

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
Stainless Sports Limited*

File Reference:

RM200248

Decision on Resource Consent Application

Activity

Combined land use and subdivision consent to construct three adjoining 2-bedroom residential units and subdivide the site into three allotments, with each new lot containing one of the dwellings.

Location

Address: 35 Jervois Street, Dargaville

Legal Description: Lot 2 DP 407743 (RT 427224)

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment:

The following apply to the subject property:

Zoning: Residential Zone

Overlays:

Rules: 13.10.3a 'Dwellings', 13.10.7 'Setbacks', 13.10.8 'Separation Distance from Noise Sensitive Activities', 13.10.11 'Private Open Space', 13.10.12 'Permeable Surfaces', 13.10.13 'Building Coverage', 13.10.25 'Vehicle Access & Driveways', 13.10.27 'Parking' and 13.11.1(2) 'General Residential Subdivision'.

Activity Status: Non-Complying Activity

Determination/s

*Pursuant to Section 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991 ("the Act"), the Kaipara District Council **grants** RM200248; subject to the following conditions:*

General

1. *The activity shall be carried out in accordance with the plans and all information submitted with the application formally received by the Kaipara District Council (“Council”) on 2 December 2020:*
 - *Application form, and assessment of environmental effects prepared by Bentley Consultancy Northland Ltd.*

| Plan title and reference | Author | Rev | Dated |
|---|--|------------|-------------------------|
| <i>Proposed New Units - Site Plan / Elevations reference 2034</i> | <i>A Day</i> | | <i>October 2020</i> |
| <i>Proposed New Units – Floor Plan reference 2034</i> | <i>A Day</i> | | <i>October 2020</i> |
| <i>Proposed Subdivision of Lot 2 DP 407743 reference BCN-989</i> | <i>Bentley Consultancy Northland Ltd</i> | | <i>18 November 2020</i> |
| Documents | Author | Rev | Dated |
| <i>Stormwater Attenuation Report</i> | <i>Hawthorn Geddes</i> | | <i>20 November 2020</i> |

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

Charges

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

Section 125 - Consent Lapse Date

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

LAND USE

4. *Prior to construction of the dwellings, the consent holder shall submit a detailed set of engineering plans, specifications and calculations, prepared in accordance with the Kaipara District Council Engineering Standards 2011 to the Council’s Development Engineer or their delegated representative for approval.*

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

- Have the appropriate experience in the relevant areas;*
- Hold appropriate qualifications and membership of professional bodies;*
- Have professional indemnity insurance to the value of at least \$1,000,000*

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

- (i) Design details of the construction of a new vehicle crossing to Lots 1, 2 and 3 in accordance with Section 5.2.18.3 of the Kaipara District Council Engineering Standards 2011. The crossing is to be designed and constructed in such a manner that will control stormwater run-off entering the property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from the property.*
- (ii) Design details of the construction of the driveway/ROW. The drawings shall be submitted to Council for approval and approved before the construction of these works commences. The plans, specifications and calculations shall specifically address the following matters:*
 - The geometric design shall be in accordance with Kaipara District Council's Engineering Standards 2011 drawing S02 Typical Urban Road Cross Section*
 - Pavement design shall be in accordance with Kaipara District Council's Engineering Standards 2011 clause 5.2.13 Pavement Structural Design and drawing S03 Pavement Design Chart and Schedule of Testing*
 - Appropriate stabilisation, stormwater drainage facilities and scour protection shall be provided.*
 - The design shall generally be in accordance with Kaipara District Council's Engineering Standards 2011 Section 5.2.19 Driveways.*
- (iii) Design details of wastewater connections to the existing wastewater main.*
- (iv) Design details of water connections to the existing water main.*
- (v) Design details of stormwater works where design should take into account the report by Hawthorn Geddes Engineers & Architects Ltd dated 20 November 2020, Stormwater Attenuation for a Proposed Building & Driveway at 35 Jervois St, Dargaville (Lot 2, DP407743).*

5. The Engineering plans, specifications and calculations relating to new vehicle crossing shall be prepared, submitted for approval and approved in accordance with the NZTA approval email dated 22 September 2020 submitted in support of this application.

6. Prior to occupation of any of the dwellings all works on the engineering plans approved under Condition 4 of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative.

Compliance with this condition shall be determined by the following:

- (i) *Site inspections undertaken as agreed in Council's Engineering Plan Approval (EPA) letter for the engineering plans as required by Condition 5 of this consent;*
- (ii) *Provision and approval of supporting documentation provided by the Consent Holder in support of the constructed works, including Producer Statements, completion certificates, works acceptance certificate, statement of compliance of as built works and as built plans, construction management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Section 3 of the Council's Engineering Standards 2011.*

7. *The consent holder shall ensure adequate construction monitoring of all construction works. This shall include as a minimum:*

- *Detailed supervision and certification upon completion as complying with the required standards by the consent holder's engineer.*

The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Development Engineering Officer or delegated representative and include the following details:

- (i) *Name and telephone number of the project manager.*
- (ii) *Site address to which the consent relates.*
- (iii) *Activities to which the consent relates.*
- (iv) *Expected duration of works.*

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

8. *The Consent Holder shall submit certified and dated 'As-Built' plan/s of completed works and services in accordance with Council's Engineering Standards 2011 to the satisfaction of the Council's Development Engineer, or their delegated representative.*

The Consent Holder/Consent Holder's Contractor shall supply the required As-Built details in hard copy and electronic (AUTOCAD) format. For pdf files different assets should be marked using following colours:

*Wastewater Assets - **Red***

*Stormwater Assets - **Green***

Co-ordinates in New Zealand Transverse Mercator NZTM2000.

9. *Prior to occupation of the dwelling, the Consent Holder shall remove the existing vehicle crossing and reinstate the Council's footpath, stormwater kerb and channel, road carriageway formation, street berm*

and urban services damaged by the works associated in accordance with Section 3 of the Council's Engineering Standards 2011 and at the expense of the Consent Holder to the satisfaction of the Council's Development Engineer, or their delegated representative.

10. *A cash contribution in lieu of reserves shall be paid based on 0.5 % of the assessed value of the second and third dwellings, such value to be determined by a registered valuer appointed by Kaipara District Council, at the consent holder's expense.*

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

Note: If a reserves contribution has been paid under the subdivision consent conditions for RM200248 then this condition is no longer relevant.

SUBDIVISION

Prior to Section 223 Certification

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

General

- (a) *The survey plan shall be generally in accordance with the plan of subdivision titled 'Proposed Subdivision of Lot 2 DP 407743', reference BCN-989, dated 18 November 2020, and prepared by Bentley Consultancy Northland Ltd.*

Easements

- (b) *The survey plan shall show all necessary easements as required for right of way access, right to drain water and sewage, utilities, telecommunications, computer media and electricity and party walls.*

Utility providers

- (c) *The Consent Holder / Consent Holder's Surveyor shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity and telecommunications to each of the lots and show the necessary easements on the survey plan to the approval of the Council.*
- (d) *Consultation with Northpower is to be undertaken and written confirmation provided to determine if power pole to the west of proposed Lot 1 is required to be removed.*

Engineering Design

- (e) *The consent holder shall submit a detailed set of engineering plans, specifications and calculations, prepared in accordance with the Kaipara District Council Engineering Standards 2011 to the Council's Development Engineer or their delegated representative for approval.*

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

- Have the appropriate experience in the relevant areas;*
- Hold appropriate qualifications and membership of professional bodies;*
- Have professional indemnity insurance to the value of at least \$1,000,000*

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

- (i) *Design details of the construction of a new vehicle crossing to Lots 1, 2 and 3 in accordance with Section 5.2.18.3 of the Kaipara District Council Engineering Standards 2011. The crossing is to be designed and constructed in such a manner that will control stormwater run-off entering the property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from the property.*
- (ii) *Design details of the construction of the driveway/ROW. The drawings shall be submitted to Council for approval and approved before the construction of these works commences. The plans, specifications and calculations shall specifically address the following matters:*
- The geometric design shall be in accordance with Kaipara District Council's Engineering Standards 2011 drawing S02 Typical Urban Road Cross Section*
 - Pavement design shall be in accordance with Kaipara District Council's Engineering Standards 2011 clause 5.2.13 Pavement Structural Design and drawing S03 Pavement Design Chart and Schedule of Testing*
 - Appropriate stabilisation, stormwater drainage facilities and scour protection shall be provided.*
 - The design shall generally be in accordance with Kaipara District Council's Engineering Standards 2011 Section 5.2.19 Driveways.*
- (iii) *Design details of wastewater connections to the existing wastewater main.*
- (iv) *Design details of water connections to the existing water main.*
- (v) *Design details of stormwater works where design should take into account the report by Hawthorn Geddes Engineers & Architects Ltd dated 20 November 2020, Stormwater Attenuation for a Proposed Building & Driveway at 35 Jervois St, Dargaville (Lot 2, DP407743).*
- (f) *The Engineering plans, specifications and calculations relating to new vehicle crossing shall be prepared, submitted for approval and approved in accordance with the NZTA approval email dated 22 September 2020 submitted in support of this application.*

Prior to Section 224(c) Certification

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

Utility Connections

- (a) *Electricity and telecommunications connections shall be provided to the boundary of the net site area of the lots. The Consent Holder shall provide confirmation from the network utility supply authority/authorities of compliance with this condition, including that the power pole to the west of proposed Lot 1 be removed, if required by Northpower as per condition 11(d).*

Easements

- (b) *The Consent Holder shall provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses constructed under this consent are located within the appropriate easement boundaries.*

Bond

- (c) *Prior to commencement of any construction work, the consent holder shall enter into a Bond in a form to the approval of Council guaranteeing that in the event of damage to existing Council assets or abandonment of the work by the consent holder, that all existing Council assets will be returned to a condition at least equal to that which existed prior to the commencement of work.*

The bond shall be for the sum of \$5,000 and shall remain in full force and effect until such time as all work has been completed and any necessary remedial work completed to the satisfaction of Council.

Engineering

- (d) *All works on the engineering plans approved under Condition 11(e) of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative. Compliance with this condition shall be determined by the following:*
- (i) *Site inspections undertaken as agreed in Council's Engineering Plan Approval (EPA) letter for the engineering plans as required by Condition 11(e) of this consent;*
- (ii) *Provision and approval of supporting documentation provided by the Consent Holder in support of the constructed works, including Producer Statements, completion certificates, works acceptance certificate, statement of compliance of as built works and as built plans, construction management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Section 3 of the Council's Engineering Standards 2011.*

The consent holder shall ensure adequate construction monitoring of all construction works. This shall include as a minimum:

- *Detailed supervision and certification upon completion as complying with the required standards by the consent holder's engineer.*

The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Development Engineering Officer or delegated representative and include the following details:

- (i) Name and telephone number of the project manager.*
- (ii) Site address to which the consent relates.*
- (iii) Activities to which the consent relates.*
- (iv) Expected duration of works.*

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

As-Built Plans

- (e) The Consent Holder shall submit certified and dated 'As-Built' plan/s of completed works and services in accordance with Council's Engineering Standards 2011 to the satisfaction of the Council's Development Engineer, or their delegated representative.*

The Consent Holder/Consent Holder's Contractor shall supply the required As-Built details in hard copy and electronic (AUTOCAD) format. For pdf files different assets should be marked using following colours:

*Wastewater Assets - **Red***

*Stormwater Assets - **Green***

Co-ordinates in New Zealand Transverse Mercator NZTM2000.

Removal of vehicle crossing

- (f) The Consent Holder shall remove the existing vehicle crossing and reinstate the Council's footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services damaged by the works associated in accordance with Section 3 of the Council's Engineering Standards 2011 and at the expense of the Consent Holder to the satisfaction of the Council's Development Engineer, or their delegated representative.*

Consent Notice/On-going conditions

- (g) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the titles of Lots 1, 2 and 3 by way of Consent Notice(s).*

General

- (i) *Earthworks, the location of buildings, building foundations, shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development.*

Firefighting Water Supply

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

Solicitors undertaking

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

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

Reserves Contribution

- (i) *A cash contribution in lieu of reserves shall be paid based on 5 % of the assessed value of Lots 2 and 3 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense.*

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

Note: If a reserves contribution has been paid under the land use consent conditions for RM200248 then this condition is no longer relevant.

Advice Notes

- i) *The consent holder shall be required to pay to Kaipara District Council a Development Contribution under the Local Government Act 2002 of \$106.00 plus GST for each additional lot/dwelling for roading, in Kaipara District.*

The proposed development will result in 2 additional and dwellings/allotments. The total Development Contribution will be \$212.00 plus GST.

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

- ii) *The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.*
- iii) *Prior to the commencement of any work authorised under this consent, the Consent Holder shall provide written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$1,000,000.00.*
- iv) *Prior to the commencement of any work authorised under this consent, the Consent Holder shall provide written verification that the Consent Holder's engineer responsible for design and supervision of the roading works holds professional indemnity insurance to the value of \$2,000,000.00.*
- v) *All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.*
- vi) *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.*
- vii) *In the event of koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Roroa shall be contacted so that appropriate arrangements can be made.*
- viii) *Erosion and sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05) and Section 4, Land Stability and Earthworks of the current Kaipara District Council's Engineering Standards 2011.*
- ix) *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.*
- x) *The consent holder shall implement suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site, and to control or mitigate any potential dust nuisance. All such measures 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.

- xi) *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.*
- xii) *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.*

Reasons for the Decision

1. *The site is not identified as being a contaminated site within the Northland Regional Council's Register of contaminated sites, nor has it previously been used for activities listed on the HAIL Register produced by the Ministry for the Environment. Therefore, consent is not required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.*
2. *In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable as discussed in Section 8.0 of this report.*
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 Section 9.0 of this report.*
4. *The proposed development would create additional residential dwellings and allotments in order to provide for the applicants and any future resident's well-being.*
5. *In terms of Section 104(1)(c) of the Act, other relevant matters, have been considered in the determination of the application.*
6. *In terms of Section 106 of the Act, none of the lots are susceptible to flooding and each lot would have vehicular access to Jervois Street.*
7. *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 12.0.*

Reporting Planner



Kim Nathan, Consultant Planner

31 March 2021

Date

Signed:



Nikki Honan

Date: 6/04/2021

Resource Consents Team Leader

Kaipara District Council

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

RM200248
Section 104 of the Resource Management Act 1991 - Assessment Report

| Details of Application | |
|---------------------------------------|---|
| Applicant | Stainless Sports Limited |
| Property to which the consent relates | 35 Jervis Street, Dargaville, Lot 2 DP 407743 (RT 427224) |

1.0 Description of Proposal

- The applicant seeks combined land use and subdivision consent to construct three adjoining 2-bedroom residential units and subdivide the site into three allotments, with each new lot containing one of the dwellings.
- The proposed lots will have areas as follows:
 - Proposed Lot 1: 303m² (net) 366m² (gross)
 - Proposed Lot 2: 204m² (net) 248m² (gross)
 - Proposed Lot 3: 318m² (net / gross)

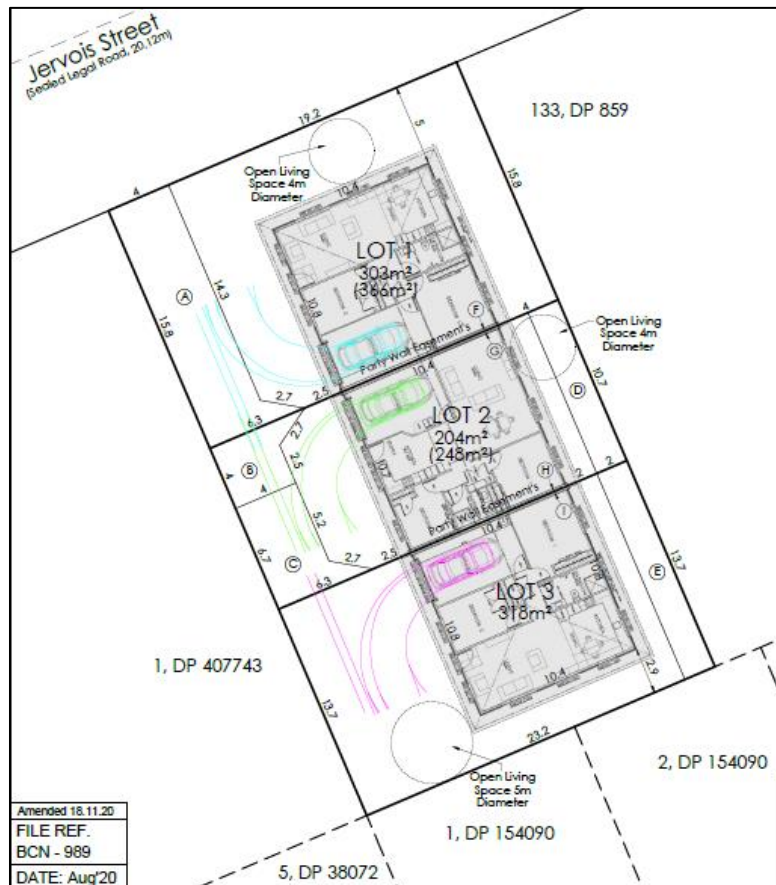


Figure 1: Proposed Site Plan

- The three units will have floor areas of approximately 112m² each and will each contain one internal garage/parking space.

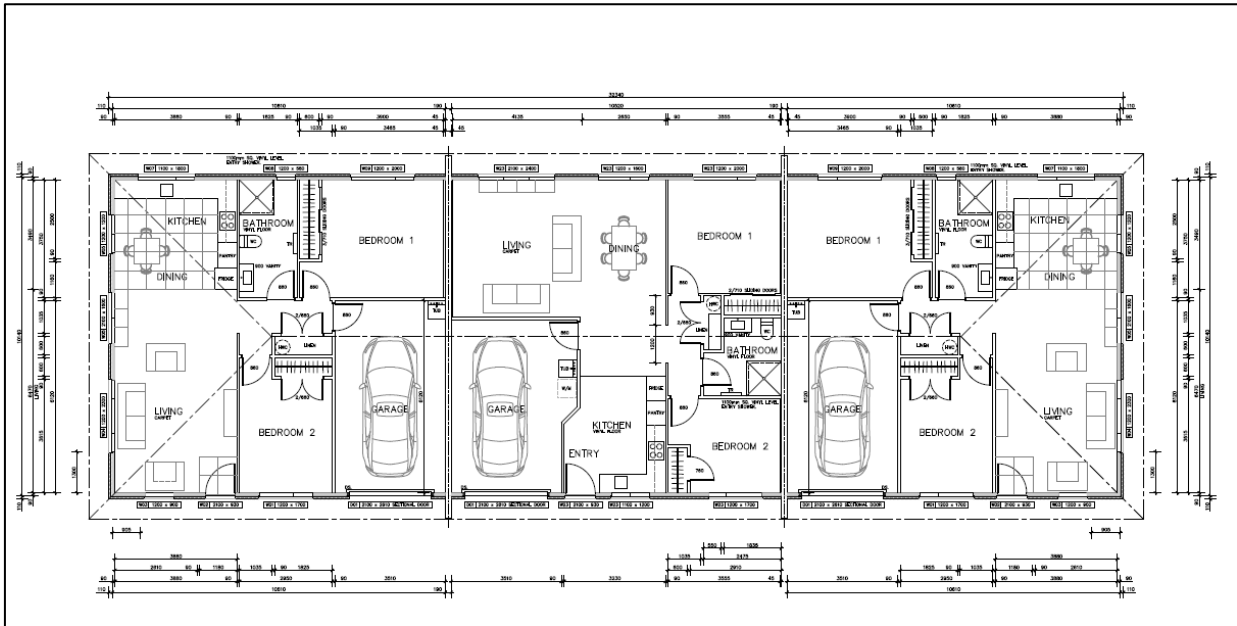


Figure 2: Proposed Floor Plan

- The building containing the three dwelling units will be clad in brick veneer, with coloursteel roofing and aluminium joinery.

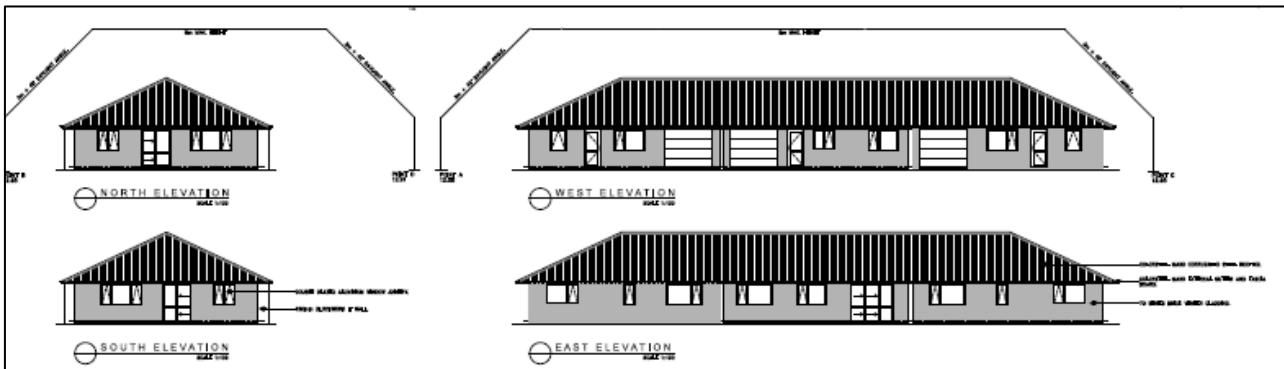


Figure 3: Proposed Elevations

- The existing dwelling and shed on the application site will be removed to accommodate the proposed development. The existing vehicle crossing, and driveway will be disestablished.
- A new vehicle crossing will be constructed at the north-western corner of the site accessing onto Jervois Street (State Highway), with a new access driveway running parallel with the western boundary servicing all three allotments. The shared access is identified as Rights of Way A, B and C on the preliminary plan of subdivision.
- The dwelling units will be connected to the Council's public water and wastewater reticulation systems.
- A Stormwater Assessment has been prepared by Hawthorn Geddes dated 20 November 2020 and submitted in support of the application ('HG report'). The HG report concludes that runoff from proposed impervious areas (including roofs and driveway/right of way) can be captured via site reticulation to a sub-base granular storage trench, with sufficient capacity to accommodate a 100year ARI event. Final discharge will be to the reticulated stormwater network adjoining the property.

2.0 Site and Consent History

9. The application site is legally described as Lot 2 DP 407743 (RT 427224) and was created as the result of a boundary adjustment between Lots 131 and 132 DP 859.
10. There is no relevant consent history, or any legal restrictions listed on the title of the application site which would affect the proposed development.

3.0 Site Description and Surrounding Environment

11. The applicant has provided a full description of the site and surrounds in Section 1.2 on page 3 of the application. Having visited the site on 4 December 2020, this description is concurred with and is summarised as follows:

The 932m² application site located on the southern side of Jervois Street (State Highway 12) within the Dargaville township.

The application site is bordered by residential properties to the east west and south, and directly across the road from Selwyn Park which contains the Kauri Coast Community Swimming Pool buildings and the Dargaville Skate Park.

The site is generally flat in topography and contains an existing dwelling and shed.

The surrounding environment comprises a residential environment characterised by medium to low density residential allotments varying in size from 600m² to approximately 1000m², the majority of which contain single dwelling units, particularly along Jervois Street.

A residential dwelling and 2x 2-bedroom units are located at 194 Victoria Street; and there is a motel located at 49 Jervois Street.

4.0 Kaipara District Plan (Operative 2013) Rule Assessment

12. The following apply to the subject property:

Zoning: Residential Zone

Overlays: -

Rules: Land Use:

13.10.3a 'Dwellings' – Prior to the subdivision being completed, the proposed development does not meet the requirements of this rule as more than one dwelling is proposed per 600m² net site area, therefore being assessed as a **discretionary activity**.

13.10.7 'Setbacks' – The proposed development does not meet the requirements of this rule as the dwelling unit on Proposed Lot 3 will only achieve a rear yard setback of 2.9metres, which prior to the subdivision being completed is not provided for as a rear yard. Further, the proposed three-unit development will create adjoining residential units and therefore there will be an internal boundary setback infringement between the dwellings. Additionally, the dwelling unit on proposed Lot 3 will only achieve a rear yard setback of 2.9metres, which prior to the subdivision being completed is not provided for as a rear yard.

Part (g) of this rule also requires buildings to be set back 300m from the

intersection of the State Highway and any local road. Any building located anywhere on this site cannot comply with this rule, in relation to the setback from both Onslow and Carrington Streets, therefore being assessed as a **restricted discretionary activity**.

13.10.8 'Separation Distance from Noise Sensitive Activities' – The proposed development does not meet the requirements of this rule as the proposed units will not be separated more than 300m from the Kauri Coast Community Swimming Pool buildings, therefore being assessed as a **restricted discretionary activity**.

13.10.11 'Private Open Space' – The proposal does not meet the requirements of this rule as the dwellings on proposed Lots 1 and 2 can only achieve a 4 metre outdoor living circle and the dwelling on proposed Lot 2 will only have an open space of 42m², less than half the floor area of the dwelling, therefore being assessed as a **restricted discretionary activity**.

13.10.12 'Permeable Surfaces' – The proposed development does not meet the requirements of this rule as pre-subdivision the total impervious surfaces for the site will be approximately 63% and post-subdivision, the impermeable surfaces of the proposed lots would vary from 57.6% to 73%, therefore being assessed as a **restricted discretionary activity**.

13.10.13 'Building Coverage' – The proposal does not meet the requirements of this rule as the total building coverage over the site will be 35.9% as it will apply to the underlying allotment. Post-subdivision, the building coverage will be as follows:

Lot 1 – 37%

Lot 2 – 54%

Lot 3 – 35%

therefore, being assessed as a **restricted discretionary activity**.

13.10.25 'Vehicle Access and Driveways' – the proposed driveway does not meet the requirements of this rule vehicles will be required to reverse manoeuvre onto the proposed shared right of way, therefore being assessed as a **restricted discretionary activity**.

13.10.27 'Parking' – The proposal does not meet the requirements of this rule as each dwelling/allotment will accommodate one car parking space whereas Appendix 25C requires the provision of 2 carparking spaces per dwelling. In addition, vehicles will be required to reverse manoeuvre onto the proposed shared right of way, therefore being assessed as a **restricted discretionary activity**.

Subdivision:

13.11.1 'General Residential Subdivision' – The proposal does not meet the requirements of this rule as each of the proposed lots will be less than 600m² in net site area, therefore being assessed as a **non-complying activity**.

Activity Status: Non-Complying Activity

5.0 Notification Assessment

13. A decision was made under delegated authority to process the consent on a publicly notified basis as per the Council's Notification Assessment Report dated 27 January 2021. The application was publicly notified on 9 February 2021, with the submission period closing 29 March 2021, after an extended notification period due to technical issues.
14. No submissions were received in response to the public notification of the application.
15. Pursuant to Section 100 of the Resource Management Act 1991, a hearing need not be held if no person (including the applicant) requested to be heard or the consent authority considers that a hearing is necessary. In this instance, there were no submissions received and the applicant has not requested to be heard, therefore the Council considers that a hearing is not necessary.

6.0 Statutory Acknowledgements

16. The site is not located in an Area of Significance to Maori, nor does it contain Nohoanga Areas. However, the site is located in the rohe of Te Roroa, who have a 2008 Deed of Settlement with the Crown.
17. Te Roroa have been provided a copy of the application and have not raised any objection to the subdivision.

7.0 Section 104D – Non-Complying Activities

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

8.0 Section 104(1)(a) - Actual & Potential Effects on the Environment

Trade Competition

20. 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

21. 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.

Written approvals have been provided in support of this application from the following parties:

- E & M Wallace – 33 Jervois Street
- Katie Tito (occupier) – 37 Jervois Street
- LINZ Residential (owner) – 37 Jervois Street
- G Robinson & M Barlow (occupier) – 198A Victoria Street
- Housing NZ (owner) – 198A Victoria Street.

Note: The applicant owns 198 Victoria Street.

22. As the application site adjoins and the proposed development will access onto State Highway 12 (Jervois Street) the applicant has consulted with an obtained approval from the New Zealand Transport Agency subject to the following conditions:
- Obtain an Agreement as to Works from the NZ Transport Agency in order to undertake construction works on the State highway in terms of section 51 of the Government Roading Powers Act 1989. An application to that effect can be made to the NZ Transport Agency's Network Manager (Dale Roberts in this instance).
 - Construction drawings showing full details of the access upgrading works, any associated works, methodology and TMP are forwarded to the NZ Transport Agency's Network Manager for approval at least 15 working days before the commencement of works. The construction drawings will need to show full details of NZ Transport Agency requirements as set out above.
 - A Traffic Management Plan (TMP) in accordance with the latest version of the 'Code of Practice for Temporary Traffic Management' is submitted to the NZ Transport Agency's Traffic Management Coordinator for approval at least 5 working days prior to the commencement of work. The TMP (along with a copy of this letter) shall detail the proposed dates/times of construction and the name of the contractor who will be carrying out the construction of the crossing and associated works. The TMP is required to ensure that the construction or construction traffic would not affect the normal operation of the State highway.

Permitted Baseline

23. In accordance with Section 104(2), the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (commonly referred to as the 'permitted baseline' test). The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the Plan or NES, irrelevant. The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.

For this site, the following activities are permitted by zone:

- Excavation and fill works having a maximum volume of 200m³.
- Construction of additions to the existing dwelling or replacement of the existing dwelling on the site with a new dwelling complying with the relevant bulk and locations requirements.

Receiving Environment

24. 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).

The receiving environment consists of the 932m² application site located on the southern side of Jervois Street (State Highway 12) within the Dargaville township.

The application site is bordered by residential properties to the east west and south, and directly across the road from Selwyn Park which contains the Kauri Coast Community Swimming Pool buildings and the Dargaville Skate Park.

The site is generally flat in topography and contains an existing dwelling and shed.

The surrounding environment comprises a residential environment characterised by medium to low density residential allotments varying in size from 600m² to approximately 1000m², the majority of which contain single dwelling units, particularly along Jervois Street.

A residential dwelling and 2x 2-bedroom units are located at 194 Victoria Street; and there is a motel located at 49 Jervois Street.

25. No other information has been provided identifying any granted resource consents, where it is likely that they will be given effect to, that may affect the assessment of this application.

Assessment of Effects

Positive Effects

26. The proposal creates two additional residential dwellings/allotments that will provide for the applicants and any future residents well-being.

Access and Traffic

27. The application site adjoins Jervois Street (State Highway 12) which is a Primary Collector Road with a sealed surface in the area of the application site with a speed environment of between 50 to 60km/h requiring sight lines of 45 to 65m. The Annual Daily Traffic (ADT) count is 5506 with 5.6% heavy vehicles (estimate 25/12/2019).

There is an existing vehicle crossing located at the eastern end of the site. A new vehicle crossing location is proposed at the western end of the site. The applicant has consulted with, and approval has been received from the New Zealand Transport Agency (NTA) dated 22 September 2020 for the new crossing location subject to the vehicle crossing construction in accordance with Kaipara District Council Engineering Standards.

The Council's Consultant Engineer has assessed the application and confirms that the proposed vehicle crossing location can achieve complying sight lines.

The proposed dwellings are to be accessed via the new vehicle crossing and proposed right of way which would be constructed, as required, in order to meet the Council's Engineering Standards.

From a traffic movement perspective, the traffic intensity factor as outlined in Chapter 25F of the KDP provides a baseline. The KDP states that "*Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 20 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*".

A dwelling typically has six vehicle movements per unit as discussed in Chapter 25F. Extending this analogy to the current scenario of three dwellings, may therefore result in 12 additional vehicle movements from the site. Considering the formation, speed environment and sightlines these vehicle movements can be accommodated by Jervois Street (State Highway 12) having a less than minor effect.

Although the proposal involves on-site vehicle manoeuvring onto the right of way which is not in accordance with Appendix 25C of the District Plan, vehicles from the development will still be able to leave the parent site accessing onto Jervois Street site in a forward gear.

The Council's Consultant Engineer has assessed the application and considers that due to the straight nature of right of way visibility can be achieved for vehicles reversing from each of the on-site parking spaces is acceptable and wont result in any traffic safety issues.

Only one parking space is provided per dwelling/lot within an internal garage.

The Council's Consultant Engineer considers that the reduced number of parking spaces is appropriate in this instance due to the size of the proposed 2-bedroom dwellings proposed and the fact that on-street parking is available on both sides of Jervois Street adjacent to the application site.

Character and Amenity Values

28. The application site is a large residentially zoned lot located on the southern side of Jervois Street (State Highway 12) within the Dargaville township.

The Residential Zone enables the development of residential areas by identifying activities and appropriate performance standards to enable typical medium density residential living to be permitted. This Zone is identified in locations where it is considered the effects of residential activities are compatible with sustainable development, the existing character and amenity of the area and where servicing and community facilities/resources are allocated or provided.

As previously described in this report, the existing environment comprises a medium to low density pattern of residential development within the Dargaville centre located in close proximity to numerous social infrastructure/community facilities. Allotments in the immediate surrounding area vary in size between 600m² and 1000m² most containing single dwellings, however the wider area contains several multi-unit developments.

The application site is located within the Indicative Growth Area for Dargaville in the District Plan and is also identified in the 'Dargaville Spatial Plan' adopted by the Council 2 May 2020 for intensified residential use, however no plan change has occurred for the site or surrounding area as yet.

Residential character effects can occur where there is change is to the fabric of the landscape and/or in aesthetic or sensory aspects of an area as a result of removal of or changes in individual elements or features of that landscape and/or the introduction of new elements, features or changes in land use. Where this results in a change in the spatial character or land use of an area it has the potential to affect the character of an area even if that change is not observed by individual viewers.

The form and density of land use activities and subdivision can adversely affect residential character values. The performance standards for the residential zone, provides for areas of open space and a low intensity of development and built form. It is considered that these characteristics contribute to residential amenity values.

The proposed dwellings would adjoin one another and appear to be contained within a larger single building, the proposed development breaches a number of the relevant performance standards of the District Plan, including building coverage and permeable surfaces, however the minimal nature of infringements over and above the permitted standards would not be considered to result in a sense of 'overdevelopment' of the site.

Amenity Values

It is somewhat debatable as to precisely what 'amenity' is, and how a proposal will affect an environment's existing amenity values, which is a subjective matter that can only be determined after consideration of many values.

The term 'amenity values' arises in Part 2 of the Act, being a matter that particular regard must be had to in the determination of a resource consent application. The definition in the Act refers to "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". Therefore, an assessment of the effects of the proposal on character and amenity values relies on a number of variables.

It is of relevance to identify the scale of what can be expected in an area, and the legitimate expectations of amenity of those who choose to live there. The Residential Zone provides for a density of development at a minimum net site area of 600m² per dwelling/allotment for a serviced area such as within Dargaville and not within an Overlay. Combined with the performance standards for the zone, this provides for areas of open space and a low intensity of development and built form. It is considered that these characteristics also contribute to residential amenity.

A single dwelling and the effects thereof, are anticipated on the application site, however the establishment of a second and third dwelling(s) has the potential to give rise to effects on the amenity of the area by increased density of development.

Potential adverse effects on amenity also relate to an increased scale and intensity of residential activity, such as increased people activity, traffic noise and effects on privacy and security.

In saying that, amenity values are subjective and potential adverse amenity effects with respect to noise and other nuisance effects associated with the increased scale and intensity of the independently occupied dwellings as proposed would generally be restricted to immediate surrounding properties, all of whom have provided their written approval with respect to the proposed development and hence the effects on these properties must be disregarded.

The immediate surrounding properties, as outlined in Section 2.0 of this report who have given their written approval for the application, would provide a spatial buffer for nuisance effects on wider surrounding residential properties with respect to amenity values.

It is further noted that no submissions have been received.

The development would represent a change in the existing character of the site from that of a relatively large residential site containing one single dwelling to one of a residential complex in a style that is distinctly different from the older and more traditional built form that exists in the surrounding area.

However, for the reasons outlined above, it is considered that although the proposal results in a density of development not currently anticipated in the residential zone, it is considered to be generally consistent with the pattern of development and the mixed-use nature of the wider surrounding area.

Servicing

29. The proposed dwellings would connect to the Council's public water and wastewater reticulation systems.

As discussed previously in this report, a Stormwater Assessment has been prepared by Hawthorn Geddes ('HG') dated 20 November 2020 and submitted in support of the application. The HG report concludes that runoff from proposed impervious areas (including roofs and driveway/right of way) can be captured via site reticulation to a sub-base granular storage trench, with sufficient capacity to accommodate a 100year ARI event. Final discharge will be to the reticulated stormwater network adjoining the property.

The Council's Consultant Engineer has assessed the application, including the HG Report and considers that stormwater will be managed via stormwater detention prior to discharging to Council's existing stormwater reticulation and will be attenuated such that post development flows to be no greater than pre-development flows. The Consultant Engineer recommends a condition of consent that stormwater detention shall take into account the HG Report.

Power and telecommunications are available to the boundary of the parent lot.

Overall, appropriate and suitable utilities are available to service the subdivision, which will not constrain the respective utility networks.

Connection to utilities would be subject to approval from the various and required service providers.

Cumulative Effects

30. On-going and subsequent subdivision and development of land can potentially result in cumulative adverse effects as the volume and nature of development exceeds the carrying capacity of the environment to absorb these effects.

In the context of the residential zoning of the land, it is my opinion that the design and arrangement of the proposed development, although not at a density currently anticipated by the District Plan, is generally consistent with the pattern of development and the mixed-use nature of the wider surrounding area and would not exhaust the carrying capacity of the surrounding environment such that it would 'tip the scale' such that there would be inappropriate adverse cumulative effects.

Conclusion

31. In summary, having assessed the effects of the activity, subject to compliance with conditions it is considered that the activity will result acceptable adverse effects on the environment.

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

National Environmental Standards

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

32. The site is not identified as being a contaminated site within the Northland Regional Council's Register of contaminated sites, nor has it previously been used for activities listed on the HAIL Register produced by the Ministry for the Environment. Therefore, consent is not required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

National Policy Statements

New Zealand Coastal Policy Statement 2010

33. The New Zealand Coastal Policy Statement (NZCPS) is not relevant to this application.

Regional Policy Statement

Northland Regional Policy Statement 2016

34. 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 and policies:

- Objective 3.2 Region-Wide Water Quality
- Objective 3.11 Regional Form

Policy 5.1.1 - Planned and coordinated development

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

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*

- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils¹⁰, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- (h) Is or will be serviced by necessary infrastructure.*

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

- 35. It is considered that the proposal will be in keeping with the character of the immediate locality and it is considered that the development would not result in adverse rural character and amenity effects.
- 36. Issues about water quality include the pollution of rural water bodies (including coastal waters) from contaminants in non-point discharges and stormwater runoff, including sediment from earthworks; and the effects on water quality of major land use changes and drainage. With appropriate conditions of consent, water quality issues can be addressed.

Regional Plans

Regional Water and Soil Plan for Northland 2004

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

Proposed Regional Plan for Northland

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

Kaipara District Plan 2013

Chapter 3

Objective 3.4.1 To encourage and establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara District and enable the community to provide for their social and economic well-being.

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

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

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

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

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

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

Policy 3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.

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

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

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

39. Chapter 3 of the District Plan sets out the land use and development strategy for the Kaipara District. As part of this strategy, the plan identifies Growth Areas within the District where investment and development is specifically encouraged, while also providing opportunity for existing amenity and character to be maintained and enhanced.

In this case, the application site has been identified as being appropriate for intensified residential development under the Dargaville Spatial Plan, as a result of the Council acknowledging that there is a need to establish an effective and sustainable supply of residential and business land to meet the current and future demands.

The proposed development is considered to be an appropriate location, within a residential zone in close proximity to numerous social infrastructure/community facilities and will maximise the use of existing infrastructure.

Chapter 13: Residential Zone

Objective 13.5.2 To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments.

Policy 13.6.3 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service provision or upgrades are borne by the development.

Policy 13.6.12 By ensuring that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each site for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and can avoid any significant adverse effects on sensitive receiving environments.

40. Each dwelling unit would be connected to the existing public wastewater reticulation system and stormwater disposal systems would be required to be designed by an appropriate qualified engineer. It is considered that both wastewater and stormwater disposal can be managed in a sustainable manner to ensure there will be no impact on sensitive receiving environments.

Adequate water supply for drinking and fire-fighting purposes can be established for the development.

Policy 13.6.13 By requiring the provision of safe and practicable vehicular access from a public road to each site.

41. As discussed previously in this report, the proposed dwellings are to be accessed via the new vehicle crossing and proposed right of way which would be constructed, as required, in order to meet the Council's Engineering Standards.

The Council's Consultant Engineer has assessed the proposed development and confirms that vehicles will be able to access onto Jervois Street in a safe manner.

Conclusion

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

10.0 Section 104(1)(c) - Other Matters

Contributions

Reserves Contribution

43. Section 22.10.6 of the District Plan sets out the amount of reserve contributions for subdivision of land for principally residential purposes where lots can accommodate a residential dwelling. In this case, two additional dwellings/lots are proposed and therefore reserves contributions are required.

Development Contribution

44. The Local Government Act 2002 provides the Council with the ability to charge development contributions for increased capacity on existing Council assets in accordance with Council policy. The consent holder would be required to pay development contributions for the two additional dwellings/lots which are being created.

Precedent

45. The matters of precedent and District Plan integrity are considered relevant. Council is required to consider whether approval of a non-complying activity would create an undesirable precedent. Where the

District Plan's integrity is at risk from such a precedent, the Council is required to apply the 'True Exception Test'.

Strictly speaking, the granting of a consent does not constitute a legal precedent and each application is to be treated on its own merits. However, the matter of precedent in the general sense can be relevant, particularly where applications seek to infringe minimums or maximums detailed within the District Plan.

In such situations, it is legitimate for the consent authority to consider the precedent effect of granting an application, especially where it is likely that other similar applications will be made, with the expectation that consent will be granted as a matter of uniformity and fairness, with the 'precedent effect' described as a concern about plan integrity and consistent administration of the District Plan.

While the proposed development does not meet the general residential subdivision provisions (Rule 13.11.1) of the District Plan with respect to density, it is considered that the proposed subdivision is generally consistent with the pattern of development and the mixed-use nature of the wider surrounding area.

Further, it is noted that the application site is larger in size and wider in shape than the majority of residential allotments within Dargaville and is located in close proximity to numerous social infrastructure/community facilities, including the Kauri Coast Community Swimming Pool buildings and the Dargaville Skate Park located directly across Jervois Street.

Consequently, it is considered that the proposal would not create an undesirable precedent.

Dargaville Spatial Plan

46. The Council has recently developed spatial plans which will provide a broad strategic direction for investment in the District and enable the aspirations of our current and future residents, business operators, community groups and Mana Whenua are appropriately planned for.

The Spatial Plans will provide strategic direction for the District Plan review and Infrastructure Strategy, enabling focus on current issues and future needs of the district.

47. The Kaipara District has grown quickly in the last five years, driven mainly by rural living subdivisions and sustained growth in the Mangawhai urban area. There has been little infrastructure investment in the key urban areas. This effectively pushed residential and industrial activities to the rural areas where it was easier and cheaper to develop. The availability of zoned land for appropriate development in the towns was also not available. The need to manage this growth effectively was identified and the Spatial Plans address this by identifying growth potential.



Figure 4: Dargaville Spatial Plan Map

48. The application site and surrounding area have been identified for intensified residential intensity under the Dargaville Spatial Plan.

11.0 Section 106 Assessment

49. Pursuant to Section 106(1)(a) Council may refuse subdivision consent if the land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. The site has not been identified as susceptible to flooding in the Kaipara District Plan or the Northland Regional Council Hazard maps (Priority Rivers or Coastal Flood Hazard Zone, therefore it is considered that there will be no risk from flooding.
50. Pursuant to Section 106(1)(c) Council may refuse subdivision consent if sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision. The proposed development provides for each dwelling/allotment to gain access to Jervois Street via a proposed right of way.

12.0 Part 2 of the Act

51. 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

52. 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).
53. In considering the provisions of Section 5, the proposed development is consistent with the character of the surrounding area, and with the topography and character of the site. The proposal would therefore use and develop the physical resources of the site in a manner that would continue to enable the applicant to provide for their future social and economic wellbeing. At the same time the proposal sufficiently avoids, remedies or mitigates adverse effects on the roading network, sensitive receiving environments, amenity and residential character of the surrounding environment.

Section 6 – Matters of National Importance

54. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. The proposal is considered to be consistent with the provisions of Section 6 as it does not detract from the natural character of the coastal environment and will not impact any areas of significant indigenous vegetation and significant habitats of indigenous fauna. The proposal does not restrict access to the coastal environment.

Section 7 – Other Matters

55. Section 7 of the Act sets out other matters a consent authority must have particular regard to. The following matters are considered relevant:
- (a) kaitiakitanga:
 - (aa) the ethic of stewardship:
 - (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:
 - (c) the maintenance and enhancement of amenity values:

- (d) intrinsic values of ecosystems:
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

56. In this case, the proposed subdivision would not compromise the environment or generate any adverse effects, allowing for the efficient use of the physical resources of the site while avoiding adverse effects on the environment. As discussed previously in this report, the proposal is consistent with the site's residential character and would maintain the amenity values of the surrounding environment.
57. All stormwater and wastewater can be adequately treated in order to maintain the health of the surrounding environment.

Section 8 – Treaty of Waitangi

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

11.0 Reasons for the Decision

59. The site is not identified as being a contaminated site within the Northland Regional Council's Register of contaminated sites, nor has it previously been used for activities listed on the HAIL Register produced by the Ministry for the Environment. Therefore, consent is not required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
60. 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, as discussed in Section 8.0 of this report.
61. 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 Section 9.0 of this report.
62. The proposal creates two additional residential dwellings/allotments that will provide for the applicants and any future residents' well-being.
63. In terms of Section 104(1)(c) of the Act, other relevant matters, have been considered in the determination of the application.
64. In terms of Section 106 of the Act, none of the lots are susceptible to flooding and vehicular access is provided to each lot from Jervois Street.
65. 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 12.0.

Reporting Planner



Kim Nathan, Consultant Planner

31 March 2021

Date

Signed:



Nikki Honan

Date: 6/04/2021

Resource Consents Team Leader

Kaipara District Council

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