

Notification Assessment – Comprehensive Development Plan

1 Comprehensive Development Plan Application

Council Reference	SD 1600223 P 115763
Reporting Planner	Ian McAlley (Consultant Planner)
Applicant	WFH Properties Ltd
Application	To have approved a Comprehensive Development Plan and then subdivide the subject site into 66 residential lots and 2 reserves. This will also include roading and civil works over 2 stages. The application also includes the cancellation of consent notices and easements.
Property Address	145 One Tree Point Road
Legal Description	Lot 1 DP 324551, Lot 2 DP 324551, Lot 2 DP 343669, Lot 2 DP 332054, Lot 2 DP 106192, Lot 4 DP 197696, Section Block III Ruakaka.
Date Lodged	09.03.2017 (being the date when outstanding NES information provided)
Site Visit	12.12.2016
Environment	Future Environment and Living 1
Resource Notations	The site is highly unsuitable for effluent.
Other	The site is subject to archaeological sites.
Plan Changes	N/A

Distributions

<i>Internal</i>	<i>Date sent</i>	<i>Amendments sent</i>	<i>Comments received</i>
Senior Environmental Engineering Officer, Mark Shaw	30.11.2016	N/A	21.03.2017
<i>External</i>	<i>Date sent</i>	<i>Amendments sent</i>	<i>Comments received</i>
LINZ	30.11.2016	N/A	20.12.2016

2 Further Information

Requested

20.12.2016

The applicant was requested to provide further detail regarding the Environment boundaries as they relate to the subdivision staging, a NES search or PSI, also details regarding stormwater, including the wetland management and specifics of the discharge structure.

As part of the further information request the applicant was also advised they would require the written approval of the WDC Parks Division for works to occur on WDC Parks owned land to upgrade a boat ramp and stormwater discharge infrastructure. At the time of writing this report written approval from the WDC Parks Division had not been obtained, but a draft memorandum of understanding between the applicant and the WDC Parks Division was under consideration. Therefore, as a condition of consent specific approval from WDC Parks Division will be required prior to engineering plan approval for the works on Parks land.

Received

13.03.2017

3 Description of Proposal – Comprehensive Development Plan

The application is for a Comprehensive Development Plan and subdivision works in accordance with the Future Environment and overlying Living 1 zone.

This consent will be processed in two sections, the first being the Comprehensive Development Plan. This matter is dealt with in the first half of this report where appropriate analysis can be carried through to the assessment of the subdivision consent. For the subdivision consent to be granted it will also be subject to any conditions of the Comprehensive Development Plan as well as conditions specifically related to the subdivision of the land.

The second section of the proposal is to subdivide the subject site into 66 residential freehold lots, one recreational reserve, one drainage reserve, with roading, civil works and associated earthworks. This will occur over 2 Stages.

Stormwater will be discharged into the proposed stormwater network, with wastewater discharging to the reticulated network and roading connecting to One Tree Point Road. Stormwater will discharge from the WDC reticulated network to the Whangarei Harbour at an existing outfall to be upgraded, approximately 300m from the site. Mark Shaw, consultant engineer to WDC has confirmed with NRC that the discharge and the required upgrade to the outfall structure is allowed for under the existing Catchment Management Plan/WDC discharge consent.

4 Site and Surroundings

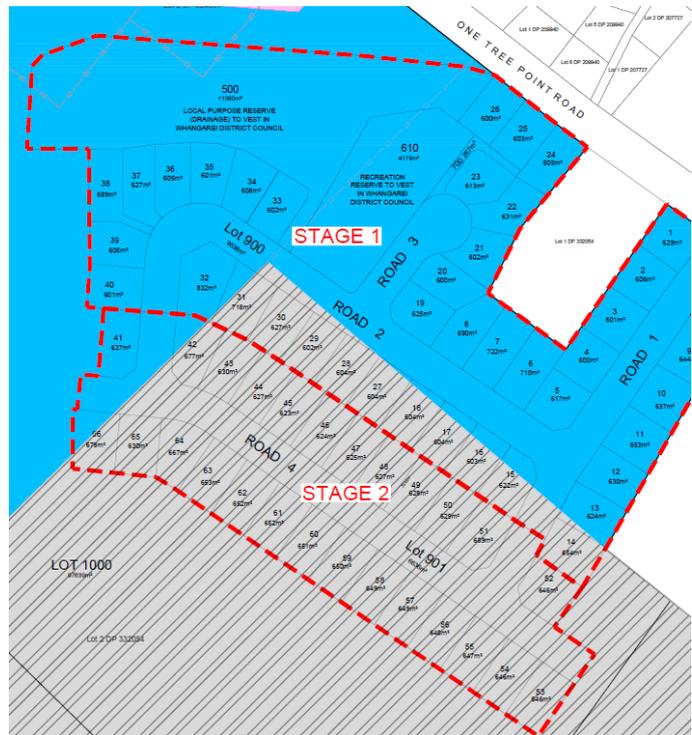
The site is irregular in shape with flat and gently southward sloping topography. There are shallow historical dune systems that run through the property and extend from Pyle Road East, northeast across to One Tree Point Road.

The subject site where Stage 1 and 2 of the development will occur is approximately 7.3ha in area with access onto One Tree Point Road. The property is currently unoccupied, having previously been used for farming and grazing purposes. The vegetation cover is predominantly grass, with a few exotic trees on the wider site. The site as a whole is densely covered in exotic, invasive weed species.

Prior earthworks on the site have resulted in several spoil mounds being established. The site contains a number of middens, these have previously been relocated to the proposed recreational reserve on Lot 610.

The subject site is approximately 150m inland from One Tree Point Beach, 1.5km inland from the south shore of the Whangarei Harbour and 1km southwest of One Tree Point. The surrounding land consists of residential properties to the east and to the south. To the west there is vacant land which is owned by the Applicant.

The surrounding Environments are divided between Living 1 and Future Urban. These two Environments have a border through the subject site.



5 Reasons for Consent

Operative Whangarei District Plan

As detailed in the Whangarei District Plan, Chapter 76 – Subdivision Rules – Future Environments, the subdivision is subject to the controls of the nominated Overlying Environment, in this instance it is the Living 1 Environment. Any subdivision that proposes to utilise the provisions of an Overlying

Environment will be subject to a discretionary activity resource consent and will require the prior approval of a Comprehensive Development Plan.

The focus of the Comprehensive Development Plan is the assessment of the compatibility of the proposed subdivision with the surrounding environment and the ability to adequately service the development. Comprehensive Development Plans also include methods to avoid, remedy or mitigate potential adverse effects of the proposal. Some consent requirements are required to be referred to the Northland Regional Council where necessary and may require joint processing where appropriate. In this instance there are no NRC consenting requirements (all relevant consents have already been granted).

The matters that must be included in the Comprehensive Development Plan are detailed further in this report, as identified in Rule 76.7 – Comprehensive Development Plan.

After approval of a Comprehensive Development Plan, Rule 76.6 – Subdivision requires that any proposed subdivision of land that is subject to an approved resource consent, based on a Comprehensive Development Plan for land use activities, will be assessed in accordance with the subdivision rules of the relevant Overlying Environment, being Living 1 for the subject site.

The subdivision of the portion of the site within the Living 1 Environment is a Controlled activity – Pursuant to Rule 71.3.1, so long as it meets the relevant controlled activity standards. A detailed assessment of the subdivision is undertaken in the second half of this report.

Overall, the application for a Comprehensive Development Plan, is assessed to be a **Discretionary Activity** in accordance with Rule 76.3.1.

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

A search has been obtained from WDC that concludes that there is no evidence to suggest that a HAIL activity has ever been carried out on the subject sites. Therefore, it is assessed to be highly unlikely that there is any risk to human health associated with the proposal and no further assessment is required.

6 Notification Assessment (Sections 95A to 95E)

Statutory Matters – Public Notification section 95A to 95D

Section 95A of the Resource Management Act 1991 (the Act) gives a council discretion to decide whether to publicly notify an application or not. However, an application must be notified if:

- 1 the activity will have, or is likely to have, adverse effects on the environment that are more than minor
- 2 the applicant requests public notification of the application
- 3 a rule or national environmental standard requires public notification.

Section 95A (3) provides that an application must not be notified if a rule or national environmental standard precludes public notification and the applicant has not requested public notification.

Section 95B provides that if an application is not publicly notified, a council must decide if there are any affected persons (or affected order holders) in relation to the activity. Limited notification of the application must be given to affected persons unless a rule or national environmental standard precludes limited notification.

Section 95D - In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor. In making this decision, a council:

- 1 must disregard any effect on persons who own or occupy:
 - the land in, on, or over which the activity will occur; or
 - any land adjacent to that land; and
- 2 may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

- 3 in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
- 4 must disregard trade competition and the effects of trade competition; and
- 5 must disregard any effect on a person who has given written approval to the relevant application.

Land excluded from public notification assessment

There have been no persons who have provided their written approval and it is considered not to be necessary.

The below map has identified properties who are neighbouring the proposed subdivision (black circles). It is noted that the owner of the land to the north west, and to the south of the development area (being Stages 1 and 2), is the Applicant. Therefore, the Applicant is their own affected party on these boundaries (a map showing the staged development and the underlying zones can be seen in section 4 of this report).



It is noted that D & S Lindsay, the owners of Lot 1 DP 332054, made contact with Council with respect to this application, citing concerns that the proposed development would impact views from their property. It is noted the Lindsay property is zoned Living 1 Environment as is the surrounding land of the subject site. Furthermore, the lots proposed on the common boundary between the subject site and the Lindsay property are of a size that complies with the controlled activity lot size/subdivision standards for the Living 1 Environment and the applicant has not sought any additional development allowances in terms of relaxation of relevant bulk and location controls. Therefore, it is assessed the proposal will not have any greater effect on the Lindsay property than can be expected under the provisions of the District Plan and therefore they are not considered an affected party to the proposal.

Permitted baseline – section 95D(b)

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

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

Having regard to the above, the following points are considered relevant to the consideration of this application:

Within the Living 1 Environment all subdivisions require a resource consent at a minimum as a controlled activity if all applicable standards are met. Likewise, all Comprehensive Development Plan applications require a resource consent as a discretionary activity if all applicable standards are met (unless the subdivision is a controlled activity in the Underlying Environment). It is noted that under the Living 1 rules of the District Plan (even though the Comprehensive Development Plan does not apply to the Living 1 zoned land on this site), that one dwelling is permitted per 500m².

Therefore, a number of dwellings could be established on the subject site prior to subdivision being undertaken. However as extensions to reticulated services and individual service connections are still to be established, it is considered unlikely that development of the density proposed is practical at this time. Therefore, it is considered there is no applicable permitted baseline that would aid in the assessment of this application.

Assessment of wider environmental effects

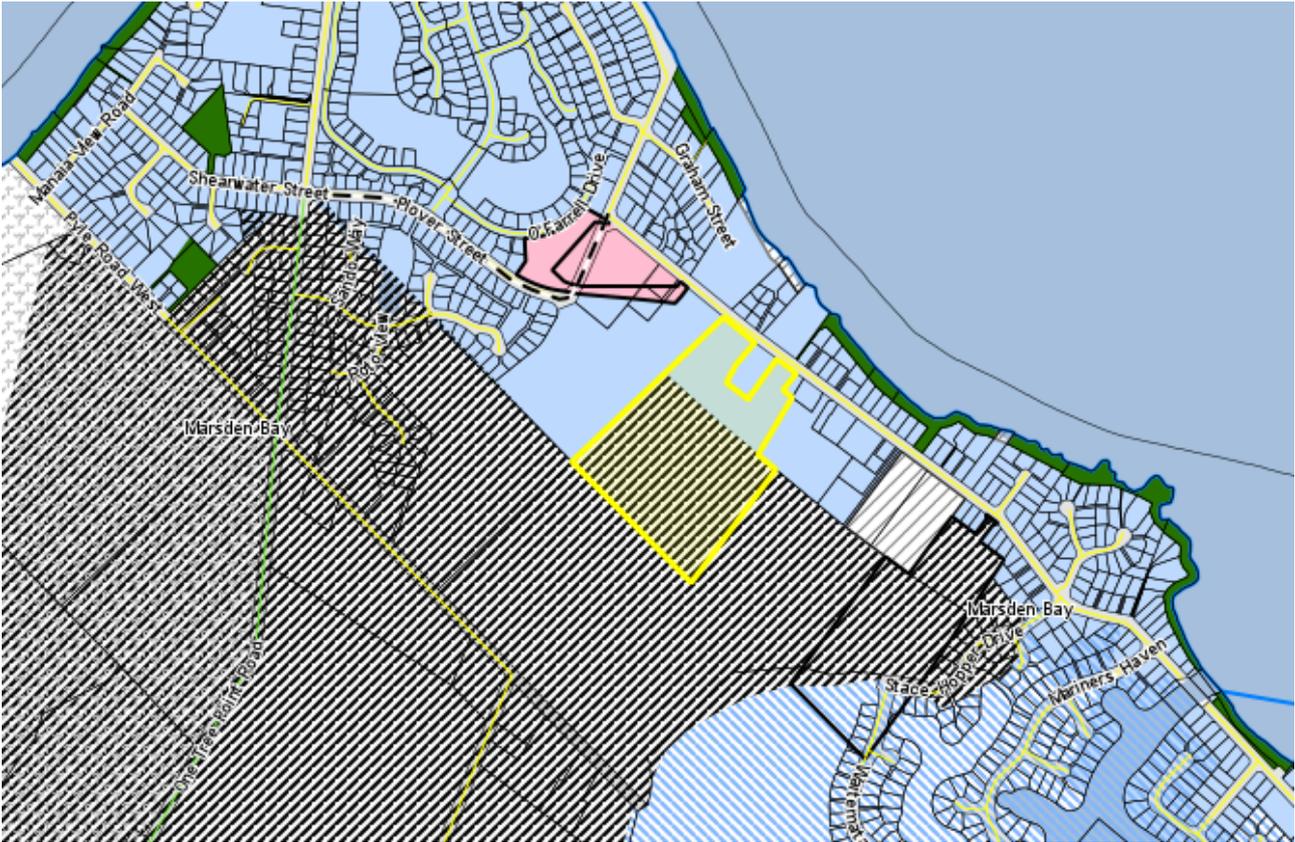
Having regard to the above and after undertaking an analysis of the application, including any proposed mitigation measures, the adverse effects of the activity on the wider environment are discussed below.

While the land use on the subject site will change from vacant grassed pasture with large areas of invasive weed species to an area of urban residential development, the proposed activity for the site will be in keeping with surrounding activities and the existing and Overlying Environment of Living 1. Through the use of conditions proposed to be applied to the subdivision consent (some on-going via consent notices), any potential wider environmental effects will be minimised and mitigated, so as to create a less than minor effect.

Any proposed earthworks will have a less than minor effect on the local and wider environments as the major earthworks have previously occurred under another consent. Proposed earthworks will be over a 9ha area, with 3700m² of cut and 2500m² of fill required. Combined, this will be 6200m³ which requires controlled activity consent from the Northland Regional Council. There will be an excess of 1200m³ of cut material which will require stockpiling or moving off-site. It is proposed that most of the cut material is to be used on-site as fill and there will be minimal truck and trailer movements outside of the subdivision.

WDC's consultant engineer has assessed the proposed earthworks and as long as the required NRC earthworks consent is obtained and executed in accordance with the applicable conditions then any potential adverse effects of the proposed earthworks are considered to be no more than minor.

Within the wider environment there are large subdivisions that are consented or have taken place. This proposal is assessed to be in keeping with the surrounding activities and the development pattern identified in the District Plan, as shown below. The proposal is therefore considered to be in keeping with this development pattern that has been established via the rezoning of land and the establishment of appropriate rules and methods within the District Plan.



Specifically, a Comprehensive Development Plan submitted as part of a subdivision consent application must include the following;

1. *A clear indication of the area that is to be the subject of the comprehensive development plan; and*
2. *An assessment of the proposal against the rules and policies of the relevant overlying environment; and*
3. *An assessment of the proposal against the objectives and policies of the plan*

Points 1 – 3 have been considered in the application for subdivision. After an assessment of these details it is considered these matters are included and complete. The proposal is compatible with the rules, objectives and policies of the District Plan. It is also noted the applicant has offered some conditions that will help avoid, remedy and mitigate any potential adverse effects caused by the subdivision.

4. *Plans showing linkages to services, including sewerage, water supply, electricity, telecommunications and stormwater systems, where applicable; and*
5. *Details regarding the identified and proposed management of areas subject to flood susceptibility; and*
6. *Details regarding the management of effects of any proposed road stoppings or redirections/relocations, while maintaining the efficient operation of the roading network; and*
7. *Details of an amenity/buffer strip with a minimum width of 50 metres, in order to minimise the reverse sensitivity effects between any future living environment and adjoining business environments.*
8. *Plans showing proposed internal roads and linkages to external public roads; and*
9. *Plans for public open space and pedestrian access:*

Matters 4 – 9 are considered to be shown via the various scheme plans and engineering plans that have been appended to the application, namely Appendix 2, Appendix 3, Appendix 5 and Appendices 8 - 13. The information provided through the application is considered to be complete and the

proposal designed in a manner to avoid, remedy and mitigate any potential adverse effects caused by the subdivision.

Specifically, the application includes a Traffic Effects Assessment compiled by Commute dated 31 October 2016. This report investigates the existing road network directly affected by this proposal and determines that the traffic effects relating to the proposal will be no more than minor.

For wastewater services all lots will be connected to Council's reticulation via a proposed Low Pressure Sewer System. Potable water supply will be via Council's reticulation, with all lots connected to the existing Council water main. A reticulation system will be provided within the development including adequate provision for firefighting purposes.

Regarding stormwater, on-site stormwater attenuation will not be required for this development as no adverse flooding effects are expected downstream due to the close proximity of the site to the coastal (i.e. tidal) receiving environment. Stormwater will be discharged into the proposed stormwater network with stormwater attenuation and treatment proposed in wetland 01 in order to reduce flow off-site to a manageable level. All lots will connect to wetland 01 via the primary stormwater network with overland flow paths provided via road formation within the road reserve. The stormwater will discharge via an upgraded discharge structure, including pipework, into Whangarei Harbour. There are existing consents in place for this discharge and WDC/NRC have confirmed that the discharge volumes and structures proposed are in keeping with the conditions of these consents.

10. *Details of the site's significant natural and/or cultural/archaeological features, proposed environmental enhancement areas, and the ways these will be managed; and*
11. *Details of consultation undertaken with tangata whenua and the results of that consultation, including any consultation specifically required by Council in terms of Council's agreed protocols.*

The matters regarding points 10 and 11 above are detailed in the application description as well as Appendix 4 – Clough and Associates Ltd, report validating NZHPT Authority 2006/33, Appendix 6 – Pre-Application Meeting Minutes, and Appendix 7 – Iwi Consultation. The information provided is considered to be complete.

12. *The capability of the land to accommodate the proposed development, and the proposed measures, including avoidance, to address any natural hazards and/or geotechnical issues:*

The land is considered to be able to accommodate the proposed development.

13. *Any proposed staging of the development; and*
14. *Details of methods proposed to avoid, remedy or mitigate any effects of the proposed development; and*
15. *Details of methods proposed to avoid, remedy or mitigate any reverse sensitivity effects between any existing land uses and any land uses proposed as part of the comprehensive development plan; and*
16. *Any such additional information as is required to ensure that the proposal is consistent with the relevant policies of the New Zealand Coastal Policy Statement, The Regional Policy Statement, Regional Plans and the other requirements of this plan.*

Points 13 – 16 have been detailed within the application documents and will be transferred into consent conditions as applicable to assist in avoiding, remedying and mitigating any adverse effects of the proposal on the environment.

Overall the information submitted with the application has been assessed to fulfil all of the above requirements for a Comprehensive Development Plan application.

Infrastructure

A particular requirement of a Comprehensive Development Plan is the need to ensure the site can be adequately serviced by infrastructure to suit the future development. Whilst this has been detailed above, more detail is provided below following an assessment undertaken by WDC consultant engineer Mark Shaw.

An overall infrastructure report has been provided with the application in Appendix 10 – Infrastructure Report, by Woods, titled The Landing @ Marsden Stage 1 & 2, dated November 2016, reference 31013. This report is to be read in conjunction with the corresponding reports that relate to the matters detailed below.

Roading

The proposed internal roading will gain access via the north-east, at 145 One Tree Point Road. Further links to existing roading networks will occur as part of future stages of subdivision. Internal roading layouts will enable vehicular, cycling and pedestrian connections. A transportation assessment report is included with the application in Appendix 9 – Transportation Assessment Report, by Commute Transportation Consultants, titled Residential Subdivision, The Landing @ Marsden, dated 31 October 2016. This report is considered to be sufficient and details the proposed internal roading networks, both for the immediate proposed subdivision and in the case of further staged development in the surrounding environment. The roading infrastructure is to be provided in accordance with WDC's Environmental Engineering Standards.

Wastewater

In Appendix 12 of the application there is a wastewater report by Harrison Grierson, titled Wastewater Servicing of Stage 1 & 2, dated 9 December 2016. This report details ways the development can be serviced incorporating the flows from the existing receiving network, the potential flows from the proposed development and the potential storage systems for each lot. A low-pressure system is proposed for the subdivision. This will include a grinder pump and storage chamber on each residential lot. These will discharge via boundary kits to a pressure pipe network in the road reserve. This system has been chosen as it is not prone to corrosion by the underlying acid sulphate soils. It will also minimise pressure and current capacity issues in the downstream wastewater infrastructure, therefore potential effects on the wastewater network are assessed to be no more than minor.

Water

Each lot will be connected to a potable water supply. This water supply will extend from the existing water line on One Tree Point Road. Water supply is further detailed in both Appendix 3 and Appendix 10, both by Woods, being the engineering plans and the infrastructure report respectively. This information includes scheme plans of the water reticulation concepts, flow capacity and integration with the overall network. Overall it is concluded the development can be serviced to the applicable standards.

Stormwater

A stormwater report by Woods is attached in Appendix 11 of the application. This details stormwater attenuation, a stormwater management plan, piping networks, outlet structures and overall potential effects that could result from the proposed development. Also, included in this appendix is an assessment of potential effects on coastal processes resulting from the stormwater outfall and discharge to Whangarei Harbour/One Tree Point. This was written by DTec Consulting Ltd, for Dannemora Holdings Ltd and Fulton Hogan Ltd in 2006.

The stormwater system is proposed to comprise three components: a primary network; a secondary (overland flow) network (directing to Wetland 1); and a trunk stormwater network (directing stormwater from Wetland 1 to the coast). Attenuation will be provided due to the sites topography and will also provide treatment of stormwater runoff by allowing suspended solids to settle out. A mitigation method proposed by the applicant to avoid potential adverse stormwater effects from the subdivision is to impose a 45% maximum impervious surface limitation to be appended to each title of a new residential lot by way of a consent notice.

The limit on impervious area will include buildings, solid paving, decking, patios and swimming pools, whether or not these require building consent. If an owner proposes to have more than 45% impervious area on their site they will be required to demonstrate to Whangarei District Council the means by which the stormwater run-off rate from the particular site will not exceed 45% of the total lot area unless lot-specific attenuation is provided in accordance with the WDC EES 2010 for the additional impervious area, with supporting calculations provided, undertaken by an IQP in accordance with WDC EES 2010. WDC's consultant engineer is satisfied that managing the potential stormwater effects in this matter is appropriate and the applicant has agreed to a condition with these inclusions.

An upgrade of the existing 375mm diameter coastal outlet adjoining 110 One Tree Point Road and located within a small WDC boat ramp is proposed. This upgrade will include scour and erosion protection measures. These works have involved on-going discussions between the applicant (WFH) and WDC. The works within the reserve and to the boat ramp require the landowner approval of WDC Parks. The formal approval has not been provided by WDC Parks at this point in time.

To enable the proposed stormwater discharge, WFH will exercise the WDC held stormwater management consent (NRC ref: CON1997Q367101) to facilitate the required works to the boat ramp. As WFH will be utilising a consent held by WDC Drainage, a Memorandum of Understanding has been developed between WFH and WDC to record the roles and responsibilities of the relevant parties, particularly during the construction phase and with regard to on-going maintenance responsibilities.

It has been confirmed by NRC that these stormwater works are allowed for under the relevant consents held by WDC for stormwater discharge in the area. It will be a requirement of the subdivision consent that the consent holder confirm with WDC prior to engineering plan approval that the proposed stormwater discharge (in terms of volume and quality and the required physical works) is in accordance with the relevant conditions of the applicable consents.

Overall, the wider environmental effects are considered to be less than minor. The Whangarei District Growth Strategy defines the Marsden Point/Ruakaka Area as a preferred location for future residential growth. The area is said to be growing at a strong rate, this can be seen through the area's constant development over the longer term. The proposal will be in keeping with this growth plan as well as the surrounding current and future development characteristics. The land that the site is located on has been zoned Future Living and therefore the proposal is in keeping with this zoning as provided for through previous plan changes.

To conclude, any wider environmental effects relevant to the application for Comprehensive Development Plan approval will be less than minor and any potential effects are assessed to be minor also. Neighbouring property owners are not considered likely to experience adverse effects that will be more than minor and therefore written approvals are not considered to be necessary. Further, the proposal will be in keeping with the surrounding environment and the relevant parts of the Whangarei District Plan. It is therefore recommended that the application proceed without full public notification.

Special Circumstances - section 95A(4)

Section 95A (4) of the Act states that a consent authority may also publicly notify an application for resource consent if it decides that special circumstances exist in relation to the application.

In this case there are no special circumstances that exist that warrant notification pursuant to section 95A (4).

Limited notification - sections 95B and 95E

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons.

In deciding who is an affected person under section 95E, a council:

- 1 may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (i.e. council may consider the 'permitted baseline')
- 2 must disregard an adverse effect of the activity on a person that does not relate to a matter for which a rule or environmental standard reserves control or restricts discretion
- 3 must have regard to every relevant statutory acknowledgement made in accordance with a statute set out in Schedule 11 of the Act.

Further, and pursuant to s95E(3)(a), a council must not consider that a person is affected if they have given their written approval or pursuant to s95E(3)(b) it is unreasonable in the circumstances to seek that persons' approval.

Assessment of localised environmental effects

These are assessed in the subdivision section of this report.

Adversely affected parties

Having regard to the above assessment, where the effects on the localised environment are assessed to be less than minor, no persons are considered to be adversely affected by the proposal.

Based on sections 95B and 95E and the analysis of actual or potential effects provided above, it is considered there are no parties that are adversely affected by the proposal.

7 Recommendation

That pursuant to Sections 95A - 95F of the Act, this application proceed on a non-notified basis because:

- 1 The adverse effects on the environment are assessed to be less than minor because the proposal will be in keeping with the established subdivision pattern within the surrounding environment. Any potential visual, amenity or land use effects have been assessed to be less than minor.
- 2 Potential infrastructure effects have been assessed and adequate capacity (current or future) is considered to exist and the proposal will have effects that are less than minor from an engineering perspective.
- 3 No persons have been determined to be adversely affected.
- 4 There are no special circumstances to warrant public notification.



Ian McAlley (Consultant Planner)

03.05.2017



Lisa Doran Principal Planner (Consents)

9 May 2017
Date

Consideration Assessment - Discretionary Activity

1 Processing Details

Reporting Planner Ian McAlley (Consultant Planner)

Date of Report 03.05.2017

Section 37 The timeframe has been extended by an additional 19 working days to accommodate delays arising from liaison by the applicant to gain approval from WDC Parks as landowner relating to stormwater improvements and discharge and for the applicant to review draft conditions.

2 Application Details

Comprehensive Development Plan

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

3 District Plan Zoning/Environment and other Notations

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

4 Statutory Context

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

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

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

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

The adverse effects of this activity have been addressed in Section 6 of the Notification Assessment report. This assessment also applies to this consideration. In order to avoid, remedy or mitigate these adverse effects conditions of consent relating to the following matters are recommended:

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

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

The Objectives and Policies of relevance to this portion of the application are assessed below. Further assessment of objectives and policies as they relate to the subdivision are in the Subdivision Assessment section of this report.

6.4.2 Consolidated Development

To consolidate urban development by:

- i. Focusing residential development on those urban areas with demand, where the landscape and natural character have already been compromised.*
- ii. Further develop within existing built up areas, so as to avoid sporadic or sprawling subdivision and ribbon development patterns, particularly in rural areas and along the coast.*
- iii. Directing rural lifestyle and rural-residential development to appropriate locations adjacent to existing settlements, rather than allowing sporadic development throughout rural and coastal areas.*
- iv. Promoting clustered, mixed use activity that focus on existing urban and coastal centres.*
- v. Retaining and encouraging a distinctive sense of place.*

The proposal will result in the location of planned residential and urban development in proximity to other development of like character and effect. This reduces the size of development impact and enables other areas to retain a rural and/or natural character. The proposal will not be sporadic subdivision or ribbon development and will avoid adverse effects on natural, cultural (including tangata whenua) and amenity values and include the efficient and orderly provision of infrastructure and services.

6.4.8 Policy – Reverse Sensitivity and Incompatible Land Use

- i. To ensure that land use activities, subdivision and development are designed and located so as to avoid or mitigate conflicts between incompatible land uses.*
- ii. To facilitate separation of incompatible land uses through location of District Plan Environments and Resource Areas, and specific requirements for land use activities.*

Reverse sensitivity issues arise where different land uses occur in close proximity. This site and the surrounding existing and proposed development have been the subject of structure planning and plan changes to ensure that reverse sensitivity effects are avoided and development of a like nature is located adjacent to existing or proposed development which will be of a compatible nature.

6.4.12 Policy – Infrastructure

- i. Growth and development is planned and located to maximise the benefits available from existing infrastructure. Where infrastructure is not available, growth and development does not occur until the necessary infrastructure is in place.*
- ii. To provide infrastructural services to existing and newly urbanised areas in an efficient and effective manner that matches the needs of the community and the capacity of infrastructure, whilst avoiding the adverse effects of urban growth and development on the environment.*

The infrastructure resources necessary to support the development have been recognised and can be provided to support this new urban growth and development. WDC infrastructure engineers have confirmed that either capacity is available within the relevant infrastructure services, or will be provided as necessary to support the new development. With particular regard to stormwater, WDC has foreseen the need for additional services in this area and has secured the necessary discharge consents which will be utilised as part of the development of the site. All infrastructure will be provided in accordance with WDC Environmental Engineering Standards and/or with the approval of the relevant infrastructure engineers where a departure from those standards is considered appropriate.

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

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

8 Part 2 Matters

In considering this application, the purpose and principles set out in Part 2 RMA are the primary point of reference. The purpose of the Act is set out in section 5 as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5(2) has two components, one enabling and one regulatory. The enabling component contained in section 5(2) makes provision for people and communities to use, develop and protect resources in any way they desire in their pursuit of well-being provided the regulatory component of that subsection in paragraphs (a) – (c) are satisfied.

Part 2 of the RMA forms the backbone for all the documents and processes that are prepared under the Act. The single/principle purpose of the RMA whilst being to promote the sustainable management of natural and physical resources (Part 2, Section 5), the RMA accords pre-eminence to promoting sustainable management of natural and physical resources, not just their “management”.

After Section 5, Sections 6 – 8 of the RMA provide guidance to decision makers on a hierarchy of considerations, being:

- i. Matters of national importance
- ii. Other matters that must be given particular regard
- iii. Principles of the Treaty of Waitangi that must be taken into account

The matters set out in Sections 6 – 8, while important, are all subordinate to the overall purpose of the RMA, set out in Section 5.

Overall it has been assessed that the proposal will be in accordance with matters contained in Part 2 of the RMA. In particular, the proposal will promote sustainable management of natural and physical resources by avoiding, remedying or mitigating any adverse effects on the environment (Section 5(2)(c)).

9 Conclusion and Recommendation

Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to the conditions identified in Part 5 of this report that will avoid, remedy and mitigate any adverse effects of the activity on the environment.

The reasons for this recommendation are as follows:

- 1 Any actual or potential effects on the environment are considered to be appropriate in relation to the surrounding subdivision pattern and the effects on the environment will be less than minor. In particular, the surrounding area contains large residential subdivisions and the proposed subdivision will offer recreational areas as well as extensive landscaping and pedestrian friendly areas.
- 2 The proposal is considered to be consistent with the objectives and policies of the Operative District Plan because no loss of amenity or landscape values will result from the proposal as the existing activities and those considered likely to occur on the future lots are in keeping with the surroundings. Accordingly, the proposed subdivision does not compromise any of the environmental outcomes sought by the relevant objectives and policies of the District Plan.
- 3 Sufficient infrastructure can be provided to support the proposed development.
- 4 There are no other matters assessed to be relevant to the consideration of this application.
- 5 The proposal is consistent with Part 2 of the Act.



Ian McAlley (Consultant Planner)

03.05.2017



Lisa Doran Principal Planner (Consents)

9 May 2017
Date

Notice of Decision

SD 1600223 P 115763

IN THE MATTER of the Resource Management Act 1991

and

IN THE MATTER of an application for a Comprehensive Development Plan under Section 88 of the Resource Management Act 1991 by WFH Properties Ltd

Application

Application for Resource Consent to approve a Comprehensive Development Plan by WFH Properties Ltd at 145 One Tree Point Road being Lot 1 DP 324551, Lot 2 DP 324551, Lot 2 DP 343669, Lot 2 DP 33054, Lot 2 DP 106192, Lot 4 DP 197696, Section Block III Ruakaka.

Decision – Comprehensive Development Plan

The application has been considered and determined under authority delegated to the Principal Planner (Consents) of Whangarei District Council, pursuant to Section 34A of the Resource Management Act 1991. The decision is as follows:

Determination

That the Comprehensive Development Plan be granted to the area shown on Scheme Plan – Sheet 1 of 2 and 2 of 2, titled The Landing @ Marsden, Stages 1 and 2, Drawing numbers 31013 – GE – 01 and 31013 – GE – 02, for client WFH Properties Limited, by Woods Engineers, Surveyors and Planners, dated September 2016, referenced by job number, 31013, revision 2.

Reasons for the Decision

Pursuant to Section 113 of the Act the reasons for the decision are:

- i. Any actual or potential effects on the environment are considered to be appropriate in relation to the surrounding subdivision pattern and the effects on the environment will be less than minor. In particular, the surrounding area contains large residential subdivisions and the proposed subdivision will offer recreational areas as well as extensive landscaping and pedestrian friendly areas.
- ii. The proposal is considered to be consistent with the objectives and policies of the Operative District Plan because no loss of amenity or landscape values will result from the proposal as the existing activities and those considered likely to occur on the future lots are in keeping with the surroundings. Accordingly, the proposed subdivision does not compromise any of the environmental outcomes sought by the relevant objectives and policies of the District Plan.
- iii. Sufficient infrastructure can be provided to support the proposed development.
- iv. There are no other matters assessed to be relevant to the consideration of this application.
- v. The proposal is consistent with Part 2 of the Act.

Advice Notes

1. Council determined that the application need not be notified as:
 - i. The adverse effects on the environment are assessed to be less than minor because the proposal will be in keeping with the established subdivision pattern within the surrounding environment. Any potential visual, amenity or land use effects have been assessed to be less than minor.

- ii. Potential infrastructure effects have been assessed and adequate capacity (current or future) is considered to exist and the proposal will have effects that are less than minor from an engineering perspective.
 - iii. No persons have been determined to be adversely affected.
 - iv. There are no special circumstances to warrant public notification.
2. This resource consent will lapse five years after the date of commencement of this consent (being the date of this decision) unless:
 - It is given effect to before the end of that period; or
 - An application is made to Council to extend the period after which the consent lapses, and such application is granted prior to the lapse of consent. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
3. Section 357 of the Resource Management Act 1991 provides a right of objection to this decision. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
4. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.
5. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.
6. The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
7. To help fund additional assets or assets of increased capacity, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure. Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent related is subject to a Development Contributions assessment. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Council's Development Contributions Policy may be obtained from the Long-Term Plan (LTP) or Council's web page at www.wdc.govt.nz.
8. Please note the normal requirements of Land Information New Zealand in regard to the issuing of amalgamated titles. These include requirements for the land to be held in the same ownership, and for any existing joint family home settlements to be cancelled or extended to include all the land being amalgamated.
9. A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, ph 430 4230 ext 8231.
10. The WDC QA/QC Manual document can be located at the following link: <http://www.wdc.govt.nz/BuildingandProperty/GuidelinesandStandards/Pages/default.aspx>
11. Building Consents may be required for retaining structures.

12. All earthworks are required to comply with Section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.
13. All works to be carried out pursuant to Condition 1b above shall be undertaken on public land unless written right of entry is obtained from the owners of all private land upon which work is to be carried out. Where any necessary written right of entry has not been obtained, any such infrastructure work shall be re-routed to achieve compliance with this condition.
14. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.

Notification Assessment – Subdivision

1 Description of Proposal – Subdivision

The application is for a Subdivision following approval of a Comprehensive Development Plan in accordance with the Future (Living) Environment and overlying Living 1 zone.

Stage 1 will create 40 residential lots (Lots 1 - 40), recreation reserve (Lot 610), a local purpose reserve for the purpose of stormwater attenuation and treatment, Road 3, parts of Roads 1 and 2 and JOAL (Jointly Owned Access Lot) 700.

Stage 2 will create 26 residential lots (Lots 41 - 66), Road 4, and the remaining portions of Road 1 and 2.

The recreation reserve will be 4180m². Archaeological middens previously located on the site have been relocated into the reserve area in accordance with a Heritage NZ authority. The Applicant is aware of their responsibilities regarding these middens and any other accidental findings unearthed during the development of this subdivision.

On completion of works for services, all reserves are to be vested to Council and managed as public open space, with the pond area which will be used for stormwater management purposes vested for drainage purposes. Landscaping is proposed within the recreational reserve, drainage reserve and road reserves.

Street lighting is proposed within the road reserves throughout the subdivision. The road layout will enable initial access to the north east, via One Tree Point Road, with further links to the existing roading network occurring during future subdivision stages.

The proposed network of internal roads includes roads to be vested to Council. These will all be constructed in accordance with the relevant standards in the WDC EES 2010.

Item	Type	Width
Roads 1, 2, and 3	Class B Local Residential Roads	18m width.
Road 3	Residential cul-de-sac	18m width
1 Joint owned access lot (JOAL)	Provides access to three rear residential lots	
Footpaths within all road reserves	Internal to the development on both sides of the carriageway	1.4m width.

As part of this application, the applicant wishes to cancel and surrender some existing consent notices (pursuant to s221(3) RMA) and easement instrument (pursuant to s243(a) RMA). These have been outlined in the table below.

Identification	#	Lot	Cancel/Withdraw
Consent Notice	5786881.1	Lot 1 DP 324551	Cancel
Easement Instrument	5923983.3	Lot 2 DP 332054	Withdraw
Consent Notice	5786881.1	Lot 2 DP 343669	Cancel
Easement Instrument	8389851.4	Lot 2 DP 343669	Withdraw
Consent Notice	5786881.1	Lot 2 DP 324551	Cancel

In particular, the consent notice refers to an earlier subdivision requiring that building consent not be issued for any building until such time as water, sewer and stormwater services are reticulated to the identified lots. This consent notice is considered redundant given the current application which will include the provision of these services.

2 Site and Surroundings

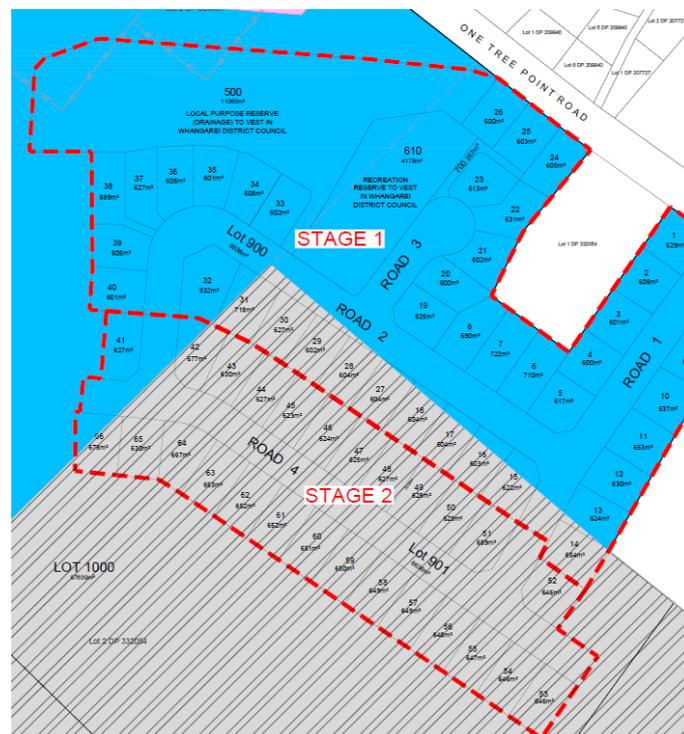
The site is irregular in shape and has flat and gently southward sloping topography. There are shallow historical dune systems that run through the property and extend from Pyle Road East, northeast across to One Tree Point Road.

The subject site where Stage 1 and 2 of the development will occur is approximately 7.3ha in area with frontage to One Tree Point Road. The property is currently unoccupied, having previously been used for farming and grazing purposes. The vegetation cover is predominantly grass, with a few exotic trees in the wider site. The site as a whole is densely covered in exotic, invasive weed species.

Prior earthworks on the site have resulted in several spoil mounds being established. The site contains a number of middens, these have previously been relocated to the proposed recreational reserve on Lot 610.

The subject site is approximately 150m inland from One Tree Point Beach, 1.5km inland from the south shore of the Whangarei Harbour and 1km southwest of One Tree Point. The surrounding land consists of residential properties to the east and to the south. To the west there is vacant land which is owned by the Applicant.

The surrounding Environments are divided between Living 1 and Future Urban. These two Environments have a border through the subject site as shown on the plan below.



3 Reasons for Consent

Operative Whangarei District Plan

The site has a split zoning, as such the Living 1 zoned portion of the site is subject to the subdivision rules as contained in Chapter 71 of the District Plan. If the subdivision of the Living 1 zoned portion of the site is in accordance with all of the relevant controlled activity standards of Chapter 71, then the proposal would be assessed to be a controlled activity.

For the portion of the site zoned Future Environment, as detailed in the Whangarei District Plan, Chapter 76 – Subdivision Rules – Future Environments, the subdivision is subject to the controls of the nominated Overlying (Living) Environment. Any subdivision that proposes to utilise the provisions of an Overlying Environment will first be subject to a discretionary activity resource consent to approve a Comprehensive Development Plan.

The proposal has satisfied the requirements for a Comprehensive Development Plan and it has been recommended earlier in this report that the Comprehensive Development Plan for the site be approved.

Where a subdivision proposes to utilise the provisions of a Future Environment (following the approval of a Comprehensive Development Plan) the subdivision is assessed to be a discretionary activity in accordance with rule 76.3.1 Subdivision Generally.

Overall, the application is considered to be for a **Discretionary Activity**.

4 Notification Assessment (Sections 95A to 95E)

Statutory Matters – Public Notification section 95A to 95D

Section 95A of the Resource Management Act 1991 (the Act) gives a council discretion to decide whether to publicly notify an application or not. However, an application must be notified if:

- 1 the activity will have, or is likely to have, adverse effects on the environment that are more than minor
- 2 the applicant requests public notification of the application
- 3 a rule or national environmental standard requires public notification.

Section 95A (3) provides that an application must not be notified if a rule or national environmental standard precludes public notification and the applicant has not requested public notification.

Section 95B provides that if an application is not publicly notified, a council must decide if there are any affected persons (or affected order holders) in relation to the activity. Limited notification of the application must be given to affected persons unless a rule or national environmental standard precludes limited notification.

Section 95D - In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor. In making this decision, a council:

- 1 must disregard any effect on persons who own or occupy:
 - the land in, on, or over which the activity will occur; or
 - any land adjacent to that land; and
- 2 may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- 3 in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
- 4 must disregard trade competition and the effects of trade competition; and
- 5 must disregard any effect on a person who has given written approval to the relevant application.

Land excluded from public notification assessment

There have been no persons who have provided their written approval as it is considered to not be necessary. The land to be excluded from the notification assessment is as detailed in the assessment of the Comprehensive Development Plan undertaken previously in this report.

Permitted baseline – section 95D(b)

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

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

Having regard to the above, the following points are considered relevant to the consideration of this application:

Within the Living 1 Environment all subdivisions require a resource consent at the minimum as a controlled activity if all controlled activity standards are met. Likewise, all subdivisions being undertaken in accordance with the provisions of the Underlying Environment, post the approval of a Comprehensive Development Plan, require a resource consent as a discretionary activity if all applicable standards are met. Therefore, it is considered there is no applicable permitted baseline that would aid in the assessment of this application.

Assessment of wider environmental effects

Having regard to the above and after undertaking an analysis of the application, including any proposed mitigation measures, the adverse effects of the activity on the wider environment are considered to have been assessed in the Comprehensive Development Plan section of this report.

Special Circumstances - section 95A(4)

Section 95A (4) of the Act states that a consent authority may also publicly notify an application for resource consent if it decides that special circumstances exist in relation to the application.

In this case there are no special circumstances that exist that warrant notification pursuant to section 95A (4).

Limited notification - sections 95B and 95E

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons.

In deciding who is an affected person under section 95E, a council:

- 1 may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (i.e. council may consider the 'permitted baseline')
- 2 must disregard an adverse effect of the activity on a person that does not relate to a matter for which a rule or environmental standard reserves control or restricts discretion
- 3 must have regard to every relevant statutory acknowledgement made in accordance with a statute set out in Schedule 11 of the Act.

Further, and pursuant to s95E(3)(a), a council must not consider that a person is affected if they have given their written approval or pursuant to s95E(3)(b) it is unreasonable in the circumstances to seek that persons approval.

Assessment of localised environmental effects

Having regard to the above and after undertaking an analysis of the application, including any proposed mitigation measures, the adverse effects of the activity on the localised environment are discussed below:

Assessment criteria for subdivision

The assessment criteria for subdivision within the Living 1 Environment include assessments of:

- i. allotment area and shape;
- ii. building area and setbacks from any existing buildings;
- iii. sites of significance to Maori;
- iv. property access
- v. road and cycleway layout and formation;
- vi. street lighting;
- vii. provision for extension of services and water supply.
- viii. stormwater;
- ix. telecommunications;
- x. electricity;
- xi. sewage connections;
- xii. earthworks; and
- xiii. other significant features

Information has been provided to confirm the proposal will comply with all controlled activity criteria, however as part of the site is a Future Environment and requires approval of a Comprehensive Development Plan, this results in the proposal being a discretionary activity. The effects generated from the proposal within the localised environment will be less than minor. The applicant has offered

conditions as mitigation that will be enforced in order to maintain this outcome of less than minor effects.

In particular the applicant has ensured that all allotments are 500m² or more net site area, the minimum required in the Living 1 Zone to meet the controlled activity site size standards. It has been confirmed that connections to infrastructure can be provided and provision of services has been detailed in the assessment of the Comprehensive Development Plan. Therefore, there is no reason to restrict the development of this site, particularly as the applicant is the surrounding landowner in most instances and those that are not are located in the existing Living 1 Zone.

One particular item of note is the potential cultural and archaeological effects associated with the relocated middens. These middens have been relocated to an area within Lot 610, to be vested in WDC as recreation reserve.

A cultural impact assessment supports the application. The earthworks plans (right) specifically show this area will have no earthworks occurring within it. As a condition of consent, the consent holder will need to provide information to the WDC Parks Department detailing how this reserve area is to be constructed, what type of reserve is to be vested and how the reserve is to be managed in order to ensure the archaeological and cultural values are not negatively impacted upon by the works required to develop the subdivision and the on-going use of the reserve area. Preparation of this information with respect to the reserve will require consultation and input from the Patuharakeke Marae Trust and confirmation from WDC Parks Department.



Adversely affected parties

Having regard to the above assessment, whereby the adverse effects on the localised environment were found to be less than minor, no persons are considered to be adversely affected by the proposal.

Based on sections 95B and 95E, and the analysis of actual or potential effects provided above, it is considered that there are no parties that are adversely affected by the proposal.

5 Recommendation

That pursuant to Sections 95A - 95F of the Act, this application proceed on a non-notified basis because:

- i The adverse effects on the environment are assessed to be less than minor because the proposal will be in keeping with the established subdivision pattern within the surrounding environment. Any potential visual, amenity or land use effects have been assessed to be less than minor.
- ii No persons have been determined to be adversely affected.
- iii There are no special circumstances to warrant public notification.
- iv The application will have effects that are less than minor from an engineering perspective provided the development is carried out in accordance with the recommended conditions.



Ian McAlley (Consultant Planner)

03.05.2017



Lisa Doran Principal Planner (Consents)

9 May 2017
Date

Consideration Assessment – Subdivision

1 Processing Details

Reporting Planner Ian McAlley (Consultant Planner)

Date of Report 03.05.2017

Section 37 The timeframe has been extended by an additional 19 working days to accommodate delays arising from liaison by the applicant to gain approval from WDC Parks as landowner relating to stormwater improvements and discharge and for the applicant to review draft conditions

2 Application Details

Proposed Subdivision

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

3 District Plan Zoning/Environment and other Notations

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

4 Statutory Context

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

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

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

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

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

- 1 General Accordance Condition – in order to ensure the effects considered within this application are consistent with those that result, a condition shall require the proposal to be given effect to in accordance with the information and details provided in support of the application.
- 2 Amalgamation Condition – required to ensure that Lot 700 (legal access) be held as to three undivided one-third shares by the owners of Lots 24, 25 & 26
- 3 Engineering Conditions – required to ensure all engineering works are carried out in accordance with Council’s Environmental Engineering Standards and the standards of the appropriate utility providers. Specifically, the consent holder will be required to demonstrate that the infrastructure provided will not be affected by acid sulphate soils and that the stormwater discharge proposed is in accordance with the conditions of the relevant consent.
- 4 Consent Notice Conditions:
 - i. That all residential lots contain a maximum impervious surface area of 45%.

- 5 That the proposal will be carried out as per the recommendations and content contained in the technical reports that support the application.
- 6 The appropriate protection mechanisms are put in place to preserve the middens previously relocated into Lot 610, to be vested as reserve.

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

The Objectives and Policies of relevance to this application are contained in Section 5 – Amenity Values, Section 6 – Built Form and Development and Section 8 – Subdivision and Development. The overall intent of these provisions are to: Influence and enhance appreciation of an area and to manage conflict between activities and adverse effects while providing for integrated management of large scale effects of urban growth and development of natural and physical resources.

The appropriate objectives and policies of the relevant chapters of the Whangarei District Plan have been referenced and assessed in accordance with this proposal below.

Section 5 – Amenity Values

Objective 5.3.5 – The proposed use and development of the site will be appropriately controlled and compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment. Any potential effects expected are considered to be less than minor.

Policy 5.4.1 – Effects on the Local Environment – The activities will not produce beyond the boundaries of the site adverse effects incompatible with the amenity values characteristic of the surrounding and/or adjacent environment unless such effects are authorised.

Policy 5.4.3 – The proposal will be to create 66 additional allotments that will be utilised for residential activities. This form of development is consistent with the surrounding development pattern.

Section 6 – Built Form and Development

Objective 6.4.2 – The proposal is not considered to be sporadic in nature. Consolidated development has been achieved through the establishment of additional residential capacity within an area specifically zoned for this purpose.

Section 8 – Subdivision and Development

Objective 8.3.1 – The proposal will avoid, remedy or mitigate adverse effects on the environment where appropriate. The proposed subdivision will be in keeping with the surrounding development pattern and will therefore have no adverse effects on the sustainable management of the environment.

Policy 8.4.3 – Density of Development – The density of the proposal is appropriate for this location, given the cadastral pattern of surrounding allotments within a 1km radius.

Policy 8.4.4 – Cumulative Effects – The objectives and policies of the District Plan are not compromised, in particular, the objectives and policies related to reducing conflicts between incompatible land use activities, the consolidated and orderly development of land and the density of development. The proposal will be in keeping with the surrounding landscape in terms of size of lots as well as land use activities.

In assessing the proposal against the relevant objectives and policies of the Plan it is considered the proposal is not inconsistent with them. The proposal will be in keeping with the pattern of development both existing and proposed in the area. No loss of amenity values or landscape characteristics will result from this proposal as the activities are in keeping with the surroundings. Accordingly, the proposed subdivision will not compromise any of the environmental outcomes sought by the relevant objectives and policies of the District Plan.

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

There are no other matters considered relevant to making an appropriate consideration of this application. Specifically, it is not considered necessary to test the proposal against the relevant objectives and policies of the Regional Council planning documents due to all necessary Regional Council consents to undertake the application having been granted.

8 Part 2 Matters

In considering this application, the purpose and principles set out in Part 2 RMA are the primary point of reference. The purpose of the Act is set out in section 5 as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5(2) has two components, one enabling and one regulatory. The enabling component contained in section 5(2) makes provision for people and communities to use, develop and protect resources in any way they desire in their pursuit of well-being provided the regulatory component of that subsection in paragraphs (a) – (c) are satisfied.

Part 2 of the RMA forms the backbone for all the documents and processes that are prepared under the Act. The single/principle purpose of the RMA whilst being to promote the sustainable management of natural and physical resources (Part 2, Section 5), the RMA accords pre-eminence to promoting sustainable management of natural and physical resources, not just their “management”.

After Section 5, Sections 6 – 8 of the RMA provide guidance to decision makers on a hierarchy of considerations, being:

- iv. Matters of national importance
- v. Other matters that must be given particular regard
- vi. Principles of the Treaty of Waitangi that must be taken into account

The matters set out in Sections 6 – 8, while important, are all subordinate to the overall purpose of the RMA, set out in Section 5.

Overall it has been assessed that the proposal will be in accordance with matters contained in Part 2 of the RMA. In particular, the proposal will promote sustainable management of natural and physical resources by avoiding, remedying or mitigating any adverse effects on the environment (Section 5(2)(c)).

9 Conclusion and Recommendation

Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to the conditions identified in Part 5 of this report that will avoid, remedy and mitigate any adverse effects of the activity on the environment.

The reasons for this recommendation are as follows:

- 1 Any actual or potential effects on the environment are considered to be appropriate in relation to the surrounding subdivision pattern and the effects on the environment will be less than minor.
- 2 The surrounding area contains large residential subdivisions and the proposed subdivision will offer recreational areas as well as extensively landscaped and pedestrian friendly areas.
- 3 The proposal is considered consistent with the objectives and policies of the Operative District Plan because no loss of amenity or landscape values will result from the proposal as the existing activities and those considered likely to occur on the future lots are in keeping with the surroundings. Accordingly, the proposed subdivision does not compromise any of the environmental outcomes sought by the relevant objectives and policies of the District Plan.
- 4 There are no other relevant matters relevant to the consideration of this application.
- 5 The proposal is consistent with Part 2 of the Act.

Notice of Decision

SD 1600223 P 115763

IN THE MATTER of the Resource Management Act 1991

and

IN THE MATTER of a subdivision application under section 88, the cancellation of a consent notice under section 221(3) and easements under s243(a) of the Resource Management Act 1991 by WFH Properties Ltd

Application

Application for Resource Consent by WFH Properties Ltd at 145 One Tree Point Road being Lot 1 DP 324551, Lot 2 DP 324551, Lot 2 DP 343669, Lot 2 DP 33054, Lot 2 DP 106192, Lot 4 DP 197696, Section Block III Ruakaka. This application is to subdivide the subject site into 66 residential lots and 2 reserves following approval of a Comprehensive Development Plan. The application also includes a request to cancel consent notices under section 221(3) and easements under section 243(a) of the Resource Management Act 1991.

Decision – Subdivision

The application has been considered and determined under authority delegated to the Principal Planner (Consents) of Whangarei District Council, pursuant to Section 34A of the Resource Management Act 1991. The decision is as follows:

Determination 1

That pursuant to Section 37 of the Resource Management Act 1991, Council extends the number of working days in which to make a decision on this consent by 19 working days, with the final required decision date now being 9 May 2017. The additional time has been necessary to enable the applicant's agent to address issues with the WDC Parks Division regarding stormwater discharge infrastructure on Parks land and to review and comment on draft conditions of consent.

Determination 2

That pursuant to Sections 221(3) and s243(a) of the Resource Management Act 1991, Council grants consent to cancel the following consent notices and easement instruments:

Identification	#	Lot
Consent Notice	5786881.1	Lot 1 DP 324551
Easement Instrument	5923983.3	Lot 2 DP 332054
Consent Notice	5786881.1	Lot 2 DP 343669
Easement Instrument	8389851.4	Lot 2 DP 343669
Consent Notice	5786881.1	Lot 2 DP 324551

Determination 3

That pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991, Council grants consent subject to the following conditions:

Stage 1: Lots 1 - 40

- 1 **That before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:**
 - a That the survey plan submitted for approval shall conform with the subdivision consent obtained and the plan of subdivision being Sheet 1 of 2 and 2 of 2, titled The Landing @ Marsden, Stages 1 and 2, Drawing numbers 31013 – GE – 01 and 31013 – GE – 02, for client WFH

Properties Limited, by Woods Engineers, Surveyors and Planners, dated September 2016, referenced by job number, 31013, revision 2.

- b The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.
- c To ensure consistency, the engineering plans required by condition 1(b) shall be prepared in accordance with (where appropriate) the engineering plans and all information submitted with the application as detailed below:
 - i. Application form and Assessment of Environmental Effects entitled 'Resource Consent Application and Assessment of Environmental Effects – Subdivision Consent: The Landing @ Marsden – 145 One Tree Point Road, One Tree Point (Stage 1 & 2), dated November 2016.
 - ii. Section 92 Response Letter prepared by Woods, dated 1 March 2017.
 - iii. Engineering Plans as detailed below by Woods:

Sheet No	Sheet Title	Revision Date
31013-01- 100 -EW	Existing Contours Plan	28/02/2017
31013-01- 110 -EW	Proposed Contours Plan	28/02/2017
31013-01- 120 -EW	Depth (Cut/Fil) Contours Plan	28/02/2017
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31013-01- 250-252 - RD	Road Longitudinal Sections	28/02/2017
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It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bonds of their assessed competencies. IQP’s must have been assessed by Council and hold a current status to submit design work.

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

- d Specifically, the engineering plans required under condition 1(b) are to be prepared in accordance with the recommendations of:
 - i. The Opus report for Woods – WFH Properties, titled One Tree Point Subdivision Acid Sulphate Soil, dated 25.08.2016, or it is to be demonstrated prior to engineering design approval and to the satisfaction of Council's Waste and Drainage Manager, that the alternative materials and/or methodologies proposed to be used will avoid the potential effects of Acid Sulphate Soils on the infrastructure. **Note:** where materials and/or methodologies are proposed to be used to avoid the potential effects of Acid Sulphate Soils, specific approval of the WDC Waste and Drainage Department may be required as these materials and/or methodologies could be considered an alternative/specific design not in accordance with the EES.
 - ii. The Geotechnical Investigation Report, dated 16th September 2005 by Ormiston Associated Ltd, prepared for Dannemora Holdings and Fulton Hogan.
 - iii. The recommendations and content contained in the Stormwater Memo, prepared by Woods, dated the 23rd of November 2016, for client WFH Properties Ltd.
 - iv. The recommendations and content contained in the Infrastructure Assessment Report, prepared by Woods, dated November 2016, titled The Landing @ Marsden Stage 1 and 2.
 - v. The recommendations and content contained in the Transportation Assessment Report dated 31 October 2016, titled Residential Subdivision, The Landing @ Marsden prepared by Commute Transport Consultants.

Plans are to include but are not limited to:

- vi. Design details of final earthworks and retaining for Stage 1 to construct roads, lot platforms and wetland 01, in accordance with Council's Environmental Engineering Standards 2010 Edition, including existing and proposed contours and depths of cut/fill.
- vii. Design details of the construction of the intersection of proposed Road 1 and One Tree Point Road in accordance with Council's Environmental Engineering Standards 2010 Edition and recommendations within the Transportation Assessment Report by Commute, ref J00470, including road marking, signage layout and intersection lighting design.
- viii. Design details of the construction of the proposed access lot to Lots 24, 25 and 26, in accordance with Table 3.7 Category A and Sheet 7 of Council's Environmental Engineering Standards 2010 Edition including a typical cross section, long section, culverts, drainage flow paths and overland flow.
- ix. Design details of Roads 1 and 2 (legal roads to vest) in accordance with Table 3.1 Class B, Sheet 2 and Section 3 of Council's Environmental Engineering Standards 2010 Edition, including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining and street furniture.
- x. Design details of Road 3 (legal road to vest) in accordance with Table 3.1 Class A, Sheet 2 and Section 3 of Council's Environmental Engineering Standards 2010 Edition, including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining and street furniture.
- xi. Either:
 - a. Design details of Low Pressure Sewer Service sewerage mainline reticulation inclusive of any manholes and/or upgrades to existing gravity reticulation, LPSS fittings and boundary kits/connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition, and including details of how self-cleansing velocities, residence times and odour control will be achieved prior to full build-out of the lots; **or**
 - b. Design details of gravity sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- xii. Design details of water main extensions inclusive of any valves, bulk water meters, fittings and connections necessary to service all residential lots, inclusive of calculations in accordance with Section 6 of Council's Environmental Engineering Standards 2010 Edition.
- xiii. Design details of water connections for all lots in accordance with Sheet 46 or 47 of Council's Environmental Engineering Standards 2010 Edition including firefighting coverage in accordance with Sheet 45 and Section 6.11.
- xiv. Design details of stormwater primary and trunk mainline reticulation inclusive of any upgrades/diversions to the existing reticulation, sumps, manholes, treatment

devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that:

- a. The existing public reticulation is capable of receiving the additional flows; and
- b. The new system is capable of receiving stormwater from further upstream development (where applicable).

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

- xv. Design details of stormwater connections for all lots in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010 Edition.
- xvi. Design details of the proposed trunk main coastal outfall, inclusive of proposed outlet structures, scour protection measures and any upgrades to the existing infrastructure (including boat ramp), in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. Note: These plans must demonstrate the proposed works are in accordance with the relevant conditions of the Northland Regional Council Consent ref: CON1997Q367101 (including any amendments to this consent) and in addition to the approval of the Senior Environmental Engineering Officer will require specific approval from the Council's Parks Manager (or their delegated representative) and the Council's Waste and Drainage Manager (or their delegated representative). Approval of the plans by the Council's Parks Manager (or their delegated representative) will constitute an approval to undertake works on WDC owned land as necessary to complete the works.
- xvii. Design details of proposed wetland 1, inclusive of sections, construction details, planting, benching and fencing, calculations and final operations and maintenance requirements, in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition and Tonkin & Taylor report 1000795 (7/2/2017), noting, these plans will require approval from Council's Parks Manager (or their delegated representative) as well as the SEEO. Planting is to be in accordance with the Landscaping Plan by LASF Landscape Architects, titled Street Tree Landscape Plan, Stage 1 & 2 for The Landing @ Marsden, for WFH Properties Ltd. Project WFH1T, dated 23.11.2016, drawing referenced 001 and 002. Specific additional information regarding design of public (to vest) wetland 1 shall be submitted as follows:
 - a. Details of impermeable liner anchor construction;
 - b. Proposed impermeable liner welding and installation methodology, including details of the proposed certified (where appropriate) welders and installers;
 - c. Details of design for wind and hydrostatic uplift of the impermeable liner;
 - d. Details of planting layer design;
 - e. Designers risk assessment for handover of the asset to Council;
 - f. Detail of the slope at the front of Lot 610, with detail of planting, maintenance and/or other methods required to ensure safety, such detail to be dependent upon the internal batter slope of the pond. This is also a consideration for maintenance vehicles accessing Lot 500;
 - g. Detail of vehicle access to the grass maintenance track within Lot 500;
 - h. Detail of slopes around the pond (Lot 500) particularly on the southern side as these do not comply as shown on the information provided with required slopes for reverse benches of 1:10 (refer EES 4.10.2). Note: A reverse bench is not required on the northern side where a fence is provided;

- i. Detail of the slope on southern side of pond, including pathway formation as shown on the landscape plan, location of tree planting, ensuring that slopes can be adequately maintained and/or mown; and
 - j. Maintenance plan for landscaping.
- xviii. Design details of landscaping and street planting in accordance with Section 3 and 7 of Council's Environmental Engineering Standards 2010 Edition. Planting is to be in accordance with the Landscaping Plan by LASF Landscape Architects, titled Street Tree Landscape Plan, Stage 1 & 2 for The Landing @ Marsden, for WFH Properties Ltd. Project WFH1T, dated 23.11.2016, drawing referenced 001 and 002, noting these plans will require approval from Council's Parks Manager (or their delegated representative) as well as the SEEO. With regard to the provision of design details of landscaping and street planting the location of street trees are to be considered in the road design and layout of services in the berms. Insufficient space and consideration to design may prevent trees from being established within the road reserve corridor due to conflict with underground services. Therefore, a landscaping design compatible with piped service/road design is required in accordance with 7.1.2.2 and 7.1.2.4 of the EES 2010.
- xix. Design details are to be provided to WDC for the portion of Lot 610 that contains a number of middens previously relocated from elsewhere on the site, in particular how the archaeological values within the Reserve should be managed on an on-going basis and whether or not a classification of 'recreation reserve' appropriately reflects the primary values of the site and can achieve the management outcomes necessary for archaeological protection on an on-going basis, noting these plans will require approval from Council's Parks Manager (or their delegated representative) as well as the SEEO. Other matters to be addressed are:
- a. Clear identification of the portion of Lot 610 which contains the relocated middens.
 - b. Consideration as to whether it may be appropriate to identify the relevant area within Lot 610 requiring on-going heritage protection as Heritage Covenant. If archaeological values affect the entire site, it may be appropriate to classify the entire site as a Historic Reserve (s18 Reserves Act).
 - c. Patuharakeke Te Iwi Trust Board is to provide input into the on-going management of the reserve (particularly the archaeological area on the reserve) and any relevant cultural design principles or interpretation in alignment with the Cultural Mitigation Plan Report prepared by Patuharakeke Te Iwi Trust Board, dated October 2016.
 - d. Confirmation from Patuharakeke Te Iwi Trust Board and an archaeologist of any measures necessary to ensure the midden area is appropriately identified and protected to ensure it is not compromised by recreation use (e.g. maintenance, potential location of recreational structures such as seating/equipment and planting of trees). This may require clarification as to whether this area will be fenced/signposted and how this area should be managed in accordance with any requirements of Patuharakeke Te Iwi Trust Board and advice of an archaeologist.
 - e. Consideration be given by an archaeologist and Patuharakeke Te Iwi Trust Board, in agreement with WDC Parks, as to the appropriate legal mechanism (including consideration of the appropriate classification of the Reserve) that will achieve the protection outcomes identified. This information shall be supported by a schedule of on-going management requirements, objectives and policies (as required by 7.1.2 of the Council's Environmental Engineering Standards 2010 Edition) to be adhered to throughout the on-going management and use of this site in the future (i.e.

any signage/ fencing requirements and recommendations on planting/ digging/ formation of pathways etc).

- e The consent holder must submit an Inspection & Test Plan (ITP) for approval prepared in accordance with Council's Environmental Engineering Standards 2010 Edition and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site. Note that this ITP will be processed in conjunction with the submitted engineering plans required by condition 1(b) and Council reserves the right to withhold ITP approval until the engineering plans are approved as these documents are to be read in conjunction with each other.
- f The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or delegated representative.
- g The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer or delegated representative.
- h The consent holder must create easements over all proposed/existing Council services not located within 1.5m of the proposed property boundaries and/or as directed by the Senior Environmental Engineering Officer or delegated representative.
- i The consent holder must provide Council with three proposed street/road names in writing for each of Road 1, 2 and 3 in accordance with Council's policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed street/road should also be submitted and any evidence of consultation relating to the proposed names. (Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/).

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

- j The consent holder must provide Council with three proposed access names in writing for the joint access to Lots 24-26, in accordance with Council's policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed street/road should also be submitted and any evidence of consultation relating to the proposed names. (Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/).

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

- k The consent holder is to submit a Contract Construction Management Plan in accordance with Council's Environmental Engineering Standards to the approval of the Senior Environmental Engineering Officer or delegated representative. In addition the Contract Construction Management Plan is to ensure that:
 - i. The proposal will be carried out as per the recommendations and content contained in the Patuharakeke Te Iwi Trust Board, Cultural Mitigation Plan Report, for WFH Subdivision, titled The Landing @ Marsden, One Tree Point, dated October 2016. The applicant shall use these measures to avoid, remedy or mitigate potential adverse effects, and that the recommendations of the corresponding technical reports to the application (i.e. the Opus Report and Woods Earthworks Methodology) be adherence to through the development of the proposed subdivision.

- ii. The proposal will be carried out as per the recommendations and content contained in the Clough and Associated Ltd Report Validating NZHPT Authority 2006/33, titled One Tree Point, Whangarei Harbour: Final Report on Stage 1 Investigations, prepared for Dannemora Ltd, dated 2008.

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

- a The Consent holder is to submit all documentation as required by Council “Quality Assurance/Quality Control Manual – Vested Assets”. This will include nomination of an IQP and an “inspection and Test Plan” for approval by the SEEO before any works commences.
- b All work on the approved engineering plans in Condition 1(b) is to be carried out to the approval to the approval of the Senior Environmental Engineering Officer.

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

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

- c The consent holder is to submit a Corridor Access Request application to Council’s Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council’s Road Reserve in accordance with Council’s Environmental Engineering Standards 2010 to the satisfaction of the Senior Environmental Engineering Officer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
- d A pre-start meeting is required to be undertaken with the consent holders representative (DR), contractor(s) and all other IQP’s or agents for consent holder and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- e The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
 - i. Name and telephone number of the project manager/ IQP.
 - ii. Site address to which the consent relates.
 - iii. Activities to which the consent relates.
 - iv. Expected duration of works.

A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of, and have access to the resource consent and accompanying documentation.

- f The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance

with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.

- g The consent holder shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- h Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development of the Senior Environmental Engineering Officer or delegated representative.
- i The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- j The consent holder must reinstate Council's street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services by the demolition and construction works associated with the subdivision and land use activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- k The consent holder must submit a certified and dated 'as built' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- l The consent holder must submit certified RAMM data for all new/upgraded or extended roads, carparks or vehicle crossings, prepared by a suitably qualified person and in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- m The consent holder must supply and erect the Public street/road name signs for Road 1, 2 and 3 in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road name. The signs shall be located in a position where it is most visible for road users to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- n The consent holder must supply and erect the Private access name sign for the joint access to Lots 24-26, in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road name. The signs shall be located in a position where it is most visible for road users to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- o The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas filling from a Chartered Professional Engineer specifying any site restrictions, and confirming that the land is suitable for building development to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- p If filling were to occur on any allotment, the consent holder shall submit a Form EES PS4 compiled by a suitably qualified person including as-built details confirming the location of such fill on the affected titles, to the satisfaction of the Senior Environmental Engineering Officer, or delegated representative. This Form EES PS4 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.'
- q Upon completion of the development works, the consent holder must submit for approval a "Certificate of Completion of Development Works" (EES-PS4) to the Senior Environmental Engineering Officer.
- r The consent holder shall prepare a fencing covenant as defined under Section 2 of the Fencing Act 1978 to be registered against all residential allotments to be created adjoining the reserve(s) to vest (excluding road reserve), specifying that Council will not be liable for any

costs for future fencing of boundaries with any reserve. In addition, the boundary fencing adjoining the reserve(s) to vest (excluding road reserve) above a height of 1.2m shall be constructed in visually permeable materials that allow visibility into the reserve. Details of proposed fencing shall be provided to Council's Parks and Recreation Manager for approval prior to construction.

- s Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 1 - 40 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners.
- i. Any site development shall comply with the restrictions and recommendations identified in the Ormiston engineering report reference 1600/2114 dated 16/09/2005 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii. At the time of building consent the property owner shall arrange to supply and install (at its own cost) a pressure sewer system of an approved make, brand or type (including all its constituent components) to the satisfaction of Council. After approval by WDC Waste and Drainage Manager, and connection of the pressure sewer system to the Council's reticulated system, WDC shall own and maintain the pressure sewer system in accordance with the WDC Pressure Sewer Policy. The Owner shall continue to own and maintain the property's gravity drain to the pump chamber. The Owner shall be responsible for paying for the power consumption of the pumping unit in accordance with Council Pressure Sewer Policy.
 - iii. Future owners of Lots 1 - 40 are required to limit the impervious area of their site to no more than 45% of the net site area, where impervious area includes: buildings, solid paving, decking, patios and swimming pools, whether or not these require building consent. If an owner proposes to have more than 45% impervious area on their site they are to demonstrate to Whangarei District Council the means by which the stormwater run-off rate from the particular site will not exceed 45% of the total lot area unless lot-specific attenuation is provided in accordance with the EES 2010 for the additional impervious area, with supporting calculations provided, undertaken by an IQP in accordance with WDC EES 2010.

Stage 2: Lots 41 - 66

That pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991, Council grants consent subject to the following conditions:

- 3 That before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:**
- a That the survey plan submitted for approval shall conform with the subdivision consent obtained and the plan of subdivision being Sheet 1 of 2 and 2 of 2, titled The Landing @ Marsden, Stages 1 and 2, Drawing numbers 31013 – GE – 01 and 31013 – GE – 02, for client WFH Properties Limited, by Woods Engineers, Surveyors and Planners, dated September 2016, referenced by job number, 31013, revision 2.
 - b The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.
 - c To ensure consistency, the engineering plans required by condition 3(b) shall be prepared in accordance with (where appropriate) the engineering plans and all information submitted with the application as detailed below:
 - i. Application form and Assessment of Environmental Effects entitled 'Resource Consent Application and Assessment of Environmental Effects – Subdivision

Consent: The Landing @ Marsden – 145 One Tree Point Road, One Tree Point (Stage 1 & 2), dated November 2016.

- ii. Section 92 Response Letter prepared by Woods, dated 1 March 2017.
- iii. Engineering Plans as detailed below by Woods:

Sheet No	Sheet Title	Revision Date
31013-01- 100 -EW	Existing Contours Plan	28/02/2017
31013-01- 110 -EW	Proposed Contours Plan	28/02/2017
31013-01- 120 -EW	Depth (Cut/Fil) Contours Plan	28/02/2017
31013-01- 140 -EW	Retaining Walls Plan	28/02/2017
31013-01- 200-203 - RD	Road Layout Plan	28/02/2017
31013-01- 230 -RD	Road Typical Cross Sections	28/02/2017
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31013-01- 330 -DR	Stormwater CMP Extents	25/11/2016
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31013-01- 390 -DR	Existing Coastal Outfall	28/02/2017
31013-01- 391 -DR	Proposed Coastal Outfall	28/02/2017
31013-01- 395-396 - DR	Proposed Coastal Outfall Details	28/02/2017
31013-01- 400-403 - DR	Wastewater Drainage Plan	25/11/2016
31013-01- 480-481 - DR	Wastewater Details	25/11/2016
31013-01- 482-DR	Wastewater Details	28/02/2017
31013-01- 600-603 - WR	Water Reticulation Plan	25/11/2016
LASF 001-002	Streetscape/Wetland Landscaping Plan	23/11/16
CHORUS 001	High Level Scope Plan	-
ADLT 001	Street Lighting Plan	22/11/16

- iv. Clough & Associates Ltd report Validating NZHPT Authority 2006/33, dated 2008.
- v. Acid Sulphate Soil report prepared by Opus, dated 25 August 2016.
- vi. Cultural Mitigation Plan Report prepared by Patuharakeke Te Iwi Trust Board, dated October 2016.
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- viii. Infrastructure Report for Stage 1 and 2 prepared by Woods, dated November 2016.
- ix. Stormwater Management Plan prepared by Woods, dated 23 November 2016.
- x. Wastewater Report for Servicing of Stage 1 and 2, prepared by Harrison Grierson, dated 9 December 2016.
- xi. Geotechnical Investigation Report prepared by Ormiston Associates Limited, dated 16 September 2005.
- xii. Wetland comments prepared by Tonkin + Taylor, dated 7 February 2017.
- xiii. Draft Wetland W1 Operation & Maintenance Manual, The Landing @ Marsden, prepared by Woods dated 23 November 2016.
- xiv. Ground contamination assessment – The Landing, One Tree Point, Marsden prepared by Tonkin + Taylor dated 5 February 2017.

- xv. Memorandum prepared by Airey Consultants Ltd dated 1 March 2017 entitled 'Low Pressure Sewer Network Analysis for Marsden Bay Developments'.
- xvi. Potential Contaminated Site report prepared by Whangarei District Council, dated 7 March 2017.
- xvii. Email correspondence from Woods dated 10 January 2017 containing the 2007 New Zealand Historic Places Trust documents for authorities 2006-33 and 2007/231.
- xviii. Email correspondence with Northland Regional Council dated 22 December 2016 entitled 'One Tree Point – coastal outfall upgrade works and stormwater discharge'.

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

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

- d Specifically, the engineering plans required under condition 1(b) are to be prepared in accordance with the recommendations of:
 - i. The Opus report for Woods – WFH Properties, titled One Tree Point Subdivision Acid Sulphate Soil, dated 25.08.2016, or it is to be demonstrated prior to engineering design approval and to the satisfaction of Council's Waste and Drainage Manager, that the alternative materials and/or methodologies proposed to be used will avoid the potential effects of Acid Sulphate Soils on the infrastructure. **Note:** where materials and/or methodologies are proposed to be used to avoid the potential effects of Acid Sulphate Soils, specific approval of the WDC Waste and Drainage Department may be required as these materials and/or methodologies could be considered an alternative/specific design not in accordance with the EES.
 - ii. The Geotechnical Investigation Report, dated 16th September 2005 by Ormiston Associated Ltd, prepared for Dannemora Holdings and Fulton Hogan.
 - iii. The recommendations and content contained in the Stormwater Memo, prepared by Woods, dated the 23rd of November 2016, for client WFH Properties Ltd.
 - iv. The recommendations and content contained in the Infrastructure Assessment Report, prepared by Woods, dated November 2016, titled The Landing @ Marsden Stage 1 and 2.
 - v. The recommendations and content contained in the Transportation Assessment Report dated 31 October 2016, titled Residential Subdivision, The Landing @ Marsden prepared by Commute Transport Consultants.

Plans are to include but are not limited to:

- vi. Design details of final earthworks and retaining for Stage 2 to construct roads and lot platforms in accordance with Council's Environmental Engineering Standards 2010 Edition, including existing and proposed contours and depths of cut/fill.
- vii. Design details of Road 4 and the connections to Road 1 and 2 (legal roads to vest) in accordance with Table 3.1 Class B, Sheet 2 and Section 3 of Council's Environmental Engineering Standards 2010 Edition, including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining and street furniture.
- viii. Either:

- a. Design details of Low Pressure Sewer Service sewerage mainline reticulation inclusive of any manholes and/or upgrades to existing gravity reticulation, LPSS fittings and boundary kits/connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition, and including details of how self-cleansing velocities, residence times and odour control will be achieved prior to full build-out of the lots; **or**
 - b. Design details of gravity sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- ix. Design details of water main extensions inclusive of any valves, bulk water meters, fittings and connections necessary to service all residential lots, inclusive of calculations in accordance with Section 6 of Council's Environmental Engineering Standards 2010 Edition.
- x. Design details of water connections for all lots in accordance with Sheet 46 or 47 of Council's Environmental Engineering Standards 2010 Edition including firefighting coverage in accordance with Sheet 45 and Section 6.11.
- xi. Design details of stormwater primary and trunk mainline reticulation inclusive of any upgrades/diversions to the existing reticulation, sumps, manholes, treatment devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that:
 - a. The existing public reticulation is capable of receiving the additional flows; and
 - b. The new system is capable of receiving stormwater from further upstream development (where applicable).
 - c. **Note:** Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.
- xii. Design details of stormwater connections for all lots in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010 Edition.
- xiii. Design details of landscaping and street planting in accordance with Section 3 and 7 of Council's Environmental Engineering Standards 2010 Edition. Planting is to be in accordance with the Landscaping Plan by LASF Landscape Architects, titled Street Tree Landscape Plan, Stage 1 & 2 for The Landing @ Marsden, for WFH Properties Ltd. Project WFH1T, dated 23.11.2016, drawing referenced 001 and 002, noting these plans will require approval from Council's Parks Manager (or their delegated representative) as well as the SEEO. With regard to the provision of design details of landscaping and street planting the location of street trees are to be considered in the road design and layout of services in the berms. Insufficient space and consideration to design may prevent trees from being established within the road reserve corridor due to conflict with underground services. Therefore, a landscaping design compatible with piped service/road design is required in accordance with 7.1.2.2 and 7.1.2.4 of the EES 2010.
- e. The consent holder must submit an Inspection & Test Plan (ITP) for approval prepared in accordance with Council's Environmental Engineering Standards 2010 Edition and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site. Note that this ITP will be processed in conjunction with the

submitted engineering plans required by condition 3(b) and Council reserves the right to withhold ITP approval until the engineering plans are approved as these documents are to be read in conjunction with each other.

- f The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or delegated representative.
- g The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer or delegated representative.
- h The consent holder must create easements over all proposed/existing Council services not located within 1.5m of the proposed property boundaries and/or as directed by the Senior Environmental Engineering Officer or delegated representative.
- i The consent holder must provide Council with three proposed street/road names in writing for Road 4 in accordance with Council's policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed street/road should also be submitted and any evidence of consultation relating to the proposed names. (Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/).

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

- j The consent holder is to submit a Contract Construction Management Plan in accordance with Council's Environmental Engineering Standards to the approval of the Senior Environmental Engineering Officer or delegated representative. In addition the Contract Construction Management Plan is to ensure that:
 - i. The proposal will be carried out as per the recommendations and content contained in the Patuharakeke Te Iwi Trust Board, Cultural Mitigation Plan Report, for WFH Subdivision, titled The Landing @ Marsden, One Tree Point, dated October 2016. The applicant shall use these measures to avoid, remedy or mitigate potential adverse effects, and that the recommendations of the corresponding technical reports to the application (i.e. the Opus Report and Woods Earthworks Methodology) be adherence to through the development of the proposed subdivision.
 - ii. The proposal will be carried out as per the recommendations and content contained in the Clough and Associated Ltd Report Validating NZHPT Authority 2006/33, titled One Tree Point, Whangarei Harbour: Final Report on Stage 1 Investigations, prepared for Dannemora Ltd, dated 2008.

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

- a The Consent holder is to submit all documentation as required by Council "Quality Assurance/Quality Control Manual – Vested Assets". This will include nomination of an IQP and an "inspection and Test Plan" for approval by the SEEO before any works commences.
- b All work on the approved engineering plans in Condition 3(b) is to be carried out to the approval to the approval of the Senior Environmental Engineering Officer.

Compliance with this condition shall be determined by site inspections undertaken and by provision and approval of supporting documentation provided by the developers

representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by the Council's Environmental Engineering Standards 2010.

No construction works are to commence onsite until the engineering plans required in condition 3(b) have been approved and all associated plan inspection fees have been paid.

- c The consent holder is to submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council's Road Reserve in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Senior Environmental Engineering Officer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
- d A pre-start meeting is required to be undertaken with the consent holders representative (DR), contractor(s) and all other IQP's or agents for consent holder and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- e The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
 - i. Name and telephone number of the project manager/ IQP.
 - ii. Site address to which the consent relates.
 - iii. Activities to which the consent relates.
 - iv. Expected duration of works.

A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of, and have access to the resource consent and accompanying documentation.

- f The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.
- g The consent holder shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- h Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development of the Senior Environmental Engineering Officer or delegated representative.
- i The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- j The consent holder must reinstate Council's street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services by the demolition and construction works associated with the subdivision and land use activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.

- k The consent holder must submit a certified and dated 'as built' plan of completed works and services (Specify) in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- l The consent holder must submit certified RAMM data for all new/upgraded or extended roads, carparks or vehicle crossings, prepared by a suitably qualified person and in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- m The consent holder must supply and erect the Public street/road name sign for Road 4 in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road name. The signs shall be located in a position where it is most visible for road users to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- n The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas filling from a Chartered Professional Engineer specifying any site restrictions, and confirming that the land is suitable for building development to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- o If filling were to occur on any allotment, the consent holder shall submit a Form EES PS4 compiled by a suitably qualified person including as-built details confirming the location of such fill on the affected titles, to the satisfaction of the Senior Environmental Engineering Officer, or delegated representative. This Form EES PS4 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.'
- p Upon completion of the development works, the consent holder must submit for approval a "Certificate of Completion of Development Works" (EES-PS4) to the Senior Environmental Engineering Officer.
- q Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 41 - 66 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners.
 - i. Any site development shall comply with the restrictions and recommendations identified in the Ormiston engineering report reference 1600/2114 dated 16/09/2005 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii. At the time of building consent the property owner shall arrange to supply and install (at its own cost) a pressure sewer system of an approved make, brand or type (including all its constituent components) to the satisfaction of Council. After approval by WDC Waste and Drainage Manager, and connection of the pressure sewer system to the Council's reticulated system, WDC shall own and maintain the pressure sewer system in accordance with the WDC Pressure Sewer Policy. The Owner shall continue to own and maintain the property's gravity drain to the pump chamber. The Owner shall be responsible for paying for the power consumption of the pumping unit in accordance with Council Pressure Sewer Policy.
 - iii. Future owners of Lots 41 - 66 are required to limit the impervious area of their site to no more than 45% of the net site area, where impervious area includes: buildings, solid paving, decking, patios and swimming pools, whether or not these require building consent. If an owner proposes to have more than 45% impervious area on their site they are to demonstrate to Whangarei District Council the means by which the stormwater run-off rate from the particular site will not exceed 45% of the total lot area unless lot-specific attenuation is provided in accordance with the EES 2010 for

the additional impervious area, with supporting calculations provided, undertaken by an IQP in accordance with WDC EES 2010.

Reasons for the Decision

Pursuant to Section 113 of the Act the reasons for the decision are:

1. Any actual or potential effects on the environment are considered to be appropriate in relation to the surrounding subdivision pattern and the effects on the environment will be less than minor.
2. The surrounding area contains large residential subdivisions and the proposed subdivision will offer recreational areas as well as extensively landscaped and pedestrian friendly areas.
3. The proposal is considered consistent with the objectives and policies of the Operative District Plan because no loss of amenity or landscape values will result from the proposal as the existing activities and those considered likely to occur on the future lots are in keeping with the surroundings. Accordingly, the proposed subdivision does not compromise any of the environmental outcomes sought by the relevant objectives and policies of the District Plan.
4. There are no other relevant matters relevant to the consideration of this application.
5. The proposal is consistent with Part 2 of the Act.

Advice Notes

1. Council determined that the application need not be notified as:
 - i. The adverse effects on the environment are assessed to be less than minor because the proposal will be in keeping with the established subdivision pattern within the surrounding environment. Any potential visual, amenity or land use effects have been assessed to be less than minor.
 - ii. No persons have been determined to be adversely affected.
 - iii. There are no special circumstances to warrant public notification.
 - iv. The application will have effects that are less than minor from an engineering perspective provided the development is carried out in accordance with the recommended conditions.
2. This resource consent will lapse five years after the date of commencement of this consent (being the date of this decision) unless:
 - It is given effect to before the end of that period; or
 - An application is made to Council to extend the period after which the consent lapses, and such application is granted prior to the lapse of consent. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
3. Section 357 of the Resource Management Act 1991 provides a right of objection to this decision. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
4. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.
5. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage

New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.

6. The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
7. To help fund additional assets or assets of increased capacity, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure. Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent related is subject to a Development Contributions assessment. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long-Term Plan (LTP) or Council's web page at www.wdc.govt.nz.
8. Please note the normal requirements of Land Information New Zealand in regard to the issuing of amalgamated titles. These include requirements for the land to be held in the same ownership, and for any existing joint family home settlements to be cancelled or extended to include all the land being amalgamated.
9. A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, ph 430 4230 ext 8231.
10. The WDC QA/QC Manual document can be located at the following link: <http://www.wdc.govt.nz/BuildingandProperty/GuidelinesandStandards/Pages/default.aspx>
11. Building Consents may be required for retaining structures.
12. All earthworks are required to comply with Section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.
13. All works to be carried out pursuant to Condition 1b and 3b above shall be undertaken on public land unless written right of entry is obtained from the owners of all private land upon which work is to be carried out. Where any necessary written right of entry has not been obtained, any such infrastructure work shall be re-routed to achieve compliance with this condition.
14. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.
15. That the proposed reserve is offered with no expectation of any development contribution offset.



Ian McAlley (Consultant Planner)

03.05.2017



Lisa Doran Principal Planner s(Consents)

9 May 2017

Date