

93 lot subdivision and associated works

Dip Road, Kamo

Updated Assessment of Environmental Effects and Statutory Analysis

5 April 2023

B&A

Urban & Environmental

Prepared for:
Onoke Heights Limited

B&A Reference:

WNG18541

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- Appendix 1: Record of Title and Interests (Supplied with original AEE)
- Appendix 2: Pre-application meeting minutes (Supplied with original AEE)
- Appendix 3: Subdivision Scheme Plan (Revision 19 Attached) and Engineering Plans – Blue Wallace (Supplied with original AEE)
- Appendix 4: Integrated Traffic Impact Assessment – Engineering Outcomes (Supplied with original AEE)
- Appendix 5: Integrated Three Waters Assessment – LDE (Updated version supplied with RFI response 11 February 2022)
- Appendix 6: Geotechnical Report – LDE (Supplied with original AEE)
- Appendix 7: Earthworks Geotechnical Letter – LDE (Supplied with original AEE)
- Appendix 8: Rules Assessment (Attached)
- Appendix 9: Assessment Criteria Assessment (Attached)
- Appendix 10: Potentially Contaminated Site Search (Supplied with original AEE)
- Appendix 11: Application to NRC (Supplied with original AEE)
- Appendix 12: Written approval Northpower (Supplied with original AEE)
- Appendix 13: Hui with Ngati Kahu O Torongare 30 March 2021 Meeting Minutes (Attached)
- Appendix 14: Consultation Record (Attached)
- Appendix 15: Archaeological Report (Attached)
- Appendix 16: Cultural Impact Assessment (Attached)
- Appendix 16: Hui with Te Parawhau and Council 15 March 2022 Meeting Minutes (Attached)
- Appendix 17: Ecological Assessment (Attached)

1.0 Applicant and Property Details

To:	Whangārei District Council
Site Address:	Dip Road, Kamo
Applicant Name:	Onoke Heights Limited
Address for Service:	Barker & Associates Ltd PO Box 37 Whangārei 0140
	Attention: Melissa McGrath
Legal Description:	Section 1 SO Plan 65970 (refer to Record of Title as Appendix 1)
Site Area:	6.8700ha
Site Owner:	Onoke Heights Limited
District Plan:	Whangārei District Council District Plan (WDP)
WDP Zoning:	General Residential Zone
WDP Precinct:	N/A
WDP Overlays & Controls:	Flood Susceptible Critical Electricity Line
Designations:	N/A
Additional Limitations:	GIS – Low Instability
Locality Diagram:	Refer to Figure 1
Brief Description of Proposal:	Subdivision: to create 93 residential allotments, drainage and recreational reserves to vest and other associated works described in the application material. Land use: to establish retaining walls up to a maximum height of 5m within the setback of road and side boundaries.
Summary of Reasons for Consent:	WDP: Discretionary Activity pursuant to SUB-R2 (Any Subdivision)

Restricted Discretionary Activity pursuant to GRZ-R4 (Setbacks), TRA-R15 (Integrated Traffic Assessment), TRA-R16 (Construction of New Public Road), TRA-R17 (Major Rooding Alterations to an Existing Public Road), TWM-R2 (Stormwater), TWM-R3 (Wastewater), TWM-R4 (Water), TWM-R5 (Integrated Three Waters Assessment), and CEL-R2 (Subdivision)

Controlled Activity pursuant to SUB-R5 (Subdivision in GRZ), TRA-R14 (Subdivision), LIGHT-R7 (Subdivision) and EARTH-R1 (Earthworks).

2.0 Background

This report has been prepared in support of a resource consent application on behalf of Onoke Heights Limited to undertake a 93 residential lot subdivision, along with other associated works at Dip Road, Kamo.

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.

2.1 Background – pre-application meeting

The proposal was discussed with Council at a pre-application meeting on 9 August 2021. At the meeting Council a number of matters were discussed in respect to roading, three waters servicing, landscape, site suitability/geotechnical reports/earthworks, urban design, iwi consultation and parks. Minutes from this pre-application meeting are included in **Appendix 2**.

The following is noted in response to the key matters raised:

- Roading comments provided post meeting outlining that WDC are supportive of pedestrian links, intersection treatment (class C), and ITA required. All matters have been addressed in the Integrated Traffic Assessment (**Appendix 4**).
- Wastewater comments – Capacity to be confirmed, age of pipe – need to check condition, connection to boundary required. All matters have been addressed in Integrated Three Waters Assessment (**Appendix 5**).
- Water comments – Need to be aware of overflow from water reservoir, sufficient water capacity, however water pressure is below acceptable level of service. All matters have been addressed in Integrated Three Waters Assessment (**Appendix 5**).

Discussions from the pre-app meeting have informed the development of the proposal and the preparation of this AEE.

2.2 Background - Consultation

In preparation of the proposal the Applicant has undertaken meaningful consultation with Ngati Kahu O Torongare recognising that surrounding lands and waterways which include the subject site are of cultural significance to the hapū.

2.2.1 Pre-lodgement consultation:

Prior to lodgement initial consultation with Ngati Kahu O Torongare included the following:

- The Applicant has offered to commission and fund a Cultural Impact Assessment.
- Provision of a preliminary draft scheme plan to hapū for feedback on 30 March 2021.
- Meeting with hapū representative Matua Richard Shepard and their agent Georgina Neuman on 30 March 2021 (copy of minutes **Appendix 13**)

2.2.2 Council Consent Order:

The applicant carefully designed the proposal to comply with all controlled and restricted discretionary activity standards, lodging the application with Council for processing. Council information request dated 21 December 2021 included the following:

Council has sought legal advice regarding the current status of the Consent Order issued by the Environment Court involving the Ngāraratunua Marae Committee issued in April 2004. In short, the requirements of that Consent Order remain relevant at this time, and there are matters of control in the current Plan that relate to cultural and historic heritage matters.

You will be aware that the Council has received advice from Richard Shepherd, and more recently from Mira Norris, both of whom raise concerns regarding cultural and historic heritage effects. As per the Consent Order, the application needs to be supported by an archaeological, cultural, and historical assessment report. Can you please provide a suitable report that addresses this matter.

In 2004 Whangārei District Council entered into a settlement agreement with Ngāraratunua Marae Committee to resolve appeals against the (then) proposed District Plan. This settlement agreement identified an area of land within which the Council would:

“ensure that consultation with the Ngāraratunua Marae will occur on all resource consent applications (subdivision and land use) which consultation will include a requirement that an archaeological, cultural and historical assessment report be produced for each application”.

The subject site is located within the settlement area. The settlement agreement also required both parties to work together to prepare and undertake a plan change to the District Plan identifying and mapping sites of significance to Māori. To date this plan change has not occurred, it is also noted that the subject site is not identified or mapped as a historic heritage area or an area of site of significance to Māori, and that the site was recently rezoned General Residential Zone (recently made operative) with no opposition from Ngāti Kahu O Torongare or Te Parawhau hapū.

It is considered that the applicant now provides sufficient information for the Council to comply with its settlement agreement for the following reasons:

- The applicant has completed consultation and engagement with Ngāti Kahu O Torongare and Te Parawhau, which has included numerous hui and a site visit as detailed in **Appendix 14**.
- An archaeological assessment of the proposal dated 28 February 2022 has been prepared by Geometria Limited (included in **Appendix 15**).
- A cultural impact assessment (CIA) has been prepared by Georgina Olsen on behalf of Te Parawhau (**Appendix 16**).

2.2.3 Council Interpretation

Further to the Council information request discussed above, a hui was held on 15 March 2022 between the applicant, Council (Roger Quinton, Kaylee Kolkman and Yvonne Masefield), Te Parawhau representative (Pari Walker and Mira Norris). Representatives from Ngāti Kahu O Torongare were invited and did not attend, notes from this hui are included in **Appendix 17**. During this hui, Te Parawhau representatives stated that the entire area is a Site of Significance and is of

cultural importance to Te Parawhau. Based upon this verbal statement, Council expressed their position with respect to the proposal, further confirmed via email from Kaylee Kolkman dated 27 April 2022:

“As recorded in the minutes of the online Hui of 15 March 2022 Council’s position was summarised with the information known at that time and as outlined at the hui, that ‘the proposal would be a discretionary activity under SUB-R2 because the entire area is a Site of Significance, based upon the definition of historic heritage which includes Sites of Significance to Maori an area does not have to be mapped in the WDP.”

According to Council interpretation, the definition of historic heritage includes “sites of significance to māori” lower case, including all sites, not just those mapped or defined by the district plan.

Historic Heritage* means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:

- a. archaeological;
- b. architectural;
- c. cultural;
- d. historic;
- e. scientific;
- f. technological;

and includes:

- a. historic sites, structures, places and areas; and
- b. archaeological sites; and
- c. sites of significance to Māori, including wāhi tapu; and
- d. surroundings associated with the natural and physical resources

Te Parawhau have confirmed that the subject site is located within a wider area of significance to Māori.

This Assessment of Effects has been prepared to reflect this interpretation.

2.2.4 Post Lodgement Consultation

The applicant has spent over 12 months working closely with Ngati Kahu O Torongare and Te Parawhau hapū, seeking to meaningfully engage with both hapū to understand the potential cultural effects of the proposal. Timeline of this consultation and copies of consultation records are included in **Appendix 14**. Te Parawhau have supplied the attached Cultural Impact Assessment (**Appendix 16**).

During hui held at Ngāraratunua Marae on 18 August 2022 Ngati Kahu O Torongare requested more time to hold internal hui to meet as a whanua and hapū. No further response has been received from Ngati Kahu O Torongare.

As a result of the consultation and subsequent further understanding of key cultural concerns the applicant has refined the application from originally lodged in response to the consultation.

2.3 Background – Bundling of Consents

The district plan provides a consenting pathway to develop the site for residential development, including all relevant land use consents for proposed roading and infrastructure as a restricted discretionary activity. These restricted discretionary activities do not include consideration of cultural effects as matters of discretion.

Notwithstanding this, the application for the proposal includes all necessary land use consents and subdivision consents as a bundle, in a manner that is considered to be best practice which enables the comprehensive assessment and mitigation of potential effects.

It is noted that the proposed subdivision is the only consent component that triggers a discretionary activity.

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).

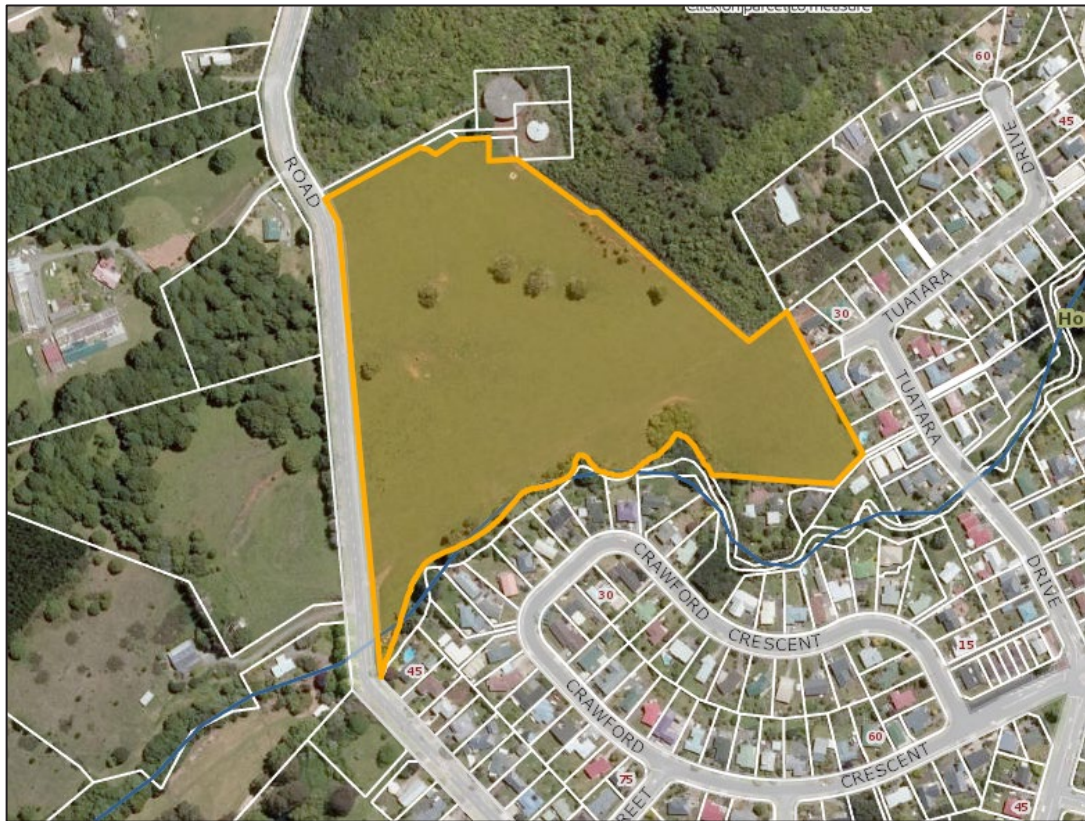


Figure 1: Locality plan.

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 the Waitāua 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 Waitāua Stream on the southern end of the subject site. Fragmented indigenous vegetation with broadleaf forest remnants encompassing the Waitāua 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.

A Northpower critical electricity line extends along the southern boundary of the site, traversing the south eastern corner. The District Plan identifies this line as being overhead.

The Operative District Plan Resource Area maps identify the northern portion of the site as Flood Susceptible and a Critical Electricity Line (overhead) which traverses the southern boundary and south-eastern corner of the site. The Operative in Part District Plan Zone maps identify the site as being zoned General Residential Zone.

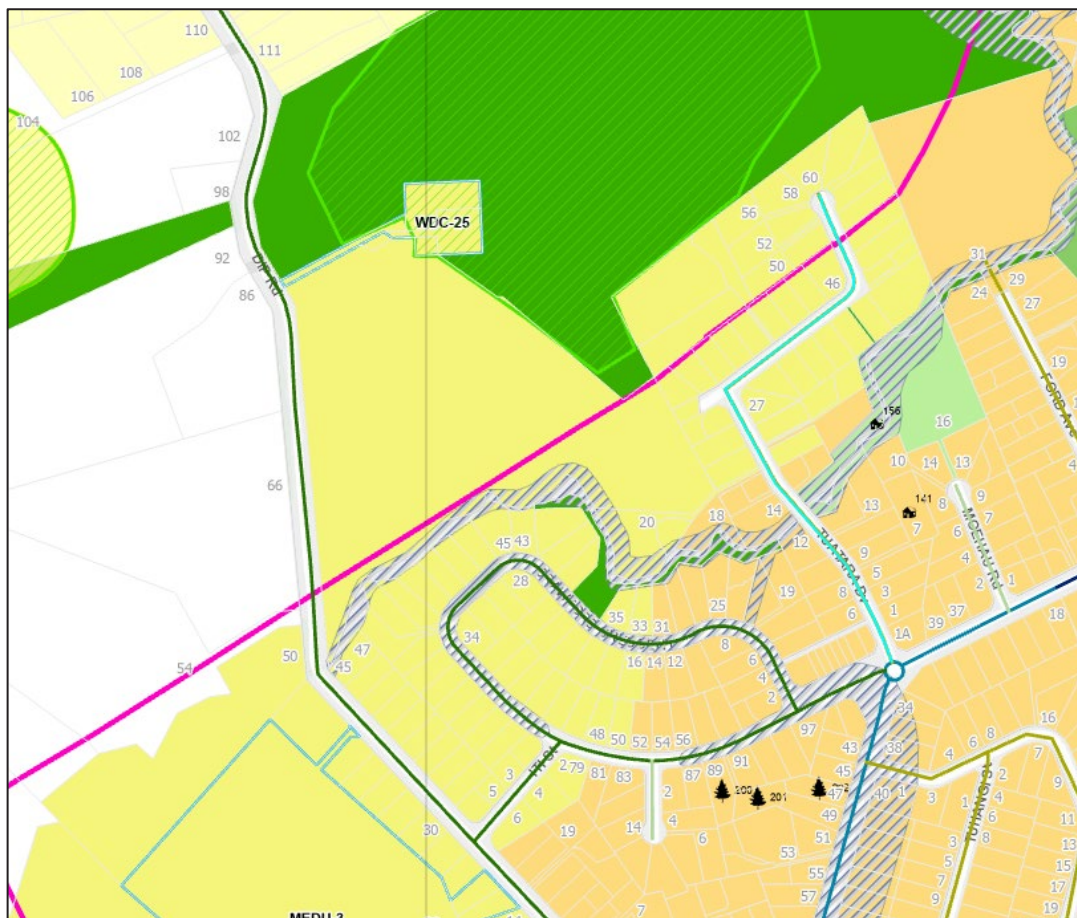


Figure 2: Operative in Part District Plan Extract.

3.2 Records of Title

The development site is contained in a single Record of Title, a copy of which is contained in **Appendix 1**. The only interest of relevance to the processing of this application is the water right easement. There are no other interests on these titles that are considered relevant to the consideration of this combined Land use and Subdivision application.

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 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

A summary of the key elements of the proposal is set out below. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.

Subdivision: It is proposed to carry out a subdivision to create:

- 93 residential allotments – lots 1 – 93
- Public road – lot 300
- Jointly owned access lots (JOALs) – lots 301 and 302
- Drainage reserve – lot 200
- Recreation reserve lot 201

The site layout, including the new road, JOAL's and reserves is shown in Figure 3 below. Further detail of the proposed development is provided on the scheme plan and engineering plans prepared by Blue Wallace Surveyors, included as **Appendix 3**.

Access and Parking: The site contains an existing vehicle crossing from Dip Road and an existing crossing from Tuatara Drive. The proposal seeks to decommission the existing vehicle crossing from Dip Road and create a new public road network, comprised of a link between Tuatara Drive and Dip Road, an internal loop road and a cul-de-sac. A new give-way controlled 'T' intersection is proposed at the western end of the link road with Dip Road.

Two Jointly Owned Access Lots (JOALS) are proposed to provide access to lots 26-28, and lots 59-66. Proposed lots 1 – 4 which will gain access directly from Dip Road.

The proposed JOAL's consist of the following:

- Lot 301 will be held in three undivided shares by the owners of lots 24 to 26.
- Lot 302 will be held in eight undivided shares by the owners of lots 57 - 64.

Approximately 21 inset parking bays will be provided within the road reserve.

The access and parking for the proposed development is further detailed in the Integrated Traffic Assessment Report by Engineering Solutions, included as **Appendix 4**, and the accompanying Engineering Drawings by Blue Wallace Surveyors, included as **Appendix 3**.

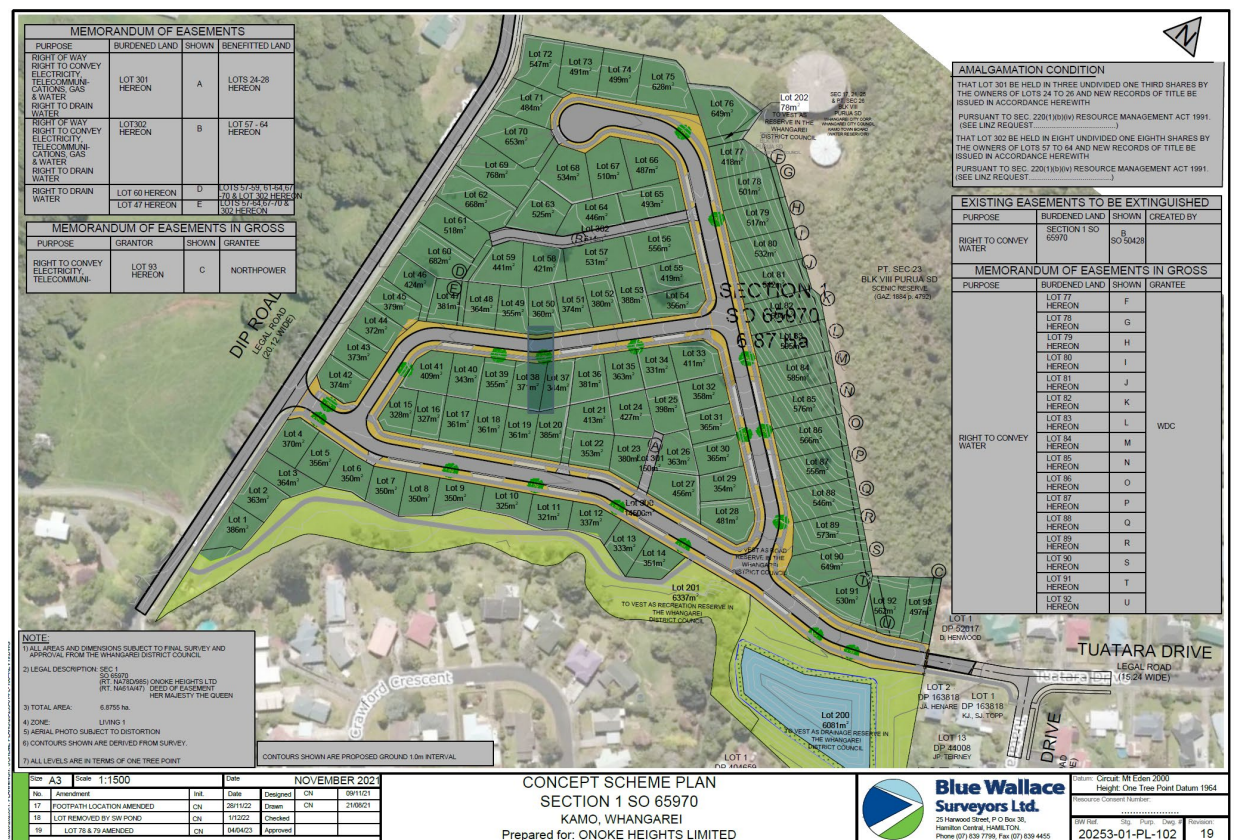


Figure 3: Proposed Scheme Plan.

Pedestrian Connectivity and Open Space Network: Concrete footpaths are proposed on both sides of the link road and the cul-de-sac road, with one on the northern side the loop road and lot 302 (the larger shared access), and one along the eastern side of Dip Road south of the new intersection. The link road footpath will be continued along Tuatara Drive as far as an existing pram crossing near the shoulder of the existing intersection. The footpath on Dip Road will upgrade an existing unsealed footpath and connect to an existing concrete footpath that currently ends near the culvert crossing 125 metres south of the new intersection.

A recreation reserve is proposed within lot 201 being 6337m² along the entire southern boundary of the subject site, adjacent to the Waitāua Stream. A pedestrian foot path is proposed to extend along the Waitāua Stream esplanade connecting to Dip Road, promoting a safe and pleasant pedestrian connection to Hurupaki School.

Servicing: The servicing strategy for the proposed development is set out in the Integrated Three Waters report by LDE, included as **Appendix 5**, and the accompanying Engineering Drawings by Blue Wallace Surveyors, included as **Appendix 3**.

In summary, it is proposed that all lots will be serviced by connections to public reticulated wastewater and water systems. The stormwater system has been designed to include an onsite stormwater pond located in the south eastern corner of the subject site to be vested with Council. The proposed stormwater pond will limit peak flows to predevelopment level for the 2, 10 and 100 year storm events, with a 20% allowance for climate change. It will include an extended detention volume to an extended detention volume of 34.5mm for the site to be released over a 24hr period the slow release volume will minimise stream erosion and increase water quality in the pond.

Geotechnical Investigation: Whangārei District Council GIS Land Instability Maps identify the site as predominantly low instability hazard. A Geotechnical Report prepared by LDE is included as **Appendix 6**, this report has been supplemented by a specific assessment by LDE of the earthworks proposed and is included as **Appendix 7**. The report and supplementary letter include a number of recommendations which have informed the proposed site works, retaining and the building foundations.

Site Works: 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 3**, retaining wall scheme plan 20253-01-RC-203). The Geotechnical Report and supplementary earthworks letter prepared by LDE, included as **Appendices 6 and 7** sets out recommendations for management of earthworks. Silt and sediment control measures are proposed to be implemented in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016) for the duration of the activity.

Resource consent for the proposed earthworks has been sought concurrently under the proposed Regional Plan from Northland Regional Council – see a copy of this application in **Appendix 11**.

Contamination: 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 10**. Use of the subject site has not changed since 2018.

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

- Location of earthworks will ensure minimal disturbance (establishment of culvert and stormwater outlets only) within the riparian margin of Waitāua Stream.
- Erosion and sediment control during construction (detailed further below).
- Extensive management and treatment of stormwater improving quality of stormwater entering Waitāua Stream (detailed further below).

- Construction management plan that will set measures to manage potential adverse effects associated with the construction phase of the project.
- Proposed accidental discovery protocol in accordance with Heritage New Zealand Pouhere Taonga Act.
- Landscaping within the residential development, street trees, enhancement of stormwater ponds and open space areas (lots 200-201).
- Pedestrian paths within the site proposed, including a pedestrian link between Dip Road and Tuatara Drive along the Waitāua Stream.
- Restoration of Waitāua Stream edge, and planting of mature Puriri trees with proposed reserve.

5.0 Reasons for Consent

Under the Operative in Part District Plan 2022 the subject site is zoned General Residential Zone. The General Residential Zone, Subdivision Chapter, Three Waters Chapter and Transport Chapter are all not subject to appeal and must be treated as operative.

Under the Operative District Plan the site is identified as Flood Susceptible and Critical Electricity Line Resource Areas.

5.1 Operative in Part District Plan 2022

Critical Electricity Lines

- Rule CEL-R2 (Restricted discretionary activities – subdivision) - The subdivision of the site will occur within 32m of the centre line of the CEL that runs through the north eastern corner of the site – Restricted Discretionary Activity.

Subdivision

- Rule SUB-R2 (Subdivision) – The land is located within an area of historic heritage, the proposed subdivision will not result in the whole historic heritage area being contained entirely within one lot - Discretionary Activity.
- Rule SUB-R5 (Subdivision in GRZ) – The parent site is greater than 1ha and every proposed lot has a net site area greater than 320m² and an average net site area greater than 400m² – Controlled Activity.

Three Waters Management

- Rule TWM-R2 (Stormwater) - The proposed subdivision will include the construction of onsite stormwater system to be vested with Council (including three ponds) which has been designed with capacity to mitigate post development flows – Restricted Discretionary Activity.
- Rule TWM-R3 (Wastewater) - The proposed allotments will have a new connection to the public reticulated wastewater system installed – Restricted Discretionary Activity.

- Rule TWM-R4 (Water Supply) - The proposed allotments will have connections to public reticulated water supply connections installed – Restricted Discretionary Activity.
- Rule TWM-R5 (Integrated Three Waters Assessment) – The proposed subdivision will result in 76 allotments; an integrated three waters assessment is included within this application see **Appendix 5** – Controlled Activity.

Transport

- Rule TRA-R14 (Subdivision) - The proposal will not comply with TRA-R5 (above), consent under this rule is required as a Restricted Discretionary Activity.
- Rule TRA-R15 (Any Activity) - The application includes an Integrated Traffic Assessment see **Appendix 4** – Restricted Discretionary Activity.
- Rule TRA-R16 (Construction of Any New Public Road) - The proposal includes the construction of a new public road to provide access throughout the proposed subdivision – Restricted Discretionary Activity.
- Rule TRA-R17 (Major Roading Alterations to an Existing Public Road) - The proposal includes the construction of a new T intersection with the proposed new public road and Three Mile Bush Road – Restricted Discretionary Activity.

Earthworks

- Rule EARTH-R1 (Earthworks associated with subdivision) The proposal includes earthworks associated with the proposed subdivision – Controlled Activity.

Light

- Rule LIGHT-R7 (Any subdivision) – Development will include street lighting in accordance with clauses 1 and 2 – Controlled Activity.

General Residential Zone

- Rule GRZ-R4 (Building and Major Structure Setbacks) - Retaining walls due to height are considered to be major structures, and will be located within 3m of Dip Road along the western boundary of proposed lot 48 for a length of approximately 12m and a retaining wall ranging in height from 2m to 4m is proposed to be located within 1.5m of the northern site boundary. – Restricted Discretionary Activity

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

Resource consent has been sought concurrently from Northland Regional Council for the following reasons:

- **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).

A copy of this application is included in **Appendix 11**.

5.3 Proposed Northland Regional Plan (PRP)

Resource consent has been sought concurrently from Northland Regional Council for the following reasons:

- **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.
- **C.8.3.** Earthworks controlled activity - The proposed earthworks include the exposure of 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.

A copy of this application is included in **Appendix 11**.

5.4 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 has been completed (PSC180456) 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. Reports are included as **Appendix 10**.

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

5.5 Activity Status

Overall, this application is for a discretionary activity.

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 applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not 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 no more 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 no more than minor.

The development of the subject site for residential activities is anticipated by the District Plan, which provides for subdivision as a controlled activity at a scale of 320m² net site area and an average area of at least 400m², subject to compliance with performance standards. Subdivision in this zone is provided for as a controlled activity.

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 Section 95D Statutory Matters

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 determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 6.3 below.

- Adverse effects permitted by a rule in a plan or national environmental standard (the ‘permitted baseline’) may be disregarded.

In this case the General Residential Zone anticipates and provides for residential activities. The following are permitted activities within the General Residential Zone:

- Clearance of all vegetation
- Earthworks of any volume associated with a land use activity
- Buildings and major structures (compliant with bulk and location rules)
- Two residential units per site
- Impervious areas up to 60% of the net site area and setback 5m from any waterbody
- Cumulative building and major structure site coverage up to 40% of the net site area

Subdivision rule SUB-R5 (Subdivision in the General Residential Zone), provides for subdivision as a controlled activity where every allotment has a net site area of at least 320m² and an average net site area of 400m². It is acknowledged that the permitted baseline does not technically include this level of subdivision and development, however it is considered appropriate and relevant to have consideration of the level of development and residential intensity that could reasonably be anticipated on the site.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties, matters of discretion, and an assessment of adverse effects.

6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 4** 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);
- Waitāua 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 4: Adjacent properties in relation to subject site. Source: Emaps.

6.4 Assessment of Effects on the Wider Environment

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

- Character and amenity;
- Transportation;
- Infrastructure and servicing;
- Construction activities;
- Noise effects;

- Geotechnical;
- Critical Electricity Lines;
- Cultural and Heritage;
- Hazards; and
- Flora and Fauna.

These matters are set out and discussed below:

6.4.1 Character and Amenity

As described in section 3 above, the surrounding locality is residential in nature and the immediate surrounding area. The proposal represents a residential density that is consistent the development outcomes sought by and provided for within the GRZ. The Operative in Part District Plan anticipates a density of 1 per 320m² (net) with an average net site area of 400m² for sites larger than 1ha in the General Residential Zone. In this case, the proposed development comprises 93 residential lots ranging in size from 327m² to 734m². The proposed allotments all comply with the controlled subdivision density standards and would provide sufficient area for residential development within each lot in accordance with the permitted activity rules of the General Residential Zone.

All proposed lots are of a sufficient size, shape and gradient to accommodate compliant residential development, exclusive of any required setbacks. This will ensure that appropriate levels of visual and aural privacy and open space for the wider residential area are maintained as a result of the separation and ability to plant effective landscaping around any future dwellings.

The proposed allotments are sufficiently large to accommodate future proposed residential units without resulting in over intensity or crowded appearance of development on the site from the wider environment. The streetscape amenity will be maintained via existing land use provisions including bulk and location controls.

With regard to traffic movements, the permitted baseline of one Residential Unit per lot in accordance with the density anticipated in the plan is an important consideration. The road and access have been designed and formed to safely accommodate the proposed allotments, and associated traffic movements will be readily absorbed into the roading network. This is detailed in the Engineering Solutions report in **Appendix 4**.

Based on the above, it is considered that the intensity of development is reasonable and the proposed subdivision will result in no more than minor character and amenity effects when viewed from the wider environment.

6.4.2 Transportation

Traffic, access and parking matters have been considered in the Integrated Traffic Impact Assessment prepared by Engineering Solutions (see **Appendix 4**).

A summary of the transportation effects is provided in the conclusion of their report as follows:

- The proposed new intersection and upgraded footpath on Dip Road, connection to Tuatara Drive road and footpath and the internal subdivision access are suitable, fit for their intended purpose and will meet the requirements of the Whangārei District Plan.

- A combination of carefully designed internal road alignment including the minimum suitable carriageway widths, a speed control device and other measures that will provide a calming effect on drivers, will ensure safe speeds and minimal exposure for pedestrians crossing the roads.
- 21 inset on street parking bays are proposed to minimise the risks associated with parking on the street.
- The design maximises opportunities for walking by providing safe linkages to the existing footpaths on Dip Road, Tuatara Drive, within the development and proposed stream reserve.
- At full subdivision development, traffic generation totalling 800 movements is expected on an average day. The road network the site leads to has adequate capacity to absorb the additional motor vehicle traffic from the proposal at full subdivision development, including subdivision development and construction traffic (which will be managed through an approved traffic management plan and temporary traffic management).
- The proposed accessways are of a design that will enable safe and efficient vehicle movements in and out of the site.

Based on the conclusions drawn in the ITA, it is considered that, subject to suitable conditions of consent that any adverse effects with respect to transportation will be acceptable.

6.4.3 Infrastructure and Servicing

Suitable power and telecommunications connections can be provided to service each allotment within the proposed development.

The provision of three waters infrastructure to service the development has been considered in the Integrated Three Waters report prepared by LDE. Their report and engineering plans are attached as **Appendix 5** and **Appendix 3** respectively. The following comments are made in summary of LDE's findings:

- Water supply will be an extension of the public water mains into the development. This will provide both water supply to the new residential units and firefighting water supply for the new residential units. Council have advised that the water reservoir to the north is due to be upgraded with design currently underway. The applicant has undertaken early engagement with Water Manager Andrew Venmore to understand potential relationship between the two projects. Existing water main pipes run along the eastern boundary of the site; it is proposed that the easement applying to these be reapplied.
- A wastewater assessment has confirmed that there is sufficient capacity within the public reticulated network to service the proposed development.
- The proposed on-site stormwater system has been designed and comprises of:
 - A stormwater pond has been designed to collect the stormwater runoff from impervious and pervious areas of each 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. The water will discharge from the pond into the Waitāua stream catchment into the headwaters of the catchment.

- Additional to the 2yr ,10yr 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.
- The full water quality treatment volume for all areas of the development is provided within the ponds. A forebay is included in the pond designs aid maintenance of pond.

On the basis of the assessment from LDE, it is considered that the proposed development can be sufficiently serviced on site via the proposed mitigation and connection to Council services without resulting in any adverse effects on the surrounding environment.

It is considered to be feasible to design and construct all extensions and upgrades of three waters infrastructure to EES 2010 requirements;

Overall, it is considered that any adverse effects with respect to servicing related matters will be less than minor.

6.4.4 Construction Activities

Approximately 134,349m³ (52,799m³ cut and 81,550m³ fill) of earthworks is proposed, with a maximum cut depth of 6m and a maximum fill height of 4m during earthworks of bulk earthworks are required to enable the construction of building platforms, site access, road network and stormwater infrastructure. This is outlined on the cut and fill plan prepared by Blue Wallace Surveyors (see **Appendix 3**).

Due to the area that the proposed earthworks are undertaken, resource consent under the proposed Northland Regional Plan is required and an application to NRC has been made concurrently with this application. This includes a comprehensive assessment of effects relating to the earthworks in accordance with the relevant requirements of the proposed Regional Plan (**Appendix 11**). An erosion and sediment control plan for the proposed earthworks will be provided, anticipated to be required by conditions of consent, which will detail measures to minimise silt and sediment runoff during construction. Silt and sediment control measures are proposed to be implemented in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016) for the duration of the activity.

On the basis of the above, it is considered that any adverse effects associated with silt and sediment runoff (and resulting effects on water quality) will be less than minor.

When having regard to the nature of the construction activities it is expected that the works will comply with the District Plan construction noise limits which specifically reference New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise". Any adverse construction noise effects would be temporary in nature.

There is sufficient space on the subject site to provide parking for construction vehicles. It is considered that traffic and parking capacity effects of the construction period will be less than minor and temporary in nature.

As with other similarly sized projects, it is expected that site works will be managed in accordance with a construction management plan that will set measures to manage potential adverse effects

associated with the construction phase of the project. A condition to this effect is offered as part of the application.

Overall, it is considered that any adverse construction effects will be less than minor and acceptable.

6.4.5 Noise Effects

It is anticipated that noise generated by the proposed development will fall within the permitted limits established in the Noise and Vibration chapter. As a result, any adverse noise effects within the wider environment are considered to be less than minor.

6.4.6 Geotechnical

The Geotechnical Report prepared by LDE, included as **Appendix 6** sets out recommendations for management of earthworks and associated geotechnical risk. Specifically, geotechnical ground conditions and specific foundation designs will be identified in the Geotechnical Completion report to be provided following earthworks to manage any geotechnical risk.

The report concludes in summary:

“From our assessment of the natural hazard and ground deformation risks presented to the proposed development we consider that a building can be safely located on the site, provided that the recommendations given in Section 5 are adhered”.

On the basis of the assessment from LDE, it is considered that the subject site is suitable for the proposed development.

6.4.7 Critical Electricity Lines

Northpower Critical Electricity Lines traverse the southern portion of the site. The line is an overhead line, which the applicant proposes to convert to an underground line, redirecting to be located within the proposed link road. Consultation with Northpower has been undertaken and written approval obtained, refer to **Appendix 12**).

6.4.8 Heritage and Cultural Effects

The district plan does not identify recorded sites of significance to Māori within the subject site. The application site is not located within an identified and mapped area of cultural significance within the district plan and the regional plan does not identify recorded sites of significance to Māori within the subject site. As previously discussed, Council considers that in the context of the District Plan, a site or area of significance to Māori identified by a hapū is defined as historic heritage.

The Historical Heritage Chapter of the District Plan applies only to scheduled built heritage or scheduled heritage areas. The Sites of Significance to Māori Chapter of the District Plan applies only to sites that are identified on the planning maps and scheduled. As such the District Plan contains no land use rules applicable to the proposed application and the management of historic heritage.

Rule SUB-R2 requires any proposed subdivision of land that “*contains a Site of Significance to Māori or an area of historic heritage*” [emphasis added] to ensure that the Site of Significance of Māori or area of historic heritage is contained entirely within an allotment. The applicant is unable to achieve compliance with this controlled activity standard for the following reasons:

- an area historic heritage is not mapped by the district plan;
- the CIA does not specifically identify an area of significance to Māori with the assessment describing the surrounding area generally, including that the subject site is part of the whenua considered to be a site of significance to Te Parawhau. As such the subject site does not “contain” a specific contained area of historic heritage and it is impossible for the applicant to design allotments in a manner what will contain the undefined heritage area.

Geometria has undertaken an archaeological assessment of the site (**Appendix 15**). The archaeological assessment concludes that there are no archaeological sites or features within the subject site to assess. Due to the proximity of the Onoke Pa site (some 50m to the east of the subject site) Geometria recommend that an archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 is obtained on a precautionary basis.

As the subject site is located within the rohe of Ngāti Kahu O Torongare, direct discussions with Ngāti Kahu O Torongare have been undertaken as previously discussed, however the Applicant has been unable to obtain in writing confirmation of cultural interest and significance associated with this interest. It is understood from the preliminary discussions with Ngāti Kahu O Torongare that the area of Onoke, the Waitāua Stream and indigenous vegetation within the surrounding area and site that are of importance to the hapū.

Te Parawhau have expressed an interest in the subject site, following consultation Te Parawhau have prepared a Cultural Impact Assessment (CIA) (**Appendix 16**). The CIA concludes:

“As Ngai Tahu and Ruangaio descendants, Te Parawhau Hapū have an interest in this whenua and the Waitāua Awa which flows along the whenua’s southern boundary.

The whenua and surrounds have a mauri that binds the current generation through mana, tapu and whakapapa to the whenua and the waterways.

Ōnoke and the Waitāua are taonga and are identified as an ‘Area of Significance’. The Hapū are obliged to fulfil their kaitiakitanga commitments which includes protecting the whenua, people, all waterways, and the environment from harm. The active protection of Ōnoke, surrounding whenua including all waterways is integral to Hapū wellbeing.

Historical customary cultural activities carried out on the whenua and within the Waitāua render the whenua and the awa as unsafe and inappropriate for the living.

The proposed 95 Lot residential subdivision associated development and future residential lots proposed by this application conflicts with Te Parawhau’s uara ahurea. As outlined in this report the proposal will give rise to significant adverse effects.

Should the application go to a Hearing, to ensure Hapū uara ahurea outlined in this report are understood, a Hapū Commissioner who understands these values shall be appointed to the hearing panel.

Te Parawhau Hapū oppose this application in its entirety.”

Te Parawhau have opposed the subdivision of land for the purpose of residential development as it conflicts with their “uara ahurea”¹. The subject site has recently been rezoned General Residential Zone under the Urban and Services Plan Changes to the District Plan and Te Parawhau

¹ Māori Dictionary: Uara – to desire. Value Ahurea - Culture

did not oppose the rezoning and the applicant is seeking to give effect to the purpose of the rezoning. The General Residential Zone enables and provides for the use of the site for residential purposes, residential development of the site is provided for as a permitted activity (Rules GRZ-R13 - R15) and multi-unit residential development as a restricted discretionary activity (Rule GRZ-R21), with matters of discretion that do not include consideration of cultural effects.

The CIA identifies that the proposed earthworks will result in changes to the whenua that will give rise to significant adverse “mana atua”² effects. The CIA does not identify particular locations within the site that should be preserved within which earthworks should not occur. The District Plan does not manage earthworks associated with land use activities, as such, extensive earthworks can currently be undertaken as a permitted activity. Due to the slope of the site, bulk earthworks to establish level building platforms, pedestrian and vehicle access and three waters management are proposed. In response to the concerns by the CIA raised consideration was given to undertaking a reduced extent of earthworks to only establish pedestrian and vehicle access and three waters management. However, this would lead to individual site owners sporadically undertaking earthworks to establish building platforms effects of which as a permitted activity under the District Plan would not be managed, potentially resulting the potential for edge effects, and inadequate sediment and erosion control. The bulk earthworks enable the applicant to comprehensively manage potential effects and apply extensive mitigation measures such as comprehensive sediment and erosion control, residential allotment boundary and building platform setback, recreation reserve along Waitāua Stream.

The CIA identifies the Waitāua Stream as an important taonga, raising concern that the proposal will result in adverse effects to the stream as a result of the proposed earthworks, stormwater run off and stormwater pond. The proposal has been designed to enhance and protect the Waitāua stream, via the creation of a recreation reserve, weed and pest control and enhancement planting. The applicant has carefully designed the proposed stormwater management to ensure that potential adverse effects to the stream will be adequately mitigated. Further, earthworks will be managed during construction to ensure that sedimentation and runoff into the stream does not occur. The applicant has engaged Wild Ecology to assess the potential ecological effects (see assessment below), which conclude that the proposal will result in the overall enhancement of the Waitāua Stream.

The CIA identifies that the extent and volume of earthworks coupled with the proposed increased impervious surface area and resultant stormwater discharge arising from the future development is substantial. Stating that *“although a sediment retention pond is proposed to collect this stormwater and discharge the overflow into the awa³, the effects on the Waitāua is unacceptable and does not constitute sustainable management of the regions natural and physical resources”*. The applicant has engaged Wild Ecology to assess the potential ecological effects of the proposal (**Appendix 18**). This report concludes that the proposal will improve the freshwater quality of Waitāua.

The CIA identifies the large puriri and totara trees within the subject site as being important taonga due to historical practices. It is important to acknowledge that the removal of these trees is currently provided for as a permitted activity under the District Plan. Whilst the cultural

² Māori Dictionary: Mana – power, influence, status, spiritual power. Atua - ancestor with continuing influence, god, demon, supernatural being, deity, ghost.

³ Māori Dictionary: Awa – river.

importance of these trees is acknowledged, Wild Ecology have confirmed that they are incompatible with residential development of the site. Due to the central location of these trees, the applicant considers that it is not possible to retain the trees whilst establishing a high quality residential development. The applicant has proposed to establish large grade puriri trees within the proposed recreation reserve planting zone to off-set the proposed clearance of indigenous vegetation.

Whilst the aspiration of Te Parawhau is acknowledged and the potential cultural effects recognised. It is considered that the proposed mitigation measures will ensure that the potential for the proposal to have adverse effects on the identified cultural values will be no more than minor particularly when considered in respect to the permitted baseline.

6.4.9 Natural Hazards

A small area of the subject site is identified as Flood Susceptible in the Operative District Plan. The effects of the proposed subdivision including the proposed retaining walls being within a Flood Susceptible area have been assessed through the report prepared by LDE in **Appendix 5**. LDE confirms that all proposed lots will avoid the flood risk, concluding deem that the construction of the proposed retaining walls which will raise the platform levels up to approximately RL154 along the boundaries will have no impact on the flood levels. Furthermore, the report concludes that the proposed stormwater pond will improve downstream flood risk. For these reasons it is considered that the adverse effects on the wider environment to be less than minor.

6.4.10 Ecological Effects

The site is currently primarily in grazed pasture and contains no existing dwellings. The site abounds the Waitāua Stream to the south, which generally meanders along the southern boundary of the site. Pockets of mixed indigenous and exotic vegetation encompass the southern boundary of the site nearby Waitāua Stream. The site also contains scattered mature trees located along the central aspect of the site, and a small area of mamaku scrubland located generally along the north-eastern aspect of the site.

Wild Ecology have undertaken an assessment of the potential ecological effects of the proposal (**Appendix 18**). Wild Ecology have considered the earthworks and construction activities proposed have the potential to result in mobilisation of fine sediment and runoff entering the Waitāua Stream, however Wild Ecology further note that the new lot boundaries and building platforms establish physical separation and Erosion and Sediment Control are proposed, and the proposed reserve will offer a vegetation buffer zone improving the ecological condition of the Waitāua Stream. Wild Ecology recommend that a standalone document such as a Revegetation Planting Plan setting out planting requirements, including site preparation for planting and weed control, plant specifications (species, grades, spacings) and overall ongoing management of the recreational reserve planting areas for a minimum of 5 years is to be conditioned as a part of the Resource Consent.

Wild Ecology has reviewed the proposed stormwater management and discharges, concluding that the proposed system will significantly reduce the potential for adverse effects on the Waitāua Stream environment, so the overall effects of earthworks on the identified aquatic environments are assessed as 'less than minor'.

Wild Ecology has assessed the ecological value of the indigenous vegetation with the developable area of the site. Two individual kauri trees are located within the proposed recreation reserve,

Wild Ecology considers that earthworks will likely not occur within three times the maximum radius of the canopy dripline of the kauri trees (i.e the kauri hygiene area as defined in WDP), given that the proposed setback of the walking track as shown on the Scheme Plan from the kauri trees is approximately 10 metres and will not encroach on the kauri tree root zones/kauri tree hygiene areas. Therefore, there is no requirement for a Kauri Tree Dieback Management Plan to be prepared for this application.

Wild Ecology note that the proposed includes the clearance of the 5 individual scattered puriri, 1 totara and a small stand of mamaku. The trees proposed to be felled are classified as 'Not Threatened' under the most recent (de Lange et al. 2018) New Zealand Threat Classification List. From reviewing the WDP the trees have not been identified as 'Notable Trees' and are not subject to any other protection mechanism. The small, scattered stand of mamaku along the site's north-eastern extent is of low ecological value and condition and their removal is not deemed to result in any adverse ecological effects.

The five individual mature puriri and single totara tree are contained in grazed pasture and generally were assessed as being of fair ecological condition. Wild Ecology further note:

"Root zones of the trees were shallow and exposed and likely have suffered from continued grazing pressures in particular root damage, ground pugging and stem damage over the years. While it would be beneficial to retain these trees for their amenity value, it is likely that over time the trees will either adversely affect the wider built development surrounding the trees through root penetration of sealed surfaces (i.e. roading, pavements) or foundations of homes, or die off due to the compaction and sealing of their root system. In either scenario These trees could pose a significant risk to the proposed wider infrastructure including roading, building platforms and potentially wastewater and stormwater infrastructure, and ultimately also pose a health and safety concern to the future residents of the subdivision. Puriri trees are known for their extensive root zones (root zone spread often is 10m or more from the base of the tree) which are able to penetrate built surfaces, and thus they are deemed as largely incompatible with a residential built environment.

There is potential to offset the 6 individual tree loss through planting a suitable percentage of puriri trees of sufficiently large size/grade (grade of 160L or higher as per Figure 12) to achieve an instant impact and amenity value by planting larger trees within the proposed recreational reserve areas (Lot 200 and 201). This is deemed as sufficient compensation of the individual scattered tree loss, and the proposed revegetation planting will enhance the ecological and amenity values of the recreational reserve and remain as a landscape feature for the future subdivision resident and wider area users enjoyment."

The applicant will adhere to the recommendations of Wild Ecology therefore it is considered that the proposal will have less than minor ecological effects.

6.5 Summary of Effects

Overall, it is considered on balance that any adverse effects on the environment relating to this proposal will be no more than minor.

6.6 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 no more 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.

These matters were addressed in section 6.2 above, and written approval obtained from Northpower.

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

7.3 Assessment of Effects on Adjacent Properties

Adverse effects in relation to visual dominance, shading, and privacy on adjacent properties are considered below.

Wider effects, such as neighbourhood character, construction, and transportation were considered in section 6.5 above, and considered to be less than minor.

The adjacent properties to be considered in the limited notification assessment under section 95B and 95E are shown in Figure 4 above.

7.3.1 Character and Amenity

Any adverse effects on persons at adjacent properties are considered to be less than minor for the following reasons:

- The proposed development will increase the density via subdivision of the land beyond what currently exists for the site, however, this is contemplated and expected by the Plan. Further, the development can be adequately serviced (as anticipated by Council capacity

and infrastructure) in terms of stormwater, wastewater, water and other utilities without compromising the infrastructure network as discussed in the infrastructure report.

- The District Plan anticipates a density of 1 per 320m² with an average density of 1 per 400m²(net) for sites in the General Residential Zone. In this case, the proposal does not create any additional development potential for the site over and above what currently exists when taking into account the permitted baseline. The proposed development comprises lots fall within the 327m² to 734m² in size.
- All proposed lots are of a sufficient size, shape and gradient to accommodate compliant residential development, exclusive of any required setbacks. This will ensure that appropriate levels of visual and aural privacy and open space for the immediate Residential area are maintained to adjacent and adjoining properties as a result of the separation and ability to plant effective landscaping around any future dwellings. For these reasons, the effects on the owners and occupiers of adjacent properties when considering residential character and amenity are considered to be less than minor.

For the same reasons outlined in the assessment above, the proposal has been designed to ensure the proposed visual scale of future residential activities provided for by the proposed subdivision will not dominate the 'General Residential' character of the adjoining and adjacent properties.

7.3.2 Other effects

For reasons identified above no persons will be adversely affected by:

- The proposal in terms of traffic or pedestrian safety, infrastructure capacity or servicing, in terms of noise, cultural and heritage effects, hazards, ecological effects;
- The proposed construction works for the reasons identified above. The effects on adjacent properties during construction will be temporary and less than minor.

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

7.4 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to character and amenity, visual dominance, shading, privacy, and residential intensity effects.

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

7.5 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 discretionary activity, section 104B of the Act states that a council:

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

8.2 Weighting of Proposed Plan Changes: Whangārei District Council - Urban and Services

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, Whangārei District Plan became operative in part in 2022, and the General Residential Zone is considered to be operative. On this basis, weight has been applied solely to the Operative in Part District Plan.

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:

- Positive Effects; and
- On-site amenity.

9.1 Positive Effects

The proposal will result in the subdivision and creation of 93 new fee simple residential allotments that will allow for future residential development in an established residential area that will give effect to the environmental quality and amenity value outcomes sought by the Proposed Whangārei District Plan. The allotments will allow for the construction of housing and will ultimately provide living opportunities that are in close proximity to a range of local amenities and recreational activities.

9.2 On-Site Amenity

Consideration has been given to lot layout and design to ensure that future site planning and building design will provide for a good level of internal and external amenity for the residential units. It is considered that future residents will experience a good level of amenity and liveability, relative to their needs. Furthermore, the receiving environment has sufficient capacity to accommodate the effects of the proposal without loss of levels of amenity anticipated by the zone.

Overall, the size and layout of the proposed allotments will provide quality living environments for future residents. The lots are sufficiently designed to accommodate future landscaping treatment which will also provide positive benefits for the residents.

When taking the above into account it is considered that the development will feature an appropriate level of residential amenity.

9.3 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 no more than minor.

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 appropriate.

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

10.1 National Policy Statement – Urban Development

The NPS-UD 2020 requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. The NPS-UD also provides Councils the necessary policy direction to allow further urbanisation where it may not have previously been anticipated or supported by operative planning frameworks.

The NPS-UD 2020 recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- Providing sufficient development capacity to meet the different needs of people and communities.

Comment: For the purpose of the NPS-UD, Objectives 1 to 4 and Policies 1, 5 and 6 are relevant. Whangārei is a Tier 2 urban environment and the site is an area of land that is, or is intended to be, predominantly urban in character. This proposal gives effect to the NPS-UD by supporting the appropriate urbanisation and intensification of land zoned residential land which has high accessibility to open space, schools and commercial centres (as outlined in section 3.1). The density proposed will meet the minimum requirements of the General Residential Zone, the NPS-UD further supports the proposed land use and subdivision. In particular, the proposal:

Provides for the construction of additional household units which will result in a more efficient use of the site, as anticipated and required by the NPS-UD;

- Allows for greater intensification of residential activities in an area that is already zoned for residential development and that is serviced by existing infrastructure and a public transport network;
- Provides an opportunity for an urban environment, including its amenity value, to develop and change over time; and
- Is generally consistent with Central Governments expectations for forthcoming urban infill developments for tier 2 urban environments.

For these reasons the proposal is considered consistent with the relevant provisions of the NPS-UD.

10.2 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.

While the subject site does not contain any wetlands, the Waitāua Stream traverses the southern boundary of the subject site. Policies 2, 3, 5, and 9 are considered relevant to the proposed development. Sediment and erosion control will be in place to mitigate potential affects to the Waitāua Stream. The proposal will result in residential development being located north of the Waitāua Stream, any future built development within the proposed residential allotments will be appropriately setback from site boundaries. 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, 10yr and 100yr storm events). The water will discharge from this pond into the Waitāua Stream catchment. The full water quality treatment volume for all areas of the development is provided within each of the ponds. The ponds are also likely to drain completely through soakage during the drier periods, as the stream only flows during heavier rainfall events, remaining dry for a lot of the drier summer period.

The proposal will result in the entire area of the Waitāua 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 Waitāua Stream.

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

10.3 National environmental standard for freshwater management

The proposal is assessed as a permitted activity under the NES-FM, therefore no further assessment is necessary.

10.4 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 Waitāua 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.
- Outside of the coastal environment policy 4.4.1 seeks to avoid, remedy or mitigate adverse effects and of subdivision, use and development so they are no more than minor on indigenous taxa, indigenous vegetations and habitats of indigenous fauna that are significant using Appendix 5, and avoid, remedy or mitigate adverse effects of subdivision, use and development. The proposed development will result in the protection of indigenous vegetation within the site, particularly the indigenous vegetation along the the Waitāua stream.
- Policy 5.1.1 seeks to provide for subdivision, use and development that is located, designed and built in a planned and co-ordinated matter. It is considered that the proposal is in accordance with the Regional Form Development Guidelines and the Regional Urban Design Guidelines. In particular, the proposed development incorporates quality urban design

principles including context, character, choice, connections, creativity custodianship and collaboration. With specific reference to 5.1.1(d) and (h), the proposal can be adequately serviced in terms of transportation, water, wastewater, and stormwater by existing and proposed infrastructure.

- 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.
- Policy 8.1.2 requires district council to recognise and provide for the relationship of tangata whenua and their culture and traditions, have particular regard to kaitiakitanga and take into account the principles of the Treaty of Waitangi including partnership when processing resource consents. No sites of cultural significance or heritage are identified within the subject site.

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

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

A comprehensive assessment of objectives and policies of the RWSP is undertaken in the NRC application in **Appendix 11**.

10.6 Proposed Northland Regional Plan (PRP)

A comprehensive assessment of objectives and policies of the PRP is undertaken in the NRC application in **Appendix 11**.

10.7 Objectives and Policies of the Whangārei District Plan

10.7.1 District Growth and Development

The District Growth and Development Chapter guides decision making at the strategic level. The objectives and policies relevant to this proposal, seek to provide for differing character and amenity values in a range of zones, to accommodate the managed growth of rural villages, ensure that the scale and nature of new land use activities are commensurate with the anticipated level of amenity and stated issues and objectives for the relevant zone.

The proposal accords with this policy direction, as it is proposing consolidated development within the General Residential Zone in a manner that is consistent with the growth and level of amenity anticipated within this Zone.

10.7.2 Urban Form and Development

The Urban Form and Development Chapter, sets out the policy direction for the urban area and guides decision making at the strategic level. The objectives and policies generally seek to ensure sufficient residential capacity, and to manage change to urban character and amenity values by applying high quality urban design. Policy UFD-P13 Residential Zones specifies where General Residential Zone will be located.

The proposal accords with this policy direction, proposing to develop within the General Residential Zone, seeking to intensify at a level that will comply with urban character and amenity values of the General Residential Zone.

10.7.3 Transport

The Transport Chapter sets out the policy direction for the establishment, maintenance and use of the transport network. The chapter states that Whangārei's future growth expectation is for consolidated urban development. Objectives and policies generally seek to integrate land use and transport planning to ensure that land use activities, development and subdivision maintain the safety and efficiency of the transport network.

The proposal accords with the relevant objectives and policies within the Transport Chapter as the level of development is consistent with that anticipated for the General Residential Zone and access to and from the site has been designed in a manner that will maintain the safety and efficiency of the localised and wider transport network.

10.7.4 Three Waters Management

The Three Waters Management chapter implements provisions to manage the impact of land use and subdivision on water resources and services. The objectives and policies seek to sustainably and efficiently manage three waters resources. The application seeks to carry out development on the subject site with connections to Council reticulated three water services within a level of development that could occur as of right on the General Residential Zoned land. New connections are proposed for new allotments in accordance with the Three Waters Management requirements of the District Plan. Further details are outlined in the LDE Three Waters Report (**Appendix 5**) which has concluded that all lots can be adequately serviced by existing reticulated infrastructure without any issues arising.

On this basis, it is considered that the proposal accords with the Three Waters Management objectives and policies.

10.7.5 Network Utilities (NTW) Chapter

The objectives and policies of the Network Utilities Chapter seek to protect and restrict certain activities around network utilities.

The "Critical Electricity line" located within the southern edge of the subject site is currently owned by Northpower, any development is required to meet the minimum safe separation distances for buildings/structures, earthworks, mobile plant and people from transmission lines and support structures as set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) regulation.

The proposed development will adhere to the minimum safe distances ensuring that the proposed development will be established in a way that will protect persons, property and vehicles from harm or damage from electrical hazards. This will ensure the proposed development will not result in any reverse sensitivity effects and as such is considered to be consistent with the relevant provisions.

10.7.6 Natural Hazards Chapter

The objectives and policies of the Natural Hazards Chapter seek to avoid as far as practicable or otherwise remedy of mitigate the adverse effects of natural hazards on people, property and the

environment. Policies seek to ensure that subdivision, use and development does not increase the risk from adverse effects of natural hazards.

The proposed subdivision and residential use of the site, will be managed to mitigate and minimise the risk of natural hazards by way of comprehensive design of onsite stormwater management to reduce flooding risk downstream and avoidance of significant earthworks within areas high instability hazards as detailed in the Three Waters Report (**Appendix 5**) and the Geotechnical Report (**Appendix 6**). It is considered that the proposal will give effect to the relevant natural hazards objectives and policies.

10.7.7 Historic Heritage

The objectives and policies of the Historic Heritage Chapter seek to protect the District's heritage resources from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards; and to recognise and provide for the relationship of tangata whenua with sites and areas of spiritual cultural or historical significance.

Policy HH-P3 is considered relevant to the proposal:

To protect historic heritage from adverse physical and visual effects of internal and adjacent subdivision, land use and earthworks particularly where:

1. *Proposals are in proximity to scheduled built heritage resources, known archaeological sites, or sites of significance to Māori.*
2. *The presence of archaeological sites is likely, particularly adjacent to the coast, rivers and streams.*
3. *Subdivision or development would result in the loss, damage, fragmentation or separation of historic heritage resources.*
4. *Public views of the historic heritage resource, or public access would be lost or obstructed.*

No heritage resources have been identified within the subject site by an archaeological assessment (**Appendix 15**), however the Cultural Impact Assessment (**Appendix 16**) states that the Onoke area generally is of significance to Māori. The proposal will ensure the protection of Waitāua Stream and maintain connection and public access via pedestrian walkways to the stream and Onoke pa located within the adjacent Onoke reserve to the east.

10.7.8 Tangata Whenua (Chapter 7)

The objectives and policies of the Tangata Whenua Chapter is largely focused upon the representation of tangata whenua in processes, including the preparation and implementation of the District Plan, seeking to ensure effective consultation and taking into account iwi and hapu management plans.

As previously discussed, the subject site is located within the rohe of Ngāti Kahu O Torongare. The subject site is located within the "Area of Agreement between Ngāraratunua Marae Committee and WDC", being an area identified within Environment Court decision (RMA 671/01) as significant to Ngāti Kahu O Torongare. The Environment Court decision encourages resource consent applicants to undertaken engagement with hapū. As previously outlined discussions have taken place and the proposal has been refined over time to reflect key outcomes of these discussions where possible.

Policy 7.4.2 seeks to ensure that land use, subdivision and development does not adversely affect Sites of Significance to Māori, or other taonga identified in the District Plan or Hapu Environmental Management Plans. As previously discussed, the proposal seeks to mitigate potential adverse cultural effects as identified in the CIA prepared by Te Parawhau.

The proposal will give effect to Policy 7.4.3 which seeks to maintain and enhance indigenous wetlands, estuaries, and waterbodies of significance to tangata whenua. The Waitāua Stream traverses the site and is understood to be important to Ngāti Kahu O Torongare and Te Parawhau, the proposed development has sought to maintain and enhance the stream and surrounding area through pest and weed management, planting and protecting the area by way of reserve.

10.7.9 Indigenous Vegetation and Habitat

The overarching intent of the relevant provisions in the Indigenous Vegetation and Habitat Chapter is to maintain and enhance the life-supporting capacity of ecosystems and the biodiversity of the District, and more specifically to protect areas of significant indigenous vegetation and significant habitats from inappropriate subdivision, use and development. Emphasis is placed on maintaining the ecological values within the Living 3 and Open Space Environments. It is considered that the proposed development is consistent with the relevant provisions in the chapter because it will protect and enhance the vegetation within the proposed reserve being provided along Waitāua Stream.

10.7.10 Riparian and Coastal Margins and Water Bodies

The relevant provisions within the Riparian and Coastal Margins Chapter provide the policy direction for the consideration of esplanade reserves. Policy RCM-P3 – P5 essentially establishes the framework for Rule EA-R1.

The relevant provisions within the Water Bodies Chapter provide the policy direction for the preservation of the natural character of water bodies and their margins. Policies WB-P1 and WB-P2 seek to ensure that adverse effects of subdivision, use and development adjoining water bodies, on water quality and quantity, natural character, cultural and ecological values are avoided, remedied or mitigated.

10.7.11 Subdivision

The Subdivision Chapter provides direction for the consideration of subdivision of land. Objectives and policies are process oriented seeking to protect and enhance the district's valued features and resources, to subdivide land in a manner that provides for the changing needs of people and communities.

SUB-P1 seeks to

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

- 1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.*
- 2. Maintain the integrity of the zone with lot sizes sufficient to accommodate intended land uses.*
- 3. Respond positively to and integrate with the surrounding context.*
- 4. Appropriately avoid, remedy or mitigate adverse effects on:*

- a. Outstanding Natural Features.*
- b. Outstanding Natural Landscapes.*
- c. Coastal Areas.*
- d. Areas of High Natural Character.*
- e. Areas of Outstanding Natural Character.*
- f. Sites of Significance to Māori.*
- g. Historic Heritage.*
- h. Significant Natural Areas.*
- i. Highly versatile soils.*

The proposed subdivision will reflect the development patterns and amenity values of the General Residential Zone. The proposal includes a range of lot sizes that will enable residential development consistent with what is anticipated in the Zone. As detailed above the proposal has been designed to mitigate potential cultural effects on the historic heritage identified by Te Parawhau.

For these reasons, it is considered that the proposal accords with the Subdivision objectives and policies.

10.7.12 Earthworks

The Earthworks Chapter manages earthworks associated with subdivision to ensure that sites are suitable for development, and that instability hazards and adverse effects on heritage values and New Zealand kauri trees are managed. Objectives and policies generally seek to minimise potential risks to people, property and environment from land instability and to avoid where practicable, or otherwise remedy or mitigate adverse effects associate with land instability through the management of earthworks.

The proposal accords with the policy direction of the Earthworks Chapter, earthworks, retaining and stormwater management have been carefully designed by LDE (**Appendix 6 and 7**) to mitigate effects from the establishment level finished building platforms within each lot.

10.7.13 Lighting, Noise and Vibration and Signage

The objectives and policies of these chapters seek to ensure subdivision and development provide lighting and signage to support the safety and security of people and property, maintaining pedestrian and traffic safety, maintaining and where appropriate enhancing amenity and character of each zone. The proposed development will give effect to the policy direction, complying with the permitted standards for lighting, noise and vibration and signage.

10.7.14 General Residential Zone

The General Residential Zone provides for traditional suburban densities and housing forms, and is characterised by one to two-storey stand alone residential units. Objectives and policies seek to provide for subdivision and development that is consistent with the planned suburban built environment and are compatible with the amenity levels of existing residential development. Of particular relevance to this proposal is:

GRZ-P1 Density and Character

To achieve the planned suburban built character by:

- 1. Managing the number of residential units that can be accommodated on each site.*
- 2. Managing the height, bulk and form of development.*
- 3. Requiring sufficient outdoor living space and landscaping within each site.*
- 4. Enabling residential development on sites of an appropriate size and shape.*

The application proposes to create a range of residential allotments of appropriate size and shape which will easily accommodate residential units in accordance with permitted activity standards for the General Residential Zone. It is considered that the proposal achieves a suburban built character that is anticipated and provided for in the General Residential Zone.

GRZ-P2 Onsite Amenity and GRZ-P3 Adjacent Properties policies both seek to achieve appropriate levels of amenity and to sensitively design development to mitigate intrusion on adjacent properties. The proposed subdivision has been carefully designed to ensure that each site has sufficient area to enable future residential development to comply with all General Residential Zone permitted activity standards for setback from boundary and outdoor living courts. A high level of onsite amenity is achieved throughout the development due to the communal open space areas, recreation reserves, landscape planting and road treatments. It is considered that the proposal accords with policies GRZ-P2 and GRZ-3.

GRZ-P4 Residential Amenity and Character seeks:

To manage adverse effects on residential amenity and character by requiring developments to have regard to the way the development:

- 1. Provides street activation through connection between front doors and the street.*
- 2. Provides landscaping that enhances on-site and local residential amenity, with particular regard to site frontage.*
- 3. Minimises large monotonous building façades and walls that do not include design variation or are not broken down into smaller elements.*
- 4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.*
- 5. Provides an active interface to Open Space and Recreation Zones onto which it fronts.*
- 6. Is sympathetic to the amenity and character of the locality and other buildings in the vicinity, having regard to:*
 - a. Building bulk, scale and symmetry.*
 - b. Site sizes and providing for a more spacious form of development.*

It is considered that the proposal accords with policy GRZ-P4, while residential units have yet to be designed the proposed residential allotments have been designed to provide sufficient space to allow future development enhance street amenity and internal site amenity. A high level on onsite amenity is achieved throughout the development due to the communal open space areas, recreation reserves, landscape planting and road treatments.

GRZ-P10 Density seeks to:

To provide for a range of site sizes and densities by considering increased residential density where:

- 1. A mixture of allotment sizes and housing typologies, including low-cost options, are provided.*
- 2. The location is supportive of pedestrians, cyclists and public transport.*
- 3. The area is in proximity to Open Space and Recreation Zones and the City Centre, Mixed Use, Local Centre or Neighbourhood Centre Zones.*
- 4. There is sufficient infrastructure to accommodate the development.*
- 5. The development is sympathetic to the surrounding environment and adverse effects on adjoining sites are minimised.*
- 6. The parent allotment size and site frontage are sufficient to enable comprehensive development and provide quality on-site amenity.*

The proposed development will achieve the anticipated residential density of 320m² net site area per residential allotment and average net site area of 400m². The residential density proposed is considered to be in accord with GRZ-P10 because:

- A mixture of allotment sizes and shapes are proposed;
- The development layout includes sufficient access widths;
- LDE (**Appendix 5**) confirm that there is sufficient capacity within the reticulated three waters system and the existing connections;
- The site is in close walking distance of open space and community services; and
- The site has been comprehensively designed, earthworks, retaining and landscaping have been designed across the entire site and each individual lot to ensure that adverse effects on adjoining sites have been minimised.

10.8 Summary

It is considered that the proposed development is generally in accordance with the objectives and policies of the Northland Regional Policy Statement, Northland Regional Plan and Whangārei District Plan (Operative in Part).

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 no more than minor, and the proposal accords with the relevant District Plan objectives, 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))

No other matters are considered relevant to this application.

13.0 Conclusion

Onoke Heights Ltd applies for a land use and subdivision consent from the Whangārei District Council for the subdivision, residential development and associated services of 93 residential allotments, at Dip Road, Kamo. A separate land use application is being sought concurrently from Northland Regional Council.

Based on the above report it is considered that:

- The application is a restricted discretionary activity and is not precluded from public notification;
- Public notification has not been requested by the Applicant.
- Any adverse effects in relation to the proposed activity are considered to be no more than minor, and acceptable when considering the significant positive effects of the proposal;
- The proposal is considered to accord with the Regional Policy Statement;
- The proposal is considered to generally accord and is not contrary with the operative in part District Plan; 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.