natural Hazards Policies</p> | |
| <p>12.4.4.1 That earthworks and the erection of structures not be undertaken in areas where there is a significant potential for natural hazards unless they can be carried out in such a way so as to avoid being adversely affected by the natural hazards, and can avoid exacerbating natural hazards.</p> <p>12.4.4.2 That the natural character of features, such as beaches, sand dunes, mangrove areas, wetlands and vegetation, which have the capacity to protect land values and assets from natural coastal hazards, is protected and enhanced.</p> <p>12.4.4.3 That protection works for existing development be allowed only where they are the best practicable option compatible with sustainable management of the environment.</p> <p>12.4.4.4 That the sea level rise, as predicted by the Intergovernmental Panel of Climate Change or Royal Society of NZ, be taken into account when assessing development in areas potentially affected.</p> <p>12.4.4.5 That information on known natural hazards be made available in order that the public can make informed resource management decisions.</p> <p>12.4.4.6 That the adverse effects on people, property and the environment from coastal hazards in Coastal Hazard Areas, as identified by the Northland Regional Council, are avoided.</p> | <p>The site is identified as containing a floodplain. That floodplain is located toward the centre west part of the site. No building platforms are proposed to be located in that portion of the site. The assessment (attached as Appendix 6) determined that any potential flooding on the site would not adversely affect the future dwellings, adjacent sites or the surrounding area.</p> <p>The geotechnical report (attached as Appendix 3) identified several areas of the site that were potential unstable and should not be built on. Those areas have been excluded from the proposed building platforms.</p> <p>The proposal will be consistent with the relevant Policies.</p> |



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| <p>12.4.4.7 That the risk to adjoining vegetation and properties arising from fires be avoided.</p> <p>12.4.4.8 That the location, intensity, design and type of new coastal subdivision, use and development be controlled so that the need for hazard protection works is avoided or minimised.</p> <p>12.4.4.9 That the role of riparian margins in the mitigation of the effects of natural hazards is recognised and that the continuing ability of riparian margins to perform this role be assured.</p> | |
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| 13.3 Subdivision Objectives | |
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| <p>13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.</p> <p>13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.</p> <p>13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.</p> <p>13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.</p> <p>13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.</p> <p>13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or</p> | <p>There are areas of the site that have been identified as containing a watercourse, wetland and potentially unstable. The proposed lots have been laid out to ensure future development can take place without impacting on or being impacted on by those features or hazards.</p> <p>The proposed lots have been appropriated sized and shaped to enable future dwellings to be established that will meet the relevant bulk and location rules of the District Plan.</p> <p>Servicing for the proposed allotments has been undertaken and is considered to be acceptable.</p> <p>The proposal is consistent with these Objectives.</p> |



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| <p>may have been compromised by past land management practices.</p> <p>13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.</p> <p>13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.</p> <p>13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).</p> <p>13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.</p> <p>13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.</p> | |
| <p>13.4 Subdivision Policies</p> | |
| <p>13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:</p> <ul style="list-style-type: none"> (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses. <p>13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.</p> | <p>There are areas of the site that have been identified as containing a watercourse, wetland and potentially unstable. The proposed lots have been laid out to ensure future development can take place without impacting on or being impacted on by those features or hazards.</p> <p>The proposed lots have been appropriated sized and shaped to enable future dwellings to be established that will meet the relevant bulk and location rules of the District Plan.</p> <p>Power lines to cross a portion of the site in and east – west direction. The lots and access have been designed so that building platforms and the access can be well clear of those lines.</p> <p>The proposal will be consistent with the relevant Policies.</p> |



13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

- (a) result in increased demands on car parking associated with non-residential activities; or
- (b) result in increased demand for esplanade areas; or
- (c) involve adverse effects on riparian areas; or
- (d) depend on the assimilative capacity of the environment external to the site.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.

13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.



13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns.

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area.

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas.

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004).

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests.

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into



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| <p>account when considering the intensity, design and layout of any subdivision.</p> <p>13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:</p> <p>(a) development of energy efficient buildings and structures;</p> <p>(b) reduced travel distances and private car usage;</p> <p>(c) encouragement of pedestrian and cycle use;</p> <p>(d) access to alternative transport facilities;</p> <p>(e) domestic or community renewable electricity generation and renewable energy use.</p> <p>13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:</p> <p>(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;</p> <p>(b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures;</p> <p>(c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.</p> | |
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In summary, for the reasons set out in Table 1 and otherwise having regard to the assessment of effects (including relevant assessment matters), the proposal is considered to be consistent with the relevant provisions of the District Plan.

8.2.3 Proposed Regional Plan for Northland Objectives and Policies

| D. Policies | |
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| <p>D.4.1 Maintaining overall water quality</p> <p>When considering an application for a resource consent to discharge a contaminant into water or onto or into land where it may enter water or onto land where it may enter water:</p> <p>1) ensure that the quality of fresh and coastal water is at least maintained, and</p> | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the freshwater quality is maintained.</p> |



2) where a water quality standard in H.3 Water quality standards and guidelines is currently met:
a) ensure that the quality of water in a river, lake or the coastal marine area will continue to meet the standards in H.3 Water quality standards and guidelines; and b) consider whether any improvements to water quality are required in order to achieve F.1.2 Water quality;

3) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded, ensure that any resource consent for a new discharge will not, or is not likely to, cause or contribute to a further exceedance of a water quality standard in H.3 Water quality standards and guidelines;

4) where a water quality standard in H.3 Water quality standards and guidelines is currently exceeded and the exceedance of the water quality standard is caused or contributed to by an existing activity for which a replacement resource consent is being considered, ensure any replacement resource consent granted for the existing discharge includes a condition(s) that: a) requires the quality of the discharge to be improved over the term of the consent to reduce the contribution of the discharge to the exceedance of the water quality standard in H.3 Water quality standards and guidelines; and b) sets out a series of time bound steps, demonstrating how the activity will be managed to achieve the water quality improvements required by (4)(a).

5) ensure that the discharge will not cause an acute toxic adverse effect within the zone of reasonable mixing

6) where a discharge will, or is likely to, cause or contribute to: a) an exceedance of the coastal sediment quality guidelines in H.3.4 Coastal sediment quality guidelines, or b) a transitory exceedance of the toxicants, metals and metalloids standard in Table 22: Water quality standards for ecosystem health in rivers, and the activity is associated with the establishment, operation, maintenance or upgrade of Regionally Significant Infrastructure, determine whether higher levels of contaminants in the particular location affected by the discharge can be provided for while still achieving F.1.2 Water quality, and set appropriate levels of contaminants in accordance with best practice methodology to safeguard the ecosystem values present at the location affected by the discharge; and

The proposal will be consistent with these policies.



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| <p>7) where existing water quality is unknown, or the effect of a discharge on water quality is unknown, the activity must be managed using a precautionary approach, which may include adaptive management.</p> | |
| <p>D.4.5 Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017</p> <p>1) When considering an application for a discharge, the consent authority must have regard to the following matters: a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of freshwater including on any ecosystem associated with freshwater, and b) the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater, and on any ecosystem associated with freshwater resulting from the discharge will be avoided.</p> <p>2) When considering an application for a discharge, the consent authority must have regard to the following matters: a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with freshwater, and b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with freshwater resulting from the discharge will be avoided.</p> <p>3) This policy applies to the following discharges (including a diffuse discharge by any person or animal): a) a new discharge, or b) a change or increase in any discharge of any contaminant into freshwater, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering freshwater.</p> <p>4) Condition (1) of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.</p> <p>5) Condition (2) of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect.</p> | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the freshwater quality is maintained.</p> <p>The proposal will be consistent with these policies.</p> |



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| <p>D.4.19 Transitional policy under Policy B7 of the National Policy Statement for Freshwater Management 2017</p> <p>1) When considering any application, the consent authority must have regard to the following matters: a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem, and b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.</p> <p>2) This policy applies to: a) any new activity, and b) change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of freshwater or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).</p> <p>3) This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.</p> | |
| <p>D.4.21 Land drainage</p> <p>Land drainage activities that require consent must:</p> <p>1) maintain bed and bank stability, and</p> <p>2) ensure that peatlands are not adversely affected, and</p> <p>3) ensure that significant adverse effects on groundwater levels are avoided, and</p> <p>4) ensure the effects of ground subsidence from dewatering are avoided, or where avoidance is not possible, remedied or mitigated, and</p> <p>5) maintain the values of natural wetlands, and</p> <p>6) maintain existing fish passages and where possible, encourage development of new fish passage opportunities.</p> | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the freshwater quality is maintained.</p> <p>In addition, the proposal has been subject to geotechnical and civil assessments (Appendices 3 and 6, respectively).</p> <p>The proposal will be consistent with these policies.</p> |
| <p>D.4.22 Natural wetlands – requirements</p> | <p>The existing site, the works that have been carried out and the proposed works and subdivision have</p> |



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| <p>Activities affecting a natural wetland:</p> <ol style="list-style-type: none"> 1) must maintain the following important functions and values of wetlands: a) water purification and nutrient attenuation, and b) contribution to maintaining stream flows during dry periods, and c) peak stream flow reduction, and d) providing habitat for indigenous flora and fauna, including ecological connectivity to surrounding habitat, and e) recreation, amenity and Natural Character values, and 2) avoid, remedy, or mitigate adverse effects on important wetland functions and values so they are not significant, or 3) must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands are no more than minor. | <p>been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the natural wetlands are maintained and enhanced.</p> <p>The proposal will be consistent with these policies.</p> |
| <p>D.4.23 Natural inland wetlands</p> <p>The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</p> <ol style="list-style-type: none"> 1) the loss of extent or values arises from any of the following: a) the customary harvest of food or resources undertaken in accordance with tikanga Māori; b) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management) activities; c) scientific research; d) the sustainable harvest of sphagnum moss; e) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); f) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); g) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or 2) the Regional Council is satisfied that: a) the activity is necessary for the construction or upgrade of specified infrastructure; and b) the specified infrastructure will provide significant national or regional benefits; and c) there is a functional need for the specified infrastructure in that location; and d) the effects of the activity are managed through applying the effects management hierarchy; or | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the natural wetlands are maintained and enhanced.</p> <p>The proposal will be consistent with these policies.</p> |



3) the Regional Council is satisfied that: a) the activity is necessary for the purpose of urban development that contributes to a wellfunctioning urban environment (as defined in the National Policy Statement on Urban Development); and b) the urban development will provide significant national, regional or district benefits; and c) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and 261 d) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and e) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and f) the effects of the activity will be managed through applying the effects management hierarchy; or

4) the Regional Council is satisfied that: a) the activity is necessary for the purpose of quarrying activities; and b) the extraction of the aggregate will provide significant national or regional benefits; and c) there is a functional need for the activity to be done in that location; and d) the effects of the activity will be managed through applying the effects management hierarchy; or

5) the Regional Council is satisfied that: a) the activity is necessary for the purpose of: i. the extraction of minerals (other than coal) and ancillary activities; or ii. the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and b) the extraction of the mineral will provide significant national or regional benefits; and c) there is a functional need for the activity to be done in that location; and d) the effects of the activity will be managed through applying the effects management hierarchy; or

6) is required to support the extraction of aggregates as referred to in condition (4); or

7) is required to support the extraction of minerals as referred to in condition (5); and a) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and b) the effects of the activity will be managed through applying the effects management hierarchy.”



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| <p>D.4.24 Wetland – values</p> <p>When considering resource consents for activities in wetlands, recognise:</p> <ol style="list-style-type: none"> 1) the benefits of wetland creation and restoration, and the enhancement of wetland functions, and 2) that the values of induced wetlands or reverted wetlands are likely to relate to: a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that do not require maintenance are of greater value), and 3) that the consent duration should be for as long as active restoration or enhancement works are required. <p>D.4.25 Freshwater fish</p> <p>When considering resource consent applications for activities in freshwater bodies recognise:</p> <ol style="list-style-type: none"> 1) that in the absence of alternative evidence, most Northland continually or intermittently flowing rivers and some lakes and natural wetlands provide habitat for threatened or at risk indigenous fish species, and 2) that all fish species have varying degrees of sensitivity to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and 3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and 4) opportunities to reduce the risk of spreading or introducing pest species, and 5) the benefits of avoiding: a) activities in continually or intermittently flowing rivers during fish migration periods, and b) spawning habitat disturbance, particularly during spawning periods. | |
| <p>D.4.27 Land preparation, earthworks and vegetation clearance</p> <p>When assessing an application for a resource consent for an earthworks, vegetation clearance or land preparation activity and any associated discharge of a contaminant, ensure that the activity:</p> | <p>The proposed earthworks will be limited to the formation of the access.</p> <p>Earthworks will be subject to erosion and sediment controls that will be in place for the duration of the earthworks.</p> |



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| <p>will be done in accordance with established good management practices, and</p> <p>avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on:</p> <ul style="list-style-type: none"> a) drinking water supplies, and b) areas of high recreational use, and c) aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation | <p>The proposal is consistent with the relevant Policies.</p> |
| <p>F. Objectives</p> | |
| <p>F.1.1 Freshwater quantity</p> <p>Manage the taking, use, damming and diversion of freshwater so that:</p> <ul style="list-style-type: none"> 1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater are safeguarded and the health of freshwater ecosystems is maintained, and 2) the significant values, including hydrological variation in Outstanding Freshwater Bodies and natural wetlands are protected, and 3) the extent of littoral zones in lakes are maintained, and 4) rivers have sufficient flows and flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish and valued introduced species such as trout, and 5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and 6) adverse effects associated with saline intrusion and land subsidence above are avoided (except where the taking, use, damming or diversion is for groundwater management at the Marsden Point refinery, in which case this condition does not apply), and 7) it is a reliable resource for consumptive and non-consumptive uses. | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from Wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the freshwater quality is maintained.</p> <p>The proposal will be consistent with these objectives.</p> |



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| <p>F.1.2 Water quality</p> <p>Manage the use of land and discharges of contaminants to land and water so that:</p> <ol style="list-style-type: none"> 1) existing water quality is at least maintained, and improved where it has been degraded below the river, lake or coastal water quality standards set out in H.3 Water quality standards and guidelines, and 2) the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and the health of freshwater ecosystems is maintained, and 4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and 5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and 6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and 7) the significant values of Outstanding Freshwater Bodies and natural wetlands are protected, and 8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for. | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the freshwater quality is maintained.</p> <p>The proposal will be consistent with these objectives.</p> |
| <p>F.1.3 Indigenous ecosystems and biodiversity</p> <p>In the coastal marine area and in freshwater bodies, safeguard ecological integrity by:</p> <ol style="list-style-type: none"> 1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and 2) maintaining regional indigenous biodiversity, and 3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally threatened or at risk species, and 4) preventing the introduction of new marine or freshwater pests into Northland and slowing the | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure indigenous ecosystems and biodiversity are maintained.</p> <p>The proposal will be consistent with these objectives.</p> |



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| <p>spread of established marine or freshwater pests within the region.</p> | |
| <p>F.1.4 Fish passage</p> <p>The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</p> | <p>The existing site, the works that have been carried out and the proposed works and subdivision have been assessed by ecologists from Wildland Consultants (report attached as Appendix 4). That assessment includes mitigation measures that will ensure the fish passage is maintained. It is noted that there is currently limited fish passage in parts due to the perched outlet from the existing pond.</p> <p>The proposal will be consistent with these objectives.</p> |
| <p>F.1.5 Enabling economic well-being</p> <p>The use and development of Northland’s natural and physical resources is efficient and effective and managed in a way that will improve the economic, social and cultural well-being of Northland and its communities.</p> | <p>The proposed 23-lot residential subdivision will enable more housing in an area of Northland that has been identified for intensification to a greater level than currently exists.</p> <p>The proposal is consistent with this objective.</p> |
| <p>F.1.10 Natural hazard risk</p> <p>The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:</p> <ol style="list-style-type: none"> 1) increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events and the potential impacts on coastal biodiversity values, and 2) becoming better prepared for the consequences of natural hazard events, and 3) avoiding inappropriate new development in 100 year flood hazard areas and coastal hazard areas, and 4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and 5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and 6) promoting long-term strategies that reduce the risk of natural hazards impacting on people, communities and natural systems, and | <p>The subject site has been identified, by Soil and Rock Consultants (Appendix 3) as having areas that are subject to instability. Those areas have been excluded from residential development at this stage.</p> <p>The land development report (Appendix 6) has identified areas of the site that are subject to flooding. Each of the sites that have the areas of flooding are sufficiently large that building platforms will be able to be created that are not subject to flooding.</p> <p>The proposal is consistent with these objectives.</p> |



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| <p>7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard prone areas, and</p> <p>8) anticipating and providing for, where practicable, landward migration of coastal biodiversity values affected by sea level rise and natural hazard events.</p> | |
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In summary, for the reasons set out in Table 2 and otherwise having regard to the assessment of effects (including relevant assessment matters), the proposal is considered to be consistent with the relevant provisions of the Proposed Regional Plan for Northland.

8.3 Non-complying Activities (s104D)

The proposal is a non-complying activity and therefore a determination in relation to the s104D Gateway test must be undertaken. Consent cannot be granted to a non-complying activity if the effects of the proposal on the environment are more than minor or if the proposal is contrary to relevant objectives and policies.

The assessment undertaken demonstrates that the actual adverse effects of the proposal on the environment are less than minor and the proposal is in keeping with the majority of the relevant objectives and policies of the relevant Plan. The proposal therefore passes both of the branches of the Gateway test and can be granted. The merits of the application can therefore be considered in relation to s104 and s104B.

All relevant matters that need to be considered for the s104 assessment have been addressed in the preceding sections of this report. There is no prohibition under s104D of the RMA on granting this non-complying activity proposal.

In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents.

8.4 Other Matters

8.4.1 Mitigation Measures

Based on the assessment of effects in the previous section, no particular mitigation measures are considered necessary for this proposal.

8.4.2 Consideration of Alternatives

The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. Therefore, an assessment of alternatives is not required.

8.5 Conclusion

In summary, for the reasons set out in Table 1 and otherwise having regard to the assessment of effects (including relevant assessment matters), the proposal is considered to be consistent with the relevant provisions of the NES Freshwater, Northland Regional Plan and the FNDC District Plan.



9 Other Relevant RMA Sections

9.1 Subdivision (s106)

Under s106 of the RMA, there are no grounds to refuse consent as:

- There is no significant risk from natural hazards and future development will be subject to the requirements of the geotechnical report, secured by conditions of consent. The geotechnical assessment included an assessment of the likelihood of the natural instability hazards occurring; the material damage that would result from natural hazards to the land where the consent is sought, other land, or structures; and any likely subsequent use of the land that would accelerate or worsen the damage predicted from a natural hazard.
- Sufficient provision has been made for legal and physical access as per the proposed scheme plan, **Appendix B**.

Under s106, consent authority may grant this subdivision consent subject to conditions.

9.2 Part 2 (sections 5-8) Resource Management Act 1991

The relevant statutory documents are considered a valid, complete and certain planning documents and have already given substance to the principles in Part 2 of the RMA. They were prepared in a manner that reflects Part 2, therefore no further assessment against Part 2 matters are required for this application (*R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316).

Regardless, the proposed development is considered to recognise and provide for the relevant matters of Sections 6, 7 and 8 and to represent a sustainable management of the land resource and achieve the purpose of the RMA, as well as give substance to Part 2 of the RMA.

10 Conclusion

In conclusion, the proposal is consistent with the purpose and principles of the RMA in that it enables people to provide for their economic and social wellbeing, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding adverse effects.

In terms of section 104, the proposal will be consistent with the relevant provisions of the Unitary Plan and will have actual or potential effects on the environment which are less than minor and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.

Accordingly, it is concluded that the Council should grant consent to the activity on a non-notified basis in accordance with sections 104, 104B, 106 and Part 2 of the Act, subject to appropriate conditions.

11 Limitations

This assessment contains the professional opinion of Chester Consultants Ltd as to the matters set out herein, in light of the information available to it during the preparation, using its professional judgement and acting in accordance with the standard of care and skill normally exercised by professional engineers providing similar services in similar circumstances. No other express or implied warranty is made as to the professional advice contained in this report.

We have prepared this report in accordance with the brief as provided and our terms of engagement. The information contained in this report has been prepared by Chester Consultants Ltd at the request of Phillipa Harris and Mark Armstrong and is exclusively for its client's use and reliance. It is not possible to make a proper assessment of this assessment without a clear understanding of the terms of engagement under which it has been prepared, including the scope of the instructions and directions given to and the assumptions made by Chester Consultants Ltd. The assessment will not address issues that would need to be considered for another party if that party's particular circumstances, requirements, and experience



were known and, further, may make assumptions about matters of which a third party is not aware. No responsibility or liability to any third party is accepted for any loss or damage whatsoever arising out of the use of or reliance on this assessment by any third party.

The assessment is also based on information that has been provided to Chester Consultants Ltd from other sources or by other parties. The assessment has been prepared strictly on the basis that the information that has been provided is accurate, completed, and adequate. To the extent that any information is inaccurate, incomplete, or inadequate, Chester Consultants Ltd takes no responsibility and disclaims all liability whatsoever for any loss or damage that results from any conclusions based on information that has been provided to Chester Consultants Ltd.



Appendix 1: Record of Title



Appendix 2: Scheme plan



Appendix 3: Geotech report



Appendix 4: Ecology report



Appendix 5: Traffic assessment



Appendix 6: Land Development Report



Appendix 7: Engineering plans

