

Appendix 11

NRC Application



Onoke Heights Limited

Regional Consent - Land Use

Dip Road, Kamo

Assessment of Environmental Effects and Statutory Analysis

26 November 2021

B&A

Urban & Environmental

Prepared for:
Onoke Heights Limited

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Prepared by:



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Reviewed by:



Alisa Neal

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Appendices

- Appendix 1: Record of Title and Interests
- Appendix 2: Scheme Plan and Engineering Plans (Blue Wallace)
- Appendix 3: Three Waters Design Report (LDE)
- Appendix 4: Rules Assessment
- Appendix 5: Potentially Contaminated Site Search
- Appendix 6: Geotechnical Investigation Report (LDE)
- Appendix 7: Earthworks Geotechnical Letter (LDE)

1.0 Applicant and Property Details

To:	Northland Regional Council
Site Address:	Dip Road, Kamo
Applicant Name:	Onoke Heights Limited
Address for Service:	Barker & Associates Ltd PO Box 37 Whangarei 0140 Attention: Melissa McGrath
Legal Description:	Section 1 SO Plan (refer to Record of Title as Appendix 1)
Site Area:	6.8700 ha (total)
Site Owner:	Onoke Heights Limited
Regional Plan:	Northland Regional Plan
Regional Plan Zoning:	<u>Operative Regional Water and Soils Plan</u> Not identified on map showing: <ul style="list-style-type: none"> • Erosion Prone Land • Flood Hazard <u>Proposed Regional Plan (Appeals Version):</u> Groundwater Quality and quantity management units – ‘Other Aquifers’ River water quantity management unit – ‘Coastal River’ Hill Country and Low land Areas – ‘Lowland Area’ and ‘Other’ Whangārei Swimming Sites Stock Exclusion Areas – ‘Upstream Catchment’
District Plan Zoning:	<u>Operative District Plan</u> Living 1 Environment <u>Proposed District Plan (Appeals Version)</u> General Residential Zone <u>Operative District Plan - Overlays</u>

Critical Electricity Line

Living Overlay

Additional Limitations:

N/A

Brief Description of Proposal:

To enable bulk earthworks and stormwater discharge associated with a residential development as described within Section 4.

Summary of Reasons for Consent:

Regional Water and Soil Plan for Northland

Resource consent is required as a controlled activity pursuant to rule 22.2.1 Diversion of Stormwater from Land Disturbance.

Proposed Regional Plan (Appeals Version)

Resource consent is required as a **controlled activity** pursuant to rule C.6.4.3 as the stormwater discharge does not comply with the permitted activity standards in C.6.4.1.

Resource Consent is also required as a **controlled activity** C.8.3.2 as the earthworks do not comply with all of the permitted activity standards in Rule C.8.3.1, in particular the 5000m² area limit for earthworks. A full list of reasons for consent is contained within Section 5.

Overall, resource consent is required as a **controlled activity**.

We attach an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

2.0 Background

This report has been prepared in support of a resource consent application to undertake bulk earthworks of approximately 134,349m³ (52,799m³ cut and 81,550m³ fill), over an area of 6.8ha, with a maximum cut depth of 6m and a maximum fill height of 4m and discharge of stormwater associated with the earthworks on behalf of Onoke Heights Limited in preparation for a 95 residential allotment subdivision and associated access and services located at Dip Road, Kamo. Restricted discretionary resource consent is concurrently being sought from Whangārei District Council (WDC) for the proposed development.

This Assessment of Environmental Effects (AEE) has been prepared in accordance with the requirements of Section 88 of and Schedule 4 to the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the proposal may have on the environment.

3.0 Site Context

3.1 Site Description

The 6.8ha subject site is comprised of on a single allotment (legally defined as Section 1 SO 65970), fronting Dip Road, with access to Tuatara Drive (see **Figure 1** below).

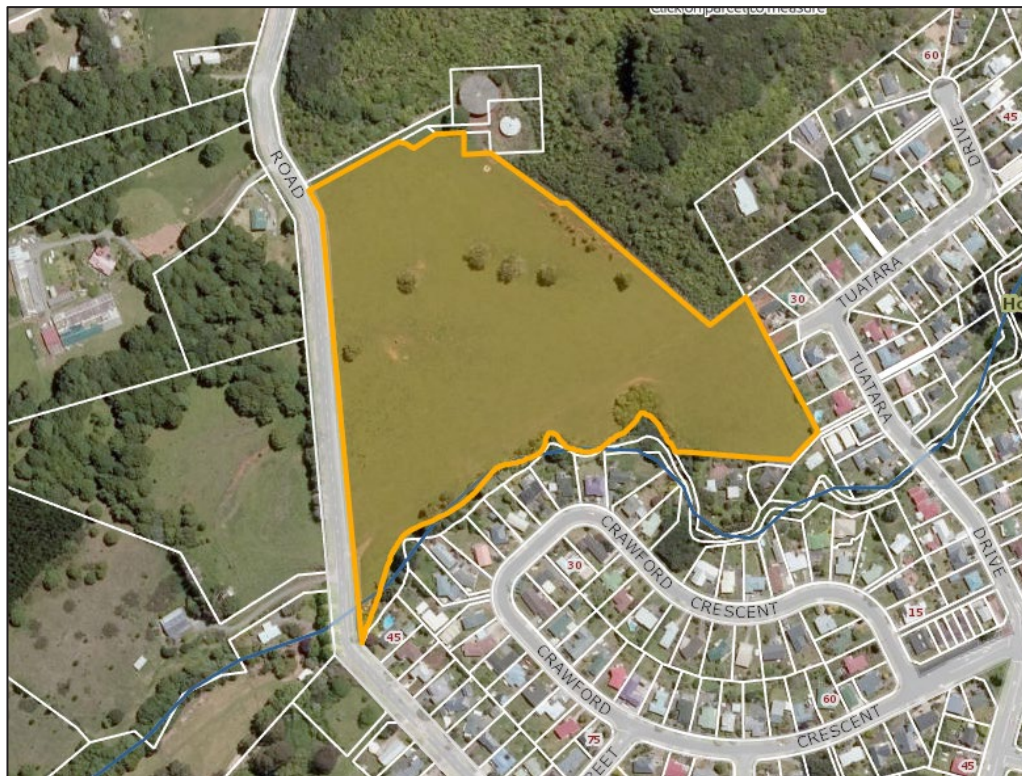


Figure 1: Locality plan – see full scale version in **Appendix 2**.

The subject site is vacant, being grassed in pasture, with a scattering of trees within the centre of the site and along the edge of Waitaua Stream. The northern half of the site comprises of a converging south facing slope of up to 11 degrees. The southern part of the site comprises of waning slopes towards the Waitaua Stream on the southern end of the subject site. Fragmented indigenous vegetation with broadleaf forest remnants encompassing the Waitaua Stream extending along the southern boundary of the site.

The site is situated at the north-western residential edge of the suburb of Kamo, located north of Three Mile Bush Road. The site is situated between the existing residential streets of Dip Road and Tuatara Drive. A Whangārei District Council water reservoir (Designation WDC-25) is located directly north of the subject site with water pipe lines from the reservoir extending south along the eastern site boundary (subject to 3m wide easement) to Tuatara Drive. Directly to the east of the subject site is Onoke Reserve comprised of a large area of native vegetation.

Dip Road is defined as a secondary collector road by the District Plan, with two sealed lanes and a carriageway width of approximately 6.4, Dip Road has a legal width of 20m including carriageway, berms and a footpath is located on the eastern side. Dip Road has a speed limit of 80 kilometres per hour along the site frontage, reducing to 50 kilometres per hour 100m south of the proposed new intersection. There are no street trees in the road reserve adjacent to the site. However, there are a number of power poles and light poles that the proposed design has responded to.

Tuatara Drive is defined as an access road by the District Plan, with two sealed lanes being 8.2m between kerb faces and a footpath along the eastern side. It has an internal tee intersection, one leg of which continues north eastwards to existing residential development, the other being a short stub that leads to two existing houses and currently ends only 25 metres west of the intersection. Tuatara Drive has a speed limit of 50 kilometres per hour.

3.2 Records of Title

The development site is contained within a single Record of Title, copy of which are contained in Appendix 1. The only interest of relevance to the processing of this application is the water right easement.

3.3 Surrounding Locality

The surrounding locality is predominantly residential in nature, featuring a mix of single-storey and two-storey dwellings. The existing built form comprises houses that are typically set back from the street by around 5-8m, with either fully open front yards or low fencing. Interconnected suburban streets of Crawford Crescent, Tuatara Drive and Dip Road feed into Three Mile Bush Road. Hurupaki Primary School and Kindergarten are located directly south west of the site within walking distance along Dip Road.

Rural residential development is located to the north west of the site along Dip Road, with

With respect to schools and amenities, Hurupaki Primary School and Kindergarten are located immediately to the east, while Kamo Primary School is located less than 1km to the east. The Local Centre of Kamo approximately 1km east of the site providing community services, convenience shopping and Kamo High School. Neighbourhood shops are within approximately 400m of the site, including dairy and takeaway outlets.

The area is served by public transport and pedestrian infrastructure. The bus network includes services along Three Mile Bush Road within approximately 1000m walking distance from the site.

The area is well serviced by public open space networks with natural reserves within Hurupaki Cone to the west, Onoke Reserve and Hodges Park to the east. Kamo park has active open space located within Kamo Centre.

4.0 Proposal

4.1 Earthworks

The proposed earthworks involve modification of the site to enable the construction of the building platforms, site access and carparking areas, stormwater infrastructure, over an area of approximately 6.8ha. A total of approximately 134,349m³ (52,799m³ cut and 81,550m³ fill) is proposed, with a maximum cut depth of 6m and a maximum fill height of 4m during earthworks. Earthworks will involve modification of the site to enable the construction of the building platforms, site access and carparking areas. Significant retaining of the site is proposed, including walls up to 5m in height (refer to **Appendix 2**, retaining wall scheme plan 20253-01-RC-203).

As previously described the topography of site is sloping, with earthworks proposed to prepare the land for residential development. Engineered retaining walls may be used to support batter slopes and increase flat areas within sites, and may be required with design beyond the cut and fill batter limitations.

An indicative earthworks cut/fill plan prepared by Blue Wallace Surveyors Ltd is provided within the application and attached as **Appendix 2** and supported by Geotechnical Report and Earthworks Geotechnical letter prepared by LDE and attached as **Appendices 6** and **7**.

4.2 Stormwater

The proposed development will be supported by a comprehensively designed stormwater system to be vested with Whangārei District Council. The servicing strategy for the proposed development is set out in the Integrated Three Waters Design report by LDE, included as **Appendix 3**, and the accompanying Engineering Drawings by Blue Wallace Surveyors, included as **Appendix 2**.

The proposed stormwater system has been designed to mitigate the 2yr, 10yr and 100yr storm events to equal or less than pre-development rates, which ensures that it does not affect downstream areas with any increases in flow rates. Additional to the 2, 10 and 100yr storm event mitigation an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with Auckland Council's GD01.

This includes an onsite stormwater pond to be vested with Whangārei District Council, which will include an extended detention volume to address erosion effects on the stream network that they discharge into and provide water quality treatment for the roads within the development, based on 1/3rd of the 2 year storm.

The proposed stormwater pond is in close proximity to Waitaua stream, however the proposed system will not alter the course of the stream, fish passage will be maintained and no damage will occur to existing flood defences. There are no natural wetlands within 50m of the proposed system.

During Construction

The main source of stormwater from the site will be from surface run-off of rainwater. It is proposed to discharge all stormwater run-off to ground within the construction work area.

In order to minimise the potential for off-site discharge of contaminants from excavation of soils and waste material into stormwater, the following erosion and sediment control measures are proposed and offered as mitigation for this consent application:

- Stabilising the accessway and carparking areas (metal/concrete) as soon as practical as this will provide a safe and tidy access for the following building construction stage;
- The site will be separated into four work areas, surrounded by earth bunds with stormwater from each area being directed to sediment retention ponds (future stormwater ponds);
- Monitor the site after storm events and repair as necessary. Regular maintenance of the devices will also be necessary to ensure their effectiveness during general earthworks; and
- Adopt Auckland Council's GD05 (good guidelines for the industry) as the standard for all devices and sediment control measures.

An Erosion and Sediment Control Plan will be prepared, it is proposed that this control plan and any further detail or a Construction Management Plan be conditioned to provide an opportunity for the nominated contractor to further develop and provide site specific context.

4.3 Mitigation

The proposal includes the following mitigation offered as part of the comprehensive development of the site:

- Location of earthworks will avoid disturbance within the riparian margin of Waitaua Stream.
- Erosion and sediment control during construction (detailed further below).
- Extensive management and treatment of stormwater improving quality of stormwater entering Waitaua Stream (detailed further below).
- Protection by way of reserve the entire length of Waitaua Stream.
- Proposed accidental discovery protocol in accordance with Heritage New Zealand Pouhere Taonga Act.

5.0 Reasons for Consent

A rules assessment against the provisions of the Regional Water and Soil Plan ('RWSP'), and the Proposed Regional Plan (appeals version) are attached as **Appendix 4**.

5.1 Operative Regional Water and Soil Plan for Northland (RWSP)

Rule 22.2.1

Under the provisions of the RWSP, resource consent is required pursuant to following:

- Rule 22.2.1 Diversion and discharge of stormwater: As highlighted above, controlled consent is required for a Land Disturbance Activity Rule, accordingly resource consent is also required as a controlled activity pursuant to 22.2.1 (1).

5.2 Proposed Northland Regional Plan (PRP)

Rule C.6.4.3

Under the provisions of the PRP, resource consent is required for the following:

- Rule C.6.4.3 Stormwater discharges - The proposed stormwater system and discharge will be vested with Whangārei District Council as a public stormwater network within the urban area of Whangārei City the proposed stormwater discharge is therefore a controlled activity.

Rule C.8.3.2

- C.8.3.2 Earthworks Controlled Activity - The proposed earthworks include a total area of exposed earth being approximately 6.8ha at any one time. This exceeds the permitted standards in Rule C.8.3.1 –controlled activity.

5.3 NES Contaminated Soils

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Contaminated Soils) were gazetted on 13th October 2011 and took effect on 1st January 2012.

The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

Council property search (PSC180456) was completed in November 2018 which confirms that there is no indication of current or previous activities within the area of the site that are identified as Hazardous Activities and Industries. This report is included as Appendix 5. Use of the subject site has not changed since 2018.

As a result, the NES Contaminated Soils is not applicable and no resource consents are required pursuant to it.

5.4 National Environmental Standard for Freshwater Management

The proposal is assessed as a permitted activity under the NES-FM

5.5 Activity Status

Overall, this application is for a controlled activity under the Regional Water and Soil Plan and a controlled activity under the Proposed Regional Plan.

6.0 Public Notification Assessment (Sections 95A, 95C and 95D)

6.1 Assessment of Steps 1 to 4 (Sections 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

6.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances.

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the proposal is a controlled activity or a boundary activity. Therefore, public notification is precluded.

6.1.3 Step 3: If not required by step 2, public notification required in certain circumstances.

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be less than minor.

6.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be less than minor.

The development of the subject site for earthworks and stormwater discharge associated with residential subdivision and development which is anticipated by the District Plan General Residential Zoning.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

6.2 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

7.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

7.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

7.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

7.1.2 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

7.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects in relation to adjacent properties will be less than minor, and accordingly, that no persons are adversely affected.

7.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 6.1.4 above, it is considered that special circumstances do not apply.

7.2 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

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

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

Having regard to the above provisions, an assessment is provided below.

7.3 Matters of Discretion

Under section 104A of the Act, as a controlled activity, the consent authority must consider only those matters over which it has reserved its control in its plan, being:

7.3.1 Regional Water and Soil Plan:

22.2.1 Diversion of Stormwater from Land Disturbance.

Matters Subject to Control: The matters over which the Council will exercise control are:

(1) The permissible maximum concentration of contaminants in the discharge.

(2) The size and zone of reasonable mixing.

(3) The adequacy of the proposed stormwater management and treatment systems. (4) The adequacy of the proposed inlets to collect the stormwater at the design return period.

(5) The adequacy of the proposed measures to prevent scouring and erosion of riverbanks or river beds.

(6) The acceptable degree of flooding of adjacent properties.

(7) Information and monitoring requirements.

(8) The duration of any resource consent.

(9) Any necessary staging of works.

7.3.2 Proposed Regional Plan:

C.6.4.3 Stormwater discharges – controlled activity

Matters of control:

1) The maximum concentration or load of contaminants in the discharge.

2) The size of the zone of reasonable mixing.

3) The adequacy of measures to minimise erosion.

4) The adequacy of measures to minimise flooding caused by the stormwater network.

5) The design and operation of the stormwater system and any staging of works.

C.8.3.2 Earthworks – controlled activity

Matters of control:

1) The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005).

2) The location, extent, timing, and duration of earthworks.

3) The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.

4) Adverse effects on water bodies and coastal water.

5) Management of flooding effects and avoiding increased natural hazard risks on other property.

6) Adverse effects on regionally significant infrastructure.

7) Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:

a) wāhi tapu, and

b) the identified values of mapped Sites and Areas of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua).

7.4 Assessment of Effects on Adjacent Properties

The adjacent properties to be considered in the limited notification assessment under section 95B and 95E are shown in **Figure 2** below, and include:

- Onoke Reserve (North west);
- 28 Tuatara Drive (East);
- 26B Tuatara Drive (East);
- 24 Tuatara Drive (East);
- 22 Tuatara Drive (East);
- 20 Tuatara Drive (South);
- Waitaua Stream Esplanade (South);
- 50 Dip Road (West);
- 54 Dip Road (West);
- 66 Dip Road (West);
- 86 Dip Road (West); and
- WDC Water Reservoir (North).



Figure 2: Adjacent properties in relation to subject site. (Source: Emaps)

The following sections set out an assessment of effects of the proposal, and it is considered that effects in relation to the following matters are relevant:

- Erosion and Sediment Control;

- Stormwater Quality;
- Ecological Effects;
- Flooding Effects; and
- Cultural Effects.

These matters are set out and discussed below:

7.4.1 Erosion and Sediment Control and Construction effects (location, timing, extent and duration of earthworks)

Earthworks are required to modify the site to enable the construction of the building platforms and associated access, parking and services.

It is proposed to excavate approximately 134,349m³ (52,799m³ cut and 81,550m³ fill) over an area of 6.8ha exposed at any one time as depicted on the earthworks plan prepared by Blue Wallace Surveyors Ltd provided in **Appendix 2**.

The topography of the site is sloping earthworks...engineered retaining walls will be used to support batter slopes and increase flat areas within sites, and may be required with design beyond the cut and fill batter limitations.

All earthworks work is anticipated to be completed within the next earthworks season (October to April), will be undertaken during standard working hours (e.g. 7am to 7pm) and working days (e.g. Monday to Saturday). Works are also expected to comply with the construction noise limits as set out within the NZS 6803: 1999 "Acoustics – Construction Noise".

Any effects associated with the construction phase of the project will be temporary in nature, and can be effectively managed through adherence to the erosion and sediment control measures which will be setup before onsite work commences to avoid any potential adverse effects on the surrounding environment. Conditions of consent requiring design and adherence to an erosion and sediment control plan is proposed (see Appendix 3) which will include measures that are designed to ensure that sediment is removed from stormwater runoff prior to discharge from the site. Key elements of the erosion and sediment control plan will include the installation of silt fences, clean water and dirty water diversion channels and a stabilised construction entrance. The proposed erosion and sediment control measures will be implemented in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016) for the duration of the activity.

As well as measures to mitigate erosion and sediment runoff effects, measures to control dust generation and noise generation will also be implemented in accordance with standard good practice procedures.

On the basis of the above, it is considered that any adverse erosion and sediment runoff effects associated with the proposed earthworks will be less than minor.

7.4.2 Stormwater Quality

In order to reduce the potential for discharge of other contaminants from the excavation of the site, the stormwater management procedures and sediment controls outlined above will be implemented. These measures are considered to be appropriate for the scale of the works, and

will avoid or otherwise mitigate potential sedimentation of stormwater and the receiving environment.

The proposed stormwater system has been designed by LDE and is detailed in Three Waters Design Report (Appendix 4). This report concludes that the proposal will improve the quality of stormwater:

- All stormwater from site will be directed to existing and proposed public stormwater system.
- The onsite stormwater pond has been designed to collect the stormwater runoff from impervious and pervious areas of each proposed residential lot and the road reserve and an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with Auckland Council's GD01. The extended detention reduces the stream erosion and increases water quality in the pond for the runoff from all the individual lots and road reserve areas and will help improve the overall quality of the stream the pond discharges to.

The proposed mitigation will ensure that the proposed earthworks and future development of the proposed residential allotments will improve the stormwater quality.

7.4.3 Ecological Effects

Earthworks associated with the development of the site will be setback from the Riparian Management Area of the Waitaua Stream and a reserve area extending the length of the stream is proposed. The earthworks does have a minimal potential to result in sediment runoff to Waitaua Stream, risk of addition of fine sediment to stream environments during construction phase of the development has the potential to alter water chemistry, increase turbidity and decrease light penetration that affects primary production and feeding for some fish species.

The proposed that all earthworks will be undertaken in accordance with best practice erosion and sediment control plans. This should ensure that any sediment/erosion related effects on water quality and habitat in the downstream receiving environment will be negligible (i.e., minimal sediment mobilization). With the implementation of appropriate silt controls during the construction phase, the effects of earthworks on water quality in the receiving environment during construction will be avoided and the overall level of effect is assessed as low.

The proposed mitigation will ensure that the proposed earthworks, stormwater run off and culvert will have less than minor ecological effects.

7.4.4 Flooding Effects

The proposed stormwater system has been designed by LDE and is detailed in Three Waters Design Report (Appendix 4). This report concludes that the proposal will improve the potential flood hazard risk for adjacent properties and downstream because:

- The onsite stormwater pond has been designed to collect the stormwater runoff from impervious and pervious areas of each proposed residential lot and the road reserve. The pond has been designed with the necessary outlet configuration to mitigate the 2yr, 10yr and 100yr storm events to equal or less than pre-development rates, which ensures that it does not affect downstream areas with any increases in flow rates.
- Additional to the 2, 10 and 100yr storm event mitigation an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with

Auckland Council's GD01. The extended detention reduces the stream erosion and increases water quality in the pond for the runoff from all the individual lots and road reserve areas and will help improve the overall quality of the stream the pond discharges to.

This proposed mitigation combined with the proposed stormwater solution, will ensure that the proposed earthworks and stormwater discharge will not create or exacerbate any flooding effects on the surrounding environment.

7.4.5 Cultural (waahi Tapu) Effects

The application site is not located within an identified area of cultural significance and the regional plan does not identify recorded sites of significance to Māori within the subject site.

As the subject site is located within the rohe of Ngāti Kahu O Torongare. The importance of Waitaua Stream has been recognised, earthworks within proximity to the Waitaua Stream have been carefully designed to reduce effect on the stream and the watercourse with not be altered. The treatment of any sediment laden stormwater will be contained within the site, prior to the discharge of any 'treated stormwater' to ground. Effects of the proposed earthworks and stormwater will be mitigated by the protection by way of reserve the entire length of Waitaua Stream.

It is considered the proposed mitigation measures, will ensure that the potential for adverse effects on the cultural values of the proposed development, particularly from the proposed earthworks and stormwater discharge will be less than minor.

7.5 Summary of Effects

Overall, any adverse effects on these properties are considered to be less than minor.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

7.6 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

8.0 Consideration of Applications (Section 104)

8.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a controlled activity, section 104A of the Act states that a council:

- (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and
- (b) may impose conditions on the consent under section 108 only for those matters over which it has reserved its control in its plan.

8.2 Weighting of Proposed Plans

The Act requires that before a Plan change becomes operative, any resource consent application be considered in terms of the provisions of both the Operative Plan and a Proposed Plan/Plan Change. In this case, a number of provisions of the Operative Water and Soil Plan do not require consideration because appeals to the Proposed Regional Plan have been settled. Greater weight has been applied to the Proposed Regional Plan.

In this instance and with specific regard to the proposed bulk earthworks for the proposed development, it is considered that both the operative Regional Water and Soil Plan provisions and Proposed Regional Plan (appeals version) provisions seek similar outcomes regarding minimising erosion and discharge of sediment to water. Given this consistency, and the fact that discretionary activity resource consent is required under both plans, it is not considered necessary to undertake a full weighting assessment.

9.0 Effects on the Environment (Section 104(1)(A))

In addition to the above, the following is noted in respect to positive effects and on-site amenity effects:

9.1 Positive Effects

It is considered that the proposal will also result in positive effects as the earthworks and stormwater discharge proposed will be managed in a manner that will improve water quality, reduce flood risk downstream and protect ecological values onsite. These matters are set out and assessed below.

The earthworks and stormwater discharge are a necessary precursor to the proposed development that will enable people to meet the needs of future generations and result in positive effects for the local community.

9.2 Summary OF Effects

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it is concluded in the assessment above that any adverse effects relating to the proposal will be acceptable.

Further, it is considered that the proposal will result in significant positive effects as described in section 8.1 above. The earthworks and stormwater discharge are a required precursor to the proposed development that will enable people to meet the needs of future generations and result in positive effects for the local community.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are acceptable.

10.0 Regional Plan and Statutory Documents (Section 104(1)(B))

Section 104(1)(b) of the Act sets out that when considering an application for resource consent, council shall have regard to the relevant provisions of any national environmental standards, other regulations, policy statements (national and regional, including proposed regional policy statements), or plans or proposed plans.

The following planning documents prepared under the RMA are considered relevant to this application.

- National Policy Statement for Freshwater Management
- National Environmental Standards – Fresh Water
- Northland Regional Policy Statement
- Operative Regional Water and Soils Plan
- Proposed Regional Plan (Appeals Version)

10.1 National Policy Statement for Freshwater Management

The fundamental concept of the National Policy Statement for Freshwater Management (NPS-FM) is “Te Mana o te Wai” the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. The only objective of the NPS-FM is:

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policies of the NPS-FM focuses upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved.

The subject site does not contain any wetlands, the Waitaua Stream extends along the southern boundary of the subject site. Policies 2, 3, 5, and 9 are considered relevant to the proposed development. As previously detailed various aspects of the proposed development will have the potential to affect the Waitaua Stream.

During the construction phase of the proposed development bulk earthworks will be undertaken and located outside the riparian management area of the Waiaua Stream. Sediment and erosion control will be in place to mitigate potential affects to the Waiaua Stream.

The proposal will result in residential development being located north the Waiaua Stream, any future built development within the proposed residential allotments will be appropriately setback from site boundaries and physically separated by the proposed reserve. Any stormwater runoff from built form and impervious areas will be directed into the proposed stormwater system.

The proposal includes a comprehensive stormwater system which will result in an onsite stormwater pond (designed to accommodate 2yr, 10 yr and 100yr storm events). The water will discharge from this pond into the Waitaua Stream catchment into the headwaters of the catchment. The full water quality treatment volume for all areas of the development is provided within the pond.

The proposal will result in the entire area of the Waitaua Stream being protected by way of reserve including the surrounding native vegetation. This will ensure on-going protection of native vegetation and the habitat of the Waitaua Stream.

For these reasons, it is considered that the proposal is consistent with the relevant NPS-FM policies and achieves objective 1.

10.2 National Environmental Standard for Freshwater Management

The proposal is considered to be a permitted activity under the NES-FM therefore no further assessment is necessary.

10.3 Northland Regional Policy Statement

The Northland Regional Policy Statement (RPS) covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of Plans on a regional level.

Objectives range from integrated catchment management, improvement of overall quality of Northland's water quality, maintaining ecological flows, protecting areas of significant indigenous ecosystems and biodiversity, sustainable management of natural and physical resources in a way that is attractive for business and investment that will improve the economic wellbeing. enabling economic wellbeing, regional form, the role of tangata whenua kaitiaki role is recognised and provided for in decision making, risks and impacts of natural hazards are minimised, outstanding natural landscapes and features and historic heritage are protected from inappropriate subdivision, use and development.

Relevant policy has been identified and summarised as follows:

- Policy 4.2.1 seeks to improve the overall quality of Northland’s water resources by, establishing freshwater objectives, reducing loads of sediment, nutrients and faecal matter to water and promoting and supporting the active management, enhancement and creation of vegetated riparian margins. The proposed development will have a positive effect on the fresh water of the Waitaua Stream, as sediment and nutrient run off will be reduced by the proposed stormwater management system. The stream and surrounding area will be protected by proposed reserve and protection of the indigenous vegetation.
- According to Policy 7.1.1 subdivision, use and development of land will be managed to minimise risks of natural hazards. The proposed subdivision and residential use of the site, will be managed to minimise the risk of natural hazards by way of comprehensive design of onsite stormwater management, avoidance of areas high instability hazards.

For these reasons, it is considered that the proposal is consistent with the relevant RPS provisions.

10.4 Operative Northland Regional Water and Soil Plan

The Regional Water and Soil Plan was made operative on 28 August 2004. With respect to this application, the following objectives and policies set out in Chapter 12 are the most relevant to the proposal:

- 12.5.1 *The protection of the soil resources including soil quality and soil quantity, from degradation or loss as a result of unsustainable land use and land use practices.*
- 12.5.2. *The safeguarding of the life-supporting capacity of water and ecosystems from the adverse effects of unsustainable land uses and land use practices.*
- 12.5.4. *Avoid, remedy or mitigate the adverse effects of activities so as to achieve the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, natural character of water bodies and their margins; and to recognise and provide for waahi tapu and other sites of significance to tangata whenua.*

In general, these objectives and policies seek to protect soil quality, water quality, and cultural and heritage values from unsustainable land use. Further, the strategic policy direction in chapter 12 of the RWSP is to regulate earthworks to minimise erosion and discharge of sediment to water.

It is considered that the proposed works will be consistent with these objectives and associated policies. Erosion and sediment control measures will be installed and stormwater system has been comprehensively designed which will ensure that any stormwater discharge will be contained within the subject site and appropriately managed to minimise any risk of soil erosion, or surface or groundwater contamination.

10.5 Proposed Northland Regional Plan

The Proposed Regional Plan was notified in September 2017, with all rules in the Proposed Regional Plan having legal effect under Section 86B of the RMA. With respect to this application, Policy D.4.31 (and associated objectives) is the most relevant to the proposal.

D.4.31 Managing the effects of land-disturbing activities

Earthworks, vegetation clearance and cultivation must:

- 1) *be done in accordance with established good management practices, and*
- 2) *avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on:*
 - a) *human drinking water supplies, and*
 - b) *areas of high recreational use, and*
 - c) *aquatic receiving environments that are sensitive to sediment or phosphorus accumulation.*

It is considered that the proposed development is consistent with this direction as there will be no adverse effects on water quality. As established throughout the application, appropriate sediment and erosion control measures will be implemented in accordance with the Guidelines for Land Disturbing Activities in the Auckland Region (2016) to manage any sediment laden runoff for the duration of the activity. This will ensure that any stormwater discharge will be contained within the subject site and appropriately managed to minimise any risk of soil erosion, or surface or groundwater contamination. The proposed works will be stabilised as soon as is practicable after works are complete.

10.6 Summary

It is considered that the proposed development is consistent with the relevant statutory planning documents.

11.0 Part 2 Matters

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant Regional Plan objectives and policies, and assessment criteria, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

12.0 Other Matters (Section 104(1)(C))

There are no other matters considered relevant to the determination of this application for resource consent.

13.0 Conclusion

Onoke Heights Ltd applies for a landuse consent from the Northland Regional Council for earthworks and stormwater discharge activities associated with the subdivision and residential development of 95 residential allotments, at Dip Kamo. A separate land use and subdivision application is being sought concurrently from Whangārei District Council.

Based on the above report it is considered that:

- The application is a controlled activity and is precluded from public notification;
- Any adverse effects in relation to the proposed activity are considered to be less than minor, and acceptable when considering the positive effects of the proposal;
- The proposal is considered to accord with the Regional Policy Statement and operative and proposed Regional Plans; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted.

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