

## **Submission on Publicly Notified Proposed Plan Change 85 – Mangawhai East**

To: Kaipara District Council

Private Bag 1001

Dargaville 0340

**Submitter name: Black Swamp Limited (BSL)**

**Address for Service: Reyburn and Bryant 1999**

**PO Box 191**

**WHANGAREI**

**Attention: Brett Hood**

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**E: [brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)**

- 1. BSL could not gain an advantage in trade competition through this submission.**
- 2. The specific provisions of Proposed Plan Change 85 (PPC85) that this submission relates to are:**
  - (a) The proposed zoning of BSL's land at 25 Black Swamp Road, Mangawhai as Rural Lifestyle Zone (RLZ).
  - (b) The related provisions, including objectives, policies and rules, of PPC85.
  - (c) Associated mapping, overlays, and the supporting Section 32 analysis relied upon to justify the RLZ on BSL's land.

### **3. BSL's submission is:**

## **Background**

### **BSL land**

- 3.1 BSL owns land within the PPC85 area<sup>1</sup>. While most of the land in PPC85 is proposed to be zoned LDRZ, the BSL land is proposed to be rezoned RLZ due to its location

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<sup>1</sup> Lot 8 DP 565865

within an area of coastal inundation risk and because it contains a protected (covenanted) area of salt marsh.<sup>2</sup>

- 3.2 BSL holds a Northland Regional Council resource consent to fill the portion of the site located outside the protected area (AUT.046759). This consent authorises earthworks and the placement of fill to elevate the developable portion of the site above the modelled 100-year coastal flood level.
- 3.3 An existing brewery is also present on the property. This brewery operates under the Kaipara District Council land use consent referenced RM210463.
- 3.4 Copies of these existing consents are **enclosed**.

#### Overarching basis for PPC85

- 3.5 The stated purpose / objectives of PPC85 are:
- *to provide additional urban zoned land as a natural extension of Mangawhai Village in a location reflecting the demand for land adjacent to the coast, for residential and supporting business activities.*
  - *to support the growth of Mangawhai and ensure that there is sufficient land supply to provide choices and maintain affordability.*
  - *To provide a coordinated and efficient use of the land resource for the Mangawhai East area where there are urban activities and extensive rural residential living activities establishing in an ad hoc manner.*<sup>3</sup>
- 3.6 The non-statutory Managwhai Spatial Plan recommends that the PPC85 land be zoned RLZ. However, the Section 32 assessment discounts this because it:
- represents an inefficient use of the land resource directly adjacent to the existing urban area where there is continuing strong growth and demand for additional urban development in the short, medium and long term.*

#### **Zoning of the BSL land**

- 3.7 BSL requests that their land be zoned Low Density Residential Zone (LDRZ) in PPC85 and not RLZ. This is because the underlying hazard constraint relied upon as justification for the proposed RLZ has been addressed by the granting of Northland Regional Council Resource Consent (AUT.046759).<sup>4</sup> The approved works will mitigate the hazard risk to a level consistent with, or better than, other LDRZ land within PPC85.

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<sup>2</sup> See 'Section 32 Planning report', The Planning Collective, July 2025 (Pages 3, 7, 36, 55, 83)

<sup>3</sup> See 'Section 32 Planning report', The Planning Collective, July 2025 (Section 2.1), p3

<sup>4</sup> See copy of AUT046759 **attached**.

- 3.8 The Section 32 report for PPC85 acknowledges the high growth pressures facing Mangawhai and the need to maximise efficient use of suitably located land<sup>5</sup> and notes that providing additional residential capacity is a key benefit of the proposal.
- 3.9 With this in mind, rezoning the BSL land to RLZ, despite the removal of the underlying flood hazard constraint, would not maximise the stated benefit of PPC85 to provide additional residential capacity in response to Mangawhai's high growth pressures. Retaining an RLZ zoning would unnecessarily limit the density and yield of development on this land, undermining the efficiency gains and housing supply benefits that PPC85 seeks to deliver.
- 3.10 BSL also request that the land containing the existing brewery, consented under RM210463, be zoned Mixed Use Zone (MUZ) or Neighbourhood Centre Zone (NCZ), not RLZ. Alternatively, a Commercial Zone (COMZ) should be considered for this area, similar to what has been proposed under the Proposed Kaipara District Plan.
- 3.11 Rezoning the land containing the consented brewery to MUZ or COMZ will ensure that existing lawfully established activities are recognized and provided for by PC85.
- 3.12 Section 32(1)(b)(ii) of the Resource Management Act 1991 requires that provisions are assessed for their efficiency and effectiveness in achieving the objectives. The proposed zonings would:
- (a) Reduce the efficiency of land use by limiting density without necessity.
  - (b) Fail to recognise site-specific mitigation measures that remove the relevant hazard constraint.
  - (c) Create inconsistency with the zoning applied to directly adjoining land with similar physical characteristics post-fill.
  - (d) Reduce housing supply potential, contrary to the PPC85 objective of supporting Mangawhai's growth.
  - (e) Recognise and provide for the continued operation of a consented brewery.
- 3.13 Section 32(2)(a) requires identification of benefits and costs of environmental, economic, social, and cultural effects. The costs of the current PC85 proposal for the BSL land include reduced economic efficiency, underutilisation of infrastructure capacity, and lost housing opportunities. Conversely, rezoning the BSL land LDRZ like the adjoining land would deliver additional and much needed housing supply benefits. Rezoning the land containing the brewery MUZ or NCZ (or similar zoning) would allow for the efficient operation of an existing land use activity, avoiding potential consenting/compliance issues and costs that are typically associated with out of zone activities.
- 3.14 Section 32(2)(c) requires assessment of the risk of acting or not acting. In this case, the risk of rezoning the BSL land LDRZ after filling is minimal, as the hazard is

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<sup>5</sup> See 'Section 32 Planning report', The Planning Collective, July 2025 (Sections 13.1-13.4)

physically removed. The greater risk lies in not acting - retaining the RLZ for the BSL land – and thereby constraining housing supply and efficiency in a high-growth environment. The risk of rezoning the land containing the brewery MUZ or NCZ (or similar zoning) is low – as this will simply provide for the ongoing operation of an existing lawfully established activity.

- 3.15 The BSL land, once filled, will be physically and functionally integrated with the adjacent LDRZ land. There is no planning rationale to differentiate zoning purely based on hazard mapping that will no longer reflect site conditions.
- 3.16 The presence of a covenanted salt marsh area on part of the land is acknowledged. However, as this land is legally protected from development, its zoning has no practical effect on development yield or environmental protection. It could remain LDRZ without adverse effect, as site-specific development controls or overlays can manage its protection.
- 3.18 Once the hazard mapping is appropriately put to one side, rezoning the BSL land LDRZ (and MUZ or NCZ for the brewery) is more efficient and effective at achieving the objectives of PPC85 in the context of Section 32 of the RMA.

#### **PPC85 provisions**

- 3.19 Given the fact that PPC85 covers land owned by multiple landowners, additional provisions are needed to provide for the efficient and effective extension of services and access to all parts of the PPC85 area (not just the applicant's landholdings). Without this, the full development potential of the BSL land and other land affected by PPC85 may not be able to be fully realised.

#### **4. Relief sought:**

- 4.1 Amend the PPC85 zoning maps to apply the Low Density Residential Zone to BSL's land at Black Swamp Road, Mangawhai (Lot 8 DP 565865).
- 4.2 Amend the PC85 zoning maps to apply the Mixed Use or Neighbourhood Centre Zone to the land that is subject to the existing KDC land use consent for the brewery (RM210463). Alternatively, a Commercial Zone (COMZ) should be considered for this area, similar to what has been proposed under the Proposed Kaipara District Plan.
- 4.3 Consequential relief to the PPC85 provisions as needed to give effect to this submission and to achieve sustainable management.
- 4.4 Amend the provisions to integrate the provision of services and access, including subdivision and development to provide for the efficient and effective extension of services and access to all parts of the PPC85 area.
- 4.5 Ensure consistency in the application of zoning principles across PPC85 so that sites with equivalent physical suitability are zoned similarly; or

4.6 Alternative relief with similar effect.

**5. BSL wishes to be heard in support of this submission.**

Brett Hood

Reyburn and Bryant 1999 Ltd

15 August 2025

**Attachments:**

1. AUT.046759
2. RM210463

# Resource Consent

Document Date: 23.07.2025

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the council") does hereby grant a Resource Consent to:*

## BLACK SWAMP LIMITED

To undertake the following activities on Lot 8 DP 565865 (25 Windsor Way, Mangawhai), at or about location co-ordinates 1742667E 6000694N:

*Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.*

- |                         |   |
|-------------------------|---|
| <b>AUT.046759.01.01</b> | <b>Earthworks for site development within a Flood Hazard Area.</b>                            |
| <b>AUT.046759.02.01</b> | <b>Divert stormwater during earthworks activities.</b>  |
| <b>AUT.046759.03.01</b> | <b>Discharge stormwater to land during earthworks activities.</b>                             |
| <b>AUT.046759.04.01</b> | <b>Place an obstruction in a Flood Hazard Area.</b>   |
| <b>AUT.046759.05.01</b> | <b>Divert floodwater arising from the placement of an obstruction in a Flood Hazard Area.</b> |

Subject to the following conditions:

- 1 At least two weeks prior to the commencement of any works authorised by these consents on-site, the Consent Holder must notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder must arrange for a site meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer, which must be held on site prior to any earthworks commencing unless otherwise agreed to in writing by the council's assigned monitoring officer.

**Advice Note:** Notification to the council may be made by email to [info@nrc.govt.nz](mailto:info@nrc.govt.nz).

- 2 The exercise of these consents must be undertaken in general accordance with the **attached** drawings referenced as Northland Regional Council Plan Numbers **5584/1, 5584/2, 5584/3** and **5584/4**. However, if there are any differences or apparent conflict between these documents and any conditions of these consents, then the conditions of consent will prevail.
- 3 As a minimum, the works must be undertaken in accordance with the **attached** "Earthworks Construction Management Plan" dated June 2025 (ECMP). The Consent Holder may amend the ECMP at any time and provide a copy of the amended plan to the council's assigned monitoring officer. The most recent version of the ECMP that has been provided to council will be used for compliance purposes.

- 4 Erosion and sediment controls must be installed and maintained in accordance with the principles and practices contained within the Auckland Council document titled *"2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region"* (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents must prevail.
- 5 Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site must be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents must be removed as soon as possible, but at least daily. The stabilised construction entrance must be maintained throughout the duration of earthworks operations.
- 6 Erosion and sediment controls must be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.
- 7 The installation of all erosion and sediment controls must be supervised by an appropriately qualified and experienced person. The Consent Holder must provide to the council's assigned monitoring officer a written statement or certification from the appropriately qualified and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.
- 8 No works may be carried out between 1 May and 30 September in any year unless the prior written agreement of the council's assigned monitoring officer has been obtained.
- 9 Any request to undertake works between 1 May and 30 September in any year must be in writing and must be made at least two weeks prior to the proposed date that the works are required to be undertaken. This written request must include an amended ECMP for the works.
- 10 Drains and cut-offs constructed to divert stormwater must:
  - (a) Be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event;
  - (b) On grades greater than 2%, be protected to avoid erosion occurring;
  - (c) Not be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
- 11 Slash, soil, debris and detritus associated with the exercise of these consents must not be placed in a position where it may be washed into any water body.
- 12 All bare areas of land and fill must be either sealed or covered with aggregate, or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material must be applied to achieve total groundcover of any areas that are topsoiled and unable to achieve the above requirements.
- 13 The exercise of these consents must not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.
- 14 The exercise of these consents must not cause any of the following effects on the water quality of the Mangawhai Estuary, as measured approximately 20 metres downstream of a discharge point into the tributary, when compared to a site upstream of all earthworks activities during the same sampling event:

- (a) The production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials;
- (b) A conspicuous change in colour or visual clarity;
- (c) An emission of objectionable odour.

15 These consents will not lapse until their expiry.

16 In the event of any discharge associated with the site operations that is not authorised by this consent or rule in the Regional Plan, the Consent Holder must:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- (b) Immediately notify the council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- (d) Report to the council's assigned monitoring officer in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline must be contacted.

**Advice Note:** *The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

17 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of June for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder must meet all reasonable costs of any such review.

**EXPIRY DATE:** **30 JUNE 2030**

These consents are granted this Twenty-third day of July 2025 under delegated authority from the council by:

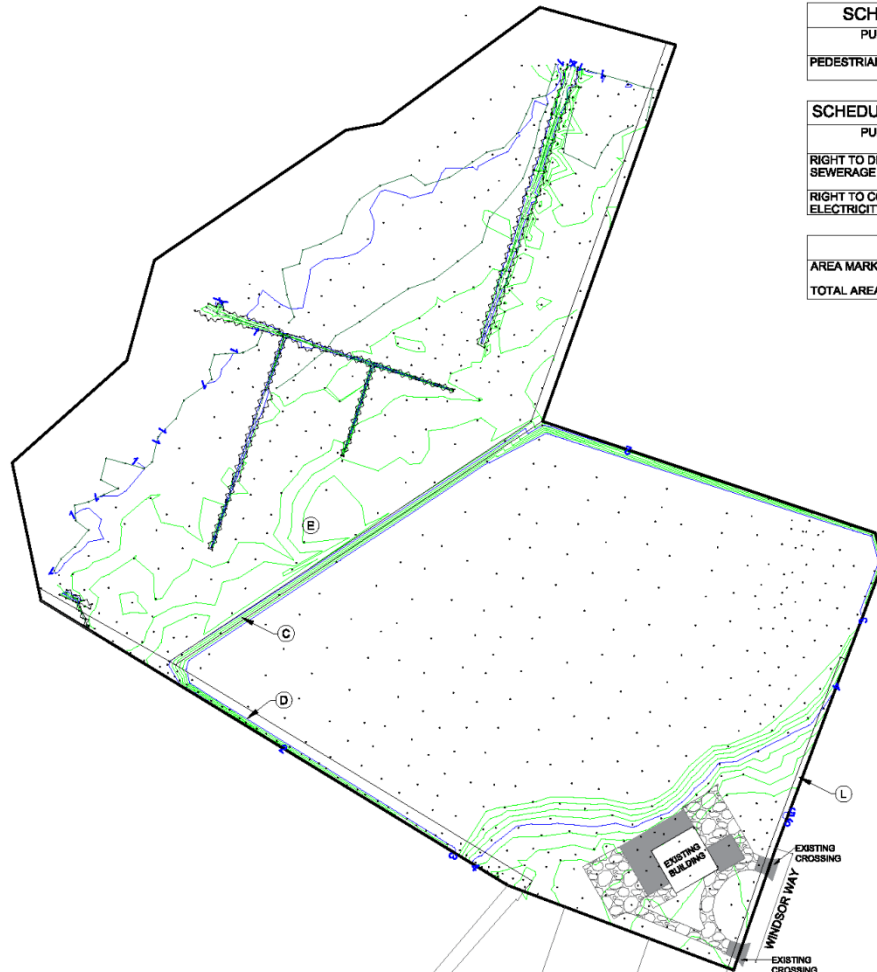


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Paul Maxwell  
Coastal & Works Consents Manager

**Advice Note:** *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.*

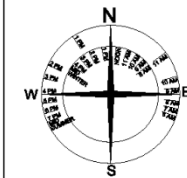




SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWERAGE	D	LOT 8 DP 565865	KAIPARA DISTRICT COUNCIL VECTOR LIMITED
RIGHT TO CONVEY ELECTRICITY	L	LOT 8 DP 565865	KAIPARA DISTRICT COUNCIL VECTOR LIMITED

EXISTING LAND COVENANTS	
AREA MARKED 'E' IS SUBJECT TO CONSERVATION COVENANT.	
TOTAL AREA = 5.2391Ha	



#### LEGEND

- MAJ CONTOUR
- MIN CONTOUR
- PROPERTY BOD
- FENCE
- RETAINING WALL
- TOP OF BANK
- BOTTOM OF BANK
- SANITARY SEWER
- STORMWATER
- FLOWLINES
- DRAIN
- GRAVEL
- CONCRETE/SEAL
- PLANTINGS
- NOMINAL BUILDING SITE
- EXISTING LAND COVENANTS
- TREES / GARDEN

NOTE:

- ANY QUERIES SHOULD BE DIRECTED TO PACIFIC COAST SURVEYS LTD.
- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT 2000.
- VERTICAL DATUM ASSUMED.
- MAJOR CONTOUR LINES ARE AT 1m INTERVALS.
- ALL AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL LT SURVEY.

**NORTHLAND REGIONAL COUNCIL**

REF : 46759

Plan Number **5584/1**

**PCS** **PACIFIC COAST SURVEYS**

09 431 5353 | 0800 PACIFIC | 0800 722 4342

info@pacificcoastsurvey.co.nz

www.pacificcoastsurvey.co.nz

**EARTHWORKS PROPOSAL**

DESIGN CONTOURS

**WINDSOR WAY, MANGAWHAI**

CLIENT **BLACK SWAMP LTD**

FILE 3056

REVISION REV 2

DATE JUNE 2025

SCALE 1:2000 @ A3

COUNCIL FILE RM

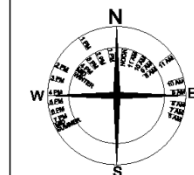
PAGE 2 OF 5

## PROPOSED SUBDIVISION OF LOT 8 DP 565865

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWERAGE	D	LOT 8 DP 565865	KAIKARA DISTRICT COUNCIL
RIGHT TO CONVEY ELECTRICITY	L	LOT 8 DP 565865	VECTOR LIMITED

EXISTING LAND COVENANTS	
AREA MARKED 'E' IS SUBJECT TO CONSERVATION COVENANT.	
TOTAL AREA = 5.2391Ha	



#### LEGEND

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EARTHWORKS VOLUMES		
AREA	AREA	VOLUME
CUT	- NA -	- NA -
FILL	42428m²	43178m³
TOTAL	42428m²	43178m³

AREA OF EARTHWORKS



PACIFIC COAST SURVEYS

09 431 5353 | 0800 PACIFIC | 0800 722 4342  
info@pacificcoastsurvey.co.nz  
www.pacificcoastsurvey.co.nz

EARTHWORKS PROPOSAL  
AREA OF FILL

WINDSOR WAY, MANGAWHAI

CLIENT: BLACK SWAMP LTD  
FILE: 3056  
REVISION: REV 2  
DATE: JUNE 2025  
SCALE: 1:1500 @ A3  
COUNCIL FILE: RM  
PAGE: 3 OF 5

PROPOSED SUBDIVISION OF  
LOT 8 DP 565865

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWERAGE	D	LOT 8 DP 565865	KAIPARA DISTRICT COUNCIL
RIGHT TO CONVEY ELECTRICITY	L	LOT 8 DP 565865	VECTOR LIMITED

EXISTING LAND COVENANTS	
AREA MARKED 'E' IS SUBJECT TO CONSERVATION COVENANT.	
TOTAL AREA = 5.2391Ha	



#### LEGEND

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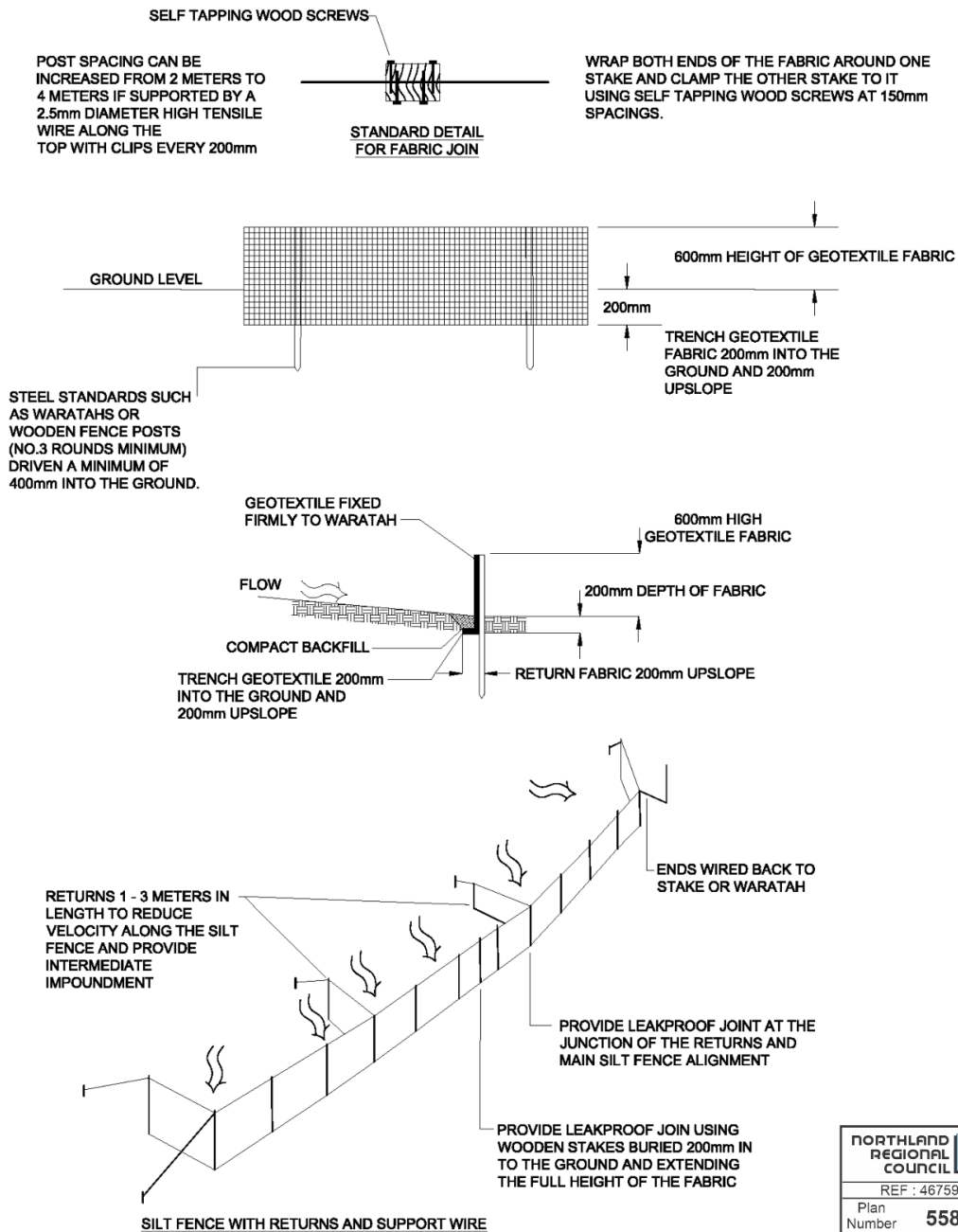
EARTHWORKS PROPOSAL  
SILT FENCE

WINDSOR WAY, MANGAWHAI

CLIENT: BLACK SWAMP LTD  
FILE: 3056  
REVISION: REV 2  
DATE: JUNE 2025  
SCALE: 1:1500 @ A3  
COUNCIL FILE: RM  
PAGE: 4 OF 5

PROPOSED SUBDIVISION OF  
LOT 8 DP 565865

## STANDARD DETAILS FOR SILT FENCE



**PACIFIC COAST  
SURVEYS**

0800 PACIFIC (0800 7224342)  
info@pacificcoastsurvey.co.nz  
www.pacificcoastsurvey.co.nz

**STANDARD DETAILS  
FOR SILT FENCE**

WINDSOR WAY, MANGAWHAI

CLIENT **BLACK SWAMP LTD**

FILE 3058

REVISION REV 2

DATE JUNE 2025

SCALE NTS

COUNCIL FILE RM

PAGE 5 OF 5

**PROPOSED SUBDIVISION OF  
LOT 8 DP 565865**

# **Earthworks Construction Management Plan**

Prepared for Black Swamp Ltd

By

Pacific Coast Surveys Ltd

JUNE 2025

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# 1 Introduction

## 1.1 Scope of the Works

The works, that are the subject of this Construction Management Plan, are works at Windsor Way, Mangawhai.

It is proposed to complete earthworks to elevate an area of open ground with the 100-year Coastal Flood Hazard Zone as identified by Northland Regional Council.

Works will consist of;

- Implementation of silt and sediment control prior to any earthworks on site, excluding that require for the silt and sediment control.
- Clean off all organics from existing surface and stockpile.
- Import suitable fill as approved by supervising engineer.
- Place and compact.
- Construct and shape new batters with 1:3 grade or 1:2 grade with rock stabilisation as recommended by supervising engineer.
- Clean out existing drains.
- Spread organic material/ topsoil on completion
- Revegetation of disturbed sites or surface covering measures to minimise erosion and sediment runoff post earthworks.

## 1.2 Purpose of the Plan

The purpose of this Construction Management Plan (CMP) is to achieve the following:

Demonstrate how potential construction related environmental effects will be avoided, remedied or mitigated during the construction phase of the earthworks for the development by following of guidelines given in this document.

The Construction Management Plan should be referred to when:

- Planning works to minimise, remedy or mitigate the effects on the environment,
- Undertaking all works that may have impact on the environment.
- Communicating with stakeholders.

The CMP will be available to all parties, so that it can be used as a practical construction and communication management tool and reference source. An up-to-date CMP will be kept in a specified site office and all construction staff will be made aware of its location for reference as required.

## 1.3 Exclusions

The following items are excluded from the scope of the CMP:

- Construction place health and safety. The appointed Contractor will prepare a specific health and safety plan from these works.

## **1.4 Construction Guidelines**

The Environmental Guidelines listed in this report have been specifically formulated for the construction phase of this project. The Guidelines are based on current New Zealand legislation and best practice environmental management techniques. The guidelines are to be used as a key part of measures to directly control activities in order to avoid, remedy or mitigate actual and potential environmental effects during construction.



## **2 Summary of Potential Environmental Effects During Construction**

The following are potential environmental effects that may result from the construction phase of the project:

- Disruption to local traffic flow
- Sediment discharge during earthworks
- Reduced stormwater quality
- Contamination from refuelling
- Noise and vibration nuisance
- Reduced air quality and dust
- Night time activities

The following section sets out guidelines whose purpose is to avoid, remedy or mitigate the above potential effects of the construction works on the environment.

## **3 Environmental Guidelines During Construction**

### **3.1 Traffic Guidelines**

### **3.2 Traffic Flow Restrictions during Construction**

All works are conducted on site; a traffic management plan will not be required. It is expected material will be imported over 6-month period. Vehicle movements will be under the permitted 60 per day.

### **3.3 Guidelines for Work Hours**

No night time works are permitted. Construction is limited to between 7.00am and 6pm, Monday to Friday. Saturday work is permitted between 7.30am and 6.00pm.

### **3.4 Noise Guidelines**

Potential sources of construction noise are:

- Earthworks at the site.
- General road construction machinery.

For works during the day, the Contractor shall comply with the noise limits specified in NZS6803:1999 for work during the day.

### **3.5 Vibration Guidelines**

None of the construction methods will generate levels of vibration needing specific mitigation.

### **3.6 Visual and Landscape**

The construction phase of the development is likely to cause medium -term disruption to the visual landscape as a result of earthworks and the presence of construction machinery.

Works are limited to the site which is well back from Black Swamp Road.

The most affected parties will be existing residence on Windsor way and residence of the Riverside Holiday Park.

There is an existing hedge between the holiday park and the site to provide visual screening.

### **3.7 Earthworks and Construction Guidelines**

Earthworks control methods will limit the creation of dust, and to limit the discharge of sediment to the road side drain.

#### **3.7.1 Dust Control**

Dust will arise from where excavation and fill operations are occurring, and also along tracks used for hauling materials and from stockpiles. Dust control requirements are:

1. Hydrocarbons (such as hydraulic oils) shall not be used as a method of controlling dust.
2. Earthworks areas will be watered and covered as required to limit the creation of dust.
3. The use of stockpiles and handling of excavated materials will be limited.
4. The area of cut and fill exposed will be minimised. Areas will only be opened up as required.
5. Problem sandy/dusty areas will be capped to limit the creation of dust.

#### **3.7.2 Erosion Control**

It is intended to complete the works in 4 sections to minimize the area of exposure at any one time.

Each section will be cleared of organics, before suitable fill is placed and compacted in lifts.

Once the finished ground level has been achieved, top soil is to be spread and the area re-seeded on completion.

Cut off drains will be employed on the tops of any batters and silt fencing and bales above the discharge points of any drains.

#### **3.7.3 Sediment Control**

It is intended to complete the works in 4 sections to minimize the area of exposure at any one time.

Each section will be cleared of organics, before suitable fill is placed and compacted in lifts.

Once the finished ground level has been achieved, top soil is to be spread and the area re-seeded on completion.

Cut off drains will be employed on the tops of any batters and silt fencing and bales above the discharge points of any drains.

Sediment fences are to be checked daily prior to start works and replaced repair as necessary.

The following measures will be implemented to limit the discharge of sediment laden stormwater to the receiving environment:

1. Filter fabric fences shall be erected on the down-slope side of stockpiles and disturbed earthen surfaces to filter sediment from surface runoff before it enters the stormwater system along Cove Road.
2. Cut off drains shall be constructed along batters above stockpiles, excavations and disturbed earthen surfaces to divert clean surface water away from where it could become contaminated by sediment.
3. Sediment collected by filter fabric and filter material will be regularly collected and carted offsite and disposed of at landfill if any of the material is unsuitable, or spread onto the site if it is suitable fill material.

#### **3.7.4 Programme of works**

Earthworks are scheduled to commence on Oct 2025 and are to be completed by End of May 2026.

#### **3.7.5 Construction methodology**

Erosion and sediment control is to be setup and approved by the monitoring officer KDC prior to the start of works.

A pre start meeting shall be conducted on site between the contractor and KDC delegated representative, should that not be possible written approval shall be sort from the monitoring officer to start.

All earthworks on site are to be undertaken using excavators cutting the material, and placing it onto trucks, tractors and trailers for transport to the fill site.

Any unsuitable material for engineered fill will be stockpiled for landscaping.

Suitable hardfill, subbase and base course will be imported spread and compacted with no stockpiles required.

Engineered fill is to be placed under the supervision of the certifying engineer. Fill is to be placed in lifts and compacted to achieve design FGL.

Batters are to be shaped to 1:3 or 1:2 with stabilisation as approved by the certifying engineer.

As sections are completed exposed areas are to be reseeded and covered with straw or covered with metal and compacted for access and crossings.

Should adverse weather be forecast, erosion and sediment controls should be inspected and corrected if required. After any significant event silt control shall be inspected and repaired as necessary.

Any vehicles leaving site shall be inspected to prevent sediment being deposited on public roads.

## 4 Guidelines for Storage and Maintenance Activities

Storage and maintenance procedures take into account best practice environmental management. The following sections provide guidelines to assist this.

### 4.1 Refuelling and Maintenance

Refuelling and maintenance activities have the potential to release oil, diesel, degreasers and other contaminants into the environment. The restrictions proposed recognise the potential adverse effects of these substances, together with the practical implications of removing vehicles from an area for refuelling.

Requirements for refuelling and maintenance are as follows:

1. Construction refuelling and maintenance facilities shall be appropriately constructed so that the potential for contamination is minimised as appropriate to the scale of the facility.
2. All bulk fuel/oil/chemical storage areas shall have secondary containment systems that shall be:
  - Impervious and non-reactive.
  - Able to contain the volume of the full vessel plus a freeboard of 0.5m to allow for the possible collection of rainwater at the same time as a spill.
  - Covered to prevent collection of rainwater.
3. All dispensing units shall have drip trays and drip containers in place at all times.
4. Waste bins shall be provided for the collection of waste drums, oily rags, oil filters etc. and the contents of the waste bins shall be regularly and appropriately disposed of.
5. Any refuelling depot and storage of dangerous or hazardous materials shall comply with the relevant regulations or transitional regulations under the *Hazardous Substances and New Organisms Act, 1996*.
6. The refuelling and maintenance depot shall be secure after hours.
7. No oils or any other substances other than stormwater are to be discharged to ground.
8. Areas for degreasing and collection vessels for waste liquids are to be provided and shall be under cover. Degreasing fluids are to be removed off site for appropriate disposal.
9. The refuelling and maintenance area is to be appropriately reinstated once the need for the unit is no longer required.
10. A general spill containment kit shall be readily available at all times when machinery

is present and to service each operating unit. The kit is to contain sawdust, gloves, an absorbent boom and a container for the disposal of contaminated equipment and soils (*spills over 60 litres will require appropriate arrangements to be made for removal and disposal*).

11. Refuelling may occur 'on location' (*i.e. outside a designated maintenance/refuelling facility*) provided that: the tanker carries a spill containment kit (*containing sawdust, gloves, and a container for the disposal of contaminated equipment and soils*); the tanker driver is responsible for filling; and; the tanker auto switch-off is fully operational.
12. All maintenance (*including oil changes*) is to occur within the designated maintenance and refuelling depot.
13. All spills are to be contained and appropriately cleaned up; contaminated materials are to be appropriately disposed of offsite.
14. No dispersants shall be used to control spills of hydrocarbons.
15. Any waste oils should be stored under cover and away from traffic movement.
16. Grease cartridges shall be disposed of in rubbish receptacles.

## 5 Communicating with Stakeholders

### 5.1 Kaipara District Council communication

1. The Kaipara District Council shall be informed in writing prior to the commencement of any works on the site, and shall also be notified on completion of the earthworks.
2. The Kaipara District Council shall be notified of any contaminant discharges to the ground, or any discharges off the site of any material.
3. The Kaipara District Council shall be permitted onto the site for periodic inspections of the works, at its discretion.

The contacts for the Kaipara District Council are Phone 09 439 7059, email [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz).

### 5.2 On site contacts

The site manager contact details are:

Adam Booth  
[adam@pacificcoastsurvey.co.nz](mailto:adam@pacificcoastsurvey.co.nz)  
027 4155752

### 5.3 Community Communication

No community communication is required prior to the outset of the project.

### 5.4 Handling Complaints

The procedure for handling any complaints made by members of the public are as follows:

- A register of public complaints will be kept by the Engineer. This register will be a separate file containing the following information where it has been supplied by the complainant:
  - Name and address.
  - Contact telephone number.
  - Nature and description of the complaint. The location of the complaint will be recorded on a plan.
  - Date and time of the complaint, plus any other details relevant to the complaint. For example; the prevailing wind direction for a dust complaint.

- How the complaint was resolved or followed up.
- The Engineer will be responsible for investigating and resolving complaints.
- A register of complaints will be kept and provided to the Kaipara District Council.
- All complaints shall be addressed in a timely manner.



## **6 ANNEX**

**6.1 ORIGINAL CONTOURS**

**6.2 DESIGN CONTOURS**

**6.3 AREA OF FILL / DEPTH OF FILL**

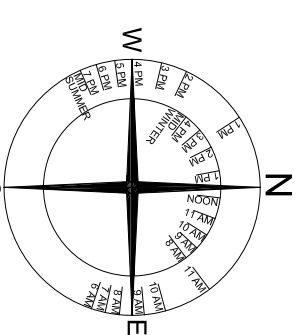
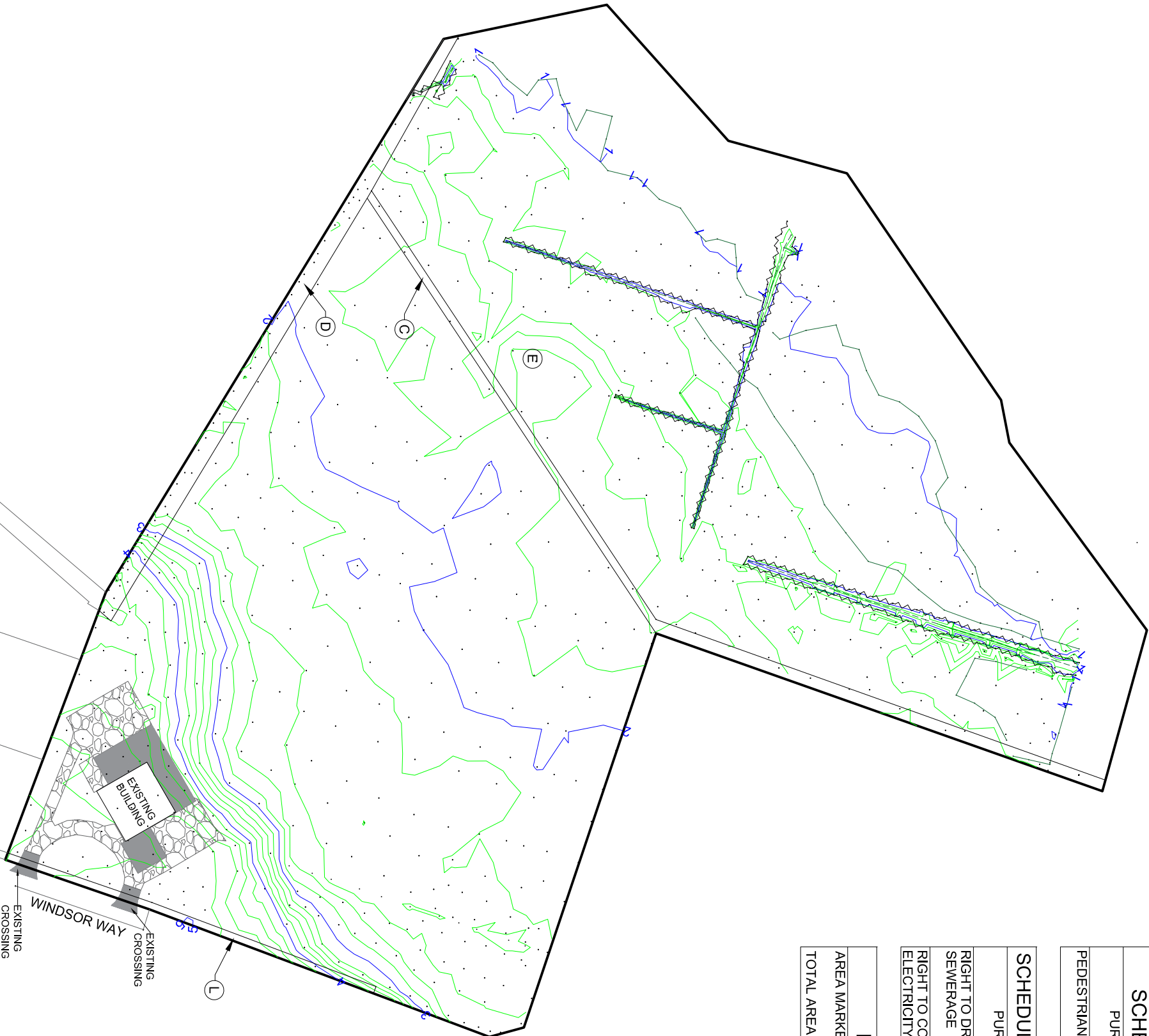
**6.4 EROSION AND SEDIMENT SITE PLAN**

**6.5 SILT FENCE DETAIL**

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWERAGE	D	LOT 8 DP 565865	Kaipara District Council
RIGHT TO CONVEY ELECTRICITY	L	LOT 8 DP 565865	VECTOR LIMITED

EXISTING LAND COVENANTS	
AREA MARKED 'E' IS SUBJECT TO CONSERVATION COVENANT.	
TOTAL AREA = 5.2391Ha	



- LEGEND**
- MAJ CONTOUR
  - MIN CONTOUR
  - PROPERTY BDY
  - FENCE
  - RETAINING WALL
  - TOP OF BANK
  - BOTTOM OF BANK
  - SANITARY SEWER
  - STORMWATER
  - FLOWLINES
  - DRAIN
  - GRAVEL
  - CONCRETE/SEAL
  - PLANTINGS
  - NOMINAL BUILDING SITE
  - EXISTING LAND COVENANTS
  - TREES / GARDEN

**NOTE:**

- ANY QUERIES SHOULD BE DIRECTED TO PACIFIC COAST SURVEYS LTD.
- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT 2000.
- VERTICAL DATUM ASSUMED.
- MAJOR CONTOUR LINES ARE AT 1m INTERVALS.
- ALL AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL LT SURVEY.



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EARTHWORKS PROPOSAL  
ORIGINAL CONTOURS

WINDSOR WAY, MANGAWHAI

CLIENT  
**BLACK SWAMP LTD**

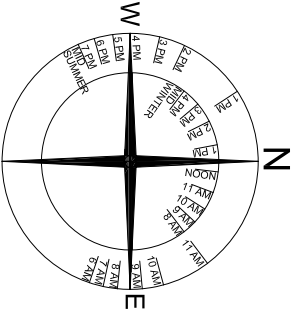
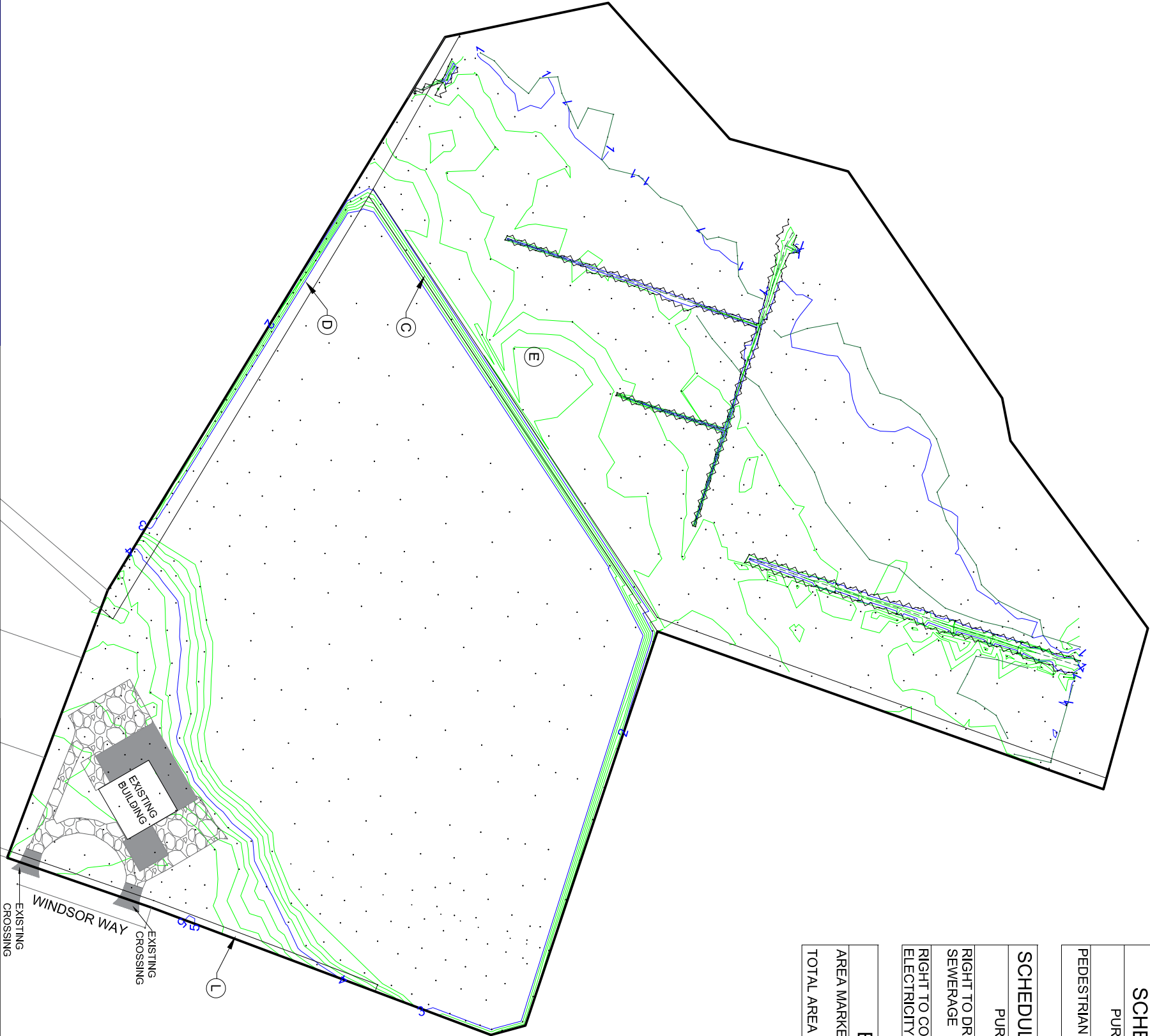
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PAGE 1 OF 5

PROPOSED SUBDIVISION OF  
LOT 8 DP 565865

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
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EARTHWORKS PROPOSAL  
DESIGN CONTOURS

WINDSOR WAY, MANGAWHAI

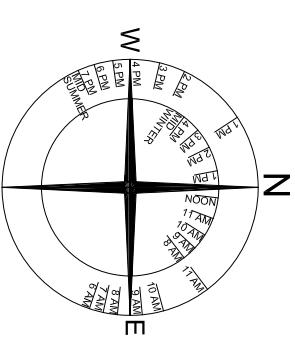
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DATE	JUNE 2025
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PAGE	2 OF 5

PROPOSED SUBDIVISION OF  
LOT 8 DP 565865

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWERAGE	D	LOT 8 DP 565865	KAIPARA DISTRICT COUNCIL
RIGHT TO CONVEY ELECTRICITY	L	LOT 8 DP 565865	VECTOR LIMITED

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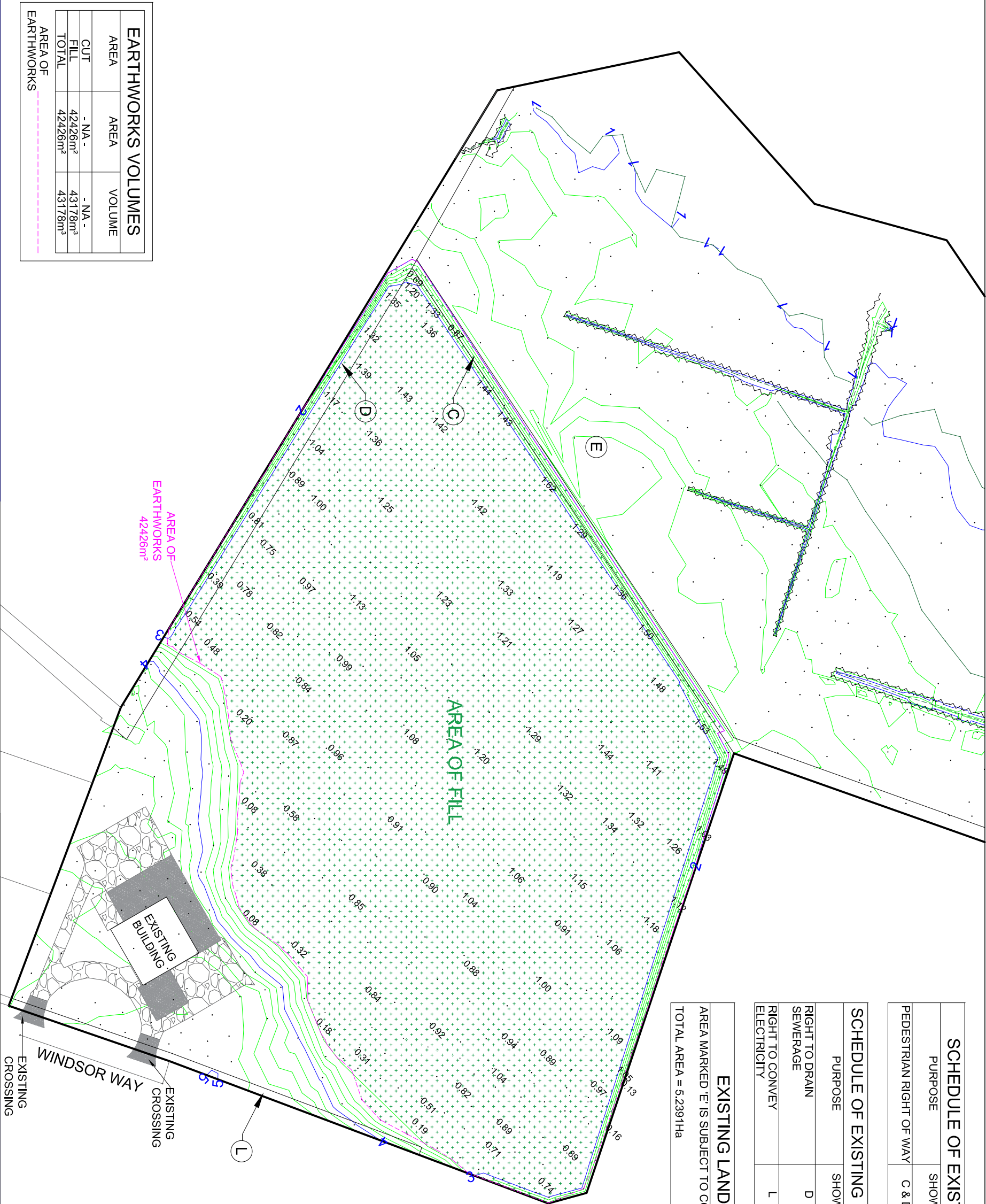


LEGEND

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EARTHWORKS VOLUMES		
AREA	AREA	VOLUME
CUT	- NA -	- NA -
FILL	42426m²	43178m³
TOTAL	42426m²	43178m³



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EARTHWORKS PROPOSAL

AREA OF FILL

WINDSOR WAY, MANGAWHAI

CLIENT  
BLACK SWAMP LTD

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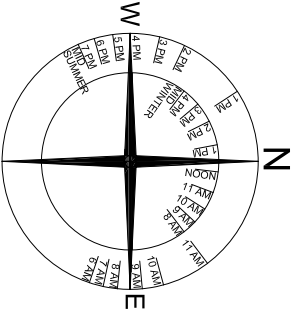
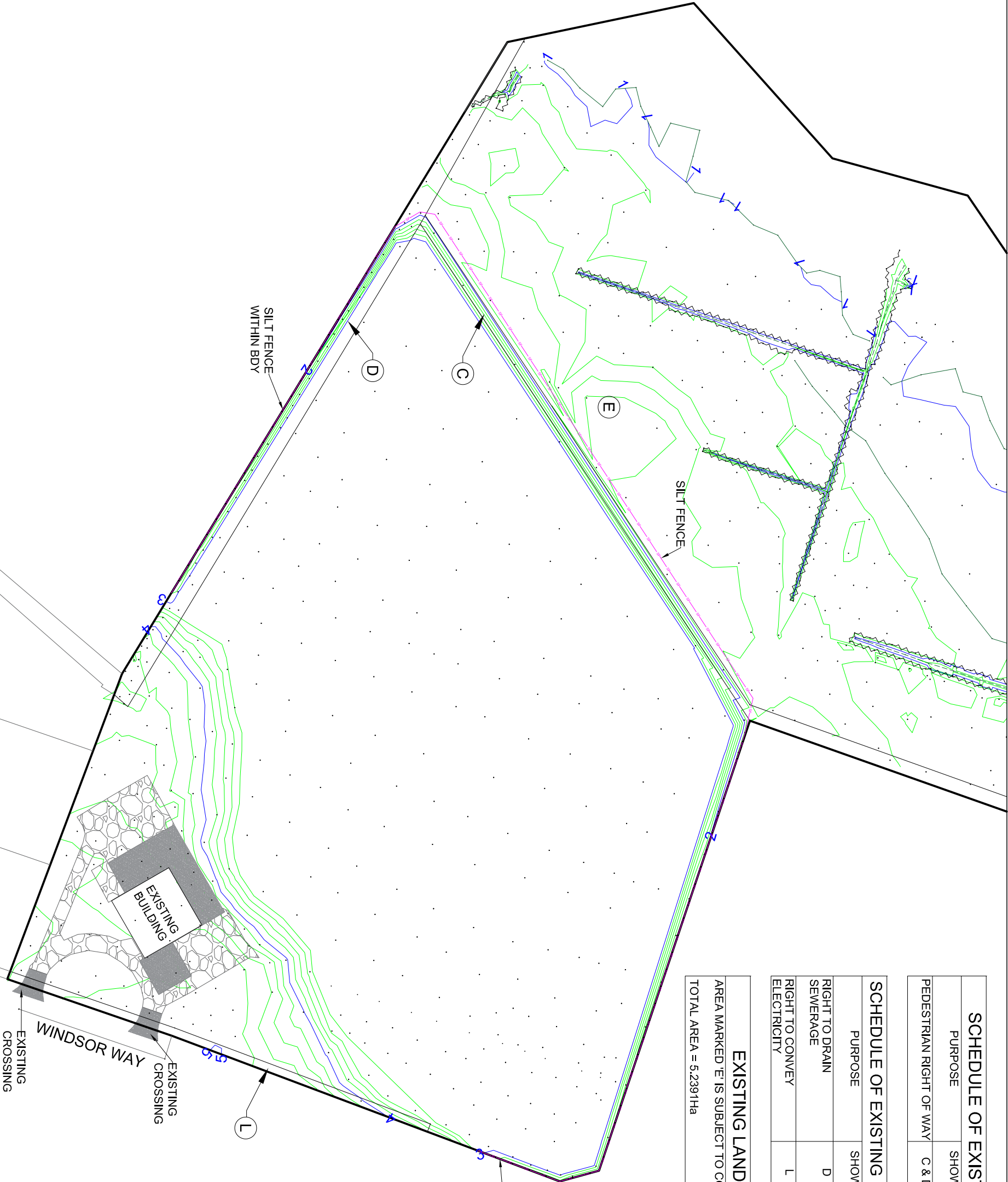
PROPOSED SUBDIVISION OF  
LOT 8 DP 565865



SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	C & D	LOT 8 DP 565865	LOTS 1 - 7 DP 565865

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
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EARTHWORKS PROPOSAL

SILT FENCE

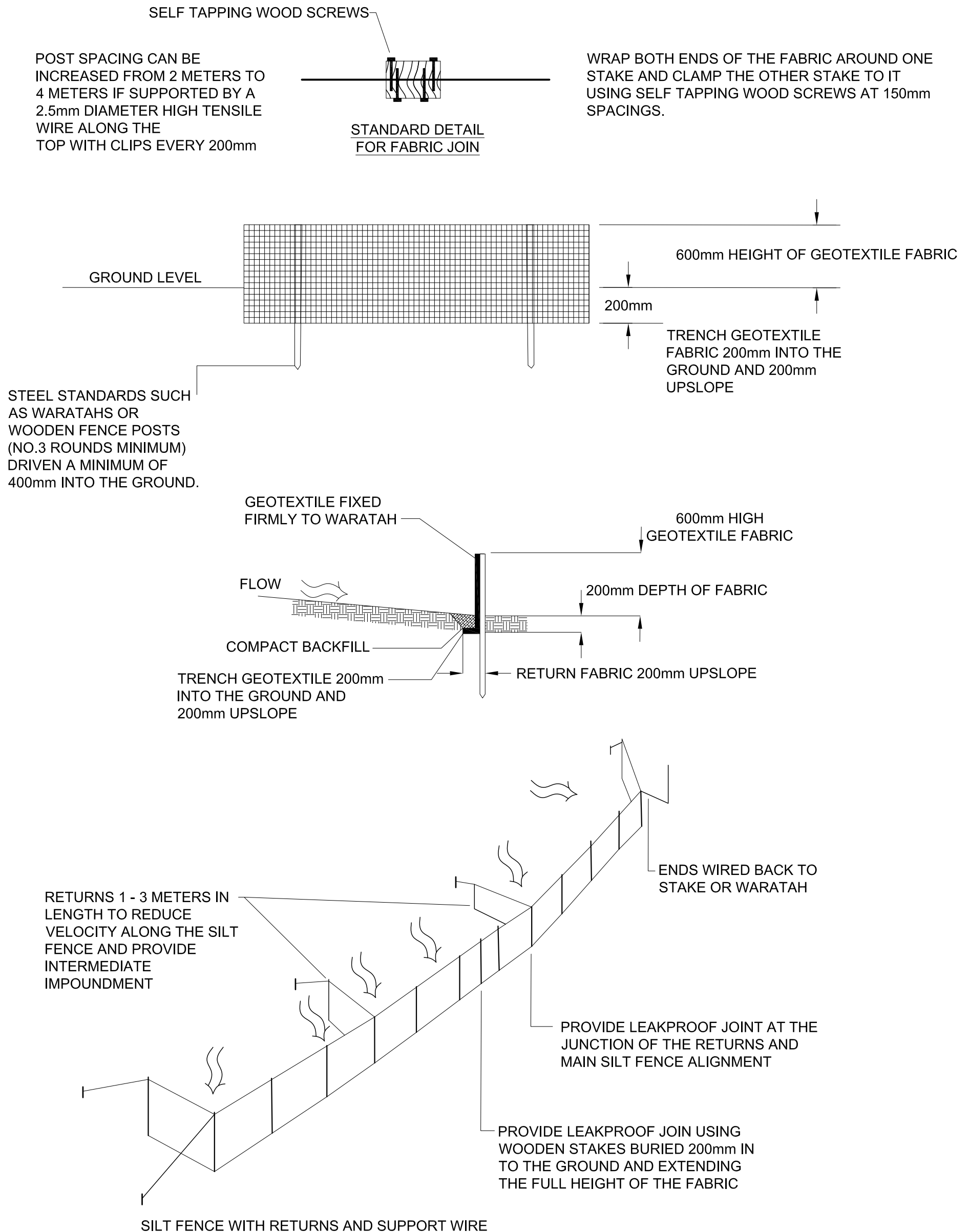
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PROPOSED SUBDIVISION OF  
LOT 8 DP 565865

# STANDARD DETAILS FOR SILT FENCE



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## STANDARD DETAILS FOR SILT FENCE

WINDSOR WAY, MANGAWHAI

CLIENT  
**BLACK SWAMP LTD**

FILE  
3056

REVISION  
REV 2

DATE  
JUNE 2025

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**PROPOSED SUBDIVISION OF  
LOT 8 DP 565865**

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 Vanderlay Industries Limited

File Reference:

RM210463

## ***Decision on Resource Consent Application***

### **Activity**

*To construct an industrial building to operate a brewery in breach of Excavation and Fill, Maximum Height, and Traffic Intensity Rules. As a result of these breaches, the proposal is also in breach of the Commercial and Industrial Buildings rule.*

### **Location**

*Address: 25 Windsor Way, Mangawhai*

*Legal Description: LOT 8 DP 565865, RT 1011542*

### **Reasons for Consent**

Kaipara District Plan (Operative 2013) Rule Assessment:

*The following apply to the subject property:*

**Zoning:** Rural Zone

**Overlays:** Mangawhai Harbour Overlay

*Area of Flood Susceptibility*

**Rules:** *Rule 12.10.1a 'Excavation and Fill'* The proposal would require earthworks and the site is known to be subject to flood hazards. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

Rules 12.10.4 – Commercial and Industrial Buildings – The proposed building would not comply with the performance standards of 12.10, in this case Rule 12.10.5. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

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Rule 12.10.5 – Maximum Height – The proposed tower would have a height of 9.56m, which is in excess of the 8m height limit for the zone. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

Rule 12.10.18 – Traffic Intensity – As per Appendix 25F, the proposal would generate 295 daily one-way traffic movements, which is more than the 60 daily one-way traffic movements provided for by the rule. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

**Activity Status:** Restricted Discretionary Activity

### Determination

Pursuant to Section 104 (104A, 104B or 104C), and 108 of the Resource Management Act 1991 (“the Act”), the Kaipara District Council **grants** RM210463; subject the following conditions:

### General

1. The activity shall be carried out in general accordance with the plans and all information submitted with the application formally received by the Kaipara District Council (“Council”) on 22 December 2022.
- Application form, and assessment of environmental effects prepared by Pacific Coast Surveys, *dated December 2022*.

Plan title and reference	Author	Rev	Dated
Proposed Ground Floor Plan (Stage 1), Project number 21109, Drawing A1-100	RTA Studio		Undated
North Elevation (Stage 1), Project number 21109, Drawing A1-300	RTA Studio		Undated
South Elevations (Stage 1), Project number 21109, Drawing A1-301	RTA Studio		Undated
Proposed Earthworks Lot 8, File 3056	Pacific Coast Surveys Ltd	Rev 6	December 2021
Car park and Manoeuvring Plan, File 3056	Pacific Coast Surveys Ltd	Rev 2	
Fire and Emergency Approved Plan	Cross Fire		24 March 2022
Report title and reference	Author	Rev	Dated
Geotechnical Investigation	Wiley Geotechnical Limited		14 December 2020

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Earthworks Construction Management Plan	Pacific Coast Surveys Ltd		December 2021
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Fire Safety Design, Job Number 4193	Cross Fire	Rev A	16 February 2021
Report of proposed Civil Infrastructure for Brewery Building	Pacific Coast Surveys Ltd		16 February 2022
Detailed Site Investigation prepared for Vanderlay Industries Ltd, HG Ref 12295	Hawthorn Geddes		07 December 2020
Landscape Visual Assessment Comment	Evolve Planning		8 March 2022

Advice Note:

Where is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

**Charges**

- 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 Dates**

- Under Section 125 of the Act, this consent lapses five years after the date of granting consent unless:
  - 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:**

- The construction works shall generally be in accordance with the site plan prepared by Pacific Coast Surveys Ltd (Reference: 3056 Rev 6; dated: December 2021).
- All earthworks shall be undertaken in accordance with Section 4 KDC Engineering Standards 2011 and Construction Management Plan (CMP) (dated: December 2021).
- The consent holder shall employ a suitably qualified Geotechnical Engineer acceptable to Council to investigate, direct and supervise all fill works, to ensure that an appropriate design

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(including temporary works) and construction methodology is carried out to maintain the short- and long-term stability of the site and surrounds and inspect & certify the fill works in accordance with NZS 4431.

7. Earthworks, including silt and sediment controls, shall be undertaken in general accordance with the methodology and recommendations of the geotechnical report by Wiley Geotechnical Ltd (Reference: 20321, dated: 01/09/2022), the Construction Management Plan prepared by Pacific Coast Surveys Ltd, and having regard to the following documents:
  - i. Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region June 2016 Guideline Document 2016/005;
  - ii. BC5850 New Zealand Standard Code of Practice for Earth fill for Residential Development;
  - iii. NZS 4404:2010 - Land development and subdivision infrastructure; and
  - iv. Section 4 of the Kaipara District Council Engineering Standards 2011.
8. Erosion and sediment controls shall be installed prior to the commencement of any earthworks (excluding earthworks required for the construction of erosion and sediment controls). A suitably qualified and experienced person shall supervise the installation of all erosion and sediment controls. The erosion and sediment controls installed shall remain in place for the entire duration of earthworks activities.
9. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The council reserves the right at all times to stop the works in and during periods of high winds.
10. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The council reserves the right at all times to stop the works in and during periods of high winds.

**Wastewater Services:**

11. Prior to the commencement of any works associated with this consent, the applicant shall submit a detailed Wastewater design and PS1 (producer statement) document from a suitably qualified and experienced engineer in accordance with Section 6 of the Kaipara District Council Engineering Standards 2011 and NZS 1547 for Council approval. They shall be maintained by the consent holder for the duration of the consent.
12. The applicant shall contact Council and arrange an inspection during installation of the chosen Wastewater Design as per the Kaipara District Council Engineering Standards 2011.

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**Landscaping Requirements:**

13. The consent holder shall undertake a landscape amenity planting of 2m wide along the site frontage to the driveway and the southern boundary with Lots 5-7 to ensure screening of the site activities from neighbours. Planting shall be completed within the next planting season following the granting of this consent.
14. The landscaping shall be maintained by the consent holder for the duration of the consent.

**Design Guidelines:**

15. The following design guidelines shall apply to this proposal:
  - Any glazing must be non-mirrored.
  - Any part of the building that is to be painted is to be finished in the colours found on BS5252 complying with the following:
    - Hue (colour): all the colours from 00-24 are acceptable.
    - Reflectance Value (RV) and Greyness Groups: the wall colours have a RV rating of no more than 60% for greyness groups A and B
    - Roofs: a RV rating of no more than 30% within greyness groups A, and B.
    - Groups C, D, E are not permitted

**Operating Hours:**

16. The loading and unloading of vehicles shall be restricted to hours of 7am to 7pm Monday to Saturday.

**Noise Emissions from the Site:**

17. Noise emissions from the site are to comply with the following:
  - a. The activity shall be designed and operated to comply with the following noise limits as measured at either within any site zoned Residential or within the notional boundary of a dwelling in the Rural or Maori Purposes zoned land (excluding those in the Business zones).  
 Note: if access is not available at a notional boundary, then monitoring is to be undertaken at a site confirmed by a qualified acoustical engineer as being a representative alternative site.
    - i. 7.00am – 7.00pm Monday-Friday 50dBA LAeq
    - ii. 10.00pm – 7.00am any day 40dBA LAeq and 70dBA LAFmax, and
    - iii. All other times 40dBA LAeq
    - iv. Sound levels shall be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of Environmental Sound and assessed in

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accordance with NZS 6802: 2008 Acoustics – Environmental Noise.

- v. Construction, maintenance and demolition activities shall meet the limits set out in NZS 6803: 1999 Acoustics – Construction Noise.

### **Section 128 Review**

- 18. Under Section 128 of the Act the conditions of this consent may be reviewed by the Council at the Consent Holder's cost:
  - a. Anytime within the first 12 months of the consent being given effect to and thereafter annually in order to:
    - i. To assess any adverse effects on the environment or any persons which may arise from the exercise of this consent, where it is appropriate to deal with such effects at a later stage.
    - ii. To require the consent holder to adopt best practicable option to avoid or mitigate any adverse effects.
    - iii. To address any other adverse effects on the environment or on any persons which the exercise of this consent may influence.
    - iv. To alter the requirements outlined in the conditions of this consent, including the ability to require further monitoring, or increasing or reducing the frequency of monitoring and/or reporting.

### **Advice Notes**

- i. *The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.*
- ii. *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 the decision.*
- iii. *All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the 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.*

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- iv. *If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Heritage New Zealand should be contacted.*
- v. *In the event koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Uri O Hau shall be contacted so that appropriate arrangements can be made.*

### Reasons for the Decision

1. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 14 April 2022.
2. In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the variation/cancellation of the consent notice condition/ on the environment are considered to be acceptable.
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 as discussed in this report.
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.
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



20/04/2022

Kelsey Newman

Date

Signed



20/04/2022

Wendy Robinson

Date

Resource Consents Manager

**Kaipara District Council**

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

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**RM210463**

**Section 104 of the Resource Management Act 1991 - Assessment Report**

Details of Application	
<b>Applicant</b>	Vanderlay Industries Limited
<b>Property to which the consent relates</b>	25 Windsor Way, Mangawhai, LOT 8 DP 565865, RT 1011542

**1.0 Description of Proposal**

- The applicant seeks resource consent to construct an industrial Brewery on the application site. Stage One involves the construction of a 590m<sup>2</sup> building which involves the manufacturing of products such as beer. The attached loading bay includes servicing and utilities, and worker bathrooms, shown in Figure 1.

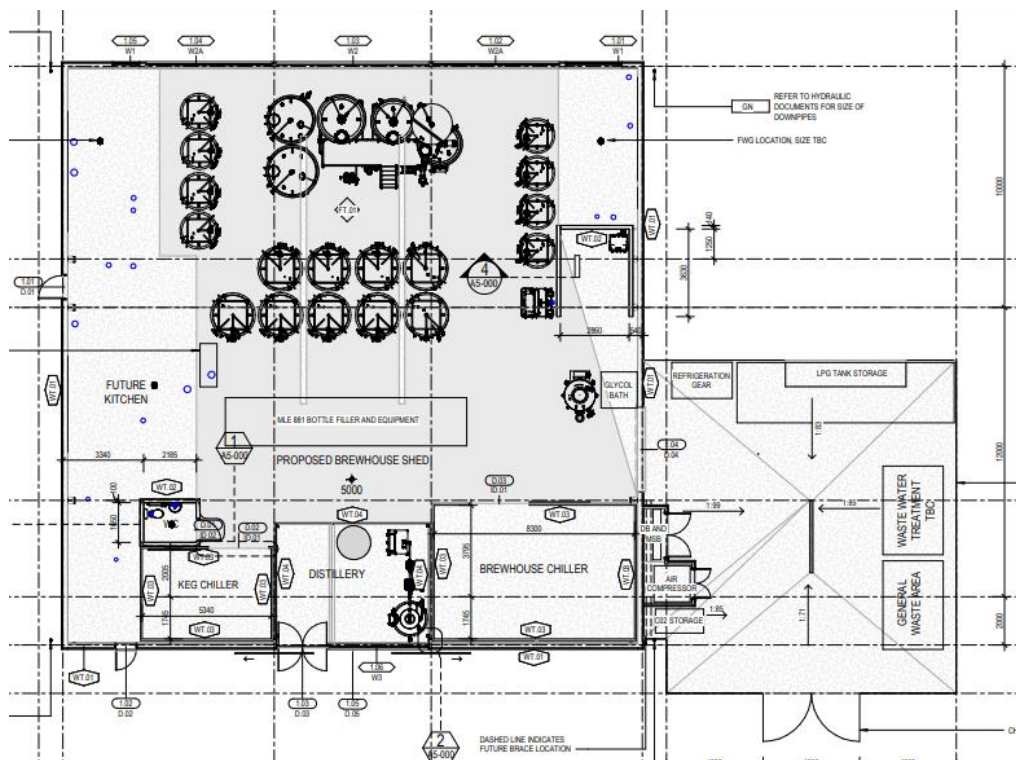


Figure 1: Proposed Industrial Activity.

- The consent also contains a small storage shed on the corner of the site.

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3. The site is subject to Northland Regional Council (NRC) Natural Hazards Flood prone soil. The proposal involves consent for earthworks associated with future stages of the brewery building development as well as site scrapes to establish a suitable building platform and carpark for the proposed brewery and is also sought retrospectively for building platform and car park preparations. The earthworks this consent considers extend over an area of approximately 3828m<sup>2</sup> and the proposed volume of 1300m<sup>3</sup>.
4. The construction of the industrial building has a roofline with a maximum height of 9.58m above ground level. This is 1.58m above the 8m limit within the Rural zone and the Mangawhai Harbour Overlay.
5. The following documentation has been provided in support of this application, both at the time and lodgement and updated through the Section 92 process:
  - Assessment of Effects prepared by Pacific Coast Surveyors, dated December 2021;
  - Geotechnical Investigation prepared by Wiley Geotechnical Limited, dated 14 December 2020;
  - Report of proposals Civil Infrastructure for Brewery Building prepared Pacific Coast Surveys;
  - Fire and Emergency New Zealand Approved Plans dated 24 March 2022;
  - Fire Safety Design prepared by Cross Fire, dated 16 February 2022;
  - Landscape Visual Assessment Comment prepared by Evolve Planning, dated 8 March 2022;
  - Earthworks Construction Management Plan prepared by Pacific Coast Surveys Ltd, dated December 2021;
  - Planning Rural Rule Assessment, undated.
6. The proposal does not confirm the wastewater servicing for this building. There is currently no public wastewater connection available to the site although the underlying subdivision creating this site clearly stated that any future 'dwellings' on the properties are to be connected to the Mangawhai Community Sewage Scheme. Approval from Council's Manager Infrastructure Planning and Development had been obtained for the principle of this connection subject to final details. The applicant has therefore proposed three possible options (reticulation, onsite, or transported offsite) for wastewater and is aware of the risk of not having a confirmed system at the processing of this consent.

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## 2.0 Site and Consent History

7. The subject site (LOT 8 DP 565865, RT 1011542) is a Rural zoned site of approximately 10.63ha located off the outskirts of Mangawhai Village. The site is located within a rural lifestyle area of Mangawhai, shown within Figure 2.

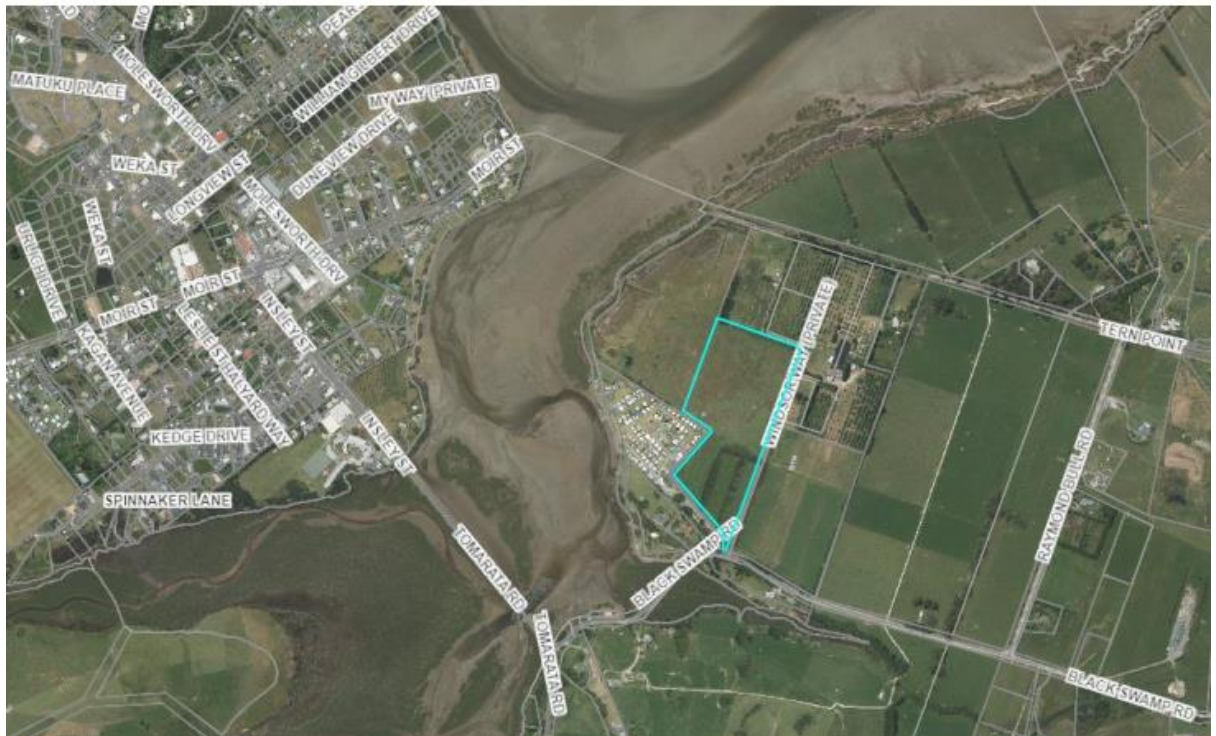


Figure 2: Wider Environment.

8. The application site currently contains no buildings and is primarily covered in grass. The only built structure is a small shed located onsite. A portion of the site has been planted with vineyards near the estuary. The topography of the site is generally flat to gently undulating, although the contour is slightly steeper towards the edge of the estuary.
9. Vehicle access to the site is from a newly ungraded Private Road off Black Swamp Road called Windsor Way. This road is 5.5m wide allowing for two-way traffic movements and concreted to ensure longevity. It now currently serves 15 properties.
10. Resource consent (reference RM210088) was granted for a subdivision and land use resource consent application at Black Swamp Road Mangawhai in July 2021. The subdivision was for 7 rural lifestyle lots and one balance lot. The land use consent component was for earthworks to level the site above the flood plain to allow a platform suitable for building. It is noted that no proposal was included at the time of subdivision for this lot.

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11. Consent Notice 12305641.2 is subject to the record of title. It sets out conditions that must be complied with during the development of the site, and on an ongoing basis. The Consent Notice included the below points relevant to this proposal:

- Building locations, earthworks, building foundations, and stormwater and wastewater disposal to be subject to specific engineering design.
- Maintain sufficient firefighting water supply for any commercial or industrial land use on the lots. This is to meet the criteria of the Code of Practice for firefighting water supplies.
- If during excavation works subsoil conditions are different to those described in the DSI provided at time of subdivision, then further assessment is required.
- Controls over vegetation planted on site with ongoing weed and animal/pest control shall be undertaken in accordance with the approved Ecological Planting and Pest Management Plan.

### **3.0 Site Description and Surrounding Environment**

12. The immediate neighbourhood of the development site is dominated by a mixture of horticultural activities, rural lifestyle allotments and farmland. Surrounding development on the eastern side of Black Swamp Road includes Mangawhai Riverside Holiday Park, which is a high-density style park that also allows campers.
13. The subject site is largely flat to gently rolling property. The site, shown in Figure 1, currently is vacant apart from a small portion of earthworks that have been retrospectively sought.



**Figure 3: Subject Site**

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14. The north-west boundary of the site has a diverse range of estuary plains habitat and wetland systems which includes mangroves, saltmarsh, brackish seepage which remain relatively intact. Within the underlying subdivision, it was proposed to be protected in perpetuity including the revegetated buffer area. This area is now formally protected in perpetuity by way of a conversation covenant and will remain fenced.
15. The surrounding area is undergoing change influenced by location and evidenced by recent residential/rural subdivisions to the south of the subject site with several dwellings being constructed on the newly created lots, and other lots pending development.

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

16. The following apply to the subject property:

*Zoning:* *Rural Zone*

*Overlays:* *Mangawhai Harbour Overlay*

*Coastal Flood Hazard*

*Rules:* *Rule 12.10.1a 'Excavation and Fill'* The proposal would require earthworks and the site is known to be subject to flood hazards. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

Rules 12.10.4 'Commercial and Industrial Buildings' The proposed building would not comply with the performance standards of 12.10, in this case Rule 12.10.5. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

Rule 12.10.5 'Maximum Height' The proposed tower would have a height of 9.56m, which is in excess of the 8m height limit for the zone. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

Rule 12.10.18 – Traffic Intensity – As per Appendix 25F, the proposal would generate 295 daily one-way traffic movements, which is more than the 60 daily one-way traffic movements provided for by the rule. Consequently, the proposed activity is a Restricted Discretionary Activity with respect to this rule.

*Activity Status:* *Restricted Discretionary Activity*

17. As a Restricted Discretionary Activity, Council's discretion is restricted to the assessment criteria of each of the listed rules above.

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## **5.0 Notification Assessment**

18. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 20 April 2022.

## **6.0 Statutory Acknowledgements**

19. 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) authorised to participate in the Resource Management Act 1991 proceedings.
20. Pursuant to Te Uri o Hau Claims Settlement Act 2002, the subject falls adjacent to the Kaipara Harbour Coastal Area, located in the Mangawhai Harbour Overlay and involves a breach of Rule 12.10.1a 'Excavation and Fill'. Under s58(1)(a) of that Act, KDC has the responsibility to forward summaries of resource consent applications to Te Uri o Hau when they involve a breach of this nature and is adjacent to the Coastal Area. This application was sent to Te Uri o Hau for comments on the 17 January 2022, however no response was provided.
21. The underlying subdivision provided a Cultural Effect Assessment (CEA) dated October 2020 was prepared in support of this application. The CEA concluded that Te Uri o Hau has no objections with the granting of the consent subject to an accidental discovery protocol (ADP). These ADP's have been adopted for this proposal.

## **7.0 Section 104(1)(a) - Actual & Potential Effects on the Environment**

### **Trade Competition**

22. 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**

23. 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 provided written approval.

### **Permitted Baseline**

24. 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

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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 comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.

25. Development within the Rural Zone compliant with the performance standards of the Kaipara District Plan and the relevant consent notice requirements is a permitted activity. The proposed development is in breach of Rule 12.10.1 'Excavation and Fill', Rule 12.10.4 'Commercial and Industrial Buildings', Rule 12.10.5 'Maximum Height' and Rule 12.10.18 'Traffic Intensity' and this consent has been assessed in relation to these breaches only as these extend beyond what is permitted.

## Receiving Environment

26. The 'environment' upon which effects are to be assessed comprises the existing 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 of right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).
27. In this location, the receiving environment consists of predominately a mixture of large rural-production lots, rural-lifestyle developments, horticultural activities, and Mangawhai Riverside Park which maintains higher density development. Some of these lots contain residential dwellings although some are undeveloped. Development of the lots in a manner compliant with the performance standards of Chapter 12 of the Kaipara District Plan and consent notices is a permitted activity.
28. No other information is available that identifies any other likely to be implemented resource consents that may affect the decision of this resource consent.

## Assessment of Effects

### *Positive Effects*

29. The proposal is for an industrial activity for a brewery on site thereby, providing for the applicant's economic wellbeing.

### *Adverse Effects*

#### *Access and Traffic*

30. 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

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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”.

31. There are not anticipated to be any adverse effects associated with these infringements as they are technical in nature. As per KDC Operative District Plan Appendix 25F, the Traffic Intensity Factor (TIF) for an Industrial Unit is 5 movement per 10m<sup>2</sup> of the Gross Floor Area (GFA). The proposed shed is for operation of a brewery, which has an overall GFA of 590m<sup>2</sup> area. Thus, the brewery will generate 295 one-way movement per day. However, the applicant has confirmed that there will be only 5 employees working in the brewery at the time, which equates to 10 vpd and has confirmed that no commercial/retail business onsite is proposed thus no customers generating increased traffic movements. Considering that the brewery will be only operational as a manufacturing centre with no retail/commercial aspect the effect is assessed to be less than minor from this breach. As a result of this development, the effects in relation to this infringement are less than minor and therefore acceptable.
32. The Council's Development Engineer also considers that the increased traffic onto both Windsor Way and the surrounding roading network as a result of the proposed Industrial Activity will have less than minor impact on vehicle movements, user safety and operation of the road network.

#### *Earthworks Effects*

33. The proposed earthworks are sought for retrospective consent, as well as for future earthworks for possible future stages to this industrial activity. The consented earthworks include a total area of 3828m<sup>2</sup> and a total volume consisting of 1300m<sup>3</sup> within the areas shown below in figure 4. This therefore exceeds the permitted earthworks threshold of 300M<sup>3</sup> over an area of 300m<sup>2</sup>, as well as earthworks on a site which is subject to a natural hazard.

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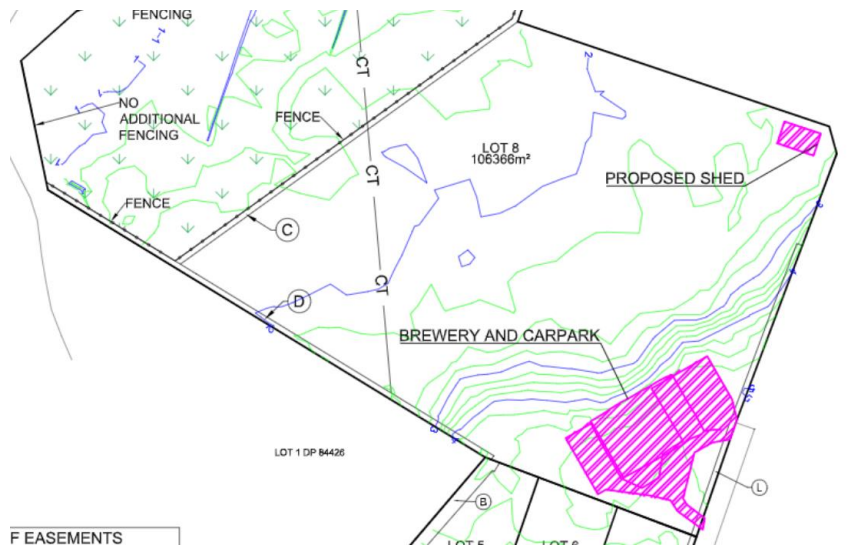


Figure 4: Proposed Earthworks Site Plan

34. The proposal seeks a retrospective consent as majority of earthworks have been completed, and a small portion is yet to begin to account for any future building extensions that may occur in future. An Earthworks Construction Management details have been provided (by Pacific Coast Surveys Ltd) which details scope of work done, earthwork methodology and controls that will avoid, remedy, or mitigate effects of the construction to the environment.
35. Council's Development Engineers, Manish Basavaraj and Jalal Irfani have reviewed the application and have confirmed the proposal is acceptable and the effects have been appropriately mitigated.
36. During future earthworks a suitable qualified persons shall be placed to observe work until completion. The applicant shall ensure earthworks are in accordance with section 4 of Kaipara District Council Engineering Standards 2011, Auckland Standards GD05, mitigating and adverse effects caused be earthworks to neighbouring sites and Kaipara harbour area have been managed and minimised to an acceptable standard. As the completion of works is underway, a statement shall be required by the party overseeing the earthworks stating all procedures have been followed through correctly. These points have been conditioned accordingly.
37. Once completed, all cut faces will be retained or battered to natural ground level and the earthworks will be screened from the wider environment by the proposed building.

*Character, Landscape Effects and Amenity Values*

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38. The application is for the development of an industrial activity and associated parking and manoeuvring area.
39. With respect to the receiving environment, it is acknowledged that the application site is situated within diverse and varying character encompassing residential, rural residential, rural lifestyle, and rural horticultural which provides the ability for the site to be able to accommodate the proposed development through the retention of a large balance lot within the sensitive portion of the site.
40. The north-western most boundary of the site, adjacent to the upper reaches of the Mangawhai Harbour is identified as an area of High Natural Character within the Northland Regional Policy Statement.
41. When viewed from the wider environment, the topography of the landscape limits views to those immediately across from the estuary. The proposal concentrates the industrial building towards the higher density development, and such the proposal will have less than minor effect on the sites natural character and landscape values from the view of the wider estuary. Within the underlying subdivision, Built Development Guidelines were offered by the applicant for Lots 1-7, but was not proposed for the subject lot (lot 8). Through the section 92 process and concerns surrounding the perceived bulk and visual dominance from the proposed building, it was agreeable that these Built Development guidelines are to be adopted for this activity. This is conditioned. Recessive colours that are proposed create less glare and as a result enable the proposed building to appear unobtrusive within the landscape.
42. Given the orientation of the site, the building will be visible from the adjacent lots along Windsor Way (lots being Lots 5, 6, and 7) which were created in the underlying subdivision. Although the proposed building has been designed to look like a rural shed, the perceived bulk raised concerns. The location of the subject site, being on the outskirts of a rural township, and adjacent to similar industrial activities on the adjoining site to the south, is typical of similar development found within the Kaipara District. Industrial activities are encouraged within the Rural Zone by the rules of the Kaipara District Plan. Although shed are comment within the Rural environment, it was agreed on through the Section 92 process that Landscaping is to be conditioned and to remain in perpetuity along the boundary to these lots to provide both a visual buffer from the bulk, and also to aid in any noise that may arise.
43. Based on the above assessment, it is considered that the development will be subservient in nature to the surrounding environment.
44. The proposed roofline of the building will breach the 8m height limit within the Rural Zone subject to the Mangawhai Harbour Overlay creates a in breach of the Height Rules with a proposed height of 9.56m. As per the image below (figure 5), the subject site is marginally

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visible from Mangawhai Estuary, yet it is setback to the furthest portion of the site. The design of the gabled roof allows for a small portion to extend over the 8m height requirement.

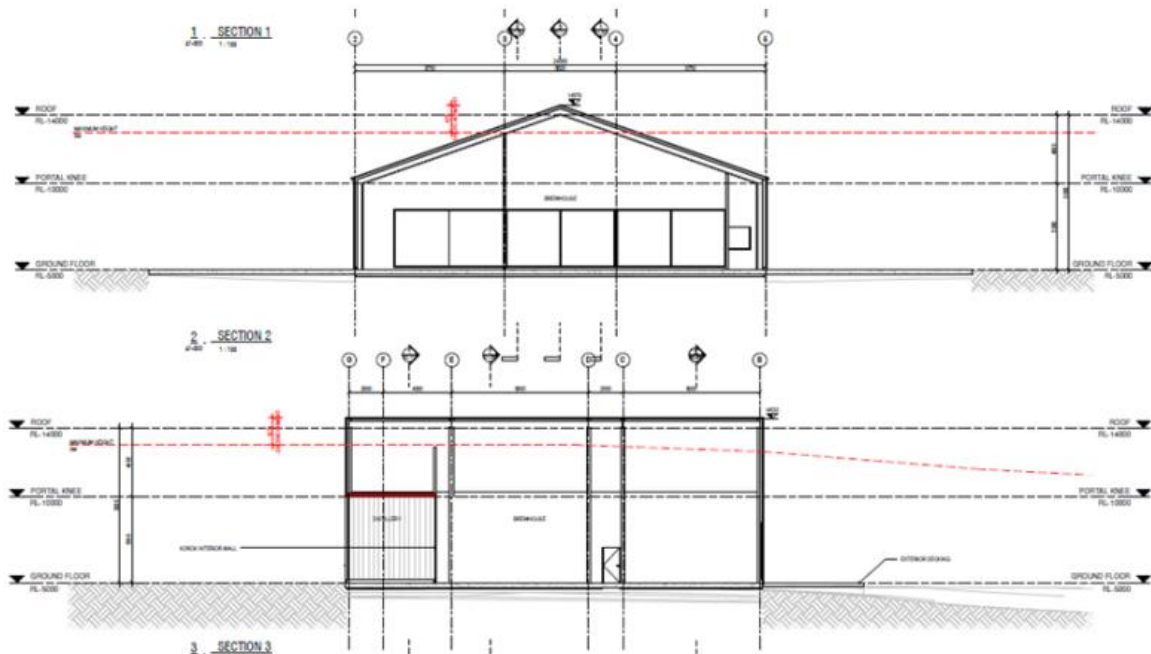


Figure 4: Elevations of the Height Infringement in relation to the Permitted Height Limit.

45. The application proposed to adopt the Build Development Guidelines which has allowed the suite of materials that are inherently more recessive than other materials that potentially could have been used. As such, the use of naturally recessive colours ensures that the design is sympathetic to and recognises the existing landscape features. These design features hold importance to mitigating the height breach as they ensure the building sits into the landscape and compliments the environment, rather than dominates the surroundings.
46. It also incorporates a roof profile to break the mass and volume of the new structure. Whilst the building is more elevated, it lies on the most inland edge of the property. This sitting serves to significantly buffer the scale and volume of this. The building has been designed to appear like a rural shed, in the context the overall design, retains the rural character and amenity values of the rural zoned site situated within a mixed-use environment. Although these mitigation measures will not screen the height breach, it will succeed in softening the dominance of the building from both the wider environment and the adjacent and adjoining site surrounds.
47. In the sites present form, the site is within a setting that has a heightened ability to absorb the height through the natural vegetation patterns and particularly the existing hedge long the edge of Windsor Way. When viewed from the Estuary, the hedge along the edge of Windsor Way is

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an integral part of integrating the proposed building into the landscape and mitigate any adverse effects. Concerns were raised regarding potential light and noise effects. These concerns were addressed by the agent stating compliance with the District Plan will be met. The conditioning of the landscaping along the southern boundary helps further mitigate these concerns. The Landscaping has been requested at a width of 3m wide and that later stages of development are likely to further that and strengthen the requirement but at this stage this is sufficient.

48. As discussed, the immediate surrounding environment comprises of a range of commercial, residential and horticultural activities. Given the context of the surrounding area, the proposed building is not out of the ordinary nor does it seem out of place.
49. The applicant has provided comment from Kylie McLaughlin-Brown from Evolve. It is stated that:

*"in terms of the scale and bulk of the building in relation to the site, the site is situated on a site with a site area of 106366m<sup>2</sup> and is located in the south eastern corner of the site with a setback distance of almost 30m to the closest point of the building. In terms of scale and bulk of the building in relation to the height infringement, the design of the building is such that the external appearance is similar to a large rural shed, not uncommon in the rural environment. In terms of the associated 1.6m height infringement, it is considered that the height infringement will appear seamless as the height infringement is at the very peak of the roofline and is not seen as a different structure or component of the building, in such a way as say a chimney or different structure would be."*

50. As a result of this collection of mitigating factors, the proposals height breach is assessed as having less than minor effects upon visual amenity, natural character and landscape values, therefore is acceptable.

#### *Hazards*

51. The proposed activity is for an industrial building located within the site that is identified as being susceptible to coastal flooding by the Northland Regional Council.
52. The northern-western portion of the site has been identified as being subjected to a coastal flood hazard by the NRC. The underlying subdivision elevated a portion of the land which is outside of the flood zone, and this proposed building is located on this area not subject to the flood hazard, as per figure 6 below. Thus, the proposed building and associated earthworks will be located outside of the flood prone area, therefore the works would result in less than minor effects.

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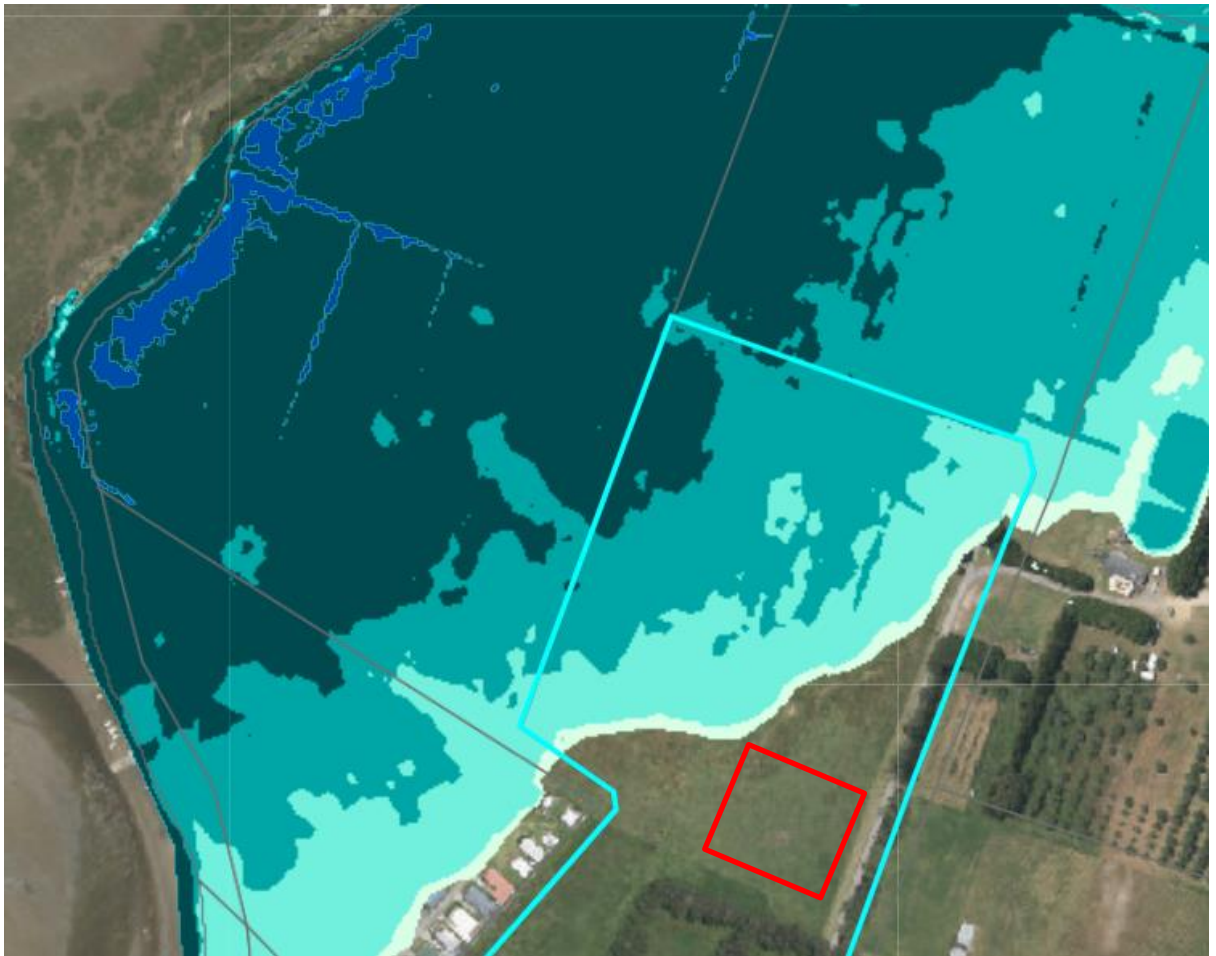


Figure 5: NRC Flood Layer in relation to the proposed building.

53. Taking this into account, the works are considered not to result in adverse effects to the wider landscape or any adjacent and adjoining properties and are therefore acceptable.

## Conclusion

54. In summary, having assessed the effects of the activity, subject to compliance with conditions it is considered that the activity will result in less than minor, and acceptable, adverse effects on the environment.

## 8.0 Section 104(1)(b) - Provisions of Standards, Policy Statements and Plans

### National Environmental Standards

*National environmental standards (NESs) are regulations issued under section 43 of the Resource Management Act 1991.*

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The National Environment Standards in effect are;

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminates in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standards for Marine Aquaculture (takes effect 1 December 2020)

55. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health was assessed within the underlying subdivision consent as a controlled activity. The Consent Notice covers any future issues that may arise through the earthworks. It is stated through the section 92 correspondence that compliance with these relevant clauses is had.
56. The National Environmental Standard for Freshwater 2020 was considered within the underlying subdivision consent and all areas where wetlands have been identified are now protected in the form of Conservation Covenant. The identified wetlands have been provided through the conservation covenant and the consent earthworks are well separated from the wetland.

## National Policy Statements

*National policy statements (NPSs) are instruments issued under section 52(2) of the Resource Management Act 1991.*

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- New Zealand Coastal Policy Statement

57. The New Zealand Coastal Policy Statement has been considered relevant to this application and discussed below.

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**Policy 1: Extent and Characteristics of the Coastal Environment**

1. *Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
2. *Recognise that the coastal environment includes:*
  - a. *the Coastal Marine Area;*
  - b. *islands within the Coastal Marine Area;*
  - c. *areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
  - d. *areas at risk from coastal hazards;*
  - e. *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
  - f. *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
  - g. *items of cultural and historic heritage in the Coastal Marine Area or on the coast;*
  - h. *inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
  - i. *physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

**Policy 6: Activities in the coastal environment**

*In relation to the coastal environment:*

- c. *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
- f. *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*

**Policy 13: Preservation of natural character**

1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
  - a. *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
  - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment*

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58. It is considered that the proposed development is consistent with the provisions of the NZCPS subject to compliance with conditions. As discussed previously, the extent to which the proposed design is in breach of the District Plan is considered acceptable.
59. Any earthworks would be restricted to the creation of a building platform and carparking area. Consequently, following the completion of the proposal, modifications to the existing landform would be appropriately mitigated beyond site.
60. Consequently, it is considered that the proposal would maintain the natural character of the coastal environment present along the wider Black Swamp Road and the sites adjoining the Mangawhai Estuary and the proposal would avoid adverse effects on natural landscapes in the coastal environment. Overall, the application is considered to be consistent with the New Zealand Coastal Policy Statement

## **Regional Policy Statement**

### *Northland Regional Policy Statement 2016*

61. 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 3.1 Integrated Catchment Management
  - Objective 3.2 Region-wide Water Quality
  - Objective 3.11 Regional Form
  - Objective 3.13 Natural hazard risk.
  - Objective 3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage.
62. The RPS recognises that there are activities and land that should be protected from the negative impacts brought about through subdivision. The proposed development is considered to be generally consistent with the outcomes sought by the RPS. Regarding excavation and fill, the proposal provides for adequate on-site sediment controls. Therefore, it is considered to be consistent with the relevant RPS objectives.
63. The site is subject to natural hazards, but the proposed earthworks are not located within these identified hazards. The earthworks would not be of a scale that would result in adverse effects on natural character.

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64. The site has appropriate mitigation measures for both the height exceedance and any bulk from the industrial building. The design controls and conditioned planting to help mitigate any perceived bulk and allow the built development to be sympathetic to the surroundings.

## **Regional Plans**

### *Regional Water and Soil Plan for Northland 2004*

65. The proposal does not require any consent under the Regional Water and Soil Plan for Northland.

### *Proposed Regional Plan for Northland*

66. The proposal does not require any consent under the Proposed Regional Plan for Northland.

## **Kaipara District Plan 2013**

### **Chapter 4: Overlays**

*Objective 4.4.1: To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.*

*Objective 4.4.2: To enable subdivision, land use and development in the Overlays, where it recognises and provides for:*

- The protection of natural character;
- Maintenance or enhancement of the water quality of receiving environments;
- Maintenance or enhancement of amenity values; and
- Any other specific values identified in an Overlay.

*Objective 4.4.10 To recognise and where appropriate protect cultural, heritage and amenity values, including the special rural character of the Kaipara Harbour hinterland.*

*Policy 4.5.13 By requiring careful management of land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.*

### **Chapter 7: 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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*Objective 7.6.3 By considering the potential adverse impacts of development on flood flow paths of rivers and the efficient functioning of natural drainage systems in subdivision, land use and development.*

## **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 12.5.6 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 12.6.5 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 12.6.4 By requiring all subdivision to contribute to the retention of rural character and amenity.*

67. The application site is located within a flood susceptible area meaning that the temporary earthworks may increase the risk of sedimentation in a storm or inundation event. The risk of adverse effects on sensitive receiving environments would be minimised through conditions monitored by NRC that will specifically mitigate sedimentation through silt control measures and activity timing. The proposal is generally consistent with the above objective and policies.
68. The proposal is consistent with the objectives and policies above as the proposed development will maintain the rural character and amenity of the subject site within the Mangawhai Harbour Overlay environment as it provides for the construction of an industrial building on a rural lot that will be consistent with the existing built character of the surrounding area.
69. The proposal involves the development of an industrial building and associated parking areas. Any adverse character and amenity effects on the wider environment are considered to be less than minor. It is also considered that there will be less than minor traffic effects.

## **Conclusion**

70. On the balance of the proposal, it is considered to be consistent with the objectives and policies of the Plan. With appropriate conditions of consent, it is expected that the proposal will have

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less than minor impact on the surrounding environment and will remain in accordance with the intent of the District Plan. The applicant has provided an assessment against the relevant objectives and policies of the Plan in section 6 of the application, the conclusions of which are concurred with.

## **9.0 Section 104(1)(c) - Other Matters**

71. No Section 104 matters are relevant.

## **10.0 Part 2 of the Act**

72. 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 included below.

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

73. 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).
74. It is considered that the proposal will promote the sustainable management of natural and physical resources as the proposed development is consistent with the character of the surrounding area, and with the topography and the intended use of the site. The proposal would therefore use and develop the physical resources of the site.

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

75. The proposal is considered to be consistent with the provisions of Section 6 as it does not significantly detract from the natural character of the surrounding environment and is not located within any outstanding natural landscape. The proposal does not restrict access to the coast or any rivers.

### **Section 7 – Other Matters**

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

- b. the efficient use and development of natural and physical resources:
- c. the maintenance and enhancement of amenity values:
- g. maintenance and enhancement of the quality of the environment:

77. Pursuant to Section 7(b) particular regard shall be had to the efficient use and development of natural and physical resources. The proposal involves establishment of a new industrial building which breaches maximum height, earthworks, traffic intensity and the Commercial and Industrial

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building rules. This is considered efficient use of the physical resources, being land that is zoned Rural in the District Plan.

78. Pursuant to 7(c) particular regard shall be had to the maintenance and enhancement of amenity values. In this case, the proposal is consistent with the site's rural character and would maintain the character and amenity values of the surrounding rural environment and wider character of the Mangawhai Estuary and the wider environment along Black Swamp Road.
79. Pursuant to 7(g) particular regard shall be had to maintenance and enhancement of the environment. In this case, there is the adoption of appropriate built development guidelines and proposed landscaping absorbs some of the bulk of the height breach and perceived bulk from the surrounding location, therefore the health of the surrounding environment would be maintained.


## **Section 8 – Treaty of Waitangi**


80. Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The application does not impact on the principles of the Treaty of Waitangi, and cultural monitoring has been agreed on through the course of works.

### **11.0 Reasons for the Decision**

81. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 20 April 2022.
82. 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.
83. 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 as discussed in this report.
84. 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.
85. 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.

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Reporting Planner  13/04/2022  
 -----  
 Kelsey Newman Date

Signed  20/04/2022  
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 Wendy Robinson Date  
 Resource Consents Manager

**Kaipara District Council**

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

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