



THE PLANNING  
COLLECTIVE

## Submission on Proposed Kaipara District Plan

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

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To: Kaipara District Council (via email: [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz))

### 1. SUBMITTER DETAILS

**Name of Submitter:** Stephanie Fay Paxton-Penman, owner of Lot 101 Franklin Road, Paparoa (legally described as Lot 101 DP 541551)

This is a submission on the Proposed Kaipara District Plan ("PKDP").

Stephanie Fay Paxton-Penman could not gain an advantage in trade competition through this submission.

### 2. HEARING OF SUBMISSION

Stephanie Fay Paxton-Penman does wish to be heard in support of her submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

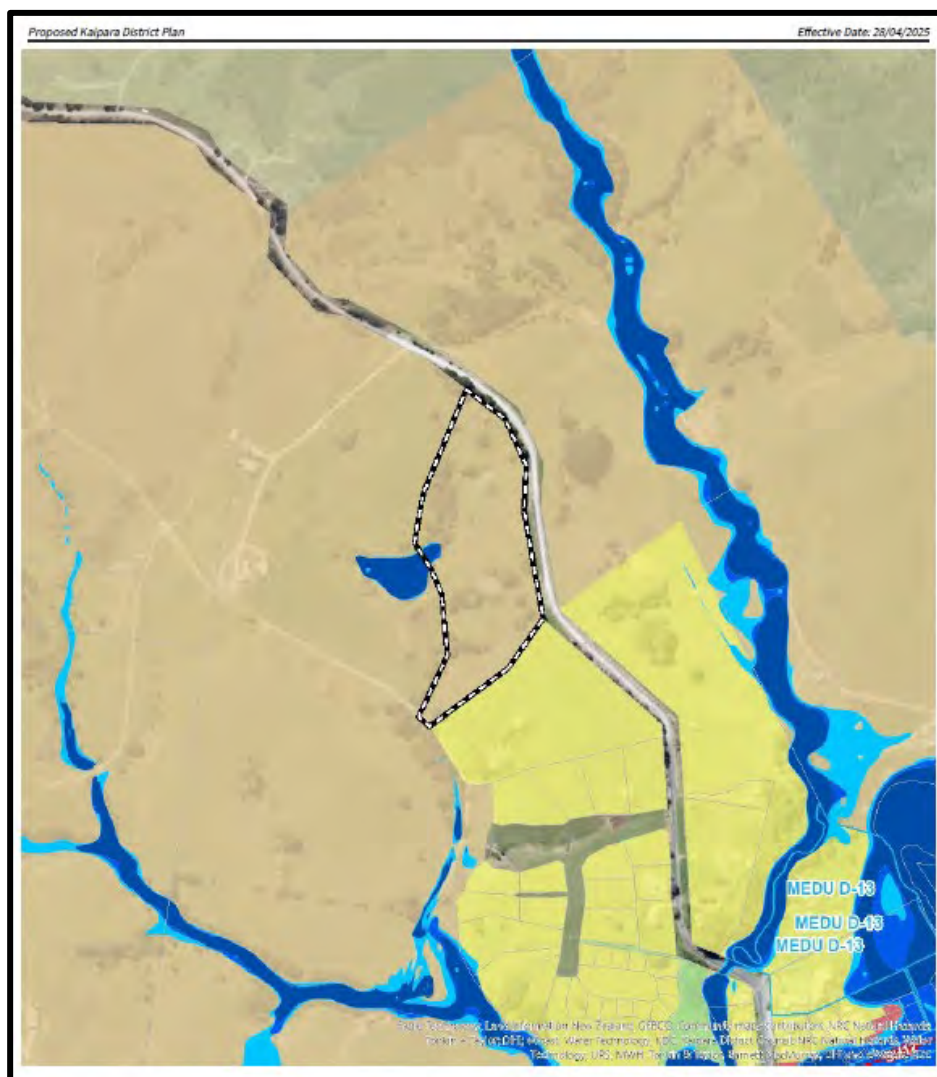
Yours sincerely

Burnette O'Connor  
The Planning Collective Limited  
(person authorised to sign on behalf of submitter)

Date: 30 June 2025

#### Address for Service:

Stephanie Fay Paxton-Penman  
C/- The Planning Collective Limited  
PO Box 591  
Warkworth, 0941  
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Email: [burnette@thepec.co.nz](mailto:burnette@thepec.co.nz)  
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Points for submission

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: (include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)		(3) I seek the following decisions from Kaipara District Council. (Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)
Chapter / Appendix / Schedule / Maps	Objective / policy / rule / standard / overlay	Oppose / support (in part or full)	Reasons	
Part 1 – Introduction and General Provisions	National Direction Instruments (General)	Oppose in part	<p>Consultation is currently taking place on the national direction for a number of National Policy Statements and National Environmental Standards.</p> <p>The PKDP must give effect to relevant National Policy Statements, National Environment Standards and the National Planning Standards as stated in s75 of the RMA.</p> <p>All associated objectives, policies, rules and standards need to be worded in way that achieves and gives effects to the relevant national policy documents.</p> <p>The provisions need to give effect to these national documents and be specific to Kaipara and the Strategic Direction to its assessment as a result.</p>	<p>The Submitter seeks that the Plan be amended to properly reflect the NPS, NES and National Planning Standards in a way specific to Kaipara.</p> <p>Specifically, Kaipara Council is an urban environment as that is defined in the NPS Urban Development.</p> <p>Kaipara is therefore Tier 3 urban environment and the provisions of the NPS Urban Development apply.</p>

Part 2 – District Wide Matters/Strategic Direction	VK – Vision for Kaipara (SD-VK-01 to SD-VK-08)	Oppose in Full	<p>As currently presented, the objectives of the ‘Vision for Kaipara’ are not specific to the local area or local communities. It is also not reflective of the relevant National Policy Statements as per the submission point above.</p> <p>The provisions are generically worded and do not reflect or respond to specific local issues or characteristics.</p> <p>The objectives and policies proposed do not flow through adequately to the zone provisions, and the wording of the objectives is too generic and insufficiently directive.</p> <p>Whilst we recognize that each individual objective and its topic is of value in its own right, when combined, the objectives as a whole do not represent Kaipara as a District or its communities that live here.</p> <p>We consider there to be some clear omissions within this vision including for greater specificity regarding each topic and the need for all objectives to be supported by policies stating how the objective is intended to be achieved.</p> <p>When the strategic direction is read in its entirety, including its objectives relating to Historic Heritage, Natural Environment, Natural Hazard and Resilience, Tangata Whenua, Urban Form and Development and Financial Matters the overall format is confusing with some topics only stating objectives, and others additionally relaying both policies and rules.</p>	The entire section of Part 2 to be reviewed and re-written into a coherent strategic direction in a context more fitting and reflective of Kaipara District.
	HH – Historic Heritage (SD-HH-01)			
	NE – Natural Environment (SD-NE-01 to SD-NE-03)			
	NH – Natural Hazards and Resilience (SD-NH-01)			
	TW – Tangata Whenua (SD-TW-01)			
	UFD – Urban Form and Development (SD-UFD-01 to SD-UFD-05), (SD-UFD-P1 to SD-UFD-P7)			
	FC – Financial Contributions (FC-01 to FC-04), (FC-P2 to FC-P8), (FC-R1), (FC-S1 to FC-S6)			



			<p>As defined within the National Planning Standards (last updated 2022), <i>Chapter 7, (2) states that '2. Rules must not be included under the Strategic direction heading'</i>. This is clearly not the case currently, with Financial Matters currently listing Objectives, Policies, Rules and Standards.</p> <p>The chapter needs to be rewritten to improve the legibility and strategic direction for Kaipara in a more bold and innovative way.</p>	
Maps and Zoning	Zoning – Rural Lifestyle Zone	Oppose	<p>The site was previously located in the Rural Zone as defined within the Operative Kaipara District Plan. It is proposed to be zoned Rural Lifestyle in the PKDP. A better and more optimal planning and environmental outcome will be achieved by zoning the land General Residential.</p>	<p>Zone the site at Lot 101 DP 541551 at Franklin Road as General Residential.</p>

## Zoning Sought:

The proposed Rural Lifestyle zoning is opposed. Following a site visit and viewing of Paparoa township, along with review of the property file and approved subdivision for the adjacent land, a more defensible boundary and better, more efficient and more appropriate current and future environmental and planning outcome is achieved by zoning the land at Lot 101 DP 541551 at Franklin Road as General Residential.

### *Site History and Assessments to Date:*

An extensive rural subdivision and land use consent was granted in December 2018 (reference: RM170414) (**Attachment 1**) which consented the subject site. The site formed part of Stage 1 of the subdivision. The s104 Decision report recognized that Lot 100, 101 and 102 may be developed further at a later date. Given the site was originally consented in 2018, the passage of time noted to date suggests that development on the site is to be accepted in the future i.e. now. There are references through the decision that highlights that Lot 101 will require its own servicing. In this regard, a Project Technical memo (**Attachment 3**) has been prepared by Chester Consultants Ltd (dated 25 June 2025) which concludes that *'the land can be serviced for 3-waters; water supply and firefighting water supplies via rainwater harvesting tanks, onsite wastewater treatment and disposal and stormwater disposal to ground and/or to the nearby stream network via a piped or open channel network'*.

Based on the site's consenting history to date, we conclude that built form is acceptable on the site and General Residential zoning and development would therefore be suitable on the property.

## Assessment:

### *National Policy Statement on Urban Development 2020 (NPS-UD)*

In development of the Proposed District Plan, Kaipara District Council (KDC) have considered the National Policy Statement on Urban Development 2020 (NPS-UD) and have concluded that the NPS UD does not apply to Kaipara by virtue of their being no 'urban environment' in the Kaipara area. We oppose this position. KDC do recognise that 'it contains a useful direction on how urban growth should be managed' (Section 32 report – General Residential Zone, Table 3). Given that the General Residential Zone covers existing residential areas in the District's 'Townships' and that Paparoa, has therefore been identified as a Township through General Residential zone provisioning, we have reviewed the context of the NPS-UD as a 'direction on how growth should be managed' including the incorporation of Lot 101 DP 541551 ('The site') in the General Residential Zone.

At Section 3.2 of the NPS-UD, it states the need for sufficient development capacity for housing:

*'Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:*

- (a) in existing and new urban areas; and*
- (b) for both standalone dwellings and attached dwellings; and*
- (c) in the short term, medium term, and long term'.*

Zoning Lot 101 DP 541551 at Franklin Road General Residential will contribute towards Kaipara meeting

its requirement for 'sufficient development capacity for housing' in the district. This is also a function of territorial authorities under s31(1)(aa) of the RMA<sup>1</sup>.

*Northland Regional Policy Statement (May 2016):*

Appendix 2 of the Northland Regional Policy Statement sets out the Regional form and development guidelines. Objective 3.11 seeks to achieve a regional form that enhances the quality of life for Northlands residents by creating sustainable communities. It goes on to state that development sustainable built environments means consolidating new urban development within and adjacent to existing settlements. The opportunities that outlined arise through consolidated development include:

- Avoiding unplanned 'overloading' of essential infrastructure;
- Improved energy efficiency through the integration of land-use and infrastructure;
- Creating opportunities for residents to work within close proximity to their homes;
- Protecting areas of high natural character and sensitive landscapes; and
- Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of services.

Rezoning the site at Lot 101 DP 541551 at Franklin Road as General Residential will achieve the above objective and promote the above opportunities.

The RPS also talks about the importance of demonstrating access to water supply and capacity for wastewater, amongst a series of other spatial considerations. As confirmed in the Project Technical memo (**Attachment 3**) prepared by Chester Consultants Ltd the site can be appropriately serviced.

*Proposed Kaipara District Plan - Strategic Direction:*

Whilst the Strategic Direction of Kaipara District is not supported given its lack of innovation and specificity to this District, one of the policies as currently written does seek for sufficient residential land within or directly adjacent to urban areas – something which the inclusion of this site would achieve.

*Kaipara District Spatial Plan - NGĀ WAWATA 2050 (2020):*

The Kaipara District Spatial Plan - NGĀ WAWATA 2050 (2020), identifies Paparoa as a Service town (page 43). Through engagement with the local community as part of the preparation of the Spatial plan, it is summarized that '*The community has a growth mindset for the area and encourages making the area more attractive for long-term residents*'.

In addition, the community '*also recommends unlocking land along Franklin Road for residential development*' (page 187). It appears that growth in Paparoa is encouraged to ensure the future sustainability and vitality of Paparoa as a Service Town up to 2050.

On review of the 30 year Spatial Plan for Paparoa, part of the site is already identified for Low Density Residential development. However, the boundary as it is currently presented dissects directly through our clients site – see Figure 2 below:

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<sup>1</sup> the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:



*Figure 2: Extract from Paparoa 30 year plan (Source: Kaipara District Spatial Plan 2020)*

The boundary of the Low Density Residential land outlined in red in Figure 2 and identified in the Spatial Plan does not have a defensible or logical boundary; a defensible and logical boundary would be achieved by including the subject site as General Residential.

Given the recent spatial plan indicating the communities desire for residential development at Franklin Road, and the need for any zone boundary to be clear strong and defensible it is considered the entirety of Lot 101 DP 541551 should be zoned General Residential in the PKDP to maintain the aspirations and alignment to the Kaipara Spatial Plan NGĀ WAWATA 2050, and to zone the site so as to fully benefit from its defensible boundaries previously discussed as well as providing for the most an appropriate and efficient use of the site. Please see **Attachment 2** to this submission for an extracted copy of this plan.

In terms of Neighbourhoods and Infrastructure, the Franklin Road area has been seen as a key growth area opportunity. *‘Franklin Road is seen as a key street which leads directly into Paparoa Town Centre’*. It also clarifies that the *‘neighbourhood is enclosed by a stream on the southern and western boundary’* (page 190, Kaipara Spatial Plan). The stream runs directly alongside Lot 101 DP 541551 sites boundary—providing its defensible boundary line.

#### *Better Utilisation of the Range of Residential Zones Available in the National Planning Standards:*

The National Planning Standards enable a range of residential zones. It is proposed that the PKDP should employ a broader range of residential zones to better respond to the different characteristics of local areas / settlements in the District existing and as sought; including for higher or lower density development. As referred to in the Kaipara District Spatial Plan, population growth in Paparoa could be enabled *‘through the provision of Low Density Residential land’*.

An area of the land within the site has clearly been identified for low density residential development

within the Kaipara Spatial Plan. We seek that the entire site is included within the General Residential zone in order to provide defensible zone boundaries and provide for the efficient and most appropriate use of the site.

## **Conclusions:**

### *Spatial considerations:*

Spatially and geographically speaking, Lot 101 DP 541551 (the site) is located directly adjacent to the General Residential zone as proposed. It is also bordered by Franklin Road to the east, a stream to the west and to the north a recently approved subdivision means that the character of the immediately foreseeable future environment will be residential in nature; meaning that the site will essentially be the *'missing piece of the puzzle'*. Although the recently approved subdivision is rural residential in nature a new road has been constructed and housing is evident and will be more so once the new sites are created and developed.

The new dwelling on the opposite side of Franklin Road is a large urban style dwelling that is also visually prominent.

Spatially, the site provides a natural inclusion to the future built form of Paparoa with defensible boundary lines. Zoning the land as General Residential would ensure that the land is not inefficiently developed for Rural Lifestyle in an adhoc manner thus preventing, or limiting, future intensification on a piece of land that sits as part of the Paparoa town.. In this regard, the benefits of zoning the land as General Residential would be outweighed by the costs, in line with s.32 of the RMA; it is the most appropriate use of the well located site.

Paparoa is classed as a service town in the Kaipara District Spatial Plan (2020) and it has been evidenced that part of the site has been identified for low density residential development in the Paparoa 30 year Plan. Servicing the site in the future for residential development is achievable.

Based on the above, we seek that the site is rezoned as General Residential Zoning in the PKDP.



*Figure 3: View from boundary of site*

## Attachments

**Attachment 1: Consent notices RM170414 and RM2230284**



17 December 2018

Paparoa Community Charitable Trust  
C/- Birt & Currie Surveyors  
PO Box 120  
Paparoa 0543

Via email: [wayne@landsurveyors.co.nz](mailto:wayne@landsurveyors.co.nz)

Dear Wayne,

**RM170414 – Subdivision and Land Use Consent - 113 Franklin Road, Paparoa - Decision**

Please find attached the decision made under delegated authority on the above application. You are advised that if you have any concerns about this decision, you have 15 working days from the date of receiving this notification to object to the Kaipara District Council in respect of any part of this decision pursuant to Section 357 of the Resource Management Act.

We would like to remind you that conditions must be complied with. It is important that you or your client reads, understands and complies with all conditions of this Resource Consent to avoid enforcement action. Please send correspondence relating to consent conditions to [rmaconsents@kaipara.govt.nz](mailto:rmaconsents@kaipara.govt.nz).

Please note that in the absence of an objection, and pursuant to Section 125 of the Resource Management Act 1991, this consent will lapse on the expiry of ten years after the date of commencement of the consent, unless either the consent is given effect to before the end of that period, or a request is made to the Kaipara District Council to extend that period. For your information I enclose a copy of the decision report on the application.

Yours faithfully



Jessica Hollis

**Kaipara District Council**

Enclosed:        Decision on Resource Consent  
                      Decision Report  
                      Approved Plans



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**RM170414**  
Decision 17122018

In the Matter of:

*The Resource Management Act 1991*

And

In the Matter of:

*An application under Section 88 of the  
Resource Management Act 1991 made by  
Paparoa Community Charitable Trust*

File Reference:

*RM170414*

## DECISION ON NOTIFIED RESOURCE CONSENT APPLICATION

Pursuant to Section 104, 104B, 104D and 108 of the Resource Management Act 1991 ("the Act"), the Kaipara District Council **grants** resource consent to:

Paparoa Community Charitable Trust

The activity to which this decision relates:

### Subdivision Consent (RM170414.1)

To undertake a 38 lot subdivision over two stages, including the creation of a lot to vest as legal road, two reserve lots to vest, and two allotments being amalgamated with neighbouring properties. The approved scheme plans are dated 30 July 2018 reference number: 896.

**Stage 1:** This first stage includes the creation of Lot 103 which will be used in stage 2 to undertake the more intensive subdivision layout. Approximate areas for the proposed allotments for stage 1 are below:

<b>Table 1 – Approximate Areas for Stage 1</b>	
<b>Lot</b>	<b>Area (approximate)</b>
100	37.00ha
101	3.69ha
102	2.58ha
103	9.8ha

**Stage 2:** Subdivision of Lot 103 into a number of allotments as follows:

- Lots 1-15 – these are larger rural residential allotments which are intended to be developed for rural-residential living and sold on the open market to raise funds for the completion
- Lot 16 as a Local Purpose (Accessway) Reserve to vest in Kaipara District Council.
- Lot 17 as Road to vest in Kaipara District Council

- Lots 50 – 63 – these lots are intended to be used for retirement living as is outlined in the consent notices and covenants offered by the Applicant.
- Lot 64 – is proposed to be held as a common lot with lots 50 – 63 and Lot 65 via an amalgamation condition.
- Lot 65 – is the balance area remaining and is earmarked as a future development area (albeit not assessed under this current application). This also contains effluent disposal area 'A' which will serve as the location for the communal waste water system that will service lots 50 – 63.
- Lot 66 – is a local purpose (Esplanade) Reserve to vest in Kaipara District Council which follows the stream near the eastern boundary of site.
- Lot 67 – is a thin wedge of land near the eastern boundary of the site which will be amalgamated with the adjoining property Part Allotment N93 Parish of Paparoa (CFR NA577/132).
- Lot 68 – a larger area of land also near the eastern boundary of the site which will be amalgamated with Part Lot 1 DP 45554 (CFR NA1823/21).

<b>Table 2 – Approximate Areas for Stage 2</b>	
<b>Lot</b>	<b>Area (approximate)</b>
1	3781m <sup>2</sup>
2	3493m <sup>2</sup>
3	3340m <sup>2</sup>
4	4540m <sup>2</sup>
5	1683m <sup>2</sup>
6	1787m <sup>2</sup>
7	5068m <sup>2</sup>
8	3530m <sup>2</sup>
9	3286m <sup>2</sup>
10	1854m <sup>2</sup>
11	2015m <sup>2</sup>
12	2099m <sup>2</sup>
13	2730m <sup>2</sup>
14	2204m <sup>2</sup>
15	1767m <sup>2</sup>
16 (Local Purpose (Accessway) Reserve)	1586m <sup>2</sup>
17 (New Road)	1.05ha
50	480m <sup>2</sup>
51	500m <sup>2</sup>
52	500m <sup>2</sup>
53	460m <sup>2</sup>



54	406m <sup>2</sup>
55	523m <sup>2</sup>
56	450m <sup>2</sup>
57	405m <sup>2</sup>
58	434m <sup>2</sup>
59	447m <sup>2</sup>
60	401m <sup>2</sup>
61	458m <sup>2</sup>
62	503m <sup>2</sup>
63	896m <sup>2</sup>
64 (Common Lot)	3142m <sup>2</sup>
65 (Future Development Area)	2.24ha
66 (Local Purpose (Esplanade) Reserve)	0.79ha
67	350m <sup>2</sup>
68	2050m <sup>2</sup>

#### **Land Use Consent (RM170414.2)**

Land use consent is being sought concurrently to allow residential development on Lots 1 – 15 in breach of the Rural Zone Rules 12.10.7 Setbacks and 12.10.8 Permeable Surfaces, and to allow residential development on Lots 50-63 in breach of the Rural Zone Rules 12.10.7 Setbacks, 12.10.8 Permeable Surfaces and 12.10.27 Parking. The Consent Holder has sought that residential development shall instead be required to comply with Residential Zone Rules 13.10.7 Setbacks and 13.10.13 Permeable Surfaces, and that only one car park will be required per dwelling for Lots 50-63, which will be enforced by a volunteered consent notice condition on the relevant allotments.

#### **Location details:**

*Address: 113 Franklin Road, Paparoa*

*Legal Description: North Western Portion Section 94 Parish of Paparoa (NA63/139); Part South Eastern Portion Allotment 94 Parish of Paparoa (NA577/113); Part South Eastern Portion Allotment 94 (NA50C/1049); Part Northern Portion Allotment 93 Parish of Paparoa (NA31A/1493); Northern Portion Allotment 93 Parish of Paparoa (NA31A/1492);*

## CONDITIONS OF CONSENT

*Pursuant to Section 108 and 220 of the Act, RM170414 is granted subject to the following conditions:*

### **Subdivision Consent (RM170414.1)**

#### **General Conditions**

- 1) *This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:*
  - a) *All fixed charges relating to the receiving, processing, granting and monitoring of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and*
  - b) *All additional charges imposed under section 36(5) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.*
  
- 2) *The Consent Holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(5) of the RMA that are subject to challenge, the Consent Holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.*
  
- 3) *The proposed subdivision activity shall be carried out in accordance with the application formally received by Kaipara District Council ("Council") on 9 October 2017, the further information received on 15 December 2017, 31 August 2018 and 16 October 2018, and the following plans attached to this consent as 'Attachment A'.*
  - a) *Plan titled "Proposed Lifestyle Village Development – Stage 1 Lots 100 – 103", Reference No. 896 Sheet 1/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.*
  - b) *Plan titled "Paparoa Lifestyle Village Development – Stage 2 Lots 1-17 & 50 – 68", Reference No. 896 Sheet 2/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.*
  - c) *Plan titled "Paparoa Lifestyle Village Development - Village detail Lots 50 – 64", Reference No. 896 Sheet 3/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.*
  - d) *Plans titled "Schematic Engineering Drawings of Subdivision Development (Stages 2 & 3) reference no. 896, sheets 1 – 5 dated 19 June 2017 and prepared by Birt & Currie Surveyors Ltd.*
  - e) *Plan titled "Landscape Mitigation Plan" Revision B dated 14 December 2017 prepared by Landform Consulting Ltd.*

### **STAGE 1 – LOTS 100 – 103**

**4) Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:**

- a) The survey plan shall be generally in accordance with the plan of subdivision titled "Proposed Lifestyle Village Development – Stage 1 Lots 100 – 103", Reference No. 896 Sheet 1/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.
- b) The survey plan shall show all necessary easements for the provision of legal access and utility services to each lot.

**5) Before a Certificate is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

- a) A Consent Notice pursuant to Section 221 of the Act shall be prepared for registration against the title of Lot 101 and 102 of the subdivision. The consent notice shall draw attention to and require compliance with respect to the following matters:
  - i) Earthworks, the location of buildings, building foundations, stormwater and wastewater disposal to be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development.
  - ii) Compliance with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or alternative means of fire-fighting water supply with the approval of the New Zealand Fire Service where deviations are required.
  - iii) At the time of construction of a building on the lot, a driveway and vehicle crossing shall be formed in accordance with the Kaipara District Council Engineering Standards 2011.
  - iv) Future owners of the lots are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to the lots upon future development of the lots.
  - v) Future owners of the lots are advised that no physical electricity connections are provided. Kaipara District Council will not be responsible for ensuring nor providing electricity connections to the lots upon future development of the lots.
- b) A Consent Notice pursuant to Section 221 of the Act shall be prepared for registration against the title of Lot 103 of the subdivision. The consent notice shall draw attention to and require compliance with respect to the following matters:
  - i) Earthworks, the location of buildings, building foundations, stormwater and wastewater disposal to be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development.

- ii) *Compliance with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or alternative means of fire-fighting water supply with the approval of the New Zealand Fire Service where deviations are required.*
- iii) *Future owners of the lot are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing a telecommunication connection to the lot upon future development of the lot.*
- iv) *Future owners of the lot are advised that no physical electricity connections are provided. Kaipara District Council will not be responsible for ensuring nor providing an electricity connection to the lot upon future development of the lot.*
- c) *A solicitor's undertaking shall be provided to Council confirming that the consent notices prepared for registration under the conditions above will be duly registered against the titles of Lots 101, 102 and 103. The consent notices to be prepared for registration shall be prepared by a solicitor at the Consent Holder's expense and shall be complied with on a continuing basis by the owner of the lots and subsequent owners.*

**STAGE 2 – LOTS 1-17 & 50-68 (BEING A SUBDIVISION OF LOT 103 OF STAGE 1)**

**6) *Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:***

- a) *The survey plan shall be generally in accordance with:*
  - i) *Plan titled "Paparoa Lifestyle Village Development – Stage 2 Lots 1-17 & 50 – 68", Reference No. 896 Sheet 2/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.*
  - ii) *Plan titled "Paparoa Lifestyle Village Development - Village detail Lots 50 – 64", Reference No. 896 Sheet 3/3, dated 30 July 2018 and prepared by Birt and Currie Surveyors Ltd.*
- b) *The survey plan shall show:*
  - i) *Lot 17 as Road to Vest in the Kaipara District Council.*
  - ii) *Lot 16 as Local Purpose (Accessway) Reserve to Vest in the Kaipara District Council.*
  - iii) *Lot 66 as a Local Purpose (Esplanade) Reserve to Vest in the Kaipara District Council.*
- c) *The survey plan shall show the following amalgamation conditions:*

*"That Lot 64 Hereon be held as to fourteen undivided one twenty-eighth shares by the owners of Lots 50 - 63 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith."*

*and*

*"That Lot 64 Hereon be held as to fourteen undivided one twenty-eighth shares by the owner of Lot 65 hereon as tenant in common in the said shares and that individual Computer Registers be issued in accordance therewith."*

and

*"That Lot 68 Hereon be transferred to the owners of Part Lot 1 DP 45554 (CFR NA1823/21) and that one Certificate of Title be issued to include both parcels."*

LINZ Request 1545704

- d) The survey plan shall show the following amalgamation covenant:

*"That Lot 67 hereon be transferred to the owners of Part Allotment N93 Parish of Paparoa (CFR NA577/132 Ltd) and that such allotment cannot be separately transferred or leased without the land contained in CFR NA577/132 Ltd) Pursuant to Section 220 (2) (a) of the Resource Management Act 1991"*

**Advice Note:** The above requires that an amalgamation covenant be entered into which does not require LINZ approval. Refer to LINZ email correspondence (hamilton@linz.govt.nz) dated 20/09/2018.

- e) Written confirmation shall be provided from the appropriate network utility providers that satisfactory arrangements can be made for the provision of electricity and telecommunications services, in particular with respect to any required easements. This shall include confirmation that appropriate easements are provided to protect re-routed transmission lines where these do not fall within a legal road.
- f) Prior to construction works commencing, engineering calculations, plans and specifications shall be prepared and submitted to Council for approval for all earthworks, roading, vehicle crossings, lighting, footpaths, stormwater drainage, the communal firefighting water supply system for Lots 50 - 63 and sanitary drainage systems serving the subdivision. The design shall be prepared and certified by an appropriately qualified and experienced engineer and be in accordance with Kaipara District Council's Engineering Standards 2011, unless otherwise specifically approved in writing by Council's General Manager Infrastructure.
- f)(ii) Prior to construction works commencing, an updated Landscape Mitigation Plan shall be submitted to Council's Roding Manager and Council's Parks and Recreation Manager for approval. The contents of this plan shall be based on the Landscape Mitigation Plan prepared by Landform Consulting Limited dated 14/12/2017, however amendments shall be made to take into account the proposed tree species and the potential long term effects on infrastructure and sightlines (e.g. consideration of root and canopy spread).



**Advice Notes:** Engineering plans titled "Schematic Engineering Drawings of Subdivision Development (Stages 2 & 3) reference no. 896, sheets 1 – 5 dated 19 June 2017 and prepared by Birt & Currie Surveyors Ltd, have been prepared and accepted in principle by Council's Consulting Engineers. These plans are attached to this consent and should be taken in to account when considering the above condition.

The Consent Holder has proposed to provide communal firefighting water supply tanks within the commonly held Lot 64 to service fighting needs for Lots 50-63. The communal system will need to be designed in compliance with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or alternative means of fire-fighting water supply with the approval of the New Zealand Fire Service where deviations are required.

g) Specifically with respect to roading, engineering plans, specifications and calculations relating to the construction of:

- The proposed roads (Road 1 and Access 2C)
- The proposed accesses (Access 2A, 2B and the farm access)
- The proposed footpath
- The proposed road (Road 2)
- The proposed car parks within the loop road (Road 2)

**Advice Note:** Refer to attached engineering plans titled "Schematic Engineering Drawings of Subdivision Development (Stages 2 & 3) reference no. 896, sheets 1 – 5 dated 19 June 2017 and prepared by Birt & Currie Surveyors Ltd, have been prepared and accepted in principle by Council's Consulting Engineers.

shall be in accordance with:

- i) For proposed Road 1 and Access 2C: Road – general accordance with standards set out in Table 5.1 and with drawings S03 of Kaipara District Council's Engineering Standards 2011.
- ii) For proposed accesses (Access 2A, 2B and the farm access): Vehicle crossing – general accordance with standards set out in Table 5.1: Roads and Private Ways Design Standards and drawings, S01 of Kaipara District Council's current Engineering Standards.

The plans and specifications shall specifically address the following matters:

- Pavement design
  - Surfacing
  - Drainage facilities
- iii) For the proposed footpath: Footpath – general accordance with drawing S14 of Kaipara District Council's current Engineering Standards.

- iv) *For the proposed road (Road 2): Road – general accordance with standards set out in Table 5.1 and with drawings S01, S03 of Kaipara District Council's current Engineering Standards.*
  - v) *For the proposed car parks within the loop road (Road 2): Car Parking Layouts – general accordance with drawings S03, S20 of Kaipara District Council's current Engineering Standards.*
  - h) *The survey plan shall show all necessary easements for the provision of access, drainage and utility services to all Lots, including (but not necessarily limited to):*
    - a. *The location and extent of any rights to drain water on the survey plan shall be confirmed by an engineer in consultation with the design and calculations required for Stage 2.*
    - b. *The communal effluent disposal field shall be protected by way of an appropriate Right to Drain Sewage easement in favour of Lots 50-63.*
  - i) *A plan showing the improvements to be made to the local purpose reserve within Lot 16 and the esplanade reserve within Lot 66 shall be submitted to Council's Parks and Recreation Manager for approval. This plan shall include, but is not limited to, details regarding:*
    - *Weeds to be treated and method of ongoing treatment.*
    - *Pedestrian access formation and provision of the new bridge linking the new esplanade reserve to the existing one. The footpath providing the link between the existing esplanade reserve to the south, and the new local purpose accessway reserve in the north shall be designed to be constructed on the western side of the stream located in the new esplanade reserve. Pedestrian access will also include provision for linkage to Lot 17 (legal road to vest).*
- 7) Before a Certificate is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**
- a) Prior to commencement of any construction work, the Consent Holder shall:
    - i) *Provide written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$1,000,000.00.*
    - ii) *Provide written verification that the Consent Holder's engineer responsible for design and supervision of the construction works holds professional indemnity insurance to the value of \$1,000,000.00.*
    - iii) *Enter into a Bond in a form to the approval of Council guaranteeing that in the event of damage to existing Council assets or abandonment of the work by the Consent Holder, that all existing Council assets will be returned to a condition at least equal to that which existed prior to the commencement of work. The bond shall be for the sum of \$5,000 and shall remain in full force and effect until such time as all work has been completed and any necessary remedial work completed to the satisfaction of Council.*

b) *Prior to the commencement of any earthworks a Construction Management Plan shall be prepared and submitted to Council for approval. The Construction Management Plan shall include:*

- i) Details of site manager including full contact details.*
- ii) Construction methodology including proposed plant and machinery to be utilised.*
- iii) Programme of work.*
- iv) Proposed hours of work on the site.*
- v) A detailed dust mitigation plan detailing:*
  - Maximum wind velocities during which earthworks can be undertaken*
  - Watering requirements*
  - Monitoring and reporting requirements.*
- vi) A detailed sedimentation control plan, subject to any specific requirements of the Northland Regional Council.*
- vii) Details of the number and timing of truck movements on the access route to the site.*
- viii) Details of any proposed material storage areas.*
- ix) Traffic management plans including details of the number and timing of truck movements on the access route to the site.*
- x) Proposed communications strategy to advise members of the public of the construction works.*

*All construction work shall be restricted to the hours of 7.00am to 7.30pm Monday to Friday and 7.30am to 6.00pm on Saturdays, and during daylight. For the purposes of this clause daylight is defined as the period commencing at the official time of sunrise and ending at the official time of sunset.*

c) *All work, with the exception of the sanitary drainage system serving lots 50-63 as shown as Area A on Lot 65, required by the approved engineering plans and specifications required by **condition 6(f) and (g)** shall be completed in accordance with those Council approved documents and where not specified by those, in terms of the Kaipara District Council's Engineering Standards 2011, and to the satisfaction of the Kaipara District Council's Development Engineer. Written certification on the prescribed form "Producer Statement – PS4 – Construction Review" from a suitably qualified chartered professional engineer shall be provided to the Council's Manager Resource Consents stating that all works have been completed in accordance with the requirements of the conditions of this consent and Kaipara District Council Engineering Standards 2011.*

- d) *The Consent Holder shall ensure adequate construction monitoring of all construction works including:*
- i) *Detailed supervision and certification upon completion as complying with the approved plans by the Consent Holder's engineer. Construction monitoring records and test results shall be made available to the Council's engineers upon request.*
  - ii) *Council's engineers undertake suitable inspections during construction at key hold points to enable them to confirm that the certification provided by the Consent Holder's engineer matches the design approved.*
  - iii) *Written certification upon completion, from the supervising Chartered Professional Engineer, that all works have been completed in accordance with the requirements of the conditions of this consent and the Council's Engineering Standards 2011.*
- e) *The Consent Holder shall ensure adequate construction monitoring of all roading works. This shall include as a minimum:*
- i) *KDC engineers undertaking suitable inspections during construction at key hold-points and upon completion to enable them to confirm that the certification provided by the Consent Holder's engineer, surveyor or contractor matches the design submitted. As a minimum, hold points shall include:*
    - *Inspection and approval of compacted basecourse prior to sealing if sealing*
    - *If concrete is to be used, pre-pour and boxing inspection*

*No work shall proceed beyond the above hold points until specifically approved by Council's engineers.*

*The Consent Holder's engineer, surveyor or contractor shall be suitably qualified with recent and ongoing experience in road design and construction to the specific approval of Council.*

- e)ii) *Prior to the issue of a Section 224 Certificate, the Consent Holder shall submit to Council an "Application for a New Road Name" for the road to vest within Lot 17.*

**Advice Note:** *The Consent Holder is advised that an "Application for a New Road Name" will be considered by Council's Roading Department and new road names must comply with Council's guidelines contained in Council's current Road Naming Policy.*

- f) *As built plans shall be provided for all infrastructure provided on the subdivision to the satisfaction of the Kaipara District Council. The As Built plans shall contain the information as set out in Section 3.6 of the Kaipara District Council Engineering Standards 2011. For pdf files different assets should be marked using the following colours: Water Assets (Blue), Wastewater Assets (Red) & Stormwater Assets (Green). With respect to roading, the RAMM datasheets shall be compiled by Council or its duly delegated office at the Consent Holder's expense for the purposes of asset management.*



f)ii) *The Consent Holder shall enter into a bond in a form to the approval of Council guaranteeing that any defects in works to be taken over by Council will be remedied to the satisfaction of Council. The value of the bond shall be 25% of the total cost of the following works based on actual construction costs:*

- i) All stormwater and wastewater infrastructure to be vested to Council; and*
- ii) All roading and footpath works carried out in Council road reserve and road to vest.*

*The bond shall remain in force for at least one year after completion of the work and until any defects have been remedied to the satisfaction of the Council.*

**Advice Note:** *For the avoidance of doubt the works will be considered to be defective until the Falling Weight Deflectometer (FWD) or Benkelman Beam (BB) testing of the completed pavement in the Spring following completion of the construction work s demonstrates a residual life of at least 25 years (FWD) or the minimum deflection (BB).*

g) *The Consent Holder shall demonstrate the road lighting at the intersection of Franklin Road and the State Highway meets AS/NZS1158 standards. The Consent Holder shall engage a suitably qualified and experienced professional to confirm the road lighting complies with AS/NZS1158 standards. Confirmation of compliance against these standards shall be provided to the New Zealand Transport Agency for review and approval.*

**Advice Note:** *This consent condition was volunteered by the Consent Holder in order to obtain NZTA support for the proposal.*

- h) *The existing bridge within Lot 66 shall be removed.*
- i) *The proposed plantings within Lots 17 & 64 as set out on the Landscape Mitigation Plan approved under Condition 6 f)(ii) of this consent shall be implemented in the first planting season (approximately March to September) directly following the completion of the required construction of the accesses and drainage systems for stage 2 of the subdivision. The planting shall be carried out to the satisfaction of the Council's Monitoring Officer and written confirmation shall be provided by the Consent Holder from a suitably qualified and experienced person to confirm that the planting has been undertaken in accordance with the Landscape Mitigation Plan.*
- j) *An entity such as a registered company or trust or other corporate body shall be formed, or another mechanism (such as Property Law Act covenants) shall be provided, to own, operate, maintain and administer all private shared infrastructure, such as the communal effluent disposal system and matters associated with the common Lot 64 including the internal roading network, infrastructure and common areas.*

*Evidence confirming the establishment of the entity or other mechanism shall be submitted to the Council for approval. Prior to establishment of the entity or other mechanism a draft of the rules or constitution including the legal responsibilities of the entity to provide the ongoing maintenance of the*

private shared infrastructure, or if another mechanism is to be employed a draft of such mechanism, shall be submitted to the Council for approval and shall provide, to the satisfaction of the Council, that the entity or mechanism is capable of operating indefinitely.

- k) Any works required under the improvement plan approved pursuant to **condition 6(i)** of this consent shall be undertaken to the satisfaction of Council's Parks and Recreation Manager, unless written confirmation is provided from the Council's Parks and Recreation Manager, accepting deferral of the required works to a specified later date.

**Advice Note:** This condition acknowledges that Council's Parks and Recreation Manager may elect to enter into a Developer Agreement separate from this consent process, and that such an agreement may potentially allow for the deferral of physical works on the reserve areas to vest.

- l) A Consent Notice pursuant to Section 221 of the Act shall be prepared for registration against the titles of Lots 1-15 of the subdivision. The consent notice shall draw attention to and require compliance with respect to the following matters:

- i) Earthworks, the location of buildings, building foundations, stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Design should take into account the recommendations identified in the site suitability report prepared by TMC Consulting Engineers Ltd, dated 5<sup>th</sup> May 2017, and submitted to Kaipara District Council with subdivision consent RM170414.
- ii) Compliance with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or alternative means of fire-fighting water supply with the approval of the New Zealand Fire Service where deviations are required.
- iii) At the time of development on the Lot the owner shall at their own cost construct stormwater detention devices on the Lot specifically designed by an appropriately qualified and experienced engineer to the approval of Kaipara District Council to ensure that the peak stormwater runoff from the Lot will be no greater than that which would have occurred prior to development of the Lot.
- iv) The owner of the Lot must ensure that concentrated sources of stormwater are directed to the stormwater detention device installed in compliance with **clause (iii)** of this consent notice. Also that overflows from stormwater detention devices are led to the stormwater connection for the property or if this is not provided, to an appropriately designed stormwater dispersal device to the approval of Kaipara District Council.
- v) The Owner of a Lot shall not and nor shall any occupier of or visitor to a Lot make, and surrenders the right to make, a complaint to the relevant consent authority or the Environment Court, as to any reverse sensitivity effects, including any emission of noise, vibration or any effect associated with any rural activity which is expressly allowed by a rule in a regional or District Plan, a resource consent, a designation, or regulations made under the Resource Management Act 1991 ('RMA')

*and shall not seek that a declaration or enforcement order be made by the Environment Court under sections 311 or 316 of the RMA, nor seek that an abatement or infringement notice be served by a duly authorised enforcement officer under sections 322 or 343C of the RMA, or that criminal proceedings be commenced in the District Court by the relevant consent authority under section 338 of the RMA in respect of any activity lawfully undertaken on Lot 100 of Stage 1. The Owner of a Lot shall not be a party to, finance or contribute to the costs of any complaint, application for other proceedings or process specified above.*

*vi) Land use consent RM170414 has been granted to allow for residential development on the lots to proceed in breach of Rural Zone Rules 12.10.7 Setbacks and 12.10.8 Permeable Surfaces. Residential development shall instead be required to comply with Residential Zone Rules 13.10.7 Setbacks and 13.10.12 Permeable Surfaces.*

*vii) In addition to clause (vi) of this consent notice, all development on the lots shall comply with the following Residential Zone rules contained in Chapter 13 of the Operative Kaipara District Plan 2013, as at the time of granting this consent:*

- Rule 13.10.11, private open space*
- Rule 13.10.13, building coverage*
- Rule 13.10.14 general noise*
- Rule 13.10.15, construction noise and temporary activities*
- Rule 13.10.17, vibration*
- Rule 13.10.18, traffic intensity*
- Rule 13.10.23, lighting and glare.*
- Rule 13.10.24, signage*
- Rule 13.10.25, vehicle access and driveways*
- Rule 13.10.27, parking;*

*viii) The location of the vehicle crossing for Lots 1 and 10 shall be from the new road, not directly from Franklin Road.*

*ix) The landowner shall conform with the Te Uri o Hau Accidental Discovery Protocol at all times:*

- a. If archaeological remains or buried cultural deposits are encountered elsewhere in the project area during development, such as layers of shell midden, charcoal rich or burned soils, oven stones, artefacts, etc, the Consent Holder should cease work in the immediate vicinity and Environs Holdings Ltd and Heritage New Zealand are contacted for advice on how to proceed.*

*In cases other than suspected human remains:*

- b. The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent*



*Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.*

- c. The Consent Holder or proponent must consult with an iwi representative (Te Uri o Hau Kaitiaki and Environs Holdings Ltd office) to determine what further actions are appropriate to safe guard the site.*

*Where human remains are suspected:*

- d. The contactor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.*
  - e. The contractor shall notify the Police, Heritage New Zealand, Environs Holdings Ltd (who will in turn, notify the Taumata Kaunihera) and Te Uri o Hau Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.*
  - f. Excavation of the site shall not resume until the Police, Heritage New Zealand, Environs Holdings Ltd, and Te Uri o Hau representatives have each given the necessary approvals for excavations to proceed.*
- x) Any built development on the lots shall comply with the following:*
- a. Mirrored glazing is prohibited.*
  - b. Exterior floodlights are prohibited. Directional security lighting and safety lighting for illumination of steps and footpaths are permitted.*
  - c. Electricity and Telecommunications cables shall be laid underground.*
  - d. Driveways shall follow the natural contour of the land and avoid sharp angles.*
  - e. Flat roofs on houses are prohibited.*
  - f. Buildings on slopes shall be grounded into the site with foundation and basement enclosures that appear solid, or use other techniques, such as landscape plantings to avoid sightlines to the underside of floors.*
  - g. Garages or ancillary buildings shall be designed and constructed to a similar style as the dwelling.*
- m) A Consent Notice pursuant to Section 221 of the Act shall be prepared for registration against the title of Lots 50-63 of the subdivision. The consent notice shall draw attention to and require compliance with respect to the following matters:*
- i) Earthworks, the location of buildings, building foundations, stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Design should take into account the recommendations identified in the site*



suitability report prepared by TMC Consulting Engineers Ltd dated 5<sup>th</sup> May 2017 and submitted to Kaipara District Council with subdivision consent RM170414.

- ii) Owners of the allotments are required to ensure that the communal water supply for firefighting purposes on Lot 64 is maintained in accordance with the requirements of the New Zealand Fire Service Firefighting 4509: 2008 or alternative arrangements with the approval of the New Zealand Fire Service where deviations are required.
- iii) At the time of development of the Lot the owner shall, at their own cost, construct stormwater detention devices on the Lot specifically designed by an appropriately qualified and experienced engineer to the approval of Kaipara District Council to ensure that the peak stormwater runoff from the Lot will be no greater than that which would have occurred prior to development of the Lot.
- iv) The owner of the Lot must ensure that concentrated sources of stormwater are directed to the stormwater detention device installed in compliance with **clause (iii)** of this consent notice. Also, that overflows from stormwater detention devices are led to the stormwater connection for the property.
- v) At the time of building consent application for any building on the Lot the owner shall demonstrate that the communal effluent disposal system located on Lot 65 hereon has been properly installed and approved by Council.
- vi) The Owner of a Lot shall not and nor shall any occupier of or visitor to a Lot make, and surrenders the right to make, a complaint to the relevant consent authority or the Environment Court, as to any reverse sensitivity effects, including any emission of noise, vibration or any effect associated with any rural activity which is expressly allowed by a rule in a regional or District Plan, a resource consent, a designation, or regulations made under the Resource Management Act 1991 ('RMA') and shall not seek that a declaration or enforcement order be made by the Environment Court under sections 311 or 316 of the RMA, nor seek that an abatement or infringement notice be served by a duly authorised enforcement officer under sections 322 or 343C of the RMA, or that criminal proceedings be commenced in the District Court by the relevant consent authority under section 338 of the RMA in respect of any activity lawfully undertaken on Lot 100 of Stage 1.  
The Owner of a Lot shall not be a party to, finance or contribute to the costs of any complaint, application for other proceedings or process specified above.
- vii) Land use consent RM170414 has been granted to allow for residential development on the lots to proceed in breach of Rural Zone Rules 12.10.7 Setbacks, 12.10.8 Permeable Surfaces and 12.10.27 Parking. Residential development shall instead be required to comply with Residential Zone Rules 13.10.7 Setbacks and 13.10.12 Permeable Surfaces, and only one (1) car park will be required per residential dwelling on each lot.
- viii) In addition to clause (vi) of this consent notice, all development on the lots shall comply with the following Residential Zone rules contained in Chapter 13 of the Operative Kaipara District Plan 2013, as at the time of granting this consent:
  - Rule 13.10.11, private open space

- Rule 13.10.13, building coverage
  - Rule 13.10.14 general noise
  - Rule 13.10.15, construction noise and temporary activities
  - Rule 13.10.17, vibration
  - Rule 13.10.18, traffic intensity
  - Rule 13.10.23, lighting and glare.
  - Rule 13.10.24, signage
  - Rule 13.10.25, vehicle access and driveways
  - Rule 13.10.27, parking;
- ix) *Age Limit – The allotments have been created, and the activity established, under subdivision and land use consent RM170414, granted by the Kaipara District Council on 17 December 2018. The use of the lots are for “retirement living” purposes only and the following restrictions shall therefore apply to the allotments:*
- a. *The occupiers of the property must be sixty years of age or older. However, as an exception the property is permitted to house a younger spouse of an occupier who is sixty years of age or older.*
  - b. *It is permitted for a widow/widower younger than sixty years of age to continue to occupy the property.*
  - c. *No more than two persons are to reside permanently in a dwelling on any lot at any time.*
- x) *Notwithstanding the stated restrictions relating to age limit in clause (ix) above, any allotment can be owned and occupied by a person who may require similar housing arrangements due to the person's physical or mental capabilities. Where such circumstances apply, a medical certificate from a suitably qualified and experienced medical professional shall be made available on request to demonstrate compliance with this consent notice.*
- xi) *The landowner shall conform with the Te Uri o Hau Accidental Discovery Protocol at all times:*
- a. *If archaeological remains or buried cultural deposits are encountered elsewhere in the project area during development, such as layers of shell midden, charcoal rich or burned soils, oven stones, artefacts, etc, the Consent Holder should cease work in the immediate vicinity and Environs Holdings Ltd and Heritage New Zealand are contacted for advice on how to proceed.*  
  
*In cases other than suspected human remains:*
  - b. *The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.*

- c. *The Consent Holder or proponent must consult with an iwi representative (Te Uri o Hau Kaitiaki and Environs Holdings Ltd office) to determine what further actions are appropriate to safe guard the site.*

*Where human remains are suspected:*

- d. *The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.*
- e. *The contractor shall notify the Police, Heritage New Zealand, Environs Holdings Ltd (who will in turn, notify the Taumata Kaunihera) and Te Uri o Hau Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.*
- f. *Excavation of the site shall not resume until the Police, Heritage New Zealand, Environs Holdings Ltd, and Te Uri o Hau representatives have each given the necessary approvals for excavations to proceed.*
- xii) *Any built development on the lots shall comply with the following:*
- a. *Mirrored glazing is prohibited.*
- b. *Exterior floodlights are prohibited. Directional security lighting and safety lighting for illumination of steps and footpaths are permitted.*
- c. *Electricity and Telecommunications cables shall be laid underground.*
- d. *Driveways shall follow the natural contour of the land and avoid sharp angles.*
- e. *Flat roofs on houses are prohibited.*
- f. *Buildings on slopes shall be grounded into the site with foundation and basement enclosures that appear solid, or use other techniques, such as landscape plantings to avoid sightlines to the underside of floors.*
- g. *Garages or ancillary buildings shall be designed and constructed to a similar style as the dwelling.*
- n) *A Consent Notice pursuant to Section 221 of the Act shall be prepared for registration against the title of Lot 65 of the subdivision. The consent notice shall draw attention to and require compliance with respect to the following matters:*
- i) *Earthworks, the location of buildings, building foundations, stormwater and wastewater disposal to be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Any design shall take into account any existing investigations undertaken within the site suitability report prepared by TMC Consulting Engineers Ltd, dated 5th May 2017, and submitted to Kaipara District Council with subdivision consent RM170414.*

- ii) *Future owners of the lot are advised that the lot contains a communal effluent disposal system servicing Lots 50 – 63 hereon. Development on the lot, including any land modification and buildings, must not compromise the operation of the communal effluent disposal system.*
- iii) *Compliance with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or alternative means of fire-fighting water supply with the approval of the New Zealand Fire Service where deviations are required.*
- iv) *Future owners of the lot are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to the lots upon future development of the lots.*
- v) *Future owners of the lot are advised that no physical electricity connections are provided. Kaipara District Council will not be responsible for ensuring nor providing electricity connections to the lots upon future development of the lots.*
- vi) *The landowner shall conform with the Te Uri o Hau Accidental Discovery Protocol at all times:*
  - a. *If archaeological remains or buried cultural deposits are encountered elsewhere in the project area during development, such as layers of shell midden, charcoal rich or burned soils, oven stones, artefacts, etc, the Consent Holder should cease work in the immediate vicinity and Environs Holdings Ltd and Heritage New Zealand are contacted for advice on how to proceed.*

*In cases other than suspected human remains:*

- b. *The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.*
- c. *The Consent Holder or proponent must consult with an iwi representative (Te Uri o Hau Kaitiaki and Environs Holdings Ltd office) to determine what further actions are appropriate to safe guard the site.*

*Where human remains are suspected:*

- d. *The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.*
- e. *The contractor shall notify the Police, Heritage New Zealand, Environs Holdings Ltd (who will in turn, notify the Taumata Kaunihera) and Te Uri o Hau Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.*
- f. *Excavation of the site shall not resume until the Police, Heritage New Zealand, Environs Holdings Ltd, and Te Uri o Hau representatives have each given the necessary approvals for excavations to proceed.*

- vii) *At the time of residential development of the Lot the owner shall at its cost construct stormwater detention devices on the Lot specifically designed by an appropriately qualified competent engineer to the approval of Kaipara District Council to ensure that the peak stormwater runoff from the Lot will be no greater than that which would have occurred prior to development of the Lot.*
- viii) *The owner of the Lot must ensure that concentrated sources of stormwater are directed to the stormwater detention device installed in compliance with clause (vii) of this consent notice. Also, that overflows from stormwater detention devices are led to the stormwater connection for the property.*
- ix) *The owners, occupiers and visitors to the lots surrender the right to make a complaint to the relevant consent authority or the Environment Court about any reverse sensitivity effects associated with the adjoining land zoned "Rural" (Lot 100 of Stage 1) which are expressly allowed by a Rule in a Regional or District Plan, a resource consent, a designation or Regulations made under the Resource Management Act 1991.*
- o) *A solicitor's undertaking shall be provided to Council confirming that the consent notices prepared for registration under the conditions above will be duly registered against the titles of Lots 1-15, 50-63, & 65. The consent notices to be prepared for registration shall be prepared by a solicitor at the Consent Holder's expense and shall be complied with on a continuing basis by the owner of the lots and subsequent owners.*
- p) *A cash contribution in lieu of reserves shall be paid based on 5% of the assessed value of a "nominal" building site of 4,000m<sup>2</sup> (or the value of the lot where the lot is less than 4000m<sup>2</sup>) on proposed Lots 1-15 and Lots 50-62 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense. At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than 3 months old; **OR***

*The cash contribution in lieu of reserves may be deferred to a later date, or may be deemed not required, provided that written confirmation is provided from Council's Chief Executive Officer or delegated officer e.g. General Manager – Infrastructure.*

**Advice Note:** *This condition acknowledges that Council's General Manager – Infrastructure may recommend a deferral or reduction of the reserve contribution payment for the relevant allotments on the basis of a Developer's Agreement being entered into with the Consent Holder. The Developer's Agreement would require the Consent Holder to undertake or fund the physical works within the esplanade reserve (Lot 66) and the local purpose reserve (Lot 16) as detailed in the plan approved under **condition 6(i)** of this consent*

- q) *The Consent Holder shall pay all charges set by the Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The Consent Holder will be advised of the charges as they fall.*



- r) Pursuant to Section 125 of the RMA, this consent shall lapse ten years after the date it is granted unless:
  - i) The consent is given effect to; or
  - ii) The council extends the period after which the consent lapses.
- s) The Consent Notice imposed on Lot 103 of Stage 1 under **condition 5(b)** of this consent shall be **cancelled**.
- t) A solicitor's undertaking shall be provided to Council confirming that the cancellation of the consent notice under **Condition 7(s)** of this consent will be duly registered against the title of Lot 103 of Stage 1.

#### **Land Use Consent (RM170414.2)**

- 1) The land use consent granted for development on Lots 1 – 15 and 50 – 63 of subdivision RM170414.1 shall be undertaken in accordance with the information provided with the "Subdivision and Land Use Consent Application" prepared by Birt and Currie Surveyors Ltd dated October 2017.
- 2) Pursuant to Section 125 of the RMA, the land use consent shall lapse ten years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.

#### **ADVICE NOTES**

- 1. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.
- 2. The Consent Holder shall be required to pay to Kaipara District Council a Development Contribution under the Local Government Act 2002 for each additional allotment in the Kaipara District, at a rate of \$106.00 for roading plus GST.

The proposed development will result in 28 additional developable allotments. The total Development Contribution will be \$2968.00 plus GST.

A copy of Council's policy on Development and Financial Contributions included within the Long Term Plan 2018/2028 can be obtained from Council offices in Dargaville and Mangawhai or downloaded from Council's website [www.kaipara.govt.nz](http://www.kaipara.govt.nz).

Reporting Planner



David Badham – Consultant Planner  
(Barker & Associates)

17 December 2018

Date

Peer Review



Jessica Hollis  
Manager, Resource Consents

17 December 2018

Date

Signed:



Date: 17 December 2018

Fran Mikulicic

General Manager, Regulatory, Planning and Policy

**Kaipara District Council**

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.





Kaipara District Council

17 DEC 2018

APPROVED

KM/TCH/14 JH

1 DP 95629  
DJ & JE Hodges  
1 DP 67805  
KE Wearmouth



Notes:

1. This plan is prepared solely for the purpose of seeking a subdivision consent.
2. Areas & measurements are approximate and subject to survey.
3. Total Area (Lots 1 - 17 & 50 - 67): 9.8 ha (Subject to survey of Stage 1).
4. Contours in metres above sea level by field survey.
5. This plan demonstrates the second stage of the subdivision and is intended to establish independently serviced large residential lots for sale, and communally serviced small sized residential lots for seniors.
6. Amalgamation Condition: That Lot 64 hereon be held as to fourteen undivided one twenty-eighth shares by the owners of Lots 50 - 63 hereon and fourteen undivided one twenty-eighth shares by the owners of Lot 65 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith.
7. Amalgamation Condition: That Lot 68 hereon be transferred to the owners of Part Lot 1 DP 45554 (CRR NA1823271) and that one Certificate of Title be issued to include both parcels.
8. Amalgamation Condition: That Lot 67 hereon be transferred to the owners of Part Allotment N93 Parish of Paparoa (CRR NA577132 L10) and that such allotment cannot be separately transferred or leased without the consent contained in CRR NA577132 L10 Pursuant to Section 220 (2) (e) of the Resource Management Act 1991.
9. See Sheet 3 for details of Lots 50 - 64.
10. © Copyright to Birt & Currie Surveyors Ltd.
11. Amendments: 12/12/2016: Boundaries Lots 5, 6, 7, 14, 15 & 17 amended, 8/8/18 Stage 3 combined with Stage 2; 30/7/18: Lots 67 & 68 added with amalgamation conditions.

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right to Carry Electricity, Right to Drain Storm	A	Lot 65 Hereon	Lot 50 - 63 Hereon

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Carry Electricity, Right to Drain Storm	A	Lot 65 Hereon	Paparoa Community Charitable Trust

Prepared for: Paparoa Community Charitable Trust

Drawn by: Wayne Birt

Date: 30/07/2018

Scale: 1:2000 (A3)

Birt and Currie

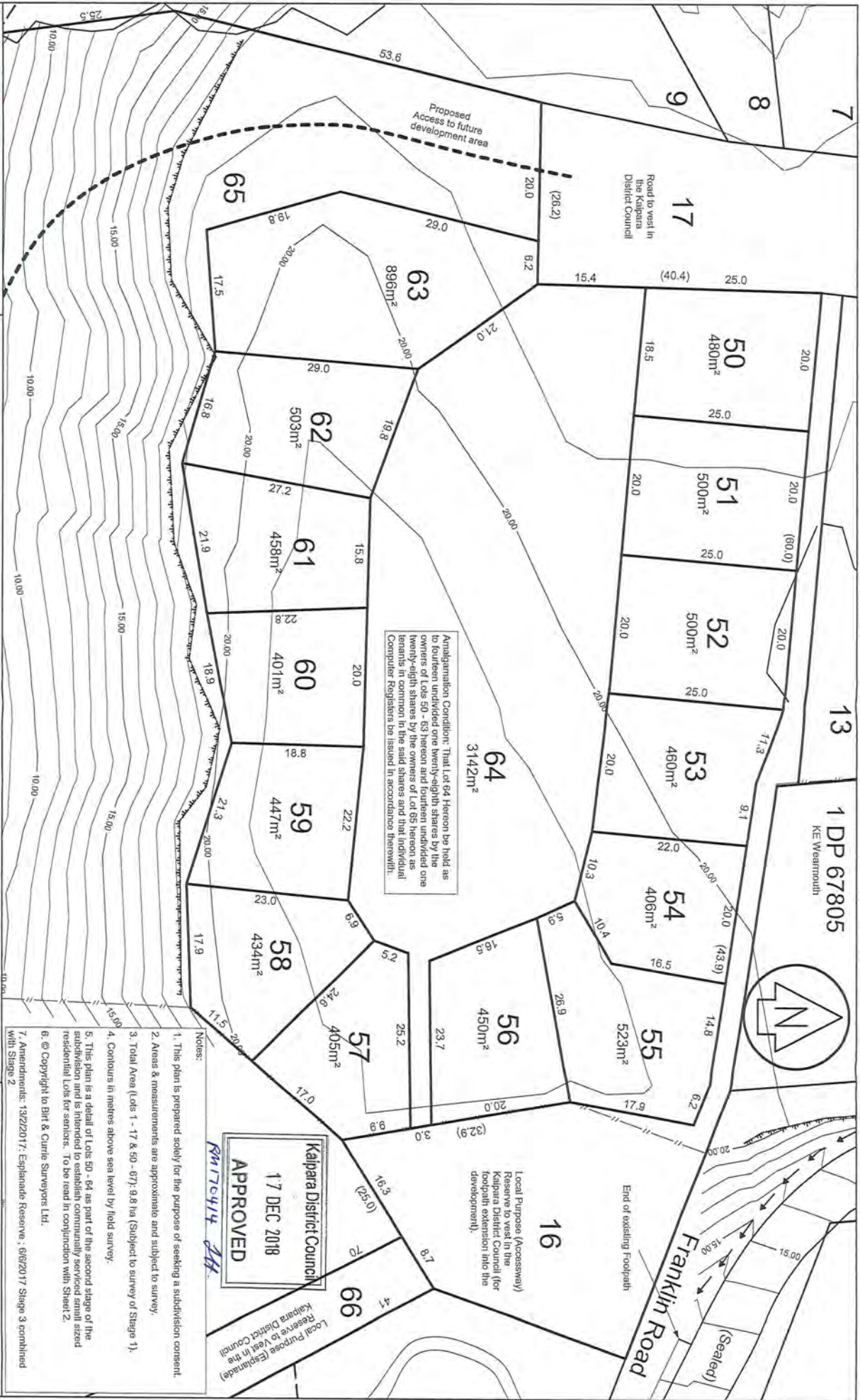
Surveyors Ltd



For: Timely Friendly & Personal Service  
PO Box 130 Paparoa 6933  
Phone: 09 280 5521 Kaiapara District Council  
www.birtandcurrie.co.nz

Paparoa Lifestyle Village Development - Stage 2.  
Lots 1 - 17 & 50 - 68 Being a Proposed  
Subdivision of Lot 103 of Stage 1.





**Amalgamation Condition:** That Lot 64 Hereon be held as to fourteen undivided one twenty-eighth shares by the owners of Lots 50 - 63 hereon and fourteen undivided one twenty-eighth shares by the owners of Lot 65 hereon as tenants in common in the said shares and that individual Computer Registers be issued in accordance therewith.

**Kaipara District Council**  
17 DEC 2018  
**APPROVED**  
*RMITCH 24*

- Notes:**
1. This plan is prepared solely for the purpose of seeking a subdivision consent.
  2. Areas & measurements are approximate and subject to survey.
  3. Total Area (lots 1 - 17 & 50 - 67): 9.8 ha (Subject to survey of Stage 1).
  4. Contours in metres above sea level by field survey.
  5. This plan is a detail of Lots 50 - 64 as part of the second stage of the subdivision and is intended to establish communally serviced small sized residential lots for seniors. To be read in conjunction with Sheet 2.
  6. © Copyright to Birt & Currie Surveyors Ltd.
  7. Amendments: 13/2/2017: Explained Reserve; 6/6/2017 Stage 3 combined with Stage 2



**WYNE BIRT**  
Licenced  
Surveyor  
For Timely Friendly & Personal Service  
PO Box 123 Paparoa 6513  
Phone: 09 288 5531 Kaipara District  
info@birtandcurrie.co.nz  
www.birtandcurrie.co.nz

**Birt and Currie**  
Surveyors Ltd

# Paparoa Lifestyle Village Development - Village Detail. Lots 50 - 64 Being a Proposed Subdivision of Lot 103 of Stage 1

Prepared for:		
Paparoa Community Charitable Trust		
GPR: N431A/1492 LIE N431A/1493 LIE		
N450C/1049 LIE N457/113 LIE & N454/138		
3 of 3		
DATE	30/07/2018	DRAWN
		Wayne Birt
SCALE	1:500 (A3)	REF NO.
		896

Kaipara District Council

17 DEC 2018

APPROVED

KM1704/4 JH.

1  
3781 m²

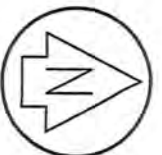
Provide landscaping in area as shown

Clean out existing waterable drain and turn into new landscaped area

Existing waterable drain and culvert to remain. Clean out inlet as necessary.

Existing entrance crossing

Existing speed sign:  
50km/hr to the south  
Open speed to the north



NOTES:

1. All work to be generally in accordance with Kaipara District Council Engineering Standards 2011.
2. All road marking and signage are to be in accordance with NZTA's "Manual of Traffic Signs and Markings".
3. Refer to Sheet 5 for typical road cross section and details.

Franklin Road paint marking to be altered for the new intersection as shown with:  
50m solid white centreline to north  
30m solid white centreline to south

New "GIVE WAY" signage and road markings.

30m length solid white centreline

ROAD 1

FRANKLIN ROAD (sealed)

Existing Franklin Road drainage to remain unchanged.

10  
1854 m²

New Footpath and Pram Crossing

Birt and Currie

Surveyors Ltd

For Timely Friendly & Personal Service

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F: 09 236 2266  
E: info@birtandcurrie.co.nz  
W: www.birtandcurrie.co.nz  
100, 102 & 104 Victoria Road, Auckland  
New Zealand

SCHEMATIC ENGINEERING DRAWINGS OF  
SUBDIVISION DEVELOPMENT (STAGES 2 & 3)  
Franklin Road Intersection Detail

Prepared For: Paparua Community Charitable Trust

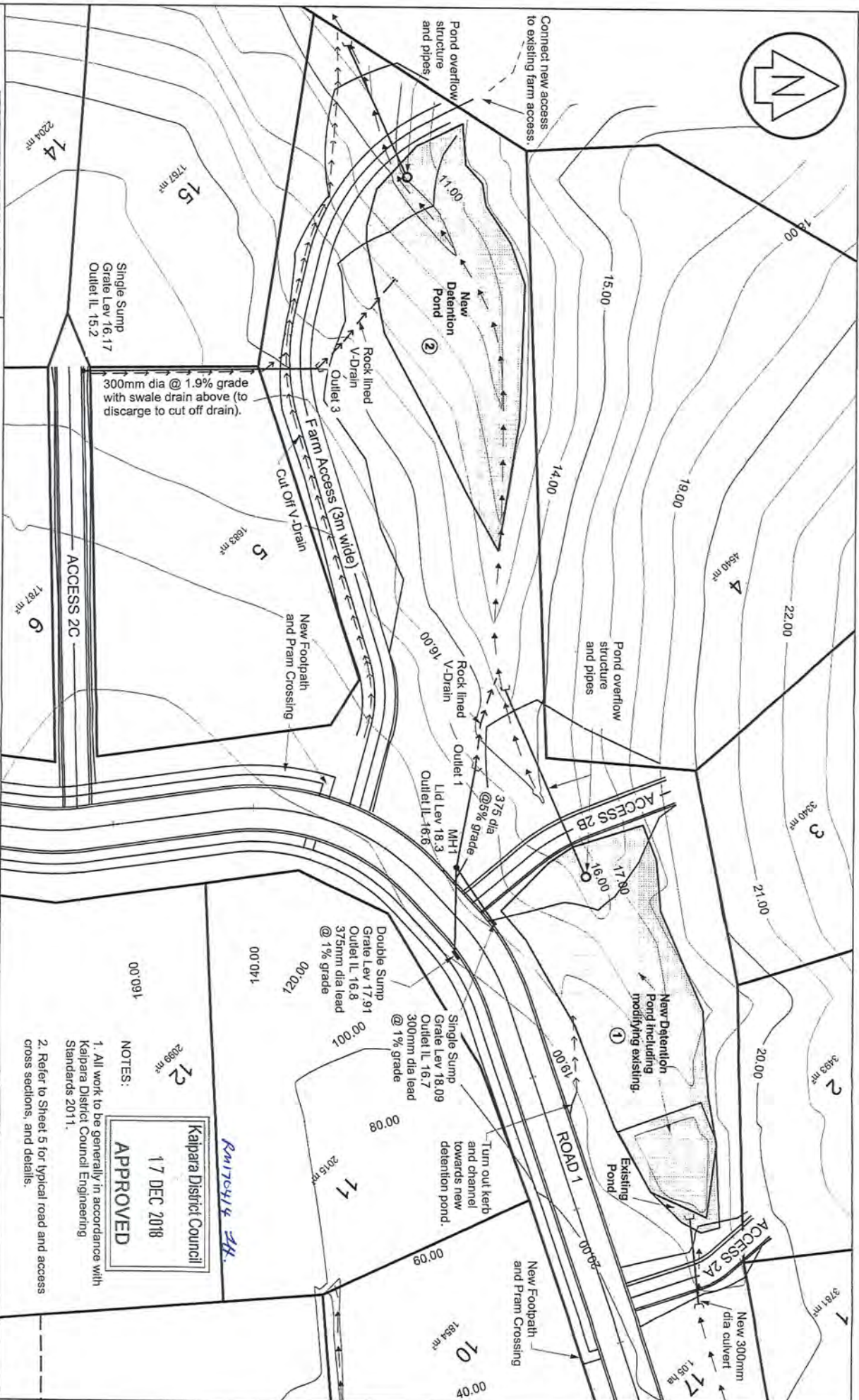
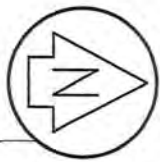
DATE: 19/06/17  
AMENDMENTS: Issued for Resource Consent

SHEET NO. 1 of 5

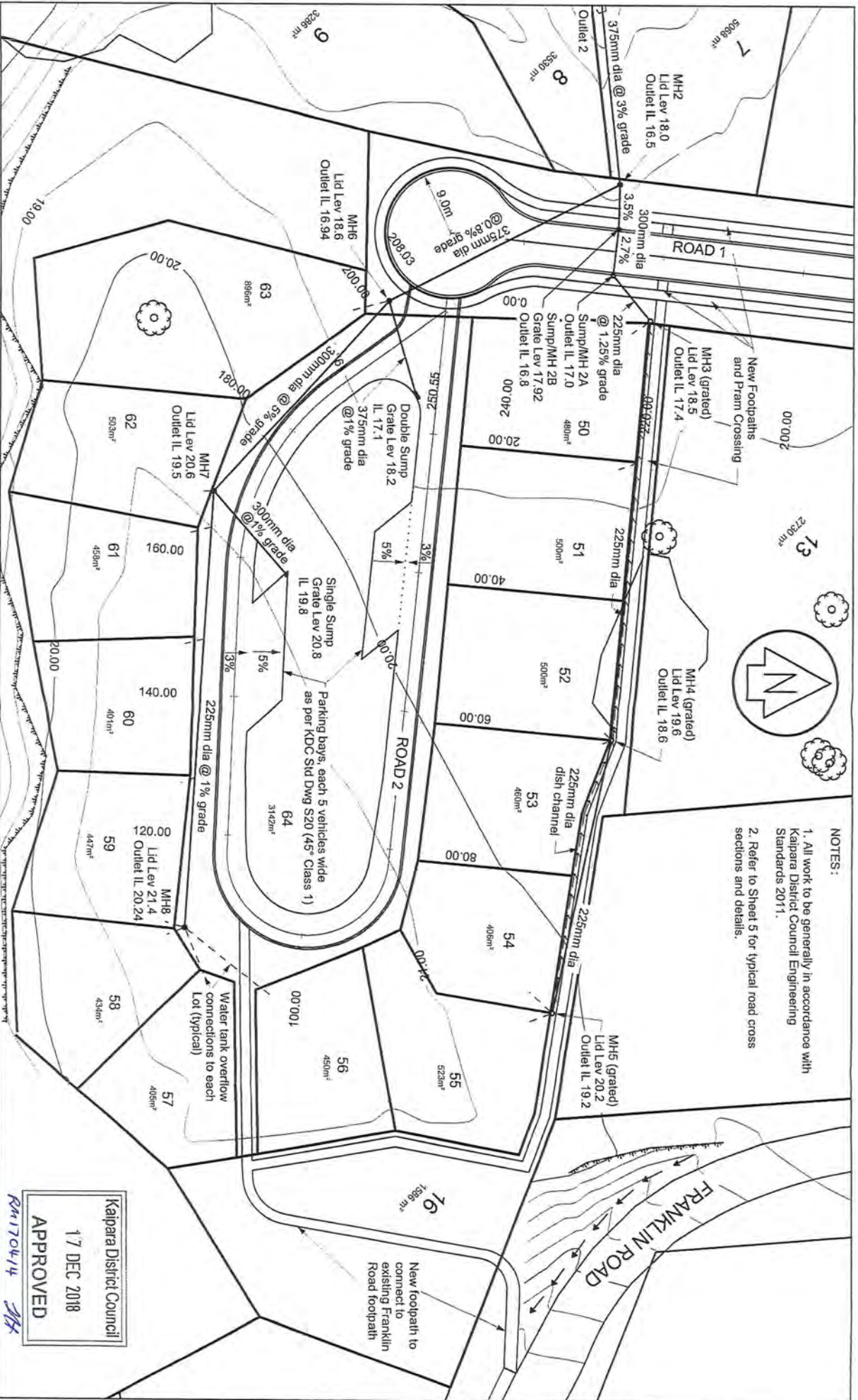
DRAWN Melinda Birt

SCALE 1:250 (A3) REF NO. 896









# NOTES:

1. All work to be generally in accordance with Kaipara District Council Engineering Standards 2011.
2. Refer to Sheet 5 for typical road cross sections and details.

Kaipara District Council  
17 DEC 2018  
APPROVED

Rm1704/14

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Surveyors Ltd



## SCHEMATIC ENGINEERING DRAWINGS OF SUBDIVISION DEVELOPMENT (STAGES 2 & 3) Southern Accesses and Drainage

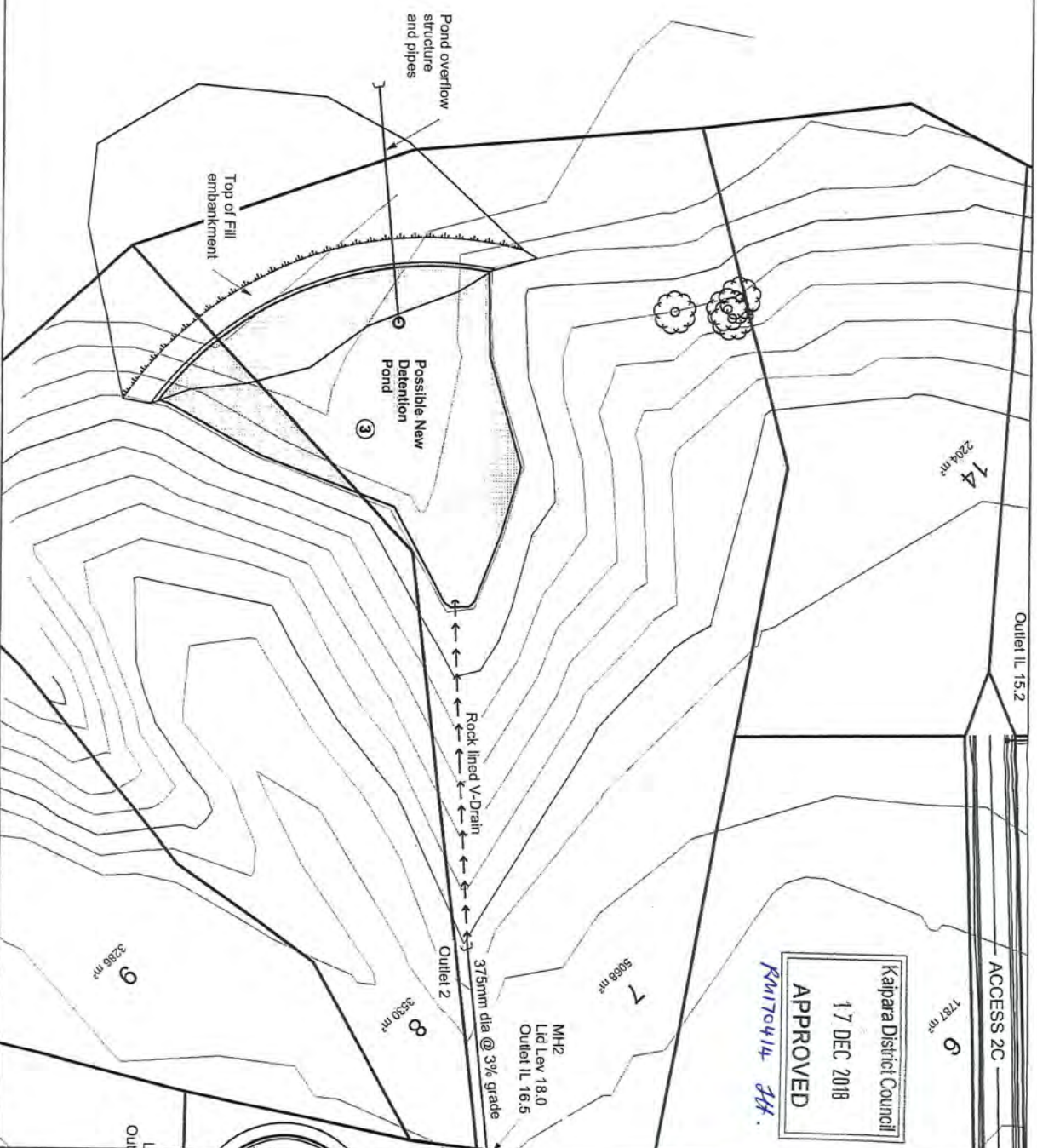
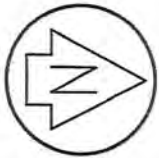
Prepared For: Paparoa Community Charitable Trust

DATE: 19/06/17  
AMENDMENTS: Issued for Resource Consent

SHEET NO. 3 of 5

DRAWN: Melinda Birt

SCALE: 1:500 (A3) REF NO: 896



*Birt and Currie*

Surveyors Ltd

**For Timely Friendly & Personal Service**  
 12, 60, 120 Days 1-2-3-4-5-6-7  
 Fax: 507-465-7440 Minnesota, Ltd. Co.  
 10000 67th St. S. 55126-1890  
 Phone: 612-833-5761 & 800-833-7440  
 Telex: 334441 M. 48-205 69  
 Cable: 334440 M. 5-50 66

# SCHEMATIC ENGINEERING DRAWINGS OF SUBDIVISION DEVELOPMENT (STAGES 2 & 3) South Western Drainage

Prepared For: Paparoa Community Charitable Trust

DATE	AMENDMENTS	SHEET NO.
19/06/17	Issued for Resource Consent	4 of 5
		DRAWN
		Melinda Birt
SCALE	1:500 (A3)	REF NO.
		896





**Notes:**  
 This plan has been prepared solely for the purposes of obtaining resource consent.  
 Areas shown are indicative only and are subject to survey.  
 Evergreen wetland and riparian native species found within the wider area are recommended to provide visual softening of future development within the site from neighbouring properties and the road.

**Wetland species - Area 'A'**

A mix of the following species shall be planted in the area indicated as 'A'.  
 The plantings are to be kept out of the lowest part of the drainage swale. The spacing indicated is species specific. However, adequate area shall be provided between plants to enable future maintenance of the swale without damage to the plants.

Botanical name	Common name	Size	Spacing	%
<i>Apocynum androsaemifolium</i>	Jointed wire rush	1 L	1.5 m	10
<i>Blechnum minus</i>	Swamp koriko	Pb 3	0.5 m	10
<i>Carex acuta</i>	Purei	2 L	1 m	20
<i>Cyperus robustus</i>	Koromaru	Pb 3	1 m	10
<i>Cordyline australis</i>	Cabbage tree, fl	Pb 3	3 m	20
<i>Cyperus ustulatus</i>	Giant umbrella sedge	2 L	1.5 m	10
<i>Phormium tenax</i>	Upokoheke	0.5 L	2 m	20

**Wetland species - Area 'B'**

Botanical name	Common name	Size	Spacing	%
<i>Apocynum androsaemifolium</i>	Jointed wire rush	1 L	1.5 m	10
<i>Blechnum minus</i>	Swamp koriko	Pb 3	0.5 m	5
<i>Dacrydium</i>	White Pine	Pb 5	10 m	5
<i>Podocarpus</i>	Kohikatea	2 L	1 m	20
<i>Coprosma robusta</i>	Koromaru	Pb 3	1 m	10
<i>Cordyline australis</i>	Cabbage tree, fl	Pb 3	3 m	20
<i>Lepidodermis</i>	Kouka	Pb 3	2 m	10
<i>Phormium tenax</i>	NZ Fox, Hardsake	0.5 L	2 m	20

**Wetland species - Area 'C'**

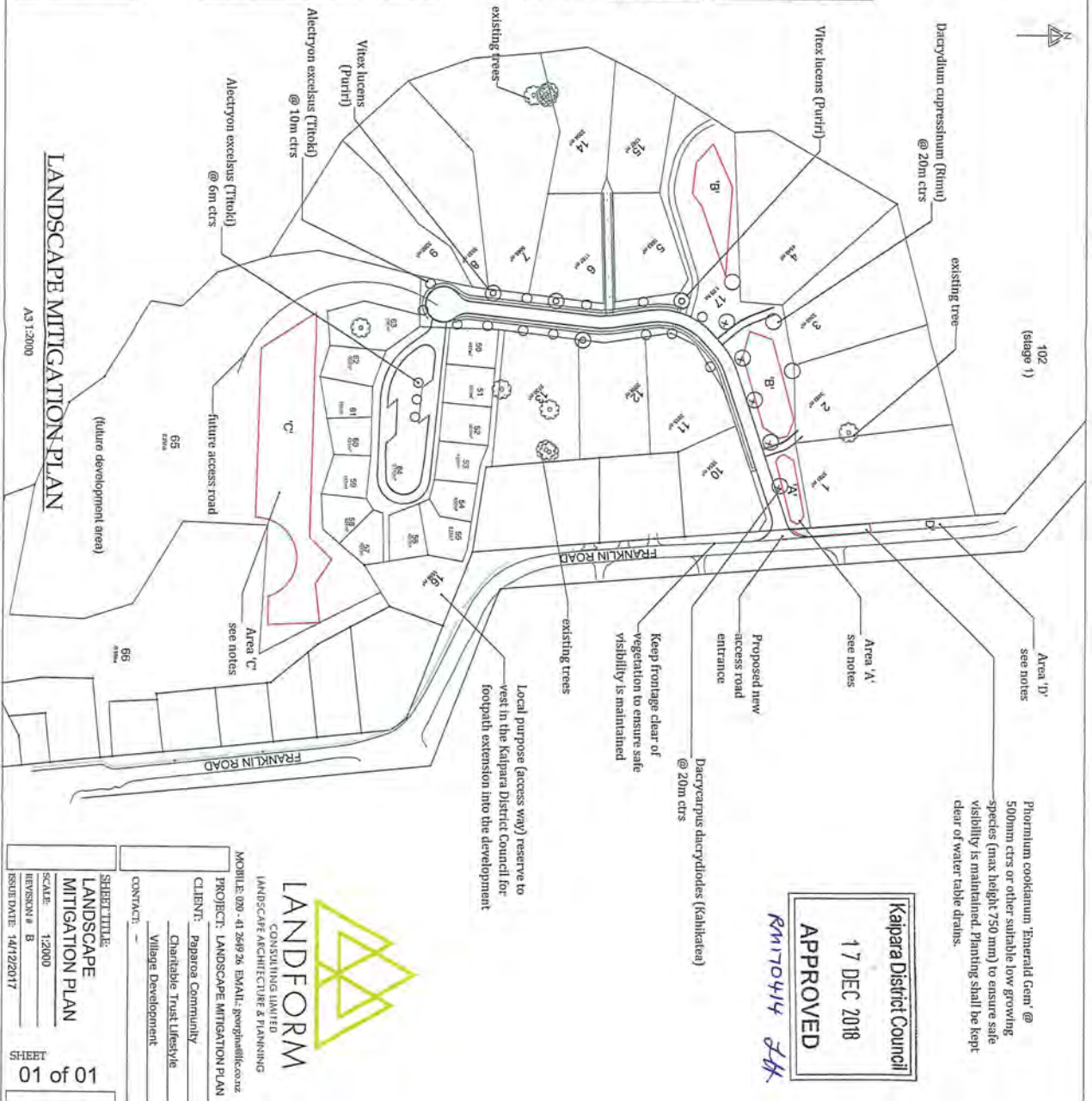
A mix of the following species shall be planted in the area indicated as 'C'.  
 Taller growing species such as Cabbage tree, Teo tree, Whiteywood are recommended between the 15.19 m from the southern future development within the Stage 3 development area from the south.

Botanical name	Common name	Size	Spacing	%
<i>15-19 m contour</i>				
<i>Cordyline australis</i>	Cabbage tree, fl	Pb 3	2 m	20
<i>Hebe stricta</i>	Kouka	Pb 3	1 m	20
<i>Veronica stricta</i>	Koromaru	Pb 3	2 m	20
<i>Lepidodermis</i>	Teo tree, Manuka	Pb 3	3 m	20
<i>Acroporium</i>	Whiteywood	Pb 3	3 m	20
<i>Melicope ramiflora</i>	Motoko	0.5 L	2 m	20
<i>Phormium tenax</i>	NZ Fox, Hardsake	0.5 L	2 m	20
<i>Below 15 m contour</i>				
<i>Below 15 m contour</i>				
<i>Carex acuta</i>	Purei	2 L	0.5 m	10
<i>Coprosma robusta</i>	Koromaru	Pb 3	1 m	10
<i>Lepidodermis</i>	Teo tree, Manuka	Pb 3	2 m	10
<i>Phormium tenax</i>	NZ Fox, Hardsake	0.5 L	2 m	20

**Roadside boundary - Area 'D'**

A mix of the following species shall be planted in the area indicated as 'D'.  
 Plants shall be kept clear of water table drains.  
 Hardy, fast growing species found within the local surrounding area are recommended to provide visual screening when viewed from Franklin Road.

Botanical name	Common name	Size	Spacing	%
<i>Coprosma robusta</i>	Koromaru	Pb 3	1 m	20
<i>Cordyline australis</i>	Cabbage tree, fl	Pb 3	2 m	20
<i>Kiaeria excelsa</i>	NZ Honeycreeper	Pb 3	5 m	20
<i>Melicope ramiflora</i>	Whiteywood	Pb 3	3 m	20
<i>Podocarpus totara</i>	Totara	Pb 3	10 m	20



Kaipara District Council  
 17 DEC 2018  
 APPROVED  
 R170414 JH



LANDFORM CONSULTING LIMITED  
 CONSULTING ARCHITECTURE & PLANNING  
 MOBILE: 020-41 2699 26 EMAIL: geoff@landform.co.nz

PROJECT: LANDSCAPE MITIGATION PLAN  
 CLIENT: Kaipara Community  
 CONTACT: Village Development

SHEET TITLE: LANDSCAPE MITIGATION PLAN  
 SCALE: 1:2000  
 REVISION: B  
 ISSUE DATE: 14/12/2017

101 of 01



**RM170414**

**Paparoa Community Charitable Trust**

**Subdivision & Land Use**

**Resource Consent Application**

**Section 104 – Decision Report**

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**Processing Details:**

Date Formally Received	11 October 2017	Date of Report	17 December 2018
Section 92 Request(s)	Pre-notification: 9 November 2017  Post notification: 26 April 2018	Engineer Comments	2 November 2017, 21 September 2018 & 12 October 2018
Date Information Received	Pre-notification: 15 December 2017  Post notification: 31 August 2018 & draft condition review 5 November 2018	Date of Site Inspection	18 October 2017 (original reporting planner)  25 May 2018 (current reporting planner)

**External Distribution:**

	Date Sent	Date Received	Comments
Northland Regional Council	11 October 2017	N/A	N/A
Iwi (Te Uri o Hau)	11 October 2017	N/A	N/A
Land Information New Zealand	5 September 2018	20 September 2018	Acceptable

## 1.0 Description of the Proposal

### *Original Application*

1. As lodged, the Paparoa Community Charitable Trust ("**the Applicant**") proposed to undertake a 36-lot subdivision over three stages in the Rural Zone as a Non-Complying Activity, including the creation of an access lot and two reserve lots to vest. Proposed lot sizes ranged from 401m<sup>2</sup> to 37ha. The stages were originally as follows:
  - Stage 1: Lots 100-103.
  - Stage 2: Subdivision of Lot 103 into Lots 1-15 and Lot 16 as a Local Purpose (Accessway) Reserve to vest, and Lot 104 as a balance lot.
  - Stage 3: Subdivision of Lot 104 into Lots 50-63, Lot 64 as an access lot, Lot 65 as a Local Purpose (Esplanade) Reserve to vest, and Lot 65 as a balance.
2. The proposal also seeks land use consent for proposed Lots 1-15 and 50-63 to be able to develop these lots in accordance with relevant development standards that apply to the Residential Zone, therefore not meeting various standards under 12.10 of the District Plan.
3. The proposal is supported by an Assessment of Environmental Effects ("**AEE**") by Birt & Currie Surveyors Ltd dated October 2017, and by the following technical assessments:
  - Subdivision Suitability Report by TMC Consulting Engineers Ltd, dated 5 May 2017 (Appendix C).
  - Communal Sewer System Design by Waterflow NZ Ltd, dated 9 March 2017 (Appendix D).
  - Cultural Impact Assessment by Environs Holdings Ltd on behalf of Te Uri O Hau, dated May 2017 (Appendix G).
  - Traffic Effects Assessment by Traffic Planning Consultants Ltd, dated August 2017 (Appendix J).
  - Landscape and Visual Effects Assessment by Landform Consulting Ltd, dated December 2017.
  - Archaeological Assessment by Don Prince, Time Depth Enterprises Heritage Consultants, dated June 2018.

### *Further Information Requests*

4. Two requests for further information were made. These are discussed below.

#### *Pre-notification further information request*

5. A request under section 92 of the Resource Management Act 1991 ("**RMA**") was sent on 9 November 2017 ("**pre-notification s92**") containing information requests and clarifications relating to a number of matters, including the NES contaminated soils, NRC consents required, the use of Lots 50-63 for the stated purpose of retirement living, Kaipara District Plan 2013 ("**KDP**") rule breaches, landscape and



visual effects, the location of parties providing written approval or comments on the proposal, and matters of precedent. A full copy of the section 92 request is on file.

6. A response prepared by Birt & Currie Surveyors Ltd was received on 15 December 2017. On 20 February 2018, it was confirmed by the applicant via email that additional bulk and location requirements for development on Lots 1-15 and Lots 50-63, are requested to be included by way of consent notice conditions on these lots.

#### ***Post-notification further information request***

7. Following notification and the receipt of submissions, a further information request pursuant to s92 of the Act was sent on 26 April 2018 ("**post-notification s92**"). This requested further information and clarifications relating to a number of matters including, easements for the communal wastewater system, archaeological assessment, staging of the subdivision, status of submissions and esplanade reserves. A full copy of the s92 response is on file. At the time this s92 request went out, the Applicant requested that the application go on hold pursuant to section 91A of the RMA.
8. The Applicant's agent responded to the majority of the matters on 31 August 2018. Further discussions were held with Council with regard to details regarding works to be undertaken in the esplanade reserve and details regarding the deferral of reserve and roading contributions and the precise wording of draft conditions to be offered as part of the consent. These were resolved on 29 November 2018 and the applicant formally requested that the application be taken off hold pursuant to Section 91A on this date.

#### ***Amended Application***

9. Following the post notification further information request, the Applicant amended the application. Now the Applicant is seeking a 38-lot subdivision over two stages, including the creation of a lot to vest as legal road, two reserve lots to vest, and two allotments to be amalgamated with neighbouring properties. The most recent scheme plan is dated 30 July 2018 reference number: 896. The stages are now proposed as follows:

##### ***Stage 1***

10. Lots 100-103 – this first stage creates Lot 103 which will be used in stage 2 to undertake the more intensive subdivision layout. Approximate areas for the proposed allotments for stage 1 are below:

<b>Table 1 – Approximate Areas for Stage 1</b>	
<b>Lot</b>	<b>Area (approximate)</b>
100	37.00ha
101	3.69ha
102	2.58ha
103	9.8ha

11. There is already an existing vehicle crossing at the northern end of the development for Lot 100. For Lots 101 and 102, vehicle crossings will be created at the time a new dwelling is constructed on these allotments.

12. Lot 100 has an existing sewage disposal system. Lot 101 and 102 will use on-site sewage disposal systems when a dwelling is proposed.
13. There is an existing electricity and telecommunication connection to Lot 100. The other Lots currently do not have any services, but will require connection when a dwelling is developed on them.

### **Stage 2**

14. Subdivision of Lot 103 into a number of allotments as follows:
  - Lots 1-15 – these are larger rural residential allotments which are intended to be developed for rural-residential living and sold on the open market to raise funds for the completion
  - Lot 16 as a Local Purpose (Accessway) Reserve to vest in KDC.
  - Lot 17 as Road to vest in Kaipara District Council.
  - Lots 50 – 63 – these lots are intended to be used for retirement living as is outlined in the consent notices offered by the Applicant.
  - Lot 64 – is proposed to be held as a common lot for Lots 50 – 63 and Lot 65 via an amalgamation condition.
  - Lot 65 – is the balance area remaining and is earmarked as a future development area. This also contains effluent disposal area 'A' which will serve as the location for the communal waste water system that will service Lots 50 – 63.
  - Lot 66 – is a local purpose (Esplanade) Reserve to vest in KDC which follows the stream near the eastern boundary of site.
  - Lot 67 – is a thin wedge of land near the eastern boundary of the site which will be amalgamated with the adjoining property Part Allotment N93 Parish of Paparoa.
  - Lot 68 – a larger area of land also near the eastern boundary of the site which will be amalgamated with Part Lot 1 DP 45554.

<b>Table 2 – Approximate Areas for Stage 2</b>	
<b>Lot</b>	<b>Area (approximate)</b>
1	3781m <sup>2</sup>
2	3493m <sup>2</sup>
3	3340m <sup>2</sup>
4	4540m <sup>2</sup>
5	1683m <sup>2</sup>
6	1787m <sup>2</sup>
7	5068m <sup>2</sup>
8	3530m <sup>2</sup>
9	3286m <sup>2</sup>
10	1854m <sup>2</sup>

11	2015m <sup>2</sup>
12	2099m <sup>2</sup>
13	2730m <sup>2</sup>
14	2204m <sup>2</sup>
15	1767m <sup>2</sup>
16 (Local Purpose (Accessway) Reserve)	1586m <sup>2</sup>
17 (New Road)	1.05ha
50	480m <sup>2</sup>
51	500m <sup>2</sup>
52	500m <sup>2</sup>
53	460m <sup>2</sup>
54	406m <sup>2</sup>
55	523m <sup>2</sup>
56	450m <sup>2</sup>
57	405m <sup>2</sup>
58	434m <sup>2</sup>
59	447m <sup>2</sup>
60	401m <sup>2</sup>
61	458m <sup>2</sup>
62	503m <sup>2</sup>
63	896m <sup>2</sup>
64 (Common Lot)	3142m <sup>2</sup>
65 (Future Development Area)	2.24ha
66 (Local Purpose (Esplanade) Reserve)	0.79ha
67	350m <sup>2</sup>
68	2050m <sup>2</sup>

15. A new intersection will be constructed on Franklin Road for Lot 103. The location is approximately 400m north on Franklin Road from the intersection of Paparoa Valley Road in a 50km/h zone. The intersection will be constructed in accordance with KDC Engineering Standards. There will be a "Give Way" sign with road markings to indicate a priority intersection.
16. A new legal road, Road 1 (Lot 17), will be vested in KDC and is proposed from Franklin Road to the southern end of the Lots in stage 2. This will provide access to Lots 1-15. Access 2C (also part of Lot 17) is another road proposed to be vested in KDC and will provide access for Lots 5, 6, 14 and 15. Road 2 (within Lot 64) will be constructed at the cul de sac off Road 1 for access to Lots 50-63.
17. Road 2 will be a low speed private access and will be a one-way loop road. The road is to be shared with pedestrians. It is 4m wide with appropriate widening at the eastern end for turning of vehicles to



allow space for fire fighting vehicles. There will be two parking bays located in the loop with 5 parking spaces in each bay.

18. Accesses will be formed to connect the northern and western Lots to Road 1 all with a carriageway width of 3.5m. Access 2A is for Lot 2 while Access 2B is for Lots 3 and 4. There will also be a 3m farm access in between Lots 4 and 5 joining to an existing farm access.
19. An extension of the existing footpath from Franklin Road is proposed. This will go through the Local Purpose (Accessway) Reserve to the southern end of Lot 17, joining to the new footpath on Road 1. The footpath will be 1.4m wide on either side of the carriageway of Road 1 and around the cul de sac. On the west side of Road 1, the footpath will end just prior to the farm access. The footpath will also link to Road 2 from the Local Purpose (Accessway) Reserve (Lot 16).
20. Stormwater runoff and overflow from developed surfaces are to be directed to overland flow paths. There is an overland flow path flowing from east to west adjacent to Lots 1-4 and also at the southern end of the site. Three detentions ponds are proposed, one adjacent to Lots 2 and 3, another adjacent to Lot 4 and the third between Lots 7 and 8.
21. Proposed properties in stage 2 will be serviced by onsite services via roof collection and tank storage as no reticulated water supply system is available.
22. Water supply tanks for firefighting purposes will be required on each of the residential lots. Communal firefighting water supply tanks will be provided inside the loop accessway on Lot 64 to supply Lots 50 – 63.
23. Lots 1-15 will utilise individual on-site effluent disposal systems.
24. Lots 50 – 63 will utilise a communal wastewater system. Secondary treatment is proposed in the site suitability report by TMC Consulting Engineers with further recommendations to avoid slope instability. Design calculations for effluent have been based on 2.5 persons on average per residential property on Lots 50-63. The Applicant has offered a consent notice to limit the number of residents per property in the seniors' village.
25. The Applicant has also sought that the period for giving effect to the land use and subdivision resource consent be 10 years in order to allow sufficient time to complete the development and in particular arrange suitable finance.

#### ***Conditions offered by the Applicant***

26. The Applicant has offered a number of conditions of consent as part of the resource consent application. These conditions are listed in the post notification section 92 response dated 31 August 2018, but have undertaken a number of revisions since then following consultation with KDC staff. These conditions are briefly summarised below:
  - Lot 66 will be shown as a Local Purpose Esplanade Reserve to vest in KDC.
  - A consent notice will be included on Lots 1 – 15 and Lots 50 – 63 & 65 restricting the right to complain about any reverse sensitivity effects associated with the adjoining land being used for permitted activities associated with rural use.



- A consent notice condition will be included on Lots 1 – 15 and Lots 50 – 63 requiring that the development controls of the Residential Zone are applied.
- For Lots 50-63, no more than two persons would be permitted to permanently reside at the house on the allotment.
- Several consent notice conditions are proposed to apply to Lots 50 – 63 to ensure that they are used for their intended purpose – retirement living. This includes an age limit.
- For Lots 50-63, building consent shall not be issued until the communal effluent disposal has been properly installed on Lot 65.
- Plantings in Lot 17 and 64 set out in the Landscape Mitigation Plan prepared by Landform Consulting Limited dated 14/12/2017 will be implemented in the first planting season following completion of the required construction of the accesses and drainage systems for Stage 2.
- For Lots 1 – 15 and Lots 50 – 63 & 65, the following design controls shall be applied as a consent notice:
  - Mirrored glazing is prohibited.
  - Exterior floodlights are prohibited. Directional security lighting and safety lighting for illumination of steps and footpaths are permitted.
  - Electricity and Telecommunications cables shall be laid underground.
  - Driveways shall follow the natural contour of the land and avoid sharp angles.
  - Flat roofs on houses are prohibited.
  - Buildings on slopes shall be grounded into the site with foundation and basement enclosures that appear solid, or use other techniques, such as landscape plantings to avoid sightlines to the underside of floors.
  - Garages or ancillary buildings shall be designed and constructed to a similar style as the dwelling.
- Prior to 224(c) certification, the consent holder will install road lighting at the intersection of Franklin Road and State Highway 12 in accordance with AS/NZS1158 with confirmation of compliance against these standards being provided to New Zealand Transport Agency for certification.
- An entity will be created to manage all shared infrastructure with evidence confirming the establishment of the entity being submitted to Council for approval.
- A plan showing improvements to the local purpose reserve (Lot 16) and esplanade reserve (Lot 66) shall be provided with works required prior to 224(c) certificate.
- The existing pedestrian bridge within Lot 66 will be removed.
- An Accidental Discovery protocol will be applied as a consent notice condition on the title of the created properties in order to provide a warning to future land owners about the potential

presence of unrecorded cultural / archaeological sites on the property and the appropriate protocol to follow should something be discovered during earthworks on the subject site.

## **2.0 Site & Surrounds Description**

27. A comprehensive description of the subject site and surrounding area, adjacent land uses, and site access is provided in section 2 (on pages 3-7) of the Landscape and Visual Effects Assessment by Landform Consulting Ltd, dated December 2017. Having visited the subject site and surrounding area on 25 May 2018, I concur that this is an accurate description of the subject site and relevant characteristics and rely on this description for the purposes of this report.

## **3.0 Reasons for Consent – Kaipara District Plan (Operative 2013) Rule Assessment**

### ***Subdivision***

28. The application requires resource consent pursuant to the following rules:
- *Rule 12.9.4 Non-Complying Activities* – The proposal does not meet the minimum net site area of 12ha per lot, and cannot comply with all relevant performance standards in Sections 12.10 and 12.15 of the District Plan as detailed further below.
  - *Rule 12.15.1 Suitable Buildings Areas* – No geotechnical report is provided for Lots 101 and 102.
  - *Rule 12.15.2 Road, Private Way Formation and Property Access* – Stage 3 does not comply as a private access (proposed Lot 64) is proposed to serve 14 lots (proposed Lots 50-63).
  - *Rule 12.15.6 Wastewater Disposal* – Not all lots have 1500m<sup>2</sup> provided for wastewater disposal within their boundaries, with Lots 50 – 63 proposing to utilise a communal wastewater system on Lot 65.
  - *Rule 12.15.7 Energy Supply* – Lots 65, 101 and 102 will not be provided with an electricity connection.
  - *Rule 12.15.8 Telecommunications* – Lots 65, 101 and 102 will not be provided with a telecommunications connection.
  - *Rule 12.15.9 Esplanade Management for Lots Less than 4ha* – the subject site adjoins a river over 3m in width and an esplanade strip is proposed, but this is not of 20m in width for its entirety.

### ***Land use***

29. The application requires resource consent pursuant to the following rules:
- *Rule 12.10.1a Excavation and Fill* – Earthworks are in excess of 5000m<sup>3</sup> for Stage 2.

- *Rule 12.10.7 Setbacks* – To breach the 10m front, and 3m side yard requirements for all lots created in Stage 2. Reduced setbacks are sought in alignment with the residential zone provisions detailed in Rule 13.10.7 of the District Plan.
- *Rule 12.10.8 Permeable Surfaces* – The proposal seeks 40% (being the residential zone allowance under Rule 13.10.12 of the District Plan) for all lots created in Stage 2.
- *Rule 12.10.25 Vehicle Access and Driveways* – The construction of vehicle crossings for Stage 1 is requested to be deferred via Consent Notices on the titles. Consent is sought to be able to form these as per the requirements under residential zone Rule 13.10.25, and as per the specific parking and access configuration described in the AEE, for lots in Stage 2.
- *Rule 12.10.27 Parking* – Only 1 parking space is to be provided (rather than 2) for Lots 50-63 within Stage 2.

### **Activity Status**

30. Given that the subdivision and land use components of the application are inextricably linked and have been applied for together, it is considered appropriate to bundle the activities for assessment purposes.
31. Overall, the proposal is therefore considered to be a **Non-Complying Activity**.

## **4.0 Notification, Submissions & Written Approvals**

### **Notification**

32. Pursuant to Section 95A(3)(a) of the Act the applicant requested public notification. The application was publicly notified on 26 February 2018 and submissions closed on 26 March 2018.

### **Submissions**

33. In total two submissions were received with comment (not a formal submission) also received by Heritage New Zealand Pouhere Taonga ("HNZPT"). These are summarised briefly below.

<b>Table 3 – Summary of Submissions RM170414</b>				
<b>Name</b>		<b>Support / Oppose</b>	<b>Wants to be Heard?</b>	<b>Summary</b>
Paparoa War Memorial Society Inc	Hall	Support	No	All members of the Society are unanimously in favour of the proposed subdivision and seek that it be granted resource consent.
Anthony Michael Bozzard		Neutral	N/A	Following negotiation with the Applicant, this submission was formally withdrawn after confirmation was received in writing from the submitter on 7 September 2018.
HNZPT		N/A	N/A	Comment was received by HNZPT during the submission period. This noted that there was a historical sawmill that previously occupied the site which may have been deemed a pre-1900

			archaeological site and requested an archaeological assessment be provided on this basis.
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34. No other submissions were received. As such, pursuant to Section 100 of the Resource Management Act 1991:

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent unless—*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

35. Pursuant to section 100, it is considered that a hearing is not necessary in this instance as there are no submitters wishing to be heard and because neither the applicant nor Council consider a hearing necessary, as the reporting planner has a positive recommendation for the application.

#### ***Written Approvals***

36. The applicant has actively sought input from the Paparoa community by making an information pack available through the applicant's website which also contained a copy of Kaipara District Council's written approval form. The results of this consultation prior to lodgement are contained within Appendix H of the AEE. While the majority of these responses are provided as a written approval form, some of the responses are in letter form, and some forms provided are not signed. A spreadsheet provided in Appendix H of the AEE summarises the feedback received, and the map (see **figure 1** on following page) provided on 15 December 2017 indicates the location of these parties.
37. Written approval has also been sought from the NZ Transport Agency. In their response, dated 28 September 2017, the NZ Transport Agency have indicated support for the proposal on the basis that lighting at the Franklin Road and SH12 intersection be upgraded to current standards. The Applicant has confirmed that they accept this condition and offer it as a mitigation measure for the proposed development.





## 5.0 Statutory Acknowledgements

39. Pursuant to Section 58(1)(a) of the Te Uri o Hau Claims Settlement Act 2002, KDC has the responsibility to forward summaries of resource consent applications to Te Uri o Hau within, adjacent to, or impacting directly on statutory areas. The Applicant has already undertaken consultation with Te Uri o Hau, submitting the application with a Cultural Impact Assessment by Environs Holdings Ltd on behalf of Te Uri O Hau, dated May 2017 (Appendix G of the application) ("CIA"). The CIA confirmed that Te Uri o Hau does not have any objections to the approval of the proposed subdivision and provided recommendations on an Accidental Discovery Protocol for archaeological sites, stream protection and cultural place making considerations.

## 6.0 Statutory Context – Resource Management Act 1991 – Section 104

40. The proposal is subject to Section 104 of the RMA which sets out the matters that the Council must have regard to when considering an application for resource consent and any submissions received. As a non-complying activity, Section 104B sets out a consent authority's discretion in determining a decision. Furthermore Section 104D establishes particular restrictions for non-complying activities (these are often referred to as the "Gateway Tests"). Pursuant to Section 104D a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

- The adverse effects of the activity on the environment will be minor; or
- The application will not be contrary to the objectives and policies of the relevant plan, proposed plan or both.

41. With regard to Section 104(3)(a)(i), there are no known issues in the consent application or as a result of the submission process that raise questions of trade competition or the effects of trade competition.
42. With regard to Section 104(3)(a)(ii), the consent authority must not have regard to the effects on those persons who have given written approval to the application. Parties have provided written approval as identified in Section 4. Any effects on these parties have been subsequently disregarded in the below assessment.
43. For the purpose of this application, the remainder of this report will address the following matters under Section 104, which a consent authority, must have regard to in making a decision.
44. Under Section 104(1)(a), the actual and potential effects on the environment of allowing the activity must be assessed. This includes an assessment of matters that may fall under Section 104(2) as adverse effects that may be disregarded where they are permitted by a national environmental standard or plan ('permitted baseline'). This assessment in Section 7 of this report has also been undertaken with regard to the definition of 'effect' in Section 3 of the RMA which includes:

*(a) any positive or adverse effects; and*

*(b) any temporary or permanent effect; and*

*(c) any past, present or future effect; and*

*(d) any cumulative effect which arises over time or in combination with other effects –*

*regardless of the scale, intensity, duration, or frequency of the effect, and also includes-*

*(e) any potential effect of high probability; and*

*(f) any potential effect of low probability which has a high potential impact.*

45. Pursuant to Section 104(1)(ab), any measures that the applicant has offered or agreed to ensure positive effects to offset or compensate for any adverse effects that may result from allowing the activity must be considered. Such measures offered or agreed to by the applicant have been given due consideration in the assessment of environmental effects undertaken below.
46. Under Section 104(1)(b), the following relevant provisions require consideration and have been assessed under Section 8 of this report:
  - Operative Northland Regional Policy Statement (**RPS**) under Section 104(1)(b)(v);
  - Kaipara District Plan (**KDP**) under Section 104(1)(b)(vi);
47. Under Section 104(1)(c), any other matters that may be relevant or reasonably necessary to determine the application require consideration. This is provided in Section 9 of this report.

## **7.0 Actual & Potential Effects on the Environment (S104(1)(a))**

### ***Permitted Baseline***

48. In accordance with Section 104(2) of the RMA, a consent authority may disregard an adverse effect that is permitted by a Plan or NES. The permitted baseline can be used to define the environment against which the degree of adverse environmental effects of a proposed activity will be considered. There are three categories to the permitted baseline test, these being:
  - What lawfully exists on the site at present;
  - Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain resource consent; and
  - Activities which could be carried out under a granted, but as yet unexercised, resource consent.

49. In this instance, the permitted baseline is of no relevance to the consideration of the proposed development as the subject site is situated in the Rural Zone which does not anticipate the level of residential density proposed in this development and the Applicant has not sought to apply the permitted baseline within their AEE.

### ***Traffic Safety Effects***

50. It is anticipated that additional traffic movements will be generated from the proposed residential development in stage 2. The application is supported by a Traffic Effects Assessment by Traffic Planning Consultants Ltd, dated August 2017 (see Appendix J of the original application) ("**TEA**"). The TEA assesses the traffic engineering effects of the proposal with regard to the existing transport environment, anticipated traffic generation and a particular focus on the intersection of Franklin Road and State Highway 12. The conclusion of the report is provided in Section 6.0 as follows:



*"Overall, it is considered that the traffic engineering effects of the proposed subdivision can be accommodated on the road network without compromising its function, capacity or safety. Therefore, from a Traffic Engineering perspective it is considered that the proposal will have a less than minor effect."*

51. During the development of the proposal, the Applicant undertook consultation with the New Zealand Transport Agency ("NZTA"). NZTA provided a letter of support (see Appendix K of the application) for the AEE, provided that a condition is included for Stage 2 of the subdivision requiring that, prior to 224(c) certification, the consent holder will install road lighting at the intersection of Franklin Road and State Highway 12 in accordance with AS/NZS1158 with confirmation of compliance against these standards being provided to New Zealand Transport Agency for certification. There was initially some reluctance from the Applicant to accept this condition and it was not offered as part of the original application. However, during the notification period and following further communications with NZTA, the Applicant's agent confirmed on 26 March 2018 that this consent condition was being offered. NZTA's approval was confirmed on this basis and no submission was received from NZTA.
52. Council's Consulting Engineers from Stantec, in consultation with Council's Rooding team, have reviewed the AEE including the TEA. They have confirmed the conclusion that the traffic impacts will be less than minor and that the traffic volumes anticipated to be generated as a result of the proposed development can be accommodated within the road network with little or no effect. Stantec have also confirmed that the proposed location of the new intersection with Franklin Road will have adequate sight distances available.
53. Based on the TEA, approval from NZTA and peer review from Stantec, it is concluded that any traffic safety effects will be less than minor and acceptable as the anticipated traffic volumes can be accommodated within the existing roading network with little or no effect.

#### ***Landscape and Visual Effects***

54. In the pre-notification s92 request, a landscape and visual effects assessment from a suitably qualified and experienced Landscape Architect was requested. In response the Applicant provided the Landscape and Visual Effects Assessment by Landform Consulting Ltd, dated December 2017 ("LVA"). The LVA provides a description of the site context and proposal, an assessment of the existing landscape character and amenity values of the site and surrounding environment and an assessment of the landscape and visual effects arising from the proposed development and provides recommendations for the mitigation of potential effects. The LVA concludes in section 7.1:

*The main adverse visual effects arising from the proposal will occur when future dwellings and roads are established within the site. This development will introduce a more settled appearance and one that is in keeping with the residential character that the surrounding properties to the south and east currently exhibit.*

*Future development within the site will modify the site's generally undeveloped rural character to one that is residential, however development is consolidated where existing residential development already exists. This approach enables the residual land to the north and west to be undeveloped and retained for rural production purposes, and as such will have a less than minor effect on natural character.*



*The proposed lot size areas and configuration are commensurate with the surrounding development pattern and are considered appropriate at this locality. Given the location of the site, and once the recommended mitigation measures are implemented, the proposal will have a minor cumulative effect on the surrounding environment.*

*This assessment concludes that the proposal is generally consistent with relevant planning documents and that upon implementation of the proposed design controls and landscape mitigation measures, the subject land has the ability to visually absorb the proposed subdivision and future development to an appropriate level.*

*Overall, the proposal will have a minor landscape and visual effect on the surrounding environment.*

55. The mitigation and enhancement measures are detailed in section 6.1 of the LVA. This includes the imposition of architectural design controls and amenity plantings to be undertaken throughout the site in accordance with the Landscape Mitigation Plan prepared by Landform. The Applicant has accepted these measures and offered them as mitigation within the proposed development.
56. Based on the assessment within the LVA and the imposition of the recommended mitigation measures outlined within it, it is considered that any landscape and visual effects will be no more than minor and acceptable.

#### ***Rural Character and Amenity Effects***

57. "Amenity values" is defined in Section 2 of the RMA as:

*"means those natural and physical qualities and characteristics of an area that contribute to peoples' appreciation of its pleasantness, aesthetic coherence and recreational attributes."*
58. As such the amenity values and neighbourhood characteristics of an area can be described as those special attributes, relating particularly to natural and physical characteristics, that make an area or neighbourhood unique. Nonetheless, amenity values are a subjective concept, and are reliant on context and personal perspective, with amenity values being directly experienced and articulated by those people living in the neighbourhood or area in question.
59. The subject site is located within the Rural Zone within the Kaipara District Plan ("KDP"). Land to the north of and west of the site is also located within the Rural Zone. Adjoining the south eastern corner of the site is a number of smaller residentially zoned properties. No specific guidance is given in the KDP as to the definition of amenity values associated with the Rural Zone. However, reference can be made to the chapter 12 provisions which provide useful context when considering amenity values in the Rural Zone:

*"12.4.2 The impact of uncontrolled subdivision and land use has the potential to adversely affect rural character and amenity of the District.*

*Rural areas are characterised by farming, open spaces and natural landforms with remnants of indigenous bush, woodlots and a low intensity of development and built form. It is these characteristics which contribute to rural amenity. The form or density of subdivision and land use activities can adversely affect rural character and amenity."*

*"12.5.2 To maintain the rural character and amenity, including the:*

- Sense of openness;*
- Low dominance of built form;*
- Pasture and Commercial Forest Areas;*
- Areas of indigenous vegetation and significant fauna; and*
- Unmodified natural landforms."*

60. It is clear that the subject site and immediate surrounds retain a predominant rural character comprising a pastoral, undulating landscape with a low dominance of built form and areas of indigenous vegetation. A variety of land use activities exist in the surrounding area including exotic forestry blocks, large rural land holdings, rural lifestyle blocks, and residential development. A number of rural farm lots are located to the west, north and east of the subject site. Farming use and exotic forestry form the predominant land uses in the wider surrounding area. Residential development is also a dominant feature to the south of the site where properties have generally become established at the start of Franklin Road and along the edge of State Highway 12.
61. Overall it is considered that any adverse character and amenity effects will be no more than minor and acceptable for the following reasons:
- Stage 1 will see the subject site subdivided into four allotments (100, 101, 102 and 103). Lots 100, 101 and 102 will account for approximately 80% of the site area. While proposed lots 101 and 102 may be developed at a later date, they will continue to be able to be utilised for rural use which will maintain the rural character and amenity values of the immediate receiving environment.
  - Stage 2, will see the further development of Lot 103, which adjoins the established residential area directly north of Paparoa Village on Franklin Road. It is considered that the proposed subdivision in this location will consolidate development around the existing Village where a similar development pattern is already apparent and will not create sporadic or inappropriate subdivision in the context of the existing character and amenity values discussed previously. The proposed lot size area and configuration and location consolidate residential development where a similar development pattern already exists. Therefore, the proposal is considered appropriate at this location.
  - Despite Lots 50 – 63 being significantly undersized within the Rural Zone, the stated intention for these allotments is to provide retirement living for elderly residents within Paparoa who want to remain within their community rather than having to find retirement accommodation elsewhere. These allotments will provide lower maintenance sections with smaller dwellings that will provide better retirement living options for elderly residents. The Applicant has also offered a consent notice restriction that dwellings on these allotments will only be occupied by a maximum of 2 persons. Further, the location of these allotments is centrally within the site, meaning that the grouping of allotments is likely to internalise any effects due to the nature of the layout of the lots and the communal access. As such subsequent effects in terms of the

behaviours of residents will be markedly different and less when compared to a standard residential type development. This is a distinctive feature of the proposed development that sets it apart from other such developments.

- When considering a proposal such as this, it is my opinion that the input of neighbouring property owners and residents within a community are fundamental to any consideration of character and amenity effects. Neighbours and residents within the Paparoa community are the most likely to experience and articulate any adverse amenity and character effects of the proposed development. In this regard, it is clear that the Applicant has undertaken comprehensive consultation and engagement with the local community in developing the proposed scheme. This has resulted in a number of parties in the Paparoa area providing their written approval or written support for the application (see **figure 1**). Irrespective of this, the Applicant volunteered for the application to be publicly notified to ensure that an appropriate opportunity was given to all residents within the community to have their say. Only two submissions were received, one in support and one neutral which has subsequently been withdrawn, with none requesting to be heard. Therefore, after seeking the views of those considered to be adversely affected by this proposal and in the absence of any concerns raised through the notification process, it is considered that any character and amenity effects on will be no more than minor and acceptable.

#### ***Site Suitability & Servicing***

62. The application is supported by the following:
  - Subdivision Suitability Report by TMC Consulting Engineers Ltd, dated 5 May 2017 ("**Site Suitability Report**") – Appendix C of the application.
  - Communal Sewer System Design by Waterflow NZ Ltd, dated 9 March 2017 ("**Wastewater Report**") – Appendix D of the application
63. These reports have been reviewed by Council's Consultant Engineers from Stantec who have provided specific comment on the following relevant matters:
  - *Geotechnical*: the Site Suitability Report found that highly expansive soils were found on site and has recommended specific engineering design for foundations. Subject to adherence to the recommendations within the Site Suitability Report, Stantec have concluded that there are no stability problems with the proposed sites as there are suitable building platforms available on each lot.
  - *Stormwater*: stormwater runoff and overflow from developed impermeable surfaces will be directed to overland flow paths, with three detention ponds proposed, one adjacent to Lots 2 and 3, another adjacent to Lot 4 and the third between Lots 7 and 8. Once buildings are constructed, appropriate stormwater attenuation from roof water collection systems will also be required. Stantec have not identified any concerns with the proposed management of stormwater on the subject site.

- *Water Supply:* the proposed allotments in stage 2 will be serviced by onsite supply via roof collection as no reticulated water supply system is available. Stantec have not identified any concerns with this arrangement.
- *Firefighting Facilities:* Stantec have highlighted that water supply tanks for firefighting purposes will be required on each of the residential lots. Communal firefighting water supply tanks will be provided inside the loop accessway on Lot 64 to supply the seniors' village sections. It is proposed these will be in compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 or with the approval of the New Zealand Fire Service where deviations are required.
- *Wastewater:* For stage 1, Lot 100 has an existing sewage disposal system. Lot 101 and 102 will use on-site sewage disposal system when a dwelling is proposed. Stantec have not identified any concerns for the proposed wastewater disposal systems for Stage 1.

For Stage 2, Lots 1-15 will utilise individual on-site effluent disposal systems. Lots 50 – 63 will utilise a communal wastewater system. Secondary treatment is proposed in the Site Suitability Report with further recommendations to avoid slope instability. Design calculations for effluent have been based on 2.5 persons on average per residential property on Lots 50-63. The Applicant has offered a consent notice to limit the number of residents per property in the seniors' village. Stantec have not identified any concerns for proposed wastewater disposal arrangements for Stage 2.

- *Telecommunications and Power:* For Stage 1, there is an existing electricity and telecommunication connection to Lot 100. The other Lots currently do not have any services, but will require connection when a dwelling is developed on them. Stantec have not identified any concerns with this arrangement.

For stage 2, Suitable electricity and telecommunication connections will be provided to Lots 1-15 and to Lots 50-63. No connections to electricity and telecommunications will be provided to Lots 101, 102 and 65. It is proposed the overhead power lines over Lot 103 will be relocated underground within the proposed legal road. It will connect back to the overhead power line outside of Lot 103. Stantec have not identified any concerns with this arrangement.

64. Taking into account the assessment from TMC Consulting Engineers and Waterflow NZ and the review from Stantec summarised above, it is considered that the subject site can be sufficiently serviced with any effects associated with servicing considered to be less than minor in this instance. Furthermore, on this basis it is concluded that this proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of any potential instability or other hazards on the subject site.

### ***Cultural Effects***

65. The application is supported by a Cultural Impact Assessment by Environs Holdings Ltd on behalf of Te Uri O Hau, dated May 2017 ("**CIA**") (see Appendix G of the application).
66. The CIA is informed by a site visit by a Te Uri O Hau representative on 15 April 2016 and provides a historical context of Maori occupation of the wider area. The CIA highlights that only four recorded



archaeological / cultural sites are located in vicinity of Paparoa village. However, no evidence of cultural sites or features were found on the subject site during the preparation of the CIA. The CIA concludes that Te Uri O Hau has no objections with the granting of the consent subject to an accidental discovery protocol ("ADP") applying to the consent as a condition or advice note. The applicant's agent has confirmed that the applicant accepts the ADP recommendation and offers it as a consent notice / mitigation measure for the proposed subdivision.

67. Based on the imposition of the recommended ADP applying to the consent, it is considered that any adverse cultural effects will be avoided.

### ***Archaeological Effects***

68. During notification HNZPT noted that there was a historical sawmill that previously occupied the site which may have been deemed a pre-1900 archaeological site and requested an archaeological assessment be provided on this basis. This was subsequently requested in the post-notification s92 request. In response the Applicant provided the following:

- Archaeological Assessment by Don Prince, Time Depth Enterprises Heritage Consultants, dated June 2018 ("**Archaeological Assessment**").

69. The Archaeological Assessment states on page 11:

*"No known archaeological sites/features will be affected by the proposed subdivision of the property and it appears unlikely that unrecorded subsurface archaeological sites will be encountered during associated earthworks. However, in the event that undetected subsurface features are encountered during earthworks related to the establishment of the subdivision the Accidental Discovery Protocol contained in this report should be adhered to."*

70. A copy of the Archaeological Assessment was forwarded onto HNZPT for comment. HNZPT confirmed that they were satisfied with the Archaeological Assessment and recommended that an ADP be adhered to. As noted above, the Applicant has agreed to an ADP in response to the CIA, so it is considered that this recommendation will be met.
71. Based on the findings of the Archaeological Assessment and feedback from HNZPT, it is considered that any potential archaeological effects will be less than minor and appropriately managed by the imposition of an ADP as has been offered by the Applicant.

### ***Cumulative Effects***

72. It is appropriate to consider the cumulative effects of subdivision along Franklin Road and within the Paparoa Village in respect to this application. The determination of cumulative effects requires the consideration of any adverse effects of the proposal when added to any adverse effect of an existing activity or activities that forms part of the existing environment. As such, the assessment of cumulative effects should be undertaken with reference to the environment that presently exists.
73. In this instance, the subject site is a rural site with an open, undulating pastoral character and is zoned Rural. The eastern part of the site adjoins the residential area of Paparoa Village. When travelling further along Franklin Road opposite the proposed new access road, from the south, the development pattern

changes from residential development to one largely comprising larger rural land holdings. A number of low-density rural lifestyle lots are also located as traveller drives north toward Wearmouth Road.

74. The key matter to consider with regard to cumulative effects on the wider environment, is whether the proposed subdivision in conjunction with the effects of the existing clusters of rural residential development in the existing environment, will represent a "tipping point" where the amenity and character values of the area will be significantly affected and fundamentally change.
75. It is considered that the adverse cumulative effects arising from the proposed development will be no more than minor and acceptable in this instance. Subdividing the site to create a Lifestyle Village, and subsequent development within each new lot will result in an extension of the residential development pattern that exists to the south and east of the site. These changes will introduce built development where very little development currently exists providing a more settled appearance and one that is in keeping with the surrounding residential development, rather than the rural, generally undeveloped character that the immediate locality currently exhibits. Further it is acknowledged that Lots 50 – 63 are significantly undersized within the Rural Zone. However, the proposed retirement lots consolidate development within the eastern part of the site where residential development of a similar scale and density already exists. Further the effects in terms of the behaviours of residents will be markedly different and less when compared to a standard residential type development.
76. As a result of the above components, the proposed development will not tip the balance in terms of the cumulative effects of rural-residential and residential development to a point where the existing amenity and character of the locality will fundamentally change.

#### ***Public Access Effects – Esplanade & Local Purpose Reserves***

77. As originally lodged, the application included provision for a Local Purpose (Esplanade) Reserve (Lot 66 – 9800m<sup>2</sup>) and Local Purpose (Accessway) Reserve (Lot 16 – 1586m<sup>2</sup>) to vest in KDC. The accessway (Lot 16) will provide a direct pedestrian link from the new road (Lot 17) to Franklin Road and the area of existing bush adjoining the eastern boundary of the subject site. This will then directly link up to the Esplanade Reserve (Lot 66) to the south which expands out to a wider area before narrowing and following the Stream towards the southern boundary and linking up with the existing Local Purpose (Esplanade) Reserve at Lot 3 DP 348878.
78. Following the post-notification s92 request, minor amendments were made to the Proposed Esplanade Reserve (Lot 66) to slightly reduce its size to 7900m<sup>2</sup> and to ensure adequate and safe access around the bank of the stream. These changes were agreed with KDC Parks and Recreation Manager Hamish Watson following an on-site meeting. Mr Watson also agreed in principle that a full twenty metre esplanade width would not be suitable in this instance and has agreed that the reduction of width pursuant to Rule 12.15.9 can be approved from a Parks and Recreation Department perspective.
79. Mr Birt has undertaken an assessment of the request to reduce the esplanade width in accordance with the criteria in Rule 12.15.9 of the KDP within point 6 of the post-notification s92 request dated 31 August 2018. I agree with his assessment and adopt it here. It is also noted that the Applicant has offered conditions regarding weed control and the establishment of a formed walkway in the esplanade land to be vested in Council.

80. In summary, it is considered that the proposed reserves offered by the applicant will provide suitable public access to the development and to the existing stream which is otherwise inaccessible to the public in a legal sense. The Applicant has also volunteered to undertake weed and pest control in the esplanade reserve. For these reasons, it is considered that this aspect of the proposal will provide a moderate positive environmental effect.

### ***Positive Social Effects***

81. A key feature of the proposal is that it will provide retirement living options within the Paparoa community where currently none exist. The implication of this existing situation is that potential retirees who may wish to remain within the Paparoa community have no choice but to seek retirement living accommodation outside of the community. This results in the loss of residents and a breakdown of the community within an otherwise small and tight knit community.
82. The proposed development will specifically address this existing situation by providing fourteen retirement living allotments (lots 50 – 63) with a central communal area (lot 64) within walking distance of the Paparoa Village centre. This outcome has been strongly supported by the Paparoa Community. This is evident in the significant level of written approvals and written support received pre-lodgement (see **figure 1**) and the lack of any submissions in opposition to the proposal. The Applicant is not a private developer. In fact, it is a charitable trust and the objectives of the Trust (as outlined in the Trust Deed) include:

*"To promote, encourage and support the establishment of residential care facilities serving the people of the Paparoa community and surrounding districts and others whom the Trustees deem appropriate."*

83. For these reasons, it is considered that the proposal will provide significant positive social effects within the Paparoa community as it will provide retirement living options where currently none exist which will allow residents who would otherwise leave the ability to remain in Paparoa.

### ***Effects Conclusion***

84. Overall, it is concluded that the actual and potential adverse effects of the proposal on the environment will be no more than minor and acceptable and that there will be moderate – significant positive effects for the following reasons:
- Based on the TEA, approval from NZTA and peer review from Stantec, it is concluded that any traffic safety effects will be less than minor and acceptable as the anticipated traffic volumes can be accommodated within the existing roading network with little or no effect.
  - Based on the assessment within the LVA and the imposition of the recommended mitigation measures outlined within it, it is considered that any landscape and visual effects will be no more than minor and acceptable.
  - After seeking the views of those considered to be adversely affected by this proposal and in the absence of any concerns raised through the notification process, it is considered that any character and amenity effects on will be no more than minor and acceptable.

- Taking into account the assessment from TMC Consulting Engineers and Waterflow NZ and the review from Stantec summarised above, it is considered that the subject site can be sufficiently serviced with any effects associated with servicing considered to be less than minor in this instance. Furthermore, on this basis it is concluded that this proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of any potential instability or other hazards on the subject site.
- The Applicant has actively consulted with Te Uri O Hau, with a representative undertaking a site visit and providing a CIA on the proposed development. Based on the assessment undertaken within the CIA and voluntary imposition of an ADP as a consent notice on the relevant allotments, it is considered that any adverse effects on tangata whenua will be avoided or appropriately mitigated.
- Based on the findings of the Archaeological Assessment and feedback from HNZPT, it is considered that any potential archaeological effects will be less than minor and appropriately managed by the imposition of an ADP as has been offered by the Applicant.
- In summary, it is considered that the proposed reserves offered by the applicant will provide suitable public access to the development and to the existing stream which is otherwise inaccessible to the public in a legal sense. The Applicant has also volunteered to undertake weed and pest control in the esplanade reserve. For these reasons, it is considered that this aspect of the proposal will provide a moderate positive environmental effect.
- It is considered that the proposal will provide significant positive social effects within the Paparoa community as will provide retirement living options where currently none exist which will allow residents who would otherwise leave the ability to remain in Paparoa.

## **8.0 Relevant Policy Statements, Plans or Proposed Plans (s104(1)(b))**

85. In this section an assessment is undertaken against the statutory provisions that are of relevance to the consideration of the application for resource consent for the proposal.
86. The assessment of the relevant provisions of the following documents is undertaken in accordance with how they are ordered in s104(1)(b). Themes are addressed with regard to each document with the relevant provisions included in each section. The statutory documents that are considered relevant to the assessment of the proposal are as follows:
  - Regional Policy Statement for Northland 2016 ('RPS');
  - Kaipara District Plan 2013 ('KDP').

### ***Regional Policy Statement for Northland 2016***

87. The RPS sets out policies and methods at a higher regional level in terms of significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather gives guidance to consent applications and the development of District Plans on a regional level to achieve integrated management of Northland's natural and physical resources.



### **Regional Form**

88. Amongst other things the RPS presents objectives and policies regarding 'regional form' which are relevant for the consideration of the current proposal. Objective 3.11 and policy 5.1.1 are relevant.

#### **Objective 3.11 – Regional Form**

*Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.*

#### **Policy 5.1.1 – Planned and co-ordinated development**

*Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:*

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- (h) Is or will be serviced by necessary infrastructure.*

*Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.*

89. Consideration has been given to 5.1.1(a) and (b) and it is considered that the proposal is in accordance with the Regional Form Development Guidelines and the Regional Urban Design Guidelines. With regard to 5.1.1(c) it has been demonstrated within the effects assessment in Section 7 of this report, the proposed development will not tip the balance in terms of the cumulative effects to a point where the existing amenity and character of the locality will be significantly affected as the proposed development will represent an appropriate extension of residential and rural residential development on land adjoining the existing Paparoa Village centre. With specific reference to 5.1.1e. and f. it is considered that the proposed development is compatible with adjacent land uses and maintains the underlying sense of place and character of the surrounding environment. In accordance with the effects assessment and with the imposition of the proposed conditions, the proposed subdivision will be sufficiently serviced.

90. Overall for these reasons, it is considered that the proposal is consistent with the relevant RPS provisions.

### ***Kaipara District Plan 2013***

91. The KDP manages the effects of the use, development and protection of natural and physical resources within the District. An assessment of the key themes of the relevant objectives, policies and outcomes of the KDP is provided below.

### ***Strategic Direction for the District***

92. Chapter 3 of the KDP provides an overview of the general strategic direction and management of future land use and development within the District. Relevant provisions from chapter 3 are included below:

***Objective 3.4.2*** To minimise the ad hoc expansion of residential and business activities in the rural heartland, where such activities have the potential to give rise to adverse environmental effects and issues of reverse sensitivity

***Objective 3.4.3*** To restrict growth of residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.

***Objective 3.4.4*** To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.

***Objective 3.4.7*** To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas.

***Objective 3.4.8*** To provide adequate areas to accommodate future residential development which maximise the use of existing infrastructure.

***Policy 3.5.1*** By providing for clear direction and certainty for a range of residential and business land use activities throughout the Kaipara District.

***Policy 3.5.3*** By providing for a diverse range of residential and business opportunities in appropriate locations that enable their effects to be effectively managed.

***Policy 3.5.4*** By establishing a Land Use and Development Strategy, including nominated future Growth Areas, which ensures protection of natural character and ecological, amenity and landscape values and enables adequate opportunity for residential and business land to meet future demand.

***Policy 3.5.6*** By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential:

- a) Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins;
- b) Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna;
- c) Adverse effects on outstanding natural features, landscapes and heritage resources;
- d) Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- e) Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people's health and safety;
- f) Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including highly productive and versatile soils and aggregate resources). (For

example, where residential and business development could adversely affect the availability of finite resources); and g) to identify mechanisms to avoid, remedy or mitigate such impacts.

**Outcome 3.7.1** *Managed expansion of residential settlements.*

**Outcome 3.7.2** *Consolidation of settlements (rather than sporadic sprawl and ad hoc development) that avoids, remedies or mitigates adverse environmental effects.*

**Outcome 3.7.3** *Well-functioning residential and business markets that are able to cater for and respond to demand without generating adverse environmental effects, particularly effects from poor infrastructure supporting these land uses.*

93. The above provisions provide high level direction regarding restricting growth of residential and business activities in inappropriate locations where such activities give rise to adverse effects on the surrounding environment. Emphasis is placed on ensuring that adverse effects on the surrounding environment are comprehensively managed. In my opinion the proposed development is consistent with, and not contrary to the above objectives and policies in chapter 3 of the District Plan for the following reasons:

- The subject land adjoins the existing residential area directly north of Paparoa Village on Franklin Road. As outlined in the effects assessment, it is considered that the proposed location will consolidate development around the Village where a similar development pattern already exists. As such the proposal is not considered sporadic or inappropriate in terms of land use, scale and character and will constitute managed expansion of this existing residential settlement.
- Well-established riparian vegetation and a number of mature exotic trees are located within and surround the subject site. No removal of significant indigenous vegetation is proposed with this application, thereby avoiding the potential for adverse effects on significant indigenous vegetation. The retention of this vegetation provides a buffer between the subject land and the neighbouring rural land holdings. As such, reduces the potential for issues of reverse sensitivity and potential conflicts in land use.
- The resulting pattern of development creates flexibility and diversification of lot size areas as provided in the policies above and offers a range of development opportunities.
- The subject land is not identified as an Outstanding Natural Feature, Landscape or a Heritage Resource, and as such no adverse effects on such sites will arise from the proposal.

#### ***Rural Character & Amenity***

94. The maintenance of rural character and amenity values is a key focus of the Rural Zone Chapter 12 in the KDP. Relevant provisions include:

**Objective 12.5.1** *To maintain and enable public access to the coast, rivers and lakes as a result of land use and subdivision development.*

**Objective 12.5.2** *To maintain the rural character and amenity, including the:*

- *Sense of openness;*
- *Low dominance of built form;*
- *Pasture and Commercial Forest Areas;*
- *Areas of indigenous vegetation and significant fauna; and*

- *Unmodified natural landforms*

**Objective 12.5.8** *To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding rural environment.*

**Objective 12.5.10** *To encourage innovative development and integrated management of effects between subdivision and land use which results in better environmental outcomes than more conventional or traditional subdivision, use and development.*

**Policy 12.6.1** *Subdivision adjoining the coast, rivers and lakes is generally only acceptable when it provides public access (by the vesting of public access roads, reserves and pedestrian access ways and access strips) and provides Esplanade Reserves and/or Strips.*

**Policy 12.6.3a** *By allowing greater intensity of subdivision, or development in the Rural Zone where this is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment values, natural character of the coastal environment, and rural character and amenity.*

**Policy 12.6.3c** *By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.*

**Policy 12.6.4** *By requiring all subdivision to contribute to the retention of rural character and amenity.*

**Policy 12.6.5** *By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.*

**Policy 12.6.7** *By avoiding, remedying or mitigating the adverse effects of activities which pose the greatest threat to remaining areas of significant indigenous vegetation and significant habitats of indigenous fauna, and rural amenity (e.g. vegetation clearance, excavation and fill, the bulk and location of buildings and structures).*

**Policy 12.6.14** *By providing flexibility for subdivision and development density, as well as for a range of activities (industrial, commercial and residential etc.) that can be appropriately located in the Rural Zone and meet the environmental conditions appropriate to that Zone.*

**Policy 12.6.15** *By requiring site and building development to demonstrate how adverse visual amenity effects will be addressed over the duration of the development.*

**Rural Outcome 12.8.1** *The character (including social, environmental and natural values) of the rural environment will be maintained.*

**Rural Outcome 12.8.3** *Rural production activities will continue to be provided for in the Rural Zone.*

**Rural Outcome 12.8.5** *The maintenance and enhancement of those values that contribute to Visual Amenity of the rural environment.*

**Rural Outcome 12.8.10** *Site development works, avoid, remedy, or mitigate adverse environmental effects (including on visual amenity) of site development works.*

95. The KDP seeks the maintenance of character and amenity values in the rural environment while providing for more intensive and innovative site-specific development and subdivision which is adequately serviced and where it results in better environmental outcomes. In my opinion the proposed development is consistent with, and not contrary to the above objectives and policies in chapter 12 of the District Plan for the following reasons:

- Within the design of stage 2, the Applicant has incorporated a local purpose reserve (Lot 16) and esplanade reserve (Lot 66) which will provide public access to the stream running along the eastern boundary of the subject site, where previously no legal public access was available.



- Stage 1 of the proposed subdivision will see Lot 100, 101 and 102, which occupy approximately 80% of the site area, separated from the subject site. Although proposed Lot 101 and 102 may be developed at a later date, these lots (Lots 100-102) will continue to be utilised for rural purposes and therefore maintain the existing open pastoral character and 'sense of openness' associated with a rural landscape within this part of the site.
- Stage 2, will see the further development of Lot 103, which adjoins the established residential area directly north of Paparoa Village on Franklin Road. It is considered that the proposed subdivision in this location will consolidate development around the existing Village where a similar development pattern is already apparent and will not create sporadic or inappropriate subdivision in the context of the existing character and amenity values discussed previously. The proposed lot size area and configuration and location consolidate residential development where a similar development pattern already exists.
- The purpose of Lots 50 – 63 is to provide retirement living for elderly residents within Paparoa who want to remain within their community rather than having to find retirement accommodation elsewhere. The location of these allotments is centrally within the site, meaning that the grouping of allotments is likely to internalise any effects due to the nature of the layout of the lots and the communal access. As such subsequent effects in terms of the behaviours of residents will be markedly different and less when compared to a standard residential type development. This is a distinctive feature of the proposed development that sets it apart from other such developments.
- Amenity values are a subjective concept reliant on context and personal perspective. Amenity values require a qualitative rather than quantitative assessment and are directly articulated by those people living in the neighbourhood or area in question. As outlined in section 7.0, the Applicant has undertaken extensive consultation with neighbours and residents of the Paparoa community, including requesting that the application be publicly notified. After seeking the views of those considered to be adversely affected by this proposal and in the absence of any concerns raised through the notification process, it is considered that any character and amenity effects on will be adequately maintained and enhanced by the proposed development as is directed in Chapter 12.

### ***Servicing and Infrastructure***

96. Chapter 12 also includes a number of provisions designed to ensure that the servicing of new subdivision and development does not adversely affect the environment. Relevant provisions include

***Objective 12.5.4*** *To ensure that the servicing of new subdivision and development does not adversely affect the environment, in particular sensitive receiving environments.*

***Policy 12.6.9*** *By avoiding, remedying, or mitigating adverse effects on the environment by requiring the landowner or developer to provide roading and on-site services for water supply, wastewater disposal or stormwater disposal for sites in the Rural areas, unless the provision of reticulated services is identified as an alternative to on-site systems.*

***Policy 12.6.12*** *By requiring subdivision and development to demonstrate adequate service provision (including maintenance) and ensure the costs of any service upgrades are borne by the development.*

**Policy 12.6.13** *By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.*

**Rural Outcome 12.8.8** *The provision and maintenance of required levels of capacity, efficiency and safety of services and infrastructure.*

97. Council's Consultant Engineers, Stantec, are satisfied that the proposed allotments can be adequately serviced on the subject site in terms of stormwater, water supply, wastewater and telecommunications and electricity services without any adverse effects in the locality. This is consistent with the objectives and policies regarding servicing for the Rural Zone.
98. As a result, it is considered that the proposal will be consistent with, and not contrary to, the relevant policy framework in Chapter 12 regarding servicing and infrastructure.

#### **Reverse Sensitivity**

99. Chapter 12 includes provisions which give policy direction regarding reverse sensitivity conflicts. This focuses on avoiding reverse sensitivity effects associated with the establishment of sensitive activities adjacent to existing land uses.

**Objective 12.5.5** *To avoid, remedy or mitigate adverse effects on the quality of the rural environment without unduly restricting productive rural activities e.g. farming and forestry*

**Objective 12.5.6** *To provide for a range of activities in the Rural Zone which are located, designed and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.*

**Policy 12.6.10** *By maintaining opportunities for the diversity of rural land use, without significant interference from adjacent residential, lifestyle or rural – residential activities.*

**Policy 12.6.11** *By requiring activities locating in the Rural Zone to be sites and designed to avoid, remedy or mitigate reverse sensitivity effects on existing adjoining land uses.*

100. The Applicant has offered a "no complaints" consent notice condition to apply to the additional allotments in Stage 2 to address potential reverse sensitivity effects. This consent notice condition, as well as the fact that the majority of the subject site which is being subdivided off in Stage 1 will be retained for rural productive uses, mean that the proposal will appropriately avoid and mitigate any potential reverse sensitivity conflicts with existing land uses.
101. For these reasons, it is considered that the proposal will be consistent with, and not contrary to, the relevant policy framework in Chapter 12 regarding reverse sensitivity.

#### **Transport Network**

102. Chapter 11 includes provisions relating to the management of the Kaipara District's transport network. Relevant objectives, policies and outcomes include:

**Objective 11.5.1** *To maintain a safe and efficient Transport Network that enables the District to communicate, connect and do business with minimal conflicts between the environment, adjoining land uses, traffic and people.*

**Policy 11.6.1** *By managing the design and construction of the Transport Network to avoid, remedy or mitigate effects on the environment.*

**Policy 11.6.3** *By providing for the effective integration of land use and transport planning decision to achieve a sustainable land transport system.*

**Policy 12.6.16** *By requiring the provision of safe and practicable vehicular access from a public road to each site.*

**Outcome 11.8.2** *The Transport Network is protected from adverse effects of adjacent land use and development.*

103. As outlined in the effects assessment in section 7, based on the TEA, approval from NZTA and peer review from Stantec, it is considered that the access arrangements for the subject site are suitable and that the anticipated traffic volumes can be accommodated within the existing roading network with little or no effect.
104. As such, it is considered that the proposal is consistent with, and not contrary to, the relevant provisions in the KDP relating to the transport network.

#### ***Tangata Whenua***

105. Chapter 5 of the KDP provides objectives and policies for district wide issues for the tangata whenua of the Kaipara District and how these should be addressed within the District Plan. There are no rules directly linked to these provisions in chapter 5, rather they are covered by other methods within and outside of the District Plan. Relevant provisions include:

**Objective 5.5.1** *To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.*

**Objective 5.5.2** *To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.*

**Policy 5.6.1** *Recognising the partnership with Tangata Whenua by:-*

- 1) *Consultation is undertaken with Te Uri o Hau and Te Roroa on those matters that may affect their taonga, or their use, development and protection of the natural and physical environment (recognising Kaitiaki); and*
- 2) *Ensuring that active consideration is given to the impacts of development on taonga. This includes Tangata Whenua involvement in consent processing / hearings.*

**Policy 5.6.3** *Recognising Iwi Management Plans in consents and decision making*

**Policy 5.6.2** *By recognising and protecting the values of Areas of Significance to Maori*

106. The Applicant has actively consulted with Te Uri O Hau, with a representative undertaking a site visit and providing a CIA on the proposed development. Based on the assessment undertaken within the CIA and voluntary imposition of an ADP as a consent notice on the relevant allotments, it is considered that any adverse effects on tangata whenua will be avoided or appropriately mitigated.
107. Based on the imposition of the recommended ADP applying to the consent, it is considered that any adverse cultural effects will be avoided.
108. On this basis, it is considered that the proposal is consistent with, and not contrary to, the relevant provisions within the KDP relating to tangata whenua.

#### ***Historic Heritage***



109. Chapter 17 of the District Plan outlines provisions for the management of historic heritage in the Kaipara District, including archaeological sites, heritage sites and areas, and areas of significance to Māori. Relevant provisions include:

***Objective 17.4.1** To identify, protect (and where possible enhance) features which are of archaeological value to the District from inappropriate subdivision, use and development.*

***Objective 17.4.2** To protect waahi tapu and other sites of spiritual, cultural or historical significant to Maori from inappropriate subdivision, use and development.*

***Objective 17.4.4** To protect heritage resources and associated values, and in appropriate circumstances their surrounds from inappropriate subdivision, use and development.*

***Objective 17.4.6** To recognise the relationship that heritage resources may have with the land surrounding that resource.*

***Objective 17.4.7** To encourage consultation with the New Zealand Historic Places Trust, local historical societies and Tangata Whenua*

***Policy 17.5.5** By avoiding or mitigating adverse effects on any archaeological sites resulting from inappropriate subdivision, use and development*

***Policy 17.5.2** By encouraging and where practicable requiring the protection of sites and features of historic significance to the District from inappropriate subdivision, use and development.*

***Policy 17.5.8** By protecting the spiritual, cultural or historical values of Areas of Significance to Maori from inappropriate subdivision, use and development and that the effect on cultural, spiritual and historical values is taken into account in the assessment of applications and Tangata Whenua are acknowledged as Kaitiaki for these areas.*

110. I am satisfied that the proposed development will adequately avoid any adverse effects on archaeological sites within the subject site. Any potentially unidentified archaeological sites appear to be unlikely based on the Archaeological Assessment, however any risk of accidental discovery can be managed by suitable conditions of consent. I consider that this is consistent with, and not contrary to, the policy framework within Chapter 17 relating to the management of archaeological sites

### **Conclusion**

111. Overall, based on the above assessment it is considered that the proposed development is consistent with, and not contrary to, the provisions within the RPS and KDP.

## **9.0 Other Matters**

### **Contributions**

112. Section 22.10.6 of the Kaipara District Plan 2013 sets out the amount of reserve contributions for subdivision of land for principally residential purposes where lots can accommodate a residential dwelling at 5% of the value of a 4000m<sup>2</sup> building site for each additional lot. In this case, 28 additional lots are being created to the parent lot.
113. The Local Government Act 2002 provides the Council with the ability to charge development contributions for increased capacity on existing Council assets in accordance with Council policy. The consent holder would be required to pay to the Council a fee for each additional allotment at a rate of \$106 plus GST for roading.



### ***Precedent***

114. Case law has established that the precedent of granting a resource consent is a relevant factor for a consent authority in considering whether to grant a non-complying resource consent. A precedent is likely to arise in situations where consent is granted to a non-complying activity that lacks the evident unique, unusual or distinguishing qualities that serve to take the application outside of the generality of cases or similar sites in the vicinity. In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals it avoids any precedent effect and can be approved.
115. In this instance, the proposed development requires resource consent as a non-complying activity pursuant to Rule 12.9.4. It is considered that the application is significantly distinguished from other potential consent applications for similar development within the vicinity or wider Kaipara District for the following reasons:
- The development is unique in that it has been developed by a Charitable Trust operating within the Paparoa community. The purpose of Lots 50 – 63 is to provide retirement living for elderly residents within Paparoa who want to remain within their community rather than having to find retirement accommodation elsewhere. The purpose of Lots 1-15 is to raise funds for the creation of these allotments. This is a distinctive feature of the proposed development that sets it apart from other such developments.
  - Prior to lodgement comprehensive consultation and engagement with the local community was undertaken, resulting in a number of parties in the Paparoa area providing their written approval or written support for the application (see **figure 1**). To ensure any parties who were not engaged had their chance to have their say, the applicant requested full public notification. Only two submissions were received, one in support and one neutral which has subsequently been withdrawn, with none requesting to be heard. The fact that no immediate landowners submitted in opposition is significant and unique.
  - Adjacent landowners and members of the Paparoa community are the most likely to experience and articulate amenity effects as a result of the proposed development. These parties were given the opportunity to raise any potential concerns and chose not to. The KDP objectives and policies provide a strong focus on the protection and maintenance of amenity values. Amenity values are a subjective concept reliant on context and personal perspective. Amenity values require a qualitative rather than quantitative assessment and are directly articulated by those people living in the neighbourhood or area in question. After seeking the views of those considered to be adversely affected by this proposal and in the absence of any concerns raised through the notification process, it is considered that any character and amenity effects will be adequately maintained and enhanced by the proposed development as is directed in Chapter 12 of the KDP.
  - A comprehensive assessment of the application has been undertaken in the proceeding sections of this report. This has demonstrated that the adverse effects of the proposal will be no more than minor and that the proposal is consistent with, and not contrary to, the relevant objectives and policies.

## 10.0 Gateway Tests for Non-Complying Activities

116. Pursuant to Section 104D of the Act if a proposal is a non-complying activity then it must pass at least one of the tests of either Section 104D(1)(a) or Section 104D(1)(b) before an application can be assessed to make a decision under Section 104B of the Act. If the application fails both tests of Section 104D then the application must be declined.
117. It is considered that, subject to appropriate conditions of consent, the proposal satisfies the threshold test of Section 104D because, as demonstrated in this report, the adverse effects on the environment would be no more than minor and the proposal would not be contrary to the objectives and policies of the Kaipara District Plan 2013. It is therefore concluded that the application meets both of the tests of Section 104D of the Act. The application can be assessed against the provisions of Section 104B of the Act and a substantive decision made.

## 11.0 Section 106 Assessment

118. Pursuant to Section 106(1)(a) Council may refuse subdivision consent if the land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. Areas of the site are identified as flood susceptible in the Kaipara District Plan. Therefore section 106(1)(a) of the Act is applicable to the proposed subdivision. Taking into account the assessment from TMC Consulting Engineers and Waterflow NZ and the review from Stantec, it is concluded that this proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of any potential instability or other hazards on the subject site.
119. Pursuant to Section 106(1)(c) Council may refuse subdivision consent if sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision. In this instance, sufficient legal and physical access has been demonstrated to each allotment.

## 12.0 Part 2 Matters

120. Part 2 of the Resource Management Act 1991 sets out the purpose and principles of the Act that Council should have regard to when considering proposals.

### ***Section 5- Sustainable Management***

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

121. It is considered that the proposal is in accordance with the purpose of the Act as it is promoting the sustainable management of natural and physical resources, such as land and buildings while appropriately avoiding or mitigating any adverse effects on the environment. Furthermore, the proposed activity constitutes development of land which enables people to provide for their social and economic wellbeing. In particular, the application has been informed by input from the local Paparoa community who have outlined their desire to have retirement living options within the Paparoa community so that elderly residents can reside in Paparoa without having to move elsewhere.

#### ***Section 6 - Matters of National Importance***

122. Section 6 of the Act sets out a number of Matters of National Importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. In this instance there are no matters of national importance considered relevant to the determination of this application.

#### ***Section 7 - Other Matters***

123. Section 7 of the Act lists other matters that particular regard shall be given to in order to achieve the purpose of the Act. The matters that relate to this proposal are the efficient use and development of natural and physical resources and the maintenance and enhancement of amenity values. The proposal is considered an efficient use and development of the existing natural and physical resource base as it enables land to be used for living purposes while resulting in no more than minor effects and limited disturbance of the site and surrounding locality. It is also considered that the proposal maintains existing amenity values in the area as the scale, design and location of the proposed allotments are compatible with the amenity and character values that exist in the site and locality.

#### ***Section 8 - Treaty of Waitangi***

124. The Applicant has actively consulted with local tangata whenua and commissioned a CIA from Te Uri o Hau. The commissioning of the CIA, in conjunction with the ADP being volunteered as a consent notice conditions, mean that the principles of the Treaty of Waitangi have been adequately taken into account during the consideration of the proposed development.

### **13.0 Recommendation**

125. THAT pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, it is recommended that the combined subdivision and land use resource consent application, lodged by the Paparoa Community Charitable Trust, to:
- **Subdivision:** undertake a 38 lot subdivision over two stages, including the creation of a lot to vest as legal road, two reserve lots to vest, and two allotments being amalgamated with neighbouring properties;
  - **Land use:** allow residential development on Lots 1–15 in breach of the Rural Zone Rules 12.10.7 Setbacks and 12.10.8 Permeable Surfaces, and to allow residential development on Lots 50-63 in breach of the Rural Zone Rules 12.10.7 Setbacks, 12.10.8 Permeable Surfaces and 12.10.27 Parking. The Consent Holder has sought that residential development shall

instead be required to comply with Residential Zone Rules 13.10.7 Setbacks and 13.10.13 Permeable Surfaces, and that only one car park will be required per dwelling for Lots 50-63. Consent is also sought for earthworks, vehicle access and driveways standards;

on the subject site at 113 Franklin Road, Paparoa (legally described as Lot 1 DP 465705), be **granted** resource consent by Kaipara District Council subject to the conditions outlined in the attached decision document.

## 14.0 Reasons for Recommendation

126. Pursuant to section 113 of the Act, the reasons for the recommendation are as follows:

- (i) The proposed activity is a non-complying activity under the operative Kaipara District Plan 2013 and satisfies the requirements of sections 104 and 104D of the Act. The application passes both gateway tests for a non-complying activity, in terms of the adverse effects associated with the proposed development being no more than minor in nature and degree, and the proposed development being not contrary to the relevant objectives and policies found in the District Plan.
- (ii) In terms of section 104(1)(a) of the RMA, it is considered that any adverse effects on the environment will be no more than minor and acceptable for the following reasons:
  - Based on the TEA, approval from NZTA and peer review from Stantec, it is concluded that any traffic safety effects will be less than minor and acceptable as the anticipated traffic volumes can be accommodated within the existing roading network with little or no effect.
  - Based on the assessment within the LVA and the imposition of the recommended mitigation measures outlined within it, it is considered that any landscape and visual effects will be no more than minor and acceptable.
  - After seeking the views of those considered to be adversely affected by this proposal and in the absence of any concerns raised through the notification process, it is considered that any character and amenity effects on will be no more than minor and acceptable.
  - Taking into account the assessment from TMC Consulting Engineers and Waterflow NZ and the review from Stantec summarised above, it is considered that the subject site can be sufficiently serviced with any effects associated with servicing considered to be less than minor in this instance. Furthermore, on this basis it is concluded that this proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of any potential instability or other hazards on the subject site.
  - The Applicant has actively consulted with Te Uri O Hau, with a representative undertaking a site visit and providing a CIA on the proposed development. Based on the assessment undertaken within the CIA and voluntary imposition of an ADP as a consent notice on the relevant allotments, it is considered that any adverse effects on tangata whenua will be avoided or appropriately mitigated.
  - Based on the findings of the Archaeological Assessment and feedback from HNSPT, it is considered that any potential archaeological effects will be less than minor and appropriately



managed by the imposition of an ADP as has been offered by the Applicant.

- In summary, it is considered that the proposed reserves offered by the applicant will provide suitable public access to the development and to the existing stream which is otherwise inaccessible to the public in a legal sense. The Applicant has also volunteered to undertake weed and pest control in the esplanade reserve. For these reasons, it is considered that this aspect of the proposal will provide a moderate positive environmental effect.
  - It is considered that the proposal will provide significant positive social effects within the Paparoa community as will provide retirement living options where currently none exist which will allow residents who would otherwise leave the ability to remain in Paparoa.
- (iii) In terms of section 104(1)(b) of the RMA, it is considered that the proposal is consistent with, and not contrary to, the relevant objectives and policies and assessment criteria of the Kaipara District Plan 2013 and Northland Regional Policy Statement.
- (iv) In terms of section 104(1)(c) of the RMA, it is considered that the proposed subdivision will not set a precedent as it is considered that the application is significantly distinguished from other potential consent applications for similar development in the vicinity. There are no other matters considered relevant to the consideration of the application.
- (v) Taking into account the assessment from TMC Consulting Engineers and Waterflow NZ and the review from Stantec, it is concluded that this proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects of any potential instability or other hazards on the subject site.
- (vi) The proposal is consistent with Part 2 of the Act as it maintains social and economic wellbeing while adequately avoiding and mitigating adverse effects on the environment.
- (vii) Overall, the application is considered to achieve the sustainable management purpose of the Act in Section 5, whilst being consistent with, and not contrary to the Objectives and Policies of the District Plan.

Report Prepared by:



17/12/2018

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David Badham  
KDC Reporting Planner  
Barker & Associates

Date

Reviewed by:



17/12/2018

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Jessica Hollis  
Planning and Policy Manager  
Kaipara District Council

Date



In the Matter of: The Resource Management Act 1991

And

In the Matter of: An application under Section 88 of the  
Resource Management Act 1991 made by  
Bradmore Farms Ltd

File Reference: RM230284

## Decision on Resource Consent Application

### Activity

To undertake a 12-lot subdivision from three existing titles to create the following as a non-complying subdivision pursuant to Rule 12.9.4. Two lots (lot 11 and 12) are proposed to be vested as road reserve.

Title:	Area:	Condition
Lot 1	3.06 hectares	Vacant
Lot 2	12.6 hectares	Vacant
Lot 3	6730 m2	Vacant
Lot 4	12.2 hectares (net) 12.4 hectares (total)	Existing Dwelling and associated sheds
Lot 5	12.1 hectares	Vacant
Lot 6	12.0 hectares	Vacant
Lot 7	12.5 hectares	Cow shed
Lot 8	13.2 hectares	Vacant
Lot 9	6020 m2	Vacant
Lot 10	24.1 hectares	Vacant
Lot 11	3300 m2	Road to Vest
Lot 12	800m2	Road to Vest

Rule 12.15.12 'Electricity Transmission Corridor No Build Area' and Rule 12.15.13 'Electricity Transmission Corridor Assessment Area' have been included as a breach due to the subdivision being subject to transmission lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach. Also, Rule 12.15.2 'Road, Private Way Formation and Property Access' is also included within the application as a Discretionary Activity. This is due to proposed lots 4, 7, 8 and 9 not being able to achieve Access to the Road.

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Land use Rule 12.10.1a 'Excavation and Fill' is sought after in this consent due to the minor earthworks that may be required for the construction of the Right of Way. Although the proposed works comply with the permitted baseline for Earthworks, the site is prone to certain areas of Natural Hazards as shown in the Natural Hazards Map.

Pursuant to Section 243(e) of the Resource Management Act 1991, the existing easement/s for the purpose of bringing attention to the overhead Critical Powerlines created by the easement instrument 11988907.4 over Lot 100 DP 541551 are cancelled in order to vest Lots 11 and 12 as roads.

## Location

Address: Franklin Road and Wearmouth Road

Legal Description: Franklin Road and Wearmouth Road, Lot 100 DP 541551, Allotment N95 PSH of Paparoa, Allotment S95 PSH of Paparoa, Pt Allotment N96 PSH of Paparoa, Pt Allotment S95 PSH of Paparoa, RT NA947/96, NA951/96, 910300

## Reasons for Consent

### *Kaipara District Plan (Operative 2013) Rule Assessment*

The following apply to the subject property:

Zoning: Rural Zone

Overlays: N/A

Rules: Subdivision Provisions:

Rule 12.9.4 'Non-Complying Activities' – The proposal is unable to meet the requirements as the proposal creates lots less than 12ha in area; nor is it able to comply with any other rural subdivision rule within Chapter 12 of the Kaipara District Plan.

Rule 12.15.2 'Road, Private Way Formation and Property Access' – Discretionary Activity. As proposed lots 4, 7, 8 and 9 cannot achieve Access to the Road, therefore a Right of Way is proposed to allow access to these proposed lots.

Rule 12.15.8 'Telecommunications' – Restricted Discretionary Activity. Provision of physical telecommunications is not provided for and will be wireless.

Rule 12.15.12 'Electricity Transmission Corridor No Build Area' – Restricted Discretionary Activity. Due to the subdivision being subject to transmission

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lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach.

Rule 12.15.13 'Electricity Transmission Corridor Assessment Area' – Restricted Discretionary Activity. Due to the subdivision being subject to transmission lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach.

Land Use Provisions:

Rule 12.10.1a Excavation and Fill – Restricted Discretionary Activity. The proposed ROW will involve a complying level of Earthworks, yet the subject site is subject to Natural Hazards which creates an automatic breach.

Activity Status: Non-complying Activity

## Determination/s

### Determination 1

Pursuant to Section 243(e) of the Resource Management Act 1991, the existing easement/s for the purpose of bringing attention to the overhead Critical Powerlines created by the easement instrument 11988907.4 over Lot 100 DP 541551 are cancelled.

*Note: This is due to Lots 11 and 12 which are to be vested as road reserve.*

### Determination 2

Pursuant to Section 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991 ("the Act"), the Kaipara District Council **grants** RM230284; subject to the following conditions:

### General

1. The activity shall be carried out in accordance with the plans and all information submitted with the application formally received by the Kaipara District Council ("Council") on 10 January 2024:
  - Application form, and assessment of environmental effects prepared by Birt and Currie Surveyors Ltd, dated November 2023.

Plan title and reference	Author	Rev	Dated
Scheme Plan, Lots 1-12 Being a Proposed Subdivision of Pt Allot S96, Pt Allot N96,	Birt and Currie Surveyors Ltd		2/2/2024

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Allot S95 & Allot N95, Parish of Paparoa & Lot 100 DP 541551, Reference number 640			
<b>Report title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Subdivision Suitability Report, Job# S2047-J05545	TMC Consulting Engineers		27 September 2023
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Northpower Confirmation, Reference: 00049988	Northpower Limited		15 September 2023

Advice Note: Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

### Charges

2. The Consent Holder shall pay any subsequent further charges imposed under Section 36 of the Act relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under Section 36(5) of the Act that are subject to challenge, the Consent Holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant final invoice.

### Section 125 – Consent Lapse Date

3. Under Section 125 of the Act, this consent lapses five years after the date it is granted unless:
  - a) A survey plan is submitted to Council for approval under Section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with Section 224 of the Act; or
  - b) An application under Section 125 of the Act is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses and the Council grants an extension.

### Earthworks

4. The earthworks activity shall be undertaken as per the approved plans submitted as a requirement under Condition 7(e) of this consent (Subdivision suitability report, Ref: S2047 – J05545, for Bradmore Farms Ltd, Rev 1, Dated: 27/09/2023) prepared by TMC Consulting Engineers Ltd and submitted in support of this application 230284.
5. The consent holder shall employ a suitably qualified Engineer acceptable to Council to investigate, direct and supervise all construction works and the cut and fill, compaction process, to ensure that an appropriate design and construction methodology is carried out to maintain the short- and long-term stability of the site and surrounds.

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### Pre-Commencement Conditions

6. Prior to the commencement of any physical work within the Council's road reserve, the Consent Holder shall submit a Corridor Access Request ("CAR") application, and Vehicle Crossing Permit including a Traffic Management Plan/s, to the Northern Transportation Alliance Corridor Access Manager and obtain approval.

The Temporary Traffic Management Plan shall, as a minimum, shall address the following matters:

- (i) The construction programme staging and methodology and the associated traffic volumes estimated for each construction phase;
- (ii) The details of the intended site access and temporary traffic management arrangements including provision for the delivery of any over-dimension and over-weight loads to the site;
- (iii) The nature and timing of any works to be implemented in the legal road reserve of Franklin Road and Wearmouth Road in consultation with the NTA Corridor Access Specialist/TMC to be approved by the NTA Corridor Access Specialist/TMC prior to works commencing;
- (iv) The traffic management measures to be implemented at intersections, level crossings, stock crossings and access points to local properties, including as a means to manage vehicle speeds in locations where sufficient sight lines are not available;
- (v) Requirements for the monitoring of construction traffic;
- (vi) Communication arrangements with residents, Kaipara District Council emergency services and other key stakeholders, including provision of prior notice of traffic arrangements and any road closures; and

*The Temporary Traffic Management Plan shall be prepared by a suitably qualified and experienced temporary traffic management designer and in consultation with the NTA Corridor Access Specialist/TMC.*

### Prior to Section 223 Certification

7. **Prior to the sealing of the Survey Plan pursuant to Section 223 of the Act the following conditions shall be complied with:**

#### General

- (a) The survey plan shall be generally in accordance with the plan of subdivision titled 'Scheme Plan, Lots 1-12 Being a Proposed Subdivision of Pt Allot S96, Pt Allot N96, Allot S95 & Allot N95, Parish of Paparoa & Lot 100 DP 541551, Reference number 640', dated 2/2/2024, and prepared by Birt and Currie Surveyors Ltd.

#### Easements

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- (b) The survey plan shall show all necessary easements as required.
- (c) The existing easement/s for the purpose of bringing attention to the overhead Critical Powerlines created by the easement instrument 11988907.4 over Lot 100 DP 541551 are cancelled pursuant to Section 243(e) of the Act. The Consent Holder's surveyor shall prepare the Section 243(e) resolution within the Land Information NZ Landonline Territorial Authority Certifications portal as part of the Section 223 package for this subdivision.

#### Utility Providers

- (d) The Consent Holder / Consent Holder's surveyor shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity (Lots 1, 2, 3, 5, 6, 8, 9, and 10) and show the necessary easements on the survey plan to the approval of the Council.

#### Engineering Design

- (e) The Consent Holder shall submit a detailed set of engineering plans, specifications and calculations, prepared in accordance with the Council's Engineering Standards 2011, to the Council's Development Engineer, or their delegated representative for approval. Approval shall be obtained prior to work commencing day.

The engineering plans, calculations and specifications shall be prepared by a suitably experienced Chartered Professional Engineer (CPEng).

#### **OR**

The engineering plans, calculations and specifications shall be prepared by a suitably experienced person/s who:

- (i) Have the appropriate experience in the relevant areas; and
- (ii) Hold appropriate qualifications and membership of professional bodies; and
- (iii) Have professional indemnity insurance to the value of at least \$1,000,000.

The engineering plans, calculations and specifications shall include, but may not be limited to the following:

- (i) Culverts shall be detailed in accordance with the KDC Engineering Standards 2011.
- (ii) Design details of the upgrading/construction of the Right of Way in accordance with Section 5 of the Council's Engineering Standards 2011.
- (iii) Lots 4, 7, 8 and 9 shall be accessed via a shared Easements C & D to Franklin Road. The vehicle crossing to be KDC EES Drawing S07, (unsealed), with the Easement C designed to 4 H.E. (18m legal width, 3.0m carriageway), with Easement D designed to 3 H.E. (12m legal width, 3.0m carriageway).

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- (iv) Appropriate stabilisation, stormwater drainage facilities and scour protection shall be provided.
- (v) All design shall be certified as meeting the specified standards by a suitably qualified and experienced engineer to the approval of Council.
- (vi) Lots 1, 2, 3, 5, & 6 shall access Wearmouth & Franklin Roads, and All vehicle crossings to be KDC EES Drawing S06, (unsealed). Prior to any construction, these lots must acquire vehicle crossing permits to ensure their compliance with KDC EES.
- (vii) Sightlines for vehicle crossings for Lots 1 - 9 will need to be assessed by a SQEP to confirm that the proposed accesses have enough distance for a safe operating speed of 60km/h, with Lot 10 shall be assessed for the posted design speed of 50km/h from Arahanga Road.

#### Road to Vest

- (f) The survey plan shall show Lots 11 and 12 as public roads to vest in the Council.

#### Prior to Section 224(c) Certification

8. **Before a Certification is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

##### Utility Connections

- a) Electricity connections shall be provided to the boundary of the net site area of Lots 1, 2,3, 5, 6, 8, 9 and 10 and all new cabling shall be underground. The Consent Holder shall provide confirmation from the network utility supply authority/authorities of compliance with this condition.

##### Easements

- b) The Consent Holder shall provide written confirmation from a licensed cadastral surveyor that all services and accesses constructed under this consent are located within the appropriate easement boundaries.

##### Engineering

- c) All works on the engineering plans approved under condition 7 (e) of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative.

Compliance with this condition shall be determined by the following:

- (i) Site inspections undertaken as agreed in Council's engineering plan approval letter for the engineering plans as required by condition 7 (e) of this consent;

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- (ii) Provision and approval of supporting documentation provided by the Consent Holder in support of the constructed works, including Producer Statements, completion certificates, works acceptance certificate, statement of compliance of as built works and as built plans, construction management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Section 3 of the Council's Engineering Standards 2011.

#### Consent Notice/On-going conditions

- d) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the titles of Lots 1,2, 3,4,5, 6, 7, 8, 9, and 10 by way of Consent Notice(s).

#### In Regards to 1,2, 3, 5, 6, 7, 8, 9, and 10

##### **General**

- (i) Earthworks, the location of buildings, building foundations and stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Design shall take into account the recommendations identified in the Engineering Suitability Report for Subdivision Suitability Report prepared by TMC Consulting Engineers Ltd, (Ref: S2047 – J05545, for Bradmore Farms Ltd, Rev 1, Dated: 27/09/2023) submitted to Council with subdivision consent RM230284.

##### **Servicing**

- (ii) Future owners of Lots 1, 2, 3, 5, 6, 7, 8, 9 and 10 are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to this lot.

Advice Note: This consent notice can be deleted if a hard-wired connection is provided to the Lot.

##### **Firefighting Water Supply**

- (iii) Sufficient firefighting water supply shall be provided for any single residential dwelling on the lot with a minimum volume of 10,000 litres and shall remain accessible and available all year round.

Note: This consent notice was volunteered by the applicant and accepted by Council in support of RM230284.

- (iv) Unless specifically authorised in writing by Fire and Emergency New Zealand, sufficient firefighting water supply shall be provided for any commercial or industrial

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land use on Lots 1, 2, 3, 5, 6, 7, 8, 9 and 10. Sufficient firefighting water supply is deemed to mean meeting full criteria of the Code of Practice for firefighting water supplies (SNZ PAS 4509 2008) New Zealand Fire Service Firefighting Water Supplies Code of Practice).

Note: This consent notice was volunteered by the applicant and accepted by Council in support of RM230284.

### **Water Supply**

- (v) At the time of residential development on the lots and prior to any occupation of a residential dwelling, a water tank for water supply use shall be installed and accompanied with an appropriate designed tank overflow discharge system in accordance with Kaipara District Council Engineering Standards 2011.

### In Regard to Lots 1, 3 and 9:

#### **Built Development/Design Guidelines**

- (vi) The following design guidelines shall apply to development on the lots and shall be confirmed in support of a building consent application.

#### **Building**

- a. The maximum height of all buildings and structures (not including chimneys) within Lots 1, 3 and 9 shall not exceed 8.0m. The height shall be measured using the rolling height method.
- b. All glazing is to be non-mirrored.
- c. Any building on the lots are to be finished in the colours found in BS2525 complying with the following:
  - (I) Hue (colour) - All the colours from 00-24 are acceptable
  - (II) Reflectance Value (RV) and Greyness Groups – The predominant wall colours shall have a RV rating of no more than 30% for greyness group A, B and C – colours within greyness groups D and E are not permitted.
  - (III) Roofs – A RV rating of no more than 25% for greyness groups A, B and C -colours within greyness groups D and E are not permitted.

#### **Earthworks**

- a. Cut and fill batters shall be contoured to naturally fit into the original landscape.

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- b. Earthwork cut and fill batters shall be re-grassed and re-vegetated as soon as practical following earthworks or within 3 months whichever is the sooner.

#### Retaining Structures / Walls

- a. Any retaining structures that are visible from any location beyond the boundaries of the lot on which it/they are situated shall be constructed from materials or painted/finished in dark recessive and natural colours.

#### *In Regard to Lots 8 and 9*

##### **Vehicular Access**

- (vii) Vehicular access to Lots 8, and 9 shall be restricted to the existing vehicle crossing and Right of Way 'C' off Franklin Road only.

#### *In Regard to Lots 7 and 4*

##### **Vehicular Access**

- (viii) Vehicular access to Lots 4 and 7 shall be restricted to the existing vehicle crossing and Right of Way 'C and 'D' off Franklin Road only.

#### *In Regards to Lots 1, 2, 4, 5, 6, 7, 8 and 10*

##### **Critical Electricity Lines**

- (ix) Building near the Critical Electricity Lines shown on the Table of Easements is to comply with ECP 34 – New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). At time of built development on the site, the Building Consent Application shall provide setback distances on a site plan showing separation distance between the built development and the Critical Electricity Lines.

### **Solicitors Undertaking**

- e) A solicitor's undertaking shall be provided to Council confirming that all consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices to be prepared or registration under the relevant conditions of this resource consent shall be prepared by a Solicitor at the Consent Holder's expense.

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## Financial Contributions

- f) A cash contribution in lieu of reserves shall be paid based on 5% of the assessed value of a “nominal” 4000m<sup>2</sup> dwelling site on Lots 1, 2, 3, 5, 6,7 and 8 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense.

At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than three (3) months old.

### **Final Charges**

- g) The Consent Holder shall pay all final charges imposed by Council under Section 36 of the Act relating to the monitoring, certification and completion of the conditions of this resource consent.

### ***Advice Notes***

- i. Under the Local Government Act 2002, the Consent Holder will be required to pay to Council a Development Contribution of \$90 plus GST for each additional lot for roading in the Kaipara District and \$496 plus GST for each additional lot for community in the Kaipara District.

The proposed development will result in 7 additional allotments. The total Development Contribution will be \$4102 plus GST.

A copy of Council's policy on Development and Financial Contributions included within the Long Term Plan 2021-2031 and Development Contributions Policy (2020) can be obtained from Council offices in Dargaville and Mangawhai or downloaded from Council's website [www.kaipara.govt.nz](http://www.kaipara.govt.nz).

- ii. Under the Council Engineering Standards 2011, the Consent Holder will be required to ensure the person responsible for carrying out construction work holds public liability insurance to the value of at least \$2,000,000.00,
- iii. The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.
- iv. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand Pouhere Taonga (HNZPT) for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.


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- v. If you disagree with any of the above conditions, or additional charges relating to the processing of this application, you have a right of objection pursuant to sections 357A or 357B of the Act. Any objection must be made in writing to Council within 15 working days of notification of decision.

## 1. Reasons for the Decision


- 1.1 A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's accompanying Notification Assessment Report.
- 1.2 In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable.
- 1.3 In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement 2016 as discussed in Section 10.0 of this report.
- 1.4 In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application. Discuss any specific matters as necessary.
- 1.5 The Council has taken into account the relevant principles outlined in Sections 6,7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner

  
 -----  
 Kelsey Newman

5 April 2024

Peer Review

  
 -----  
 Kim Nathan

5 April 2024

Signed

  
 -----  
 JJ Pienaar  
 Resource Consents Team Leader

5 April 2024

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***Kaipara District Council***

*Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991*

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## RM230284

### Section 104 of the Resource Management Act 1991 – Assessment Report

Details of Application	
<b>Applicant</b>	<b>Bradmore Farms Limited</b>
<b>Property to which the consent relates</b>	Lot 100 DP 541551, Allotment N95 PSH of Paparoa, Allotment S95 PSH of Paparoa, Pt Allotment N96 PSH of Paparoa, Pt Allotment S95 PSH of Paparoa., <b>RT NA947/96, NA951/96, 910300</b>

## 1. Description of Proposal

- 1.1 The applicant seeks resource consent to undertake a 12-lot subdivision from three titles within the Rural Zone, with two of the lots created (Lots 11 and 12) being lots to vest in roading. The three titles are shown below:

*Table 1: Existing Parcels of Land.*

<b>Title:</b>	<b>Area:</b>
Lot 100 DP 541551 (RT 910300)	36.0550 hectares
Part Allot S96 Parish of Paparoa (RT NA947/96)	3.0351 hectares
Allotment N95 Parish of Paparoa, Allotment S95 Parish of Paparoa, and Part Allotment N96 Parish of Paparoa (RT NA951/96)	67.1095 hectares
<b>Total Area:</b>	<b>106.1996 hectares</b>

- 1.2 The subdivision is made under Rule 12.9.4 as the proposed subdivision cannot meet any of the Controlled, Restricted Discretionary or Discretionary Performance standards. The subdivision will create the following:

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Table 2: Proposed Lot sizes.

Title:	Area:	Condition
Lot 1	3.06 hectares	Vacant
Lot 2	12.6 hectares	Vacant
Lot 3	6730 m2	Vacant
Lot 4	12.2 hectares (net) 12.4 hectares (total)	Existing Dwelling and associated sheds
Lot 5	12.1 hectares	Vacant
Lot 6	12.0 hectares	Vacant
Lot 7	12.5 hectares	Cow shed
Lot 8	13.2 hectares	Vacant
Lot 9	6020 m2	Vacant
Lot 10	24.1 hectares	Vacant
Lot 11	3300 m2	Road to Vest
Lot 12	800m2	Road to Vest

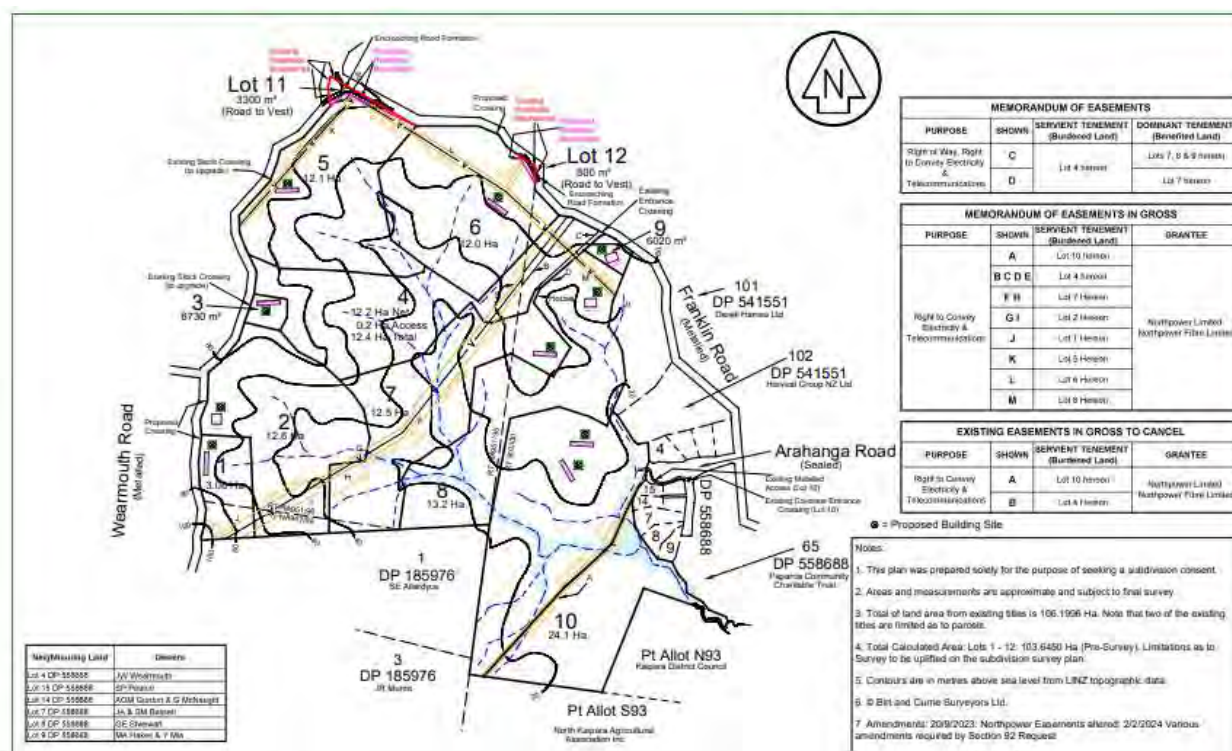


Figure 1: Proposed Subdivision Arrangement.

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- 1.3 Although the subdivision is assessed as a non-complying application pursuant to Rule 12.9.4, the application provides a break down of the proposed lots and lot sizes under both Rule 12.12.1 General Rural Subdivision, Rule 12.12.3 Boundary Adjustment and Rule 12.13.2 Rural Amenity which has proved beneficial for the assessment of this subdivision.
- 1.4 An Engineering Site Suitability Report (Ref: Appendix D, Subdivision suitability report, Ref: S2047 – J05545, for Bradmore Farms Ltd, Rev 1, Dated: 27/09/2023) prepared by TMC Consulting Engineers Ltd was provided at time of lodgement which identifies testing sites which occurred on lots 1-3 and 5-10 to ensure suitable building sites existing on the lots.
- 1.5 Land use Rule 12.10.1a 'Excavation and Fill' is sought after in this consent due to the minor earthworks that may be required for the construction of the Right of Way (discussed below). Although the proposed works comply with the permitted baseline for Earthworks, the site is prone to certain areas of Natural Hazards as shown in the Natural Hazards Map.
- 1.6 Rule 12.15.12 'Electricity Transmission Corridor No Build Area' and Rule 12.15.13 'Electricity Transmission Corridor Assessment Area' have been included as a breach due to the subdivision being subject to transmission lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach.
- 1.7 Rule 12.15.2 'Road, Private Way Formation and Property Access' is also included within the application as a Discretionary Activity. This is due to proposed lots 4, 7, 8 and 9 not being able to achieve Access to the Road. A right of way is proposed to mitigate those adverse effects and will be discussed below.
- 1.8 Through this subdivision consent, Pursuant to Section 243(e) of the Resource Management Act 1991, the existing easement/s for the purpose of bringing attention to the overhead Critical Powerlines created by the easement instrument 11988907.4 over Lot 100 DP 541551 are cancelled in order to vest Lots 11 and 12 as roads.

#### **Access Matters and Roads to Vest:**

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- 1.9 Franklin Road and Wearmouth Road are local roads maintained by Council to a metaled standard. It is noted through the process that Franklin Road encroaches the property along the frontage of proposed lot 6 as well as around the intersection of Franklin Road and Wearmouth Road also encroaches the proposed Lot 5. These areas within the Road Alignment are shown by Lot 11(3300m2) and Lot 12 (800m2) and it is proposed to remedy these encroachments by vesting in Kaipara District Council.
- 1.10 There is an existing vehicle crossing serving the existing dwelling (proposed Lot 4) which will form the proposed Right of Way (ROW) to serve Proposed Lots 4, 7, 8 and 9 and contained within Lot 4. It is shown on the scheme plan (Figure 1 above) by Easement C to serve Lots 7, 8 and 9. The remainder of the ROW is shown by Easement D and will serve 7 and 8. Although Lot 4 has a road frontage along Wearmouth Road, the topography of the frontage makes access difficult to achieve up to standards (addressed as a breach through this consent). The access for this ROW is to be upgraded to Councils current Engineering Standards through a limestone base, alongside checking of pavement strength, trimming of grass edges, clearing of side drains and additional aggregate placed along the ROW to provide strength if required.
- 1.11 Lot 10 is accessed via an existing metaled access off Arahanga Road which is a newly vested Council Asset formed up to standards.
- 1.12 Lots 1, 2, 3 5 and 6 have Road Frontages shown by the number of stock crossings which maximize the best available sight lines to the proposed lots. Through the subdivision process construction of complying vehicle crossings will be required.

#### **Servicing:**

- 1.13 There is not a Council owned reticulated water supply available. Potable water supply is or will be obtained by roof collection and tank storage. It is anticipated that a firefighting water supply be provided at the building consent stage for any new buildings that will potentially be built. Lot 4 has an existing dwelling and has tanks which serve the lot.
- 1.14 In terms of wastewater, there is no reticulated wastewater to the sites, yet the site suitability report which was provided as part of the application provided recommendations surrounding on-site effluent disposal when they are required once development occurs.
- 1.15 Energy supply is proposed for all the lots apart from Lot 4 and 7 which already have connection available and the extra connections have been confirmed by Northpower. Physical telecommunication is not provided to the sites, yet the sites have wireless connections available.

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- 1.16 The proposed new lots have sufficient room to dispose of any stormwater on site.
- 1.17 During the processing of this application a request for additional information pursuant to Section 92 of the Act was made on 25 January 2024. The request was for the following:

Engineering Matters:

1. *Lot 10 states that access is proposed off Arahanga Road, yet we have not seen any details of this proposed arrangement. Please provide details surrounding the proposed access, and a comment from a Traffic Specialist identifying any intersection improvements required.*
2. *Please provide a concept design of the proposed Right of Way to ensure compliance with the KDC Engineering Standards.*
3. *Please note, as the site is subject to flooding hazards and a small number of Earthworks is proposed, I will include Rule 12.10.1a into my assessment due to the definition of 'site' in Chapter 24. This requires no further assessment yet wanted to be transparent early in the process.*
4. *Please provide updated scheme plans showing the following:*
  - a. *Location of Vehicle Crossings, Overland Flow Paths, and proposed building platforms and Effluent areas.*
  - b. *Please can I also receive a scheme plan with no aerial image, as it allows us to clearly see the transmission lines and easements.*
  - c. *As the letter from Northpower states certain easement width requirements, can you please provide a break down on which easement has which width requirement. This will allow us to ensure we capture appropriate no build areas and ensure lots have room to build. Happy to talk this matter through.*
5. *The AEE states that they do propose to vest the roads identified through Lot 11 and 12 with no specific details or commentary. Please provide road vest plans to be confirmed with NTA.*
6. *Please provide a flood assessment for the lots affected by flooding and a ground stability analysis ensuring the ground is suitable to build on these lots.*

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- 1.18 Information was received intermittently, with an updated scheme plan, specific commentary on the road to vest, electricity easements, and overland flow paths.
- 1.19 On the 26 February 2024, the information was deemed satisfactory by Council's Development Engineer as flooding concerns in relation to the building platforms and deemed the lots have sufficient space on site.

## 2. Draft Conditions

- 2.1 Draft conditions were shared with the applicant/agent on 15/03/2024. The conditions have been agreed by the agent/applicant on 4/04/2024.

## 3. Site and Consent History

- 3.1 The site contains three allotments which form part of the subject site.
- 3.2 *Lot 100 DP 541551 (RT 910300):*
- Has an area of 36.0550 hectares and was created in 2021.
  - This allotment has an Easement Instrument which represents the Critical Overhead Lines in favour of Northpower. In order to vest Lots 11 and 12 as road reserve, determination 1 of this consent is the cancelling of that easement.
- 3.3 *Allotment N95 PSH of Paparoa, Allotment S95 PSH of Paparoa, Pt Allotment S95 PSH of Paparoa (RT NA951/96):*
- Has an area of 67.1095 hectares and was created in 1949. There are no interests on the title.
- 3.4 *Pt Allotment N96 PSH of Paparoa (RT NA947/96):*
- Has an area of 3.0351 hectares and was created in 1949. There are no interests on the title.

## 4. Site Description and Surrounding Environment

- 4.1 The application site consists of 3 separate records of title approximately 1km north of Paparoa.
- 4.2 The sites are currently used for multiple farming activities including poultry, dairy and drystock grazing, with a farmhouse and a milking shed fronting Franklin Road.
- 4.3 The terrain is gently rolling in contour and maintained in pasture, with scattered areas of indigenous vegetation and planting around the gullies.

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- 4.4 The parent titles are partially subject to River Flood Hazards being the 1 in 10, 50 and 100 year flood for the Paparoa River and tributaries as shown in the NRC hazard maps. The parent titles are also noted as partially flood susceptible in the KDC planning maps. As shown below, the area of flooding is in relation to the topography of the site and the natural overland flow paths.



Figure 2: RC Flood Hazard Mapping (red circle being location of the Lots)

## 5. Kaipara District Plan (Operative 2013) Rule Assessment

- 5.1 The following apply to the subject property

Zoning: Rural Zone

Overlays: N/A

Rules: Rule 12.9.4 'Non-Complying Activities' – The proposal is unable to meet the requirements as the proposal creates lots less than 12ha in area; nor is it able to comply with any other rural subdivision rule within Chapter 12 of the Kaipara District Plan.

Rule 12.15.2 'Road, Private Way Formation and Property Access' –Discretionary Activity. As proposed lots 4, 7, 8 and 9 cannot achieve Access to the Road, therefore a Right of Way is proposed to allow access to these proposed lots.

Rule 12.15.8 'Telecommunications' – Restricted Discretionary Activity. Provision of physical telecommunications is not provided for and will be wireless.

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Rule 12.15.12 'Electricity Transmission Corridor No Build Area' – Restricted Discretionary Activity. Due to the subdivision is subject to transmission lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach.

Rule 12.15.13 'Electricity Transmission Corridor Assessment Area' – Restricted Discretionary Activity. Due to the subdivision is subject to transmission lines having a voltage within the range applicable to this Rule (50kV, 110kV and 220kV) which creates an automatic breach.

Rule 12.10.1a Excavation and Fill – Restricted Discretionary Activity. The proposed ROW will involve a complying level of Earthworks yet the subject site is subject to Natural Hazards which creates an automatic breach.

Activity status: Non-Complying Activity

## 6. Notification Assessment

- 6.1 A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's accompanying Notification Assessment Report.

## 7. Statutory Acknowledgements

- 7.1 Relevant to this application, any statutory acknowledgement within the meaning of the Act specified in Schedule 11 would be contained within the Te Uri o Hau Claims Settlement Act 2002. Environs Holdings Limited is a subsidiary of Te Uri o Hau Settlement Trust (caretaker of Te Uri o Hau Claims Settlement Act 2002) authorized to participate in the Resource Management Act 1991 proceedings.
- 7.2 The application was formally received to Te Uri o Hau upon receipt by Council on 15 January 2024. On the 22 January 2024, Te Uri o Hau have responded with no interest in this application.

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## 8. Section 104D – Non-Complying Activities

- 8.1 Pursuant to Section 104D of the Act if a proposal is a non-complying activity, then it must pass at least one of the tests of either Section 104D(1)(a) or Section 104D(1)(b) before an application can be assessed to make a decision under Section 104B of the Act. If the application fails, both tests of Section 104D then the application must be declined.
- 8.2 It is considered that, subject to appropriate conditions of consent, the proposal satisfies the threshold test of Section 104D because, as demonstrated in this report the adverse effects on the environment would be no more than minor and, as concluded in this report, the proposal would not be contrary to the Objectives and Policies of the Kaipara District Plan 2013. It is therefore concluded that the application meets both of the tests of Section 104D of the Act. The application can be assessed against the provisions of Section 104B of the Act and a substantive decision made.

## 9. Section 104(1)(a) – Actual & Potential Effects on the Environment

### *Trade Competition*

- 9.1 With regard to Section 104(3)(a)(i), there are no known issues in the consent application or as a result of the submission process that raise questions of trade competition or the effects of trade competition.

### *Written Approvals*

- 9.2 With regard to Section 104(3)(a)(ii), the Council must not have regard to the effects on those persons who have given written approval to the application. No persons/parties have been provided written approval.

### *Permitted Baseline*

- 9.3 In accordance with Section 104(2), the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (commonly referred to as the 'permitted baseline' test). The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the Plan or NES irrelevant. The baseline has been defined by case law as compromising non-fanciful (credible) activities that would be permitted as of right by the plan in question.
- 9.4 For the site, the following activities are permitted by zone:
- Rural, residential, commercial and/or industrial activity or activities, complying with the relevant performance standards of Chapter 12 of the District Plan.

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- 9.5 However, in this instance, there is no permitted baseline for subdivision, as all subdivisions in the Rural zone require consent.
- 9.6 Yet as outlined within the application, the permitted baseline of the site (three titles of the size) can establish nine residential dwellings on the land, which maintains one dwelling per every 12 hectares of land. Following the subdivision, this would increase to 11 dwellings under the current provisions and be fanciful.

### ***Receiving Environment***

- 9.7 The 'environment' upon which effects are to be assessed comprises the exiting and reasonably foreseeable future environment. In identifying the environment, it is necessary to consider the environment as it is at the time of application, and the likelihood of change to that environment in the future, based upon the activities that could be carried out as a right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).
- 9.8 Further to the site description in Section 1 above, the surrounding environment comprises of both developed and vacant rural and rural-residential sites, which accurately replicate the planned character for this area under this District Plan. In this context, the receiving environment includes rural farmland of various sizes from lifestyle blocks to large productive farms, and some smaller residential and commercial lots. In particular, it is noted that there is a cluster of approximately 14 high density lots on the edge of the subject site, off Arahanga Road and Maanaki Circle.
- 9.9 The applicant provided a Spatial Map to show the general locality, shown below by Figure 3. The properties marked in Blue are lots below the 12 hectares lot size adjacent to the subject site or along Franklin Road and Wearmouth Road. It is noted that, although zoned rural, the lots established in Arahanga Road and Maanaki Circle have been excluded from the Spatial Map as they were apart of a complex non-complying subdivision.

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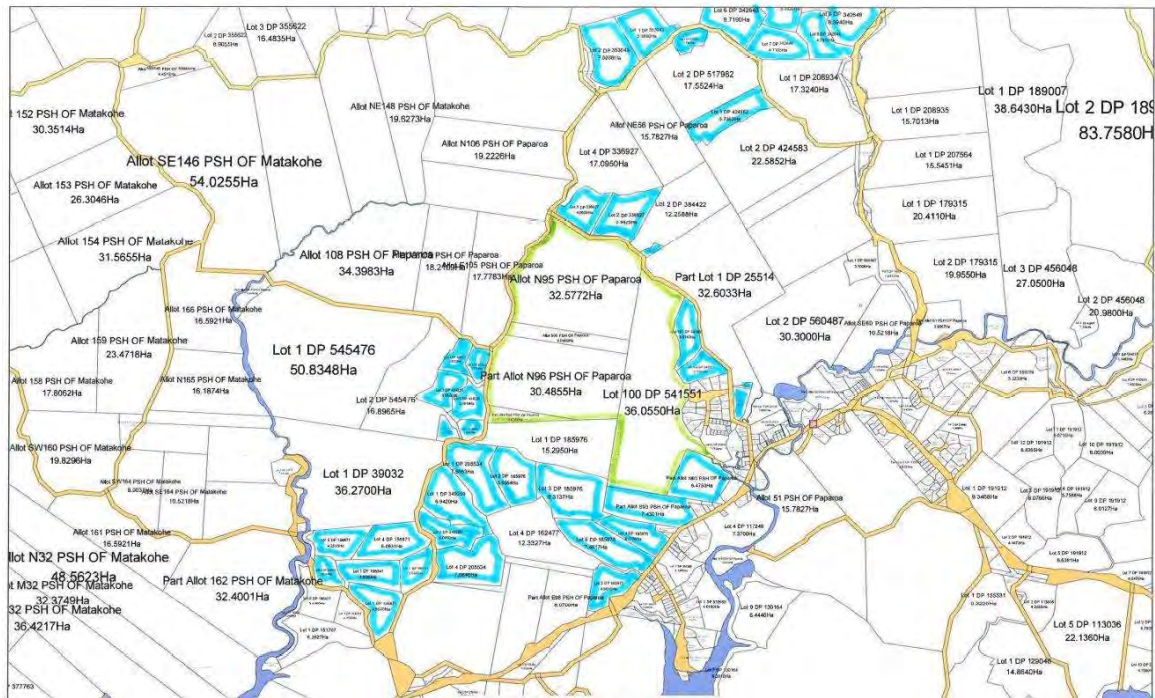


Figure 3: Appendix G of the Application identifying the Character of the surrounding Lots.

- 9.10 The locality of the subdivision is characterised by a greater density of subdivision than anticipated by the District Plan. Further, as outlined above, the permitted baseline of the site (three titles of the size) can establish nine residential dwellings on the land, which maintains one dwelling per every 12 hectares of land and 1 per the smaller lot. Following the subdivision, this would increase to 11 dwellings under the current provisions.
- 9.11 Paparoa School is also within 500m of the subject site and is surrounded by Residential and Commercially Zoned lots.
- 9.12 No other information has been provided identifying any granted resource consents, where it is likely that they will be given effect to, that may affect the assessment of this application.
- 9.13 Taking into account the details of the proposal, including relevant technical reports provided, an assessment of potential adverse effects of the activity on the environment is provided below.

### Assessment of Effects

#### Positive Effects

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- 9.14 The proposed development is consistent with the character of the surrounding area, and with the topography and character of the site. The proposal would therefore use and develop the physical resources of the site in a manner that would continue to enable the applicant to provide for their future social and economic wellbeing.

### **Adverse Effects**

#### **Access and Traffic**

- 9.15 The current and proposed access to the proposed lots 1-12 are outlined in table below. No further construction details / engineering plans have been submitted by the applicant in their application.

*Table 3: Proposed Access Arrangements*

<b>Proposed Lot No.</b>	<b>Current and Proposed Access</b>
Lot 1	Construction of new VC proposed
Lot 2	Construction of new VC proposed
Lot 3	
Lot 4	Existing Access from Franklin Road - Upgraded
Lot 5	Construction of new VC proposed
Lot 6	
Lot 7	Existing vehicle access to these lots and also to Lot 4 via Franklin Road
Lot 8	
Lot 9	
Lot 10	Existing vehicle crossing adjoining Arahanga Road
Lot 11	Road to vest
Lot 12	Road to vest

- 9.16 It is recommended through conditions of consent that any modifications in the driveway / access ways be constructed in accordance with KDC engineering standards Drawings S06 and S07 with inspections and sign off undertaken by a council engineer. NTA has reviewed the application, and the conditions are recommended.
- 9.17 From a traffic movement perspective, the traffic intensity factor as outlined in Chapter 25F of the District Plan provides a baseline, which states that “Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 60 daily one-way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. However, single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard”.
- 9.18 Vaishali Sankar, Traffic Engineer on behalf of Kaipara District Council, has assessed the application and considers that the proposed subdivision arrangement in terms of access and traffic are acceptable.

#### **Servicing and Utilities**

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- 9.19 There is no public stormwater or wastewater reticulation available to the site.
- 9.20 The management of wastewater was specifically considered in the Engineering suitability report which recommends effluent disposal for dwellings on these lots be via pressure compensating dripper irrigation lines in accordance with AS/NZS1547 (2012). An assessment of the near-surface soils was undertaken for on-site effluent. The soils encountered were identified as class H, highly expansive soils.
- 9.21 There is adequate area of discharging effluent on each lot. All proposed Lots are of a sufficient size to provide for servicing of wastewater on-site. It is recommended that a secondary wastewater system would be suitable on the proposed lots according to the, Subdivision Suitability Report, Ref: S2047 – J05545, for Bradmore Farms Ltd, Rev 1, Dated: 27/09/2023, prepared by TMC Consulting Engineers Ltd.
- 9.22 The Engineering report specifically considers the management of stormwater and recommends that stormwater runoff from all impervious areas is collected, attenuated in tanks where required, and discharged via a diffuse swale. The specific engineering design will be completed at building consent stage. This is expected to be required by way of an appropriately worded condition of consent.
- 9.23 The application advises that the existing dwelling within proposed Lot 4 is provided with on-site servicing within the proposed lot boundaries.
- 9.24 As per above, Council's Development Engineer has assessed the application and considers that the all the other lots are of sufficient size to accommodate on-site disposal within their respective lot boundaries.

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- 9.25 Overall, it is considered that the subdivision can be appropriately serviced.
- 9.26 In terms of Power Supply, Northpower correspondence has been provided (dated 15 September 2023), it states Lot 4 and 7 have existing electricity supplies and Lots 1-3, 5, 6 and 8, 9 and 10 do not have electricity supplies and will be implementing reticulated power to the boundary as part of the condition set.
- 9.27 Easements are proposed over the proposed access right of way 'C' and 'D', whereas Lot 10 has existing reticulation but will show the connection via an easement shown as 'A'.
- 9.28 Lots 11 and 12 are proposed to be roads to vest and therefore do not have any requirements to have power to the boundary.
- 9.29 The subdivision is within close proximity to the Critical Electricity Line Requirements. As discussed in Northpowers letter, future landowners of lots 1, 2, 4 and 7 need to be aware if their on going obligations pursuant to section 23 of the Electricity Act 1992, to secure and allow access to existing sub transmission line across these lots of ongoing maintenance.

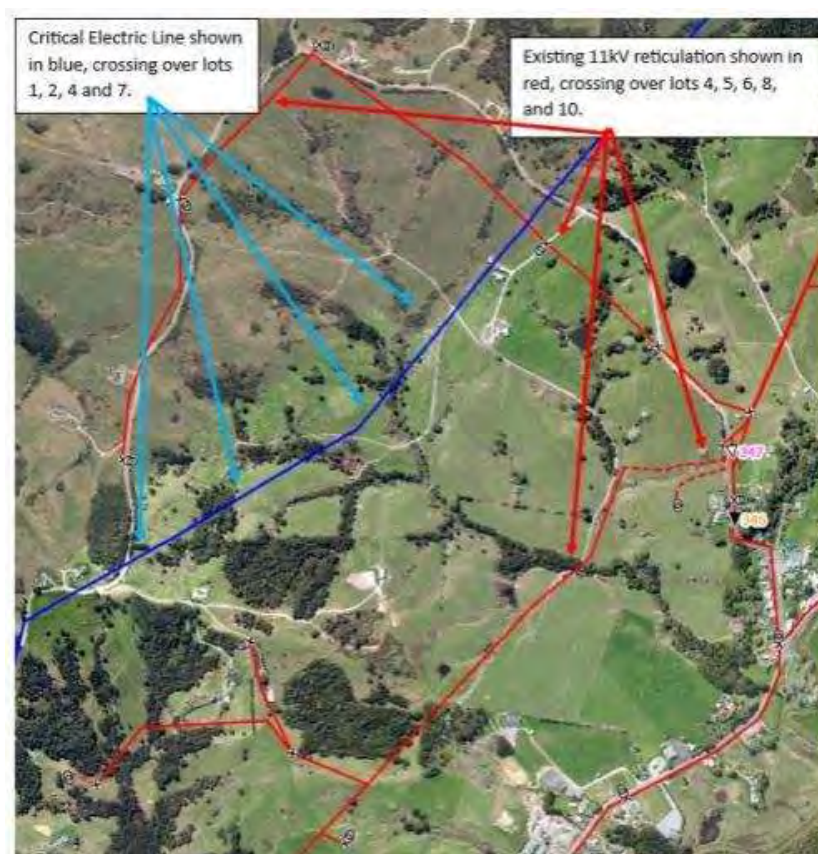


Figure 4: Critical Electric Lines as shown in Northpowers letter.

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Figure 5: Critical Electric Lines as shown in Northpowers letter and easement widths.

- 9.30 Certain easement widths are required to be shown on the scheme plan to ensure future dwellings comply with any setback requirements to ensure safety if achieved, and thus the effects associated with a breach in Rule 12.15.12 'Electricity Transmission Corridor No Build Area' and Rule 12.15.13 'Electricity Transmission Corridor Assessment Area' are deemed less than minor and therefore acceptable.
- 9.31 In terms of telecommunications, no physical telecommunication connection is proposed, however wireless telecommunications are proposed. Shown below by Figure 6, wireless Connection is good for the proposed lots.

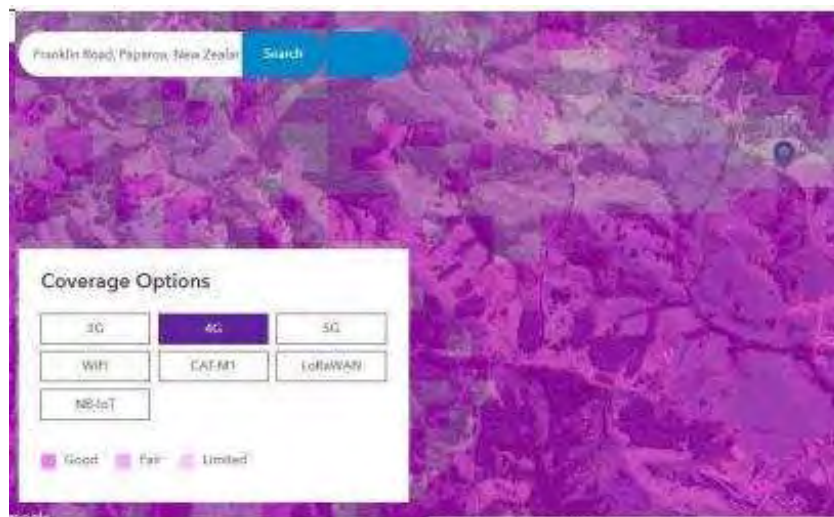


Figure 6: Spark wireless telecommunications map of the subject site.

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- 9.32 Therefore, the utilities can be appropriately managed onsite and therefore is acceptable.

### ***Landscape, Character and Amenity Values***

- 9.33 The rural character of the traditional farming portions of the district comprises sites that are generally larger than 12 hectares, and in many cases significantly larger. Such areas are dominated by pastoral farming activities with extensive areas of open space, as opposed to a more urbanised environment.
- 9.34 It is relevant to place the current proposal within the context of the existing environment, which is generally rural in nature, typically consisting of larger landholdings that are utilised for a variety of rural production activities, yet in this receiving environment, the area is largely mixed use, with variety of zoning on the fringe of the Paparoa Township. The character of the surrounding environment tends to vary from a quiet and rustic landscape with built form being integrated into the landscape to small density lots with development being dominated surrounding the Paparoa Township.
- 9.35 The majority of the property will be retained within proposed Lots 2, 4, 5, 6, 7, 8 and 10 these lots all achieve the minimum density under Rule 12.12.1 General Rural Subdivision of 12.0ha and thus still achieve rural productive capacity. The proposed smaller lots of Lot 3 and Lot 9 were argued within the application to all be achieved via Rule 12.13.2 Rural Amenity subdivision as those lots achieve a minimum lot size of between 8000m<sup>2</sup>-4000m<sup>2</sup>.
- 9.36 Therefore, the proposed subdivision is designed to maximize the number of new titles created for the property without creating any adverse effects that are more than minor. As discussed in the Application, the subdivision reconfigures the layout of the existing rural-residential site and creates one additional Rural Amenity lot from each of the larger parent properties involved in this subdivision, whereas the remaining sites all achieve the 12.0-hectare density set in the Rural Zone. Although the minor discrepancies create an overall non-complying activity, none of these deficiencies are repugnant to the overall intent of the District Plan.
- 9.37 The proposed smaller lots for Lot 3 and 9 will be contained largely along the road frontages of Franklin and Wearmouth Road, which is visually contained in one catchment and largely screened from the wider landscape beyond the lower valley catchment, only having the potential to be visible from parts of the Road Network. However, any adverse effects will be transitory in nature. Design controls are imposed on Lots 1, 3 and 9 as these lots are closer to the road network and are located in areas which can create amenity issues. The use of design controls will ensure the colours and reflectivity of future builds retain the character of the rural area and are developed using recessive design elements.

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- 9.38 Overall, it is considered that the adverse effects on the rural character and amenity of the wider environment can be managed and avoided as the subdivision has been designed in a sympathetic nature to retain rural productive capacity to be achieved on the proposed lots. Implementation of building and design guidelines which would soften future built development allowing the development to integrate into the environment, resulting in less than minor adverse effects.

### **Reverse Sensitivity**

- 9.39 Given that the majority of the proposed lots have sufficient land to still be utilized for rural purposes, it is considered that there would be less than minor adverse effects on the viability of rural landholdings and activities in the wider surrounding environment, which already function well with residential development in close proximity.

### **Hazards**

- 9.40 The property is located within the Northwestern side of the Paparoa township. The property is irregular in shape with multiple gullies and flow paths throughout the properties as shown above by Figure 2. The occurrence of natural hazards and their potential impacts on the proposed subdivision development was assessed by the applicant's consultant TMC Consulting Engineers Ltd in terms of risk significance which is based on likelihood and consequence factors (Ref: Appendix D, Subdivision suitability report, Ref: S2047 – J05545, for Bradmore Farms Ltd, Rev 1, Dated: 27/09/2023).
- 9.41 The Stability of the proposed building sites was assessed and found that for the Lots 1,2,3,5 and 6 have a high instability risk. Hence a slope stability analysis was undertaken on these lots. Based on the study, it is inferred that these lots are stable with their recommended site engineering conditions. No indication of deep-seated instability was observed across or near the proposed building site within each lot and is suitable for residential development.
- 9.42 Based on the Northland Regional Council mapping, the building sites are all located a considerable distance away from the flooding hazard areas both in terms of horizontal distance and, more importantly, in terms of elevation. It is therefore considered that impact of flooding on site will be negligible, but however, we recommend that a detailed flood assessment should be submitted to the council at the time of development.
- 9.43 It is noted that there is no significant geotechnical risk identified at the subject site. The subject site is suitable for further development and that standard earthworks and construction practices will not result in an increased risk of erosion, subsidence, falling debris, slippage or inundation by soil or rock.

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- 9.44 Site specific effluent disposal assessment and Specific geotechnical investigation and design is to be undertaken for each site as a part of Building Consent Application. Therefore, given the proposed recommendations and area on the proposed lots outside of the flood hazards, the effects are deemed less than minor and therefore acceptable.

### **Conclusion**

- 9.45 In summary having assessed the effects of the activity, subject to compliance with conditions it is considered that the activity will result in no more than minor and acceptable, adverse effects on the environment.

## **10. Section 104(1)(b) – Provisions of Standards, Policy Statements and Plan**

### **National Policy Statements**

- 10.1 National Policy statements are instruments issued under section 52(2) of the Act. The National Policy Statements of relevance to this application are:
- National Policy Statement on Highly Product Land 2022 (NPS-HPL)
  - National Policy Statement on Urban Development 2020 (NPS-UD)
  - National Policy Statement for Freshwater Management 2020 (NPS-FW)
  - National Policy Statement on Renewable Electricity Generation 2011 (NPS-REG)
  - New Zealand Coastal Policy Statement 2010 (NZCPS)
  - National Policy Statement on Electricity Transmission 2008 (NPS-ET)
- 10.2 Under s104(10)(b) Council is required to have regard to the NPS-HPL.
- 10.3 The overarching objective of the document is to protect highly productive land for use in land-based production, both now and for future generations.
- 10.4 In accordance with clause 3.5(7), all consenting authorities are now required to apply the NPS-HPL as if references to highly productive land were references to land that is zoned Rural (or Rural Production) and that has a soil classification of LUC 1 – 3.
- 10.5 The subject site is zoned Rural under the District Plan and the soils at the site are a mix of class 4 and 6 LUC land and are therefore not classified as ‘highly productive land’ under the NPS-HPL as shown below.

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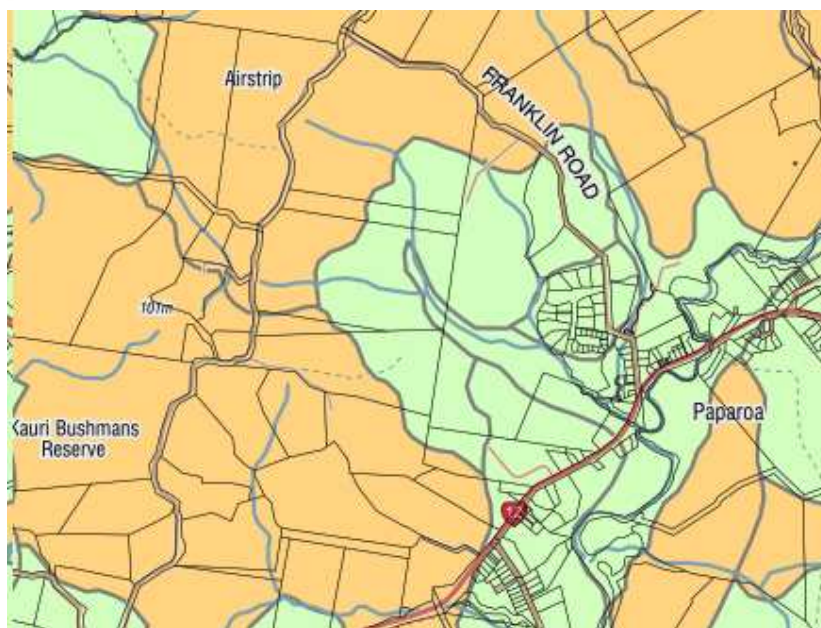


Figure 7: Highly Productive Land Mapping showing LUC 4 and LUC 6 soil.

10.6 None of the other National Policy Statements are relevant to this application.

#### National Environmental Standards

10.7 National Environmental Standards are regulations issued under section 43 of the Act. The National Environment Standards of relevance to this application are:

- National Environmental Standards for Air Quality 2004 (NES-AQ)
- National Environmental Standards for Sources of Drinking Water 2007 (NES-DW)
- National Environmental Standards for Telecommunication Facilities 2016 (NES-TF)
- National Environmental Standards for Electricity Transmission Activities 2009 (NES-ET)
- National Environmental Standards for Assessing and Managing Contaminates in Soil to Protect Human Health 2011 (NES-CAS)
- National Environmental Standards for Plantation Forestry 2017 (NES-PF)
- National Environmental Standards for Freshwater 2020 (NES-F)
- National Environmental Standard for Marine Aquaculture 2020 (NES-MA)
- National Environmental Standard for Storing Tyres Outdoors 2021 (NES-ST)

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- 10.8 The site is not identified as being a contaminated site within the Northland Regional Council's Register of contaminated sites, nor has it previously been used for activities listed on the HAIL Register produced by the Ministry for the Environment. Although the farm has been used for rural production activities, this area of the site has only been used for pastoral grazing and there is no evidence of any HAIL activities near Lots 1-10. Therefore, consent is not required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
- 10.9 None of the other National Environmental Standards are relevant to this application.

#### Regional Policy Statement

- 10.10 The Operative Regional Policy Statement ("RPS") for Northland contains high level policy guidance for development. The subject site does not contain any significant features as defined by the RPS and therefore consideration of the RPS provisions is limited to matters under the following objectives:
- *Objective 3.2 Region-Wide Water Quality*
  - *Objective 3.6 Economic Activities – Reverse Sensitivity and Sterilization;*
  - *Objective 3.11 Regional Form*
- 10.11 Several underpinning policies are also relevant to this application, including:

#### Policy 5.1.1 - Planned and coordinated development

*Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:*

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils<sup>10</sup>, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- (h) Is or will be serviced by necessary infrastructure.*

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*Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.*

*Policy 5.1.3 - Avoiding the adverse effects of new use(s) and development*

*Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:*

*(a) Primary production activities in primary production zones (including within the coastal marine area);*

*(b) Commercial and industrial activities in commercial and industrial zones;*

*(c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and*

*(d) The use and development of regionally significant mineral resources*

10.12 The RPS recognises that there are activities and land that should be protected from the negative impacts brought about through subdivision, as further development can result in incompatible land use, reverse sensitivity issues and sterilisation of productive land. The proposed smaller rural-residential lots are designed to fit into a long narrow recessed area of the farm, that is bordered on both sides by streams and native vegetation. The proposed development will not have adverse effects on the viability of adjoining rural landholdings and activities, due to the imposition of a reverse sensitivity consent notice.

10.13 Further, it is considered that the proposal will be in keeping with the character of the immediate locality and it is considered that the development would not result in adverse rural character and amenity effects due to development controls.

*Policy 7.1.1 – General Risk Management Approach*

*Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:*

*(a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;*

*(b) Minimising any increase in vulnerability due to residual risk;*

*(c) Aligning with emergency management approaches (especially risk reduction);*

*(d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and*

*(e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.*

*Policy 7.1.2 – New subdivision and land use within 10-year and 100- year flood hazard areas*

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*New subdivision, built development (including wastewater treatment and disposal systems), and land use change may be appropriate within 10-year and 100-year flood hazard areas provided all of the following are met:*

- (a) Hazardous substances will not be inundated during a 100-year flood event.*
- (b) Earthworks (other than earthworks associated with flood control works) do not divert flood flow onto neighbouring properties, and within 10-year flood hazard areas do not deplete flood plain storage capacity;*
- (c) A minimum freeboard above a 100-year flood event of at least 500mm is provided for residential buildings.*
- (d) Commercial and industrial buildings are constructed so as to not be subject to material damage in a 100-year flood event.*
- (e) New subdivision plans are able to identify that building platforms will not be subject to inundation and / or material damage (including erosion) in a 100-year flood event;*
- (f) Within 10-year flood hazard areas, land use or built development is of a type that will not be subject to material damage in a 100-year flood event; and*
- (g) Flood hazard risk to vehicular access routes for proposed new lots is assessed*

- 10.14 As discussed previously in this report, there is sufficient area for the future building sites and associated on site servicing located outside the flood zone within each of the proposed lots.

#### *Proposed Regional Plan for Northland*

- 10.15 Consent is not required under the Proposed Regional Plan for Northland.

#### Kaipara District Plan 2013

### **Chapter 12: Rural Zone**

*Objective 12.5.2 To maintain the rural character and amenity, including the:*

- Sense of openness;*
- Low dominance of built form;*
- Pasture and Commercial Forest Areas;*
- Areas of indigenous vegetation and significant fauna; and*
- Unmodified natural landforms.*

*Objective 12.5.4 To ensure that the servicing of new subdivision and development does not adversely affect the environment, in particular sensitive receiving environments.*

*Objective 12.5.5 To avoid, remedy or mitigate adverse effects on the quality of the rural environment without unduly restricting productive rural activities e.g. farming and forestry.*

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*Objective 12.5.6 To provide for a range of activities in the Rural Zone which are located, designed and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.*

*Objective 12.5.8 To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding rural environment.*

*Policy 12.6.3a By allowing greater intensity of subdivision, or development in the Rural Zone where this is offset by protection, restoration, enhancement or establishment of natural features, vegetation and open space, where they significantly contribute to the natural environment values, natural character of the coastal environment, and rural character and amenity.*

*Policy 12.6.3c By providing for more intensive and innovative site-specific subdivision and development where this results in better environmental outcomes.*

*Policy 12.6.4 By requiring all subdivision to contribute to the retention of rural character and amenity.*

*Policy 12.6.5 By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.*

*Policy 12.6.9 By avoiding, remedying, or mitigating adverse effects on the environment by requiring the landowner or developer to provide roading and on-site services for water supply, wastewater disposal or stormwater disposal for sites in the rural areas, unless the provision of reticulated services is identified as an alternative to on-site systems.*

*Policy 12.6.12 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service upgrades are borne by the development.*

*Policy 12.6.13 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.*

*Policy 12.6.14 By providing flexibility for subdivision and development density, as well as for a range of activities (industrial, commercial and residential etc.) that can be appropriately located in the Rural Zone and meet the environmental conditions appropriate to that Zone.*

*Policy 12.6.17 By requiring the provision of safe and practicable vehicular access from a public road to each site.*

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- 10.16 The above objectives and policies also seek to manage, protect and enhance rural character, high amenity values and biodiversity values by limiting rural subdivision and development.
- 10.17 Overall, it is considered the density of development will not compromise amenity values and is considered to be generally consistent with the density and pattern of development existing within the immediate surrounding environment. It is noted that the District Plan and the RMA accept that there will be some effects of subdivision; whether they are adverse or not is a matter requiring specific consideration. However, the expectation is that what are generally considered to be adverse effects will be avoided where possible, and if avoidance is not possible then they will be remedied or mitigated. In this case the subdivision layout has been designed to avoid adverse effects as much as possible. When completely avoiding adverse effects has not been possible, remedying or mitigating effects has been the approach taken.
- 10.18 The proposed subdivision would create 7 additional lots; however, an additional 2 lots will be vested in Road Reserve to re-align the road network (Lots 11 and 12); and the site sizes of the proposed lots are consistent with that provided for by most subdivision rules in the District Plan (being greater than 4,000m<sup>2</sup> through the Rural Amenity Provisions for Lot 3 and Lot 9, and being greater than 12.0 hectares being Lots 2, 4, 5, 6, 7, 8, and 10). Lot 3 has a total area of 3.06 hectares which achieves the minimal lot size yet still can be retained for rural production purposes.
- 10.19 The proposed development will not restrict the use of the surrounding properties for farming purposes as the land available for continued rural use.
- 10.20 The disposal of stormwater and wastewater can be adequately contained within the respective lot boundaries and an adequate supply of water for drinking and fire-fighting can be provided for on-site. The proposal will therefore avoid adverse effects on sensitive receiving environments and will protect the health and safety of residents.
- 10.21 Council's Development Engineer and Northland Transport Alliance's Transport Engineer have assessed proposed development and considers that safe and practicable vehicular access is provided to each lot.

## *Chapter 7: Natural Hazards*

*Objective 7.5.1 To control subdivision and development so that it does not induce natural hazards or exacerbate the effects of natural hazards.*

*Objective 7.5.4 To consider natural hazards at the time of any subdivision, land use or development or when there is a significant change in land use proposed (for example a new Growth Area).*

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*Policy 7.6.1 By considering the potential for development, subdivision and land use activities including: a) Vegetation clearance;*

*b) Draining of wetlands;*

*c) Changes in overland flow paths and storm water;*

*d) Changes to riparian margins;*

*e) Earthworks;*

*f) Buildings and building setbacks; and*

*g) Land reclamation; to exacerbate any natural hazard on-site or off-site, and avoiding such activities, unless it can be demonstrated that the adverse effects can be mitigated, remedied or avoided.*

*Policy 7.6.2 By controlling the location, intensity, design and type of new coastal subdivision land use and development and by providing, where appropriate, for the protection, restoration or enhancement of natural defences to protect land, so that the need for protection work is avoided. Where hard protection works are necessary, their form, location and design should minimise any adverse effects on the coastal environment.*

10.22 As discussed previously in this report, there is sufficient area for the future building sites and associated on site servicing located outside the flood zone within each of the proposed lots.

10.23 The proposed access points to the lots are not assessed to be subject to a flood hazard either, therefore it is considered that there will be no risk from flooding.

### **Conclusion**

10.24 It is clear that there is support for this proposal in the relevant provisions of the Regional Policy Statement and the objectives and policies contained within the District Plan.

## **11. Section 104(1)(x) – Other Matters**

### Contributions

#### *Financial Contribution*

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- 11.1 Section 22.10.6 of the District Plan sets out the amount of reserve contributions for subdivision of land for principally residential purposes where lots can accommodate a residential dwelling at 5% of the value of a 4000m<sup>2</sup> building site on a rural lot. In this case, seven additional undeveloped lots are proposed and therefore a reserves contribution is required and will be imposed as a condition of consent.

#### *Development Contribution*

- 11.2 The Local Government Act 2002 provides the Council with the ability to charge development contributions for increased capacity on existing Council assets in accordance with Council policy. The Consent Holder would be required to pay development contributions for the seven additional undeveloped lots.

## **12. Section 37 Extension**

- 12.1 Section 37 of the Act provides for a consent authority to extend a time period specified in the Act. Under section 37A(4)(b) of the Act, a consent authority may extend the time period (up to no more than twice the maximum specified in the Act), where either
- (i) Special circumstances apply (including special circumstances existing by reason of the scale of complexity of the matter) or
  - (ii) The applicant agrees to the extension, and the authority has taken into account –
    - a. The interests of any person who in its opinion, may be directly affected by the extension or
    - b. The interest of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan and
    - c. Its duty under Section 21 to avoid unreasonable delay.
- 12.2 An extension of 5 working days is required to the time limit for this decision (as specified under Section 115 of the Act). The applicant has agreed to the extension, and it is considered that community interests are not negatively affected by the extension. The extension of 5 working days is not considered to be an unreasonable delay.

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### 13. Section 106 Assessment

- 13.1 Pursuant to Section 106(1)(a) Council may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions if it considers that there is a significant risk from natural hazards.
- 13.2 As noted throughout this report, there is sufficient area for the future building sites and associated on site servicing located outside the flood zone within each of the proposed lots.
- 13.3 Further, the proposed access points to the lots are not assessed to be subject to a flood hazard, apart from lot 10 where Arahanga Road was previously approved over an Over Land Flow Path (OLFP) and subsequent flood hazard. As the planner, I questioned the suitability of an access over the hazard and OLFP, however, the Development Engineer has assessed the proposal and has deemed the effects be less than minor.
- 13.4 Pursuant to Section 106(1)(c) Council may refuse subdivision consent if sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- 13.5 The proposed development provides for each allotment to gain access to the existing road network.

### 14. Part 2 of the Act

- 14.1 Whilst it is accepted that the relevant plans as detailed in the above assessment have been competently prepared in accordance with Part 2 of the Act, for completeness an assessment of Part 2 matters is now included.

#### **Section 5 – Sustainable Management Purposes of the Act**

- 14.2 Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources with sustainable management defined in Section 5 (2).
- 14.3 In considering the provisions of Section 5, the proposed development is consistent with the character of the surrounding area, and with the topography and character of the site. The proposal would therefore use and develop the physical resources of the site in a manner that would continue to enable the applicant to provide for their future social and economic wellbeing. At the same time the proposal sufficiently avoids, remedies or mitigates adverse effects on the roading network, sensitive receiving environments, amenity and rural character of the surrounding environment.

#### **Section 6 – Matters of National Importance**

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- 14.4 Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for – discuss

#### **Section 7 – Other Matters**

- 14.5 Section 7 of the Act sets out other matters a consent authority must have particular regard to. The following matters are considered relevant.

- a. Kaitiakitanga
  - i. The ethnic stewardship
- b. The efficient use and development of natural and physical resources
  - i. The efficient of the end use of energy
- c. The maintenance and enhancement of amenity values
- d. Intrinsic values of ecosystems
- e. *Repealed*
- f. Maintenance and enhancement of the quality of environment
- g. Any finite characteristics of natural and physical resources
- h. The protection of the habitat of trout and salmon
- i. The effects of climate change
- j. The benefits to be delivered from the use and development of renewable energy.

- 14.6 In this case, the proposed development is the subdivision of the application site and would not compromise the rural environment or generate any adverse effects, allowing for the efficient use of the physical resources of the site while avoiding adverse effects on the environment. As discussed previously in this report, the proposal is consistent with the site's rural character and would maintain the character and amenity values of the surrounding environment.

- 14.7 All stormwater and wastewater can be adequately contained within the proposed lots and would maintain the health of the surrounding environment.

#### **Section 8 – Treaty of Waitangi**

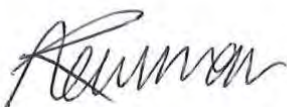
- 14.8 Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) In this case, the proposal does not raise any treaty issues.

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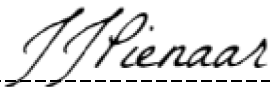


## 15. Reason for Decision

- 15.1 A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's accompanying Notification Assessment Report.
- 15.2 In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable.
- 15.3 In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement 2016 as discussed in Section 10.0 of this report.
- 15.4 In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application. Discuss any specific matters as necessary.
- 15.5 The Council has taken into account the relevant principles outlined in Sections 6,7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner:  5/04/2024  
Kelsey Newman

Peer Review:  5/04/2024  
Kim Nathan

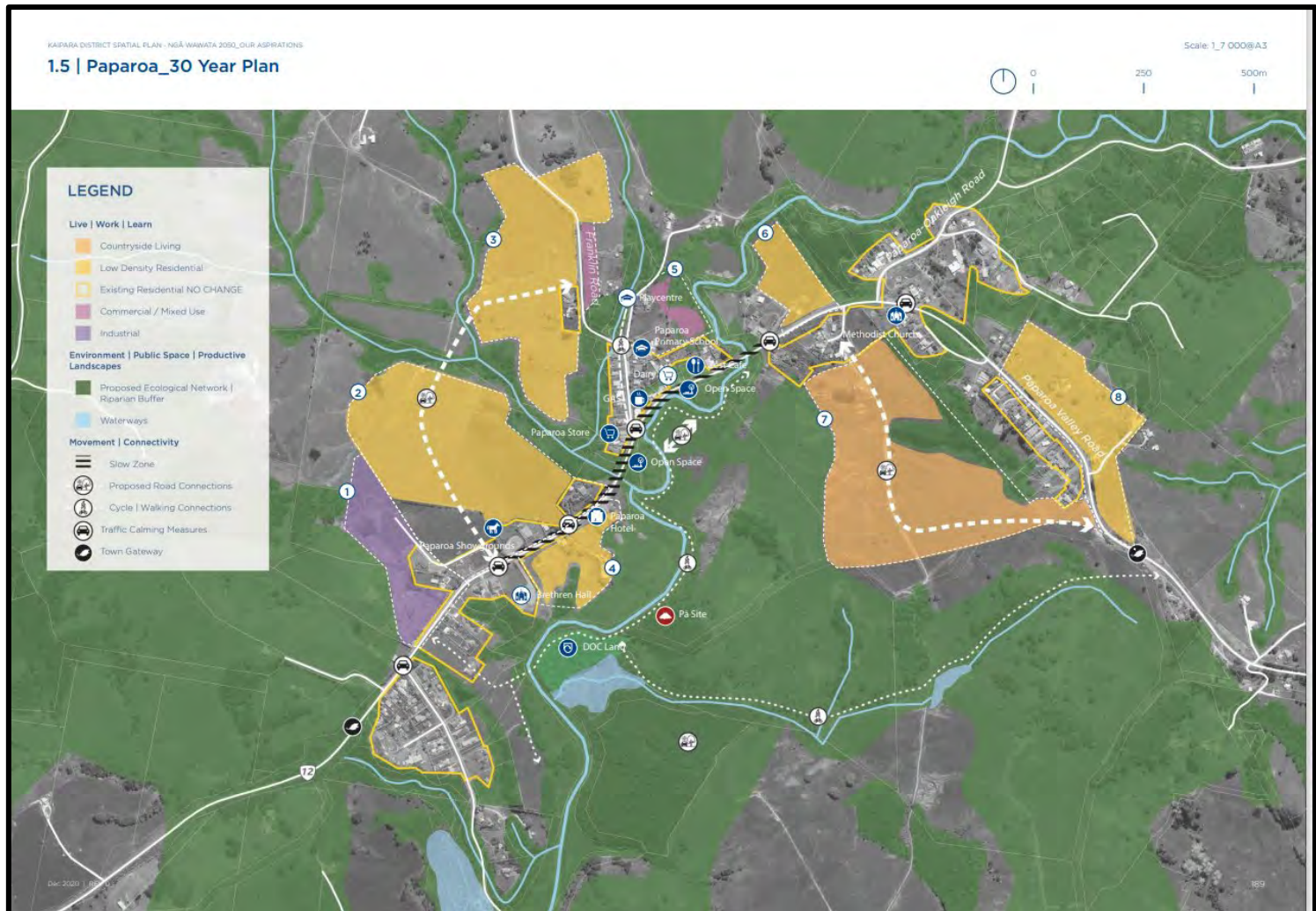
Signed:  Click or tap to enter a date.  
JJ Pienaar  
Resource Consents Team Leader  
**Kaipara District Council**

*Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991*

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## Attachment 2: Extract from Kaipara District Spatial Plan (page 189, page 190 Map 1.5) [Accessed 25.06.2025]:

[https://www.kaipara.govt.nz/uploads/spatial%20planning/Kaipara%20Subregional%20Spatial%20Plan%20Spatial%20Plan\\_PART%20B\\_FINAL.pdf](https://www.kaipara.govt.nz/uploads/spatial%20planning/Kaipara%20Subregional%20Spatial%20Plan%20Spatial%20Plan_PART%20B_FINAL.pdf) ]



*Figure 1: Paparoa - 30 year Plan (Source: Kaipara District Spatial Plan)*

### **3 | Franklin Road Block**

Franklin Road is a key street which leads directly into the Paparoa Town Centre. It rolls upwards as it travels north and up the valley slope. At the most northern parts of the Franklin Road Block, vistas of Kaipara's rolling hills can be seen. The neighbourhood is enclosed by a stream which forms its southern and western boundary, separating the Franklin Road Block from West Valley.

#### **Outcomes**

Enable population growth through the provision of 'Low Density Residential' land. Improve connectivity, with options including the creation of a new road from Paparoa Valley Road to Franklin Road, connecting the West Valley Residential and Franklin Road Blocks. Create a commercial strip along Franklin Road through provision of 'Commercial/Mixed Use' land to be supported by local patronage within the neighbourhood.

*Figure 2: Extract from Kaipara District Spatial Plan - Neighbourhood and Infrastructure 1.6*

**Attachment 3:** Memo prepared by Chesters (dated 25 June 2025)



## Project Technical Memo

Date: 25 June, 2025

Prepared by: Steven Rankin

- Chartered Professional Engineer

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**Subject: Rezoning –Franklin Road, Paparoa**

### 1. Introduction

Chester Consultants Ltd (Chester) has been requested to provide technical advice and assessment of the 3-waters services, to advise on and support a proposed rezoning of the land shown in Figure 1, from the proposed Rural Lifestyle zone to Residential. The land is legally described as Lot 101 DP 54551 with a total area of 3.6 ha. Throughout this document, reference to “the land” is in specific regard to the area shown below as the site extent in Figure 1 below (cyan outline).



Figure 1: Land Location Plan Outline in Cyan

### 2. Purpose

The purpose of this document is to assess if the land could be considered suitable for residential development.



This document will specifically assess the suitability of the land for residential development in terms of 3-waters servicing, including water supply (with fire fighting water supply), wastewater, and stormwater, and will also consider its suitability subject to more detailed future assessments of geotechnical and site design issues.

The assessment will be carried out first in a general sense and then in terms of reviewing the site against the proposed provisions of the Kaipara District Plan General Residential Zone, known as “the plan”.

## 3. Water Supply

The existing nearby residential zone, like much of the Kaipara District, does not feature a reticulated main water supply network for either drinking water or firefighting water supplies. The existing residential area relies on rainwater harvesting from roof runoff, with provisions to ensure firefighting supply is provided at development stages.

In the absence of a reticulated main water supply network; Firefighting water supplies need to be provided in accordance with Plan Change 4. Plan Change 4 has been in place since December 2018 and it specifically addresses firefighting water supplies within the Kaipara District.

In reviewing the plan, we understand the specific clauses related to water supply are the following:

### Three waters infrastructure

INF-P15	Encourage and promote water conservation measures and, where appropriate, low impact stormwater design and facilities.
INF-P16	Ensure that stormwater and drainage infrastructure for subdivision, land use and development: <ol style="list-style-type: none"> <li>Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater;</li> <li>Manages stormwater with a preference for at-source management;</li> <li>Retains pre-development hydrological conditions as far as practicable;</li> <li>Does not increase the flow of stormwater runoff onto adjoining properties; and</li> <li>Provides a stormwater catchment management plan for future urban development.</li> </ol>
INF-P17	Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the development proposed, only allow use and development when it can be demonstrated that: <ol style="list-style-type: none"> <li>It incorporates measures that appropriately mitigate any adverse effects on Council's water, wastewater and stormwater network; and</li> <li>The additional demand generated can be accommodated by the Council's water, wastewater and stormwater network, without resulting in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.</li> </ol>

GRZ-P8	Infrastructure
Require activities to be connected to a Council reticulated system for water supply, wastewater and stormwater disposal. Where this cannot be achieved, require sites to provide suitable self-sufficient systems on-site.	

GRZ-S11	Services
<ol style="list-style-type: none"> <li>Activities requiring a supply of water, or the treatment and disposal of stormwater or wastewater, shall: <ol style="list-style-type: none"> <li>Be connected to a Council reticulated system where available for water supply, wastewater, or stormwater disposal; or</li> <li>Where a Council reticulated system is not available, sites shall be provided with suitable self-sufficient systems on-site.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>Activity status when compliance not achieved: Restricted Discretionary</li> <li>Matters over which discretion is restricted: <ol style="list-style-type: none"> <li>Availability of council reticulated systems;</li> <li>Effects on amenity and character of the surrounding area;</li> <li>Effects on health and safety; and</li> <li>Suitability and long-term sustainability of on-site systems.</li> </ol> </li> </ol>

The land, like the nearby existing residential zone, does not have a council reticulated system available for water supply therefore it shall use a self-sufficient on-site system. From an engineering perspective this is standard, achievable and appropriate for the location and the zoning sought in the submission.



## 4. Wastewater

The existing nearby residential zone, like much of the Kaipara District, does not feature a reticulated wastewater system (conveyance and treatment). The existing residential appears to generally rely on individual private onsite systems except for the development in Arahanga Road which appears to have constructed a private community wastewater conveyance and treatment system.

In the absence of a reticulated wastewater network, the residential lot sizes are generally left larger to enable an onsite system to be design and installed. Wastewater is surface or sub-surface irrigated following treatment with a main and reserve disposal field design on the infiltration rate of the underlying soils.

In reviewing the plan, we understand the specific clauses related to wastewater are the following:

### Three waters infrastructure

<b>INF-P15</b>	Encourage and promote <b>water</b> conservation measures and, where appropriate, low impact <b>stormwater</b> design and facilities.
<b>INF-P16</b>	Ensure that <b>stormwater</b> and drainage <b>infrastructure</b> for <b>subdivision</b> , land use and development: <ol style="list-style-type: none"> <li>1. Adopts, where appropriate, a best-practice low impact design approach to the management of <b>stormwater</b>;</li> <li>2. Manages <b>stormwater</b> with a preference for at-source management;</li> <li>3. Retains pre-development hydrological conditions as far as practicable;</li> <li>4. Does not increase the flow of <b>stormwater</b> runoff onto adjoining properties; and</li> <li>5. Provides a <b>stormwater</b> catchment management plan for future urban development.</li> </ol>
<b>INF-P17</b>	Where the level of service of the <b>reticulated</b> water supply, <b>reticulated</b> wastewater and <b>stormwater</b> management networks is insufficient to service the development proposed, only allow use and development when it can be demonstrated that: <ol style="list-style-type: none"> <li>1. It incorporates measures that appropriately mitigate any adverse <b>effects</b> on <b>Council's</b> water, wastewater and <b>stormwater</b> network; and</li> <li>2. The additional demand generated can be accommodated by the <b>Council's</b> water, wastewater and <b>stormwater</b> network, without resulting in increased flood risk, increased <b>wastewater</b> overflows or reduced pressure in the <b>reticulated</b> water network.</li> </ol>
<b>GRZ-P8</b>	<b>Infrastructure</b>
Require <b>activities</b> to be connected to a <b>Council</b> <b>reticulated</b> system for water supply, <b>wastewater</b> and <b>stormwater</b> disposal. Where this cannot be achieved, require sites to provide suitable self-sufficient systems on-site.	
<b>GRZ-S11</b>	<b>Services</b>
<ol style="list-style-type: none"> <li>1. <b>Activities</b> requiring a supply of <b>water</b>, or the treatment and disposal of <b>stormwater</b> or <b>wastewater</b>, shall: <ol style="list-style-type: none"> <li>a. Be connected to a <b>Council</b> <b>reticulated</b> system where available for water supply, <b>wastewater</b>, or <b>stormwater</b> disposal; or</li> <li>b. Where a <b>Council</b> <b>reticulated</b> system is not available, sites shall be provided with suitable self-sufficient systems on-site.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>2. <b>Activity status when compliance not achieved:</b> Restricted Discretionary</li> <li>3. <b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>a. Availability of <b>council</b> <b>reticulated</b> systems;</li> <li>b. <b>Effects</b> on amenity and character of the surrounding area;</li> <li>c. <b>Effects</b> on health and safety; and</li> <li>d. Suitability and long-term sustainability of on-site systems.</li> </ol> </li> </ol>



SUB-S1		Minimum allotment sizes (excluding access legs)	
Commercial zone	<p>1. Allotments must have a minimum net site area of 250m<sup>2</sup>.</p> <p>2. Except that no minimum net site area requirement applies to any allotment created around an existing or proposed residential unit that forms part of a multi-unit development for which a resource consent or building consent has been granted (excluding minor residential units).</p>	10. Activity status when compliance not achieved: Discretionary	
Light industrial zone	<p>3. Allotments must have a minimum net site area of 500m<sup>2</sup>.</p>		
Heavy industrial zone	<p>4. Allotments must have a minimum net site area of 2,000m<sup>2</sup>.</p>		
General residential zone	<p>5. Allotments must have a minimum net site area of:</p> <p>a. 600m<sup>2</sup>, or</p> <p>b. 400m<sup>2</sup> if reticulated water supply and wastewater services are available outside of Mangawhai.</p> <p>6. Except that no minimum net site area requirement applies to any allotment created around an existing or proposed residential unit that forms part of a multi-unit development for which resource consent has been granted (excluding minor residential units).</p>		
Rural lifestyle zone	<p>7. Allotments must have a minimum net site area of 4,000m<sup>2</sup>.</p>		
General rural zone	<p>8. Allotments must have a minimum net site area of 12ha.</p>		
All zones	<p>9. No minimum net site area applies to any proposed allotment that is an access allotment, utility allotment or road to vest in Council.</p>		
GRZ-R3 Residential units			
1. Activity status: Permitted		2. Activity status when compliance not achieved: Restricted Discretionary	
Where:		3. Matters over which discretion is restricted:	
<p>a. No more than two residential units occupy the site;</p> <p>b. Residential units not connected to a reticulated wastewater system shall not exceed one per 2,000m<sup>2</sup> of net site area;</p> <p>c. Outside Dargaville, residential units connected to a reticulated wastewater system shall not exceed one residential unit per 600m<sup>2</sup> of net site area; and</p> <p>d. In Dargaville, residential units connected to a reticulated wastewater system shall not exceed one residential unit per 400m<sup>2</sup> of net site area.</p> <p><b>Note:</b> This does not apply to multi-unit developments managed under GRZ-R12.</p>		<p>a. The matters in GRZ-MAT1.</p>	

The land, like the nearby existing residential zone, does not have a council reticulated wastewater system available therefore it shall use self-sufficient on-site system, with a minimum lot size of 2000m<sup>2</sup> in accordance with GRZ-R3 b. From an engineering perspective, again, this approach is standard, achievable, and appropriate for the location and the zoning sought in the submission.

## 5. Stormwater

The existing nearby residential zone has a limited public stormwater system, with the newer development nearby in Arahanga Road featuring a modern public stormwater network which appears to have provided individual lot connections.

The land has a stream network available on its western boundary which flows away from the land in a southern direction prior to being discharged into the Arapaoa River.

Given the proximity of the stream network, the land would likely discharge stormwater into this stream network. The extent of the stormwater networks could be adjusted to use soakage where available. Given the larger





minimum lot sizes, a full public stormwater network might not be required, potentially the networks would be focused on the roading network primarily.

In reviewing the plan, we understand the specific clauses related to stormwater are the following:

## Three waters infrastructure

<b>INF-P15</b>	Encourage and promote <b>water</b> conservation measures and, where appropriate, low impact <b>stormwater</b> design and facilities.
<b>INF-P16</b>	Ensure that <b>stormwater</b> and drainage <b>infrastructure</b> for <b>subdivision</b> , land use and development: <ol style="list-style-type: none"> <li>1. Adopts, where appropriate, a best-practice low impact design approach to the management of <b>stormwater</b>;</li> <li>2. Manages <b>stormwater</b> with a preference for at-source management;</li> <li>3. Retains pre-development hydrological conditions as far as practicable;</li> <li>4. Does not increase the flow of <b>stormwater</b> runoff onto adjoining properties; and</li> <li>5. Provides a <b>stormwater</b> catchment management plan for future urban development.</li> </ol>
<b>INF-P17</b>	Where the level of service of the <b>reticulated</b> water supply, <b>reticulated wastewater</b> and <b>stormwater</b> management networks is insufficient to service the development proposed, only allow use and development when it can be demonstrated that: <ol style="list-style-type: none"> <li>1. It incorporates measures that appropriately mitigate any adverse effects on <b>Council's water, wastewater and stormwater</b> network; and</li> <li>2. The additional demand generated can be accommodated by the <b>Council's water, wastewater and stormwater</b> network, without resulting in increased flood risk, increased <b>wastewater</b> overflows or reduced pressure in the <b>reticulated water</b> network.</li> </ol>
<b>GRZ-P8</b>	<b>Infrastructure</b> Require <b>activities</b> to be connected to a <b>Council reticulated</b> system for water supply, <b>wastewater</b> and <b>stormwater</b> disposal. Where this cannot be achieved, require sites to provide suitable self-sufficient systems on-site.
<b>GRZ-S11</b>	<b>Services</b> <ol style="list-style-type: none"> <li>1. <b>Activities</b> requiring a supply of <b>water</b>, or the treatment and disposal of <b>stormwater</b> or <b>wastewater</b>, shall:             <ol style="list-style-type: none"> <li>a. Be connected to a <b>Council reticulated</b> system where available for water supply, <b>wastewater</b>, or <b>stormwater</b> disposal; or</li> <li>b. Where a <b>Council reticulated</b> system is not available, sites shall be provided with suitable self-sufficient systems on-site.</li> </ol> </li> <li>2. <b>Activity status when compliance not achieved:</b> Restricted Discretionary</li> <li>3. <b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>a. Availability of <b>council reticulated</b> systems;</li> <li>b. <b>Effects</b> on amenity and character of the surrounding area;</li> <li>c. <b>Effects</b> on health and safety; and</li> <li>d. Suitability and long-term sustainability of on-site systems.</li> </ol> </li> </ol>

## 6. Summary

The land can be serviced for 3-waters; water supply and firefighting water supplies via rainwater harvesting tanks, onsite wastewater treatment and disposal and stormwater disposal to ground and/or to the nearby stream network via a piped or open channel network and no known reasons why suitable building sites could not be achieved for residential development consistent with the zoning sought.

## 7. Conclusion

In our opinion the land can be serviced with 3-waters in accordance with the General Residential Standards of the Proposed Kaipara District Plan.

Yours Sincerely,  
Steven Rankin



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