

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
Kāinga Ora – Homes and Communities*

File Reference:

RM210066

Decision on Resource Consent Application

Activity

Combined land use and subdivision consent to relocate two newly constructed dwellings onto the application site followed by a four-lot subdivision, with each new lot containing a dwelling.

Location

Address: 38 & 40 Cranley Street, Dargaville

Legal Description: Lot 224 DP 859 (RT NA 203/268) and Lot 225 DP 859 (RT NA 43A/252)

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment:

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.

13.10.10 'Relocation of Buildings' – This rule requires that any relocated building not complying with the relevant Standards for Permitted Activities in the District Plan be assessed as a restricted discretionary activity.

13.10.25 'Vehicle Access and Driveways' – 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 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.

13.14.2 'Road, Private Way Formation and Property Access' - As reverse manoeuvring is proposed onto Cranley Street and within the shared access, and the distance between vehicle crossings do not meet the Council's standards, consent is also required as a discretionary activity.

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** RM210066; 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 7 April 2021:
 - Application form, and assessment of environmental effects prepared by Hodgson Planning Consultants dated 18 March 2021.

Plan title and reference	Author	Rev	Dated
Proposed Subdivision of Lots 224 & 225 DP859 – P-10457-S1	Lands & Survey	D	13 July 2021
Service Plan S-10457-S2	Lands & Survey	B	19 April 2021
Site Plan 20-061 Sheet A01	CTM Architectural Ltd	C	18 October 2021
Site Earthworks Plan 20-061 Sheet A02	CTM Architectural Ltd		1 April 2021

<i>Floor Plan and Elevations (3 bedroom) 20-061 Sheet A03</i>	<i>CTM Architectural Ltd</i>		<i>1 April 2021</i>
<i>Floor Plan and Elevations (2 bedrooms) 20-061 Sheet A04</i>	<i>CTM Architectural Ltd</i>		<i>1 April 2021</i>
Documents	Author	Rev	Dated
<i>Stormwater Report</i>	<i>Haigh Workman Ltd</i>		<i>14 July 2021</i>
<i>Geotechnical Investigation Report</i>	<i>Haigh Workman Ltd</i>		<i>August 2020</i>
<i>Preliminary and Detailed Site Investigation Report</i>	<i>Pattle Delamore Partners Ltd</i>		<i>30 September 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.*

Pre-Commencement Conditions

4. *Prior to the commencement of any work authorised under this consent, a Construction Management Plan ("CMP") in accordance with Section 3.3 of Council's Engineering Standards 2011 shall be provided to Council's Development Engineer, or their delegated representative for certification, and shall include:*
 - (i) *Details of the site manager including full contact details;*
 - (ii) *Construction methodology including proposed plant and machinery to be utilised;*
 - (iii) *Proposed procedures for controlling sediment runoff and dust generation;*
 - (iv) *Programme of works;*
 - (v) *Proposed hours of work on the site;*

- (vi) *Details of the number and timing of truck movements on the access route to the site;*
- (vii) *Details of any proposed materials storage areas;*
- (viii) *Traffic management plans;*
- (ix) *Proposed communication strategy to advise members of the public of the construction works;*
- (x) *For all road construction works, the Consent Holder shall give Council's Asset Manager at least 10 working days notice of commencement of any works on any Council Road.*

5. *Prior to the commencement of any work authorised under this consent, in relation to the public drainage extensions and work in the road reserve, the Consent Holder shall enter into a Bond 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.

The bond shall be prepared by Council or Council's solicitor at the Consent Holder's expense.

The bond will be released when all works associated with the bond are completed to Council's satisfaction and inspections fees are paid (or alternatively the Consent Holder may request that inspection fees can be deducted from the bond refund).

6. *A minimum of seven days prior to the commencement of any work authorised under this consent, the Consent Holder shall notify Council, in writing, of their intention to begin works, a. Such notification shall be sent to the Council's Development Engineer or their delegated representative and include the following details:*

- (i) *Name and telephone number of the project manager/IQP.*
- (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, Inspection and Test Plan, approved corridor access request and the engineering plan approval 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.

LAND USE

7. Prior to the commencement of any work authorised under this consent, 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 upgrading/construction of the existing vehicle crossings in accordance with Section 5.2.18 of the Council's Engineering Standards 2011.
- (ii) Design details for connection to the reticulated wastewater system to serve the dwellings and decommissioning of the existing waster line in accordance with Section 7 of the Council's Engineering Standards 2011.
- (iii) Design details for stormwater drainage to serve the dwellings in accordance with Section 6 of the Council's Engineering Standards 2011.
- (iv) Design details for connection to the reticulated water system to serve the new dwellings in accordance with Section 8 of the Council's Engineering Standards 2011.

Advise Note: Approval from affected parties / landowners for the wastewater works shall be obtained and submitted with the engineering plans to council prior to approval of the engineering plans.

8. Following soil remedial works being undertaken in accordance with the approved Preliminary and Detailed Site Investigation Report, dated 30 September 2020 and prepared by Pattle Delamore Partners, and at the time of the validation sampling, the following further sampling is to be undertaken:

- Collection of up to fourteen soil samples (seven locations at two depths) from 38 Cranley Street and sixteen soil samples (eight locations at two depths) from 40 Cranley Street (completed at the same time as the validation sampling);
- Soil samples will be collected from each side of the house, at a distance of 0.5 m and 3 m from the building wall/surrounding 'halo area', of both 38 and 40 Cranley Street properties;
 - A deeper discrete sample will be collected from each location at a depth of 300 mm (and placed on hold cold at the laboratory);

- *Eight samples will initially be analysed for total recoverable heavy metals (arsenic, cadmium, chromium, copper, lead, nickel and zinc) and four samples for semi-quantitative asbestos concentrations (two from each house).*

9. *A Soil Validation Report detailing the findings of the results and risk assessment based on the sample results will be provided for the approval of the Council.*

In the event that the results from the sampling undertaken in accordance with consent 8 of this consent (RM210066) indicate contaminants at levels exceeding the relevant standards (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011), a Remedial Action Plan shall be developed and provided to the Council for approval.

10. *The consent holder shall submit a Remedial Action Plan, if required by condition 9 of this consent (RM210066), which shall be implemented prior to occupation of the relocated dwellings.*

11. *Prior to occupation of the relocated dwellings, the consent holder shall submit a Site Validation Report confirming the remediation has been undertaken in accordance with condition 10, and that remediation goals have been met.*

12. *Prior to occupation of the relocated dwellings, all works on the engineering plans approved under Condition 7 of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative.*

Compliance with this condition shall be determined by the following:

(i) *Site inspections undertaken as agreed in Council's engineering plan approval letter for the engineering plans as required by Condition 7 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.*

13. *Prior to occupation of the relocated dwellings, the applicant shall erect a solid 1.8m high fence along the northern, eastern and western boundaries of the application site for the purpose of visually screening the proposed development from surrounding properties and maintaining the residential character and amenity values of the surrounding area. The fencing shall be retained and maintained continually thereafter to the satisfaction of the Council.*

14. *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:

*Water Assets - **Blue***

*Wastewater Assets - **Red***

*Stormwater Assets - **Green***

Co-ordinates in New Zealand Transverse Mercator NZTM2000.

15. *A cash contribution in lieu of reserves shall be paid based on 0.5 % of the assessed value of the relocated 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.

SUBDIVISION

Prior to Section 223 Certification

16. ***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 Lots 224 & 225 DP859', revision D, reference P-10457-S1', dated 13 July 2021, and prepared by Lands & Survey.*

Easements

- (b) *The survey plan shall show all necessary easements as required for right of way access and servicing.*

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.*

Engineering Design

- (d) *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 upgrading/construction of the existing vehicle crossings on Lots 1 and 3 in accordance with Section 5.2.18 of the Council's Engineering Standards 2011.*
- (ii) *Design details of the construction of the rights of way in accordance with Section 5 of the Council's Engineering Standards 2011.*
- (iii) *Design details for connection to the reticulated wastewater system to serve Lots 1, 2, 3 and 4 and decommissioning of the existing waster line in accordance with Section 7 of the Council's Engineering Standards 2011.*
- (iv) *Design details for stormwater drainage to serve Lots 1, 2, 3 and 4 in accordance with Section 6 of the Council's Engineering Standards 2011.*
- (v) *Design details for connection to the reticulated water system to serve Lots 2 and 4 in accordance with Section 8 of the Council's Engineering Standards 2011.*

Advice Note: Approval from landowners for the wastewater works shall be obtained and submitted with the engineering plans to council prior to approval of the engineering plans.

Prior to Section 224(c) Certification

- 17. 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.*

Easements

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

Engineering

- (c) *All works on the engineering plans approved under Condition 16(d) 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 16(d) 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.*

Remediation of Damages

- (d) *Consent Holder shall reinstate the Council's, stormwater channel, road carriageway formation, street berm and urban services damaged by the works associated with the subdivision 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.*

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:

*Water Assets - **Blue***

*Wastewater Assets - **Red***

*Stormwater Assets - **Green***

Co-ordinates in New Zealand Transverse Mercator NZTM2000.

Reserves Contribution

- (f) 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.

Advice Note: If a reserves contribution has been paid under the land use consent conditions for RM210066 then the reserves contribution payable under this condition will be based on 5% the assessed value of Lots 2 and 3 minus the reserves contribution paid under condition 15 of this consent.

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 \$90.00 plus GST for each additional lot/dwelling for roading, \$1,887.00 plus GST for each additional lot for wastewater treatment and \$216.00 plus GST for each additional lot/dwelling for stormwater, \$301.00 plus GST for each additional lot for water supply, \$496.00 plus GST for each additional lot/dwelling community, in Kaipara District.

The proposed development will result in 2 additional dwellings/allotments. The Total Development Contribution will be \$5,980.00 plus GST.

A copy of Council's policy on Development and Financial Contributions included within the Long-Term Plan 2021/2031 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) Pipeline Certificate (K68891) will be cancelled by Kainga Ora pursuant to Section 29(3) of the Housing Act 1955.
- iv) 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 \$2,000,000.00.
- v) 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.

- vi) *Prior to the commencement of any work within the Council's road reserve, the Consent Holder shall submit a Corridor Access Request ("CAR") application, including a Traffic Management Plan/s, to the Northern Transportation Alliance Corridor Access Manager and obtain approval.*
- vii) *Works in neighbouring properties will be required to complete the proposed wastewater works, therefore neighbours approval would be required.*
- viii) *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.*
- ix) *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.*
- x) *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.*
- xi) *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.*
- xii) *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.*
- xiii) *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.*
- xiv) *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.*
- xv) *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. *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 Cranley 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



28 October 2021

.....
Kim Nathan, Consultant Planner

.....
Date

Signed:



Dwayne Daly

Date: 9/11/2021

Acting Resource Consents Team Leader

Kaipara District Council

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

RM210066

Section 104 of the Resource Management Act 1991 - Assessment Report

Details of Application	
Applicant	Kāinga Ora – Homes and Communities
Property to which the consent relates	38 & 40 Cranley Street, Dargaville, Lot 224 DP 859 (RT NA 203/268) and Lot 225 DP 859 (RT NA 43A/252)

1.0 Description of Proposal

1. The applicant seeks combined land use and subdivision consent to relocate two newly constructed dwellings onto the application site, which is currently held in the following two records of title;

- Lot 224 DP 859 – 1012m²
- Lot 225 DP 859 – 1011m²

followed by a four-lot subdivision resulting in two additional allotments.



Figure 1: Proposed Subdivision Plan

2. The proposed lots will have areas as follows:

- Proposed Lot 1: 500m²
- Proposed Lot 2: 481m² (net), 512m² (gross)
- Proposed Lot 3: 380m² (net), 601m² (gross)
- Proposed Lot 4: 340m² (net), 410m² (gross)

3. The two proposed additional dwellings will be located to the rear of the existing dwellings on the application site. The units will have floor areas of approximately 110.56m² (3-bedroom) and 82.08m² (2-bedroom) and be contained within proposed Lots 2 and 4 respectively.

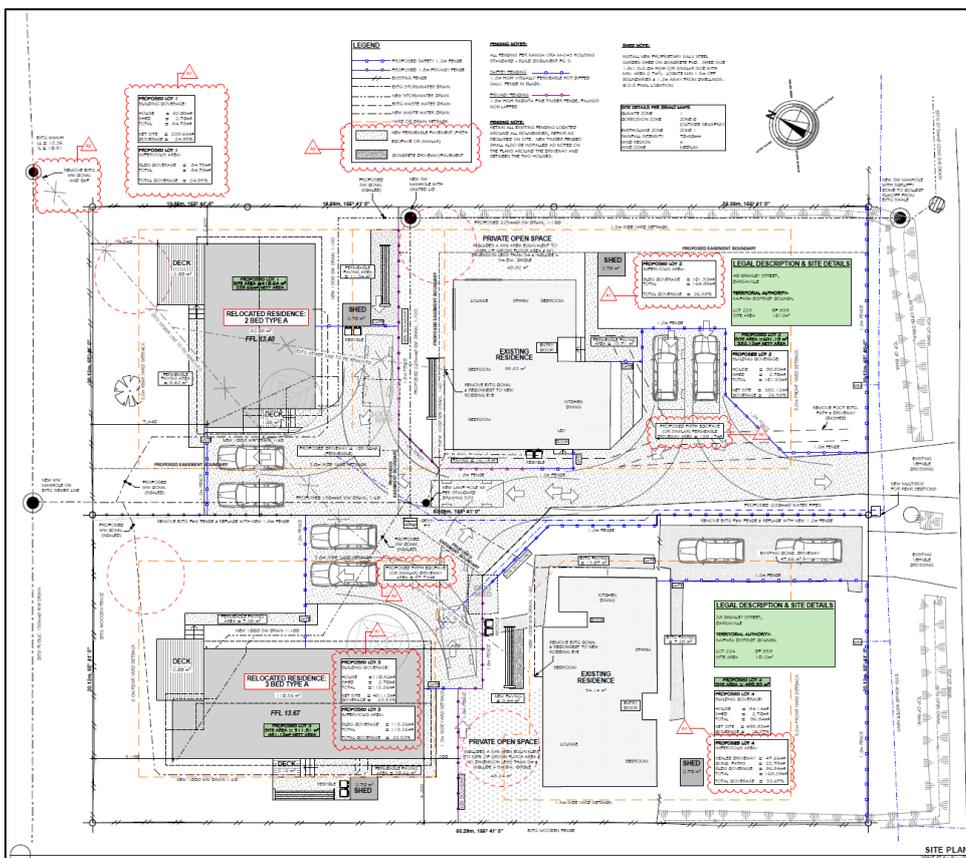


Figure 2: Proposed Site Plan

4. The 3-bedroom dwelling to be relocated onto the site is single-storeyed and constructed with weatherboard cladding and has corrugated long-run roofing. The dwelling would contain one bathroom, a laundry, open plan kitchen/living/dining area and an additional toilet.

Two small deck areas, one adjacent to the laundry and the other in the north-west corner adjacent to the main living area, will be constructed on the dwelling following relocation to the site.

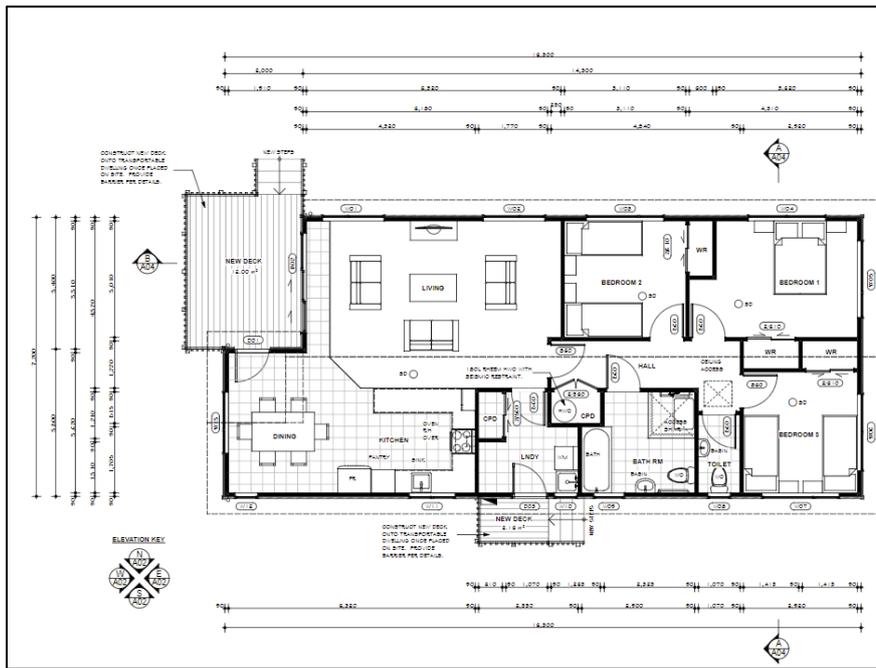


Figure 3: Proposed Floor Plan (3-bedroom dwelling)

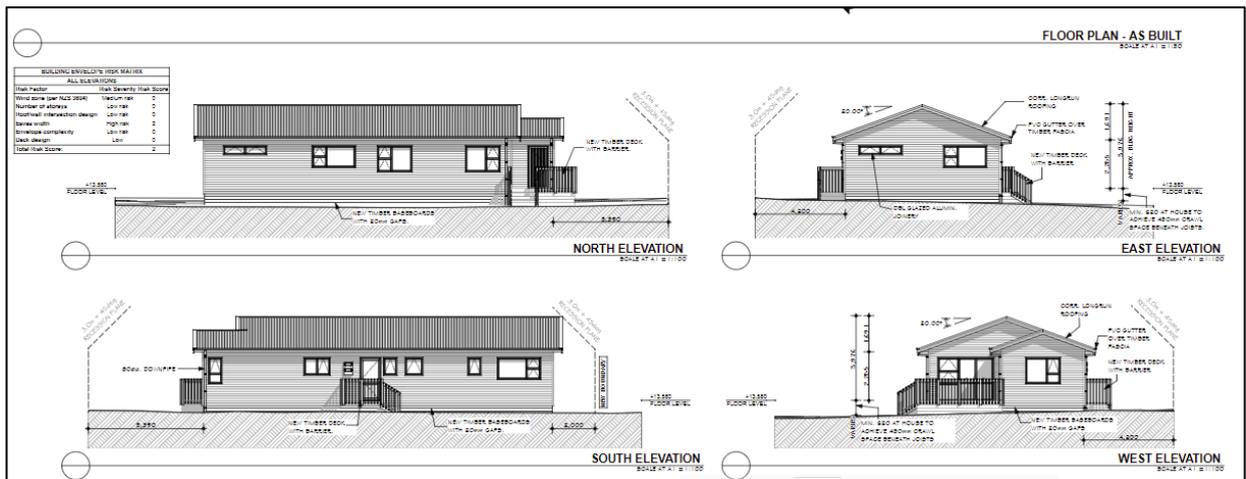


Figure 4: Proposed Elevation Plans (3-bedroom dwelling)

- The 2-bedroom dwelling to be relocated onto the site is also single storeyed and constructed with weatherboard cladding and has corrugated long-run roofing. The dwelling would contain one bathroom, and an open plan kitchen/living/dining area.

A small deck area adjacent to the north-west corner of the main living area will be constructed on the dwelling following relocation to the site.

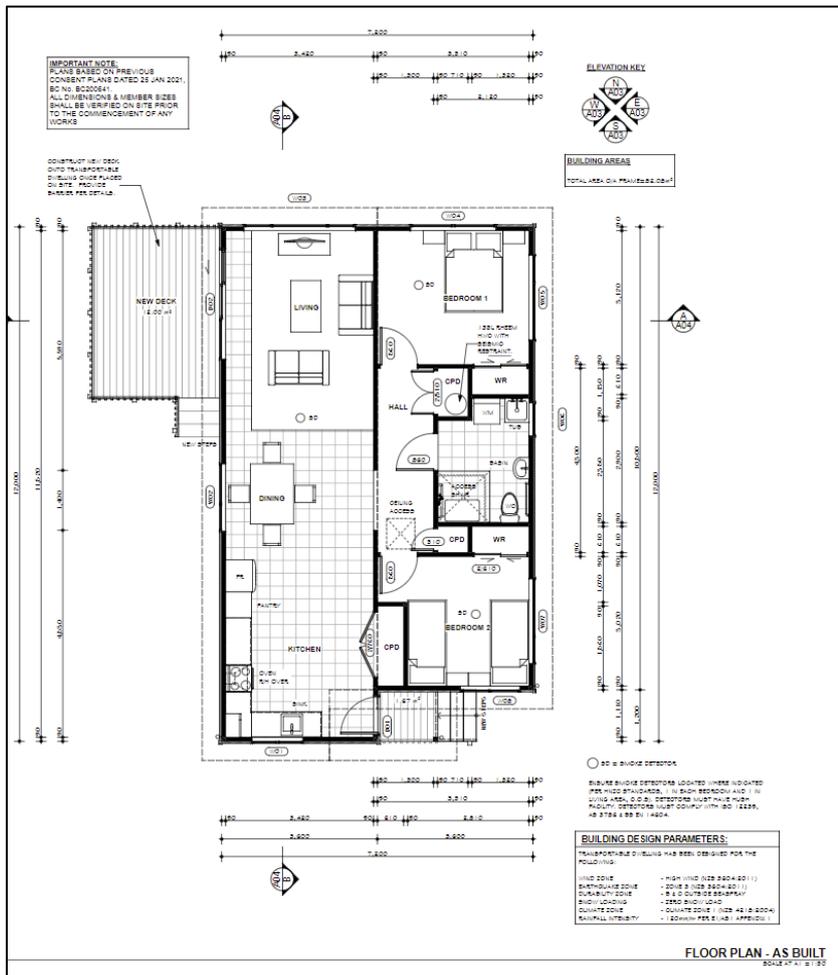


Figure 5: Proposed Floor Plan (2-bedroom dwelling)

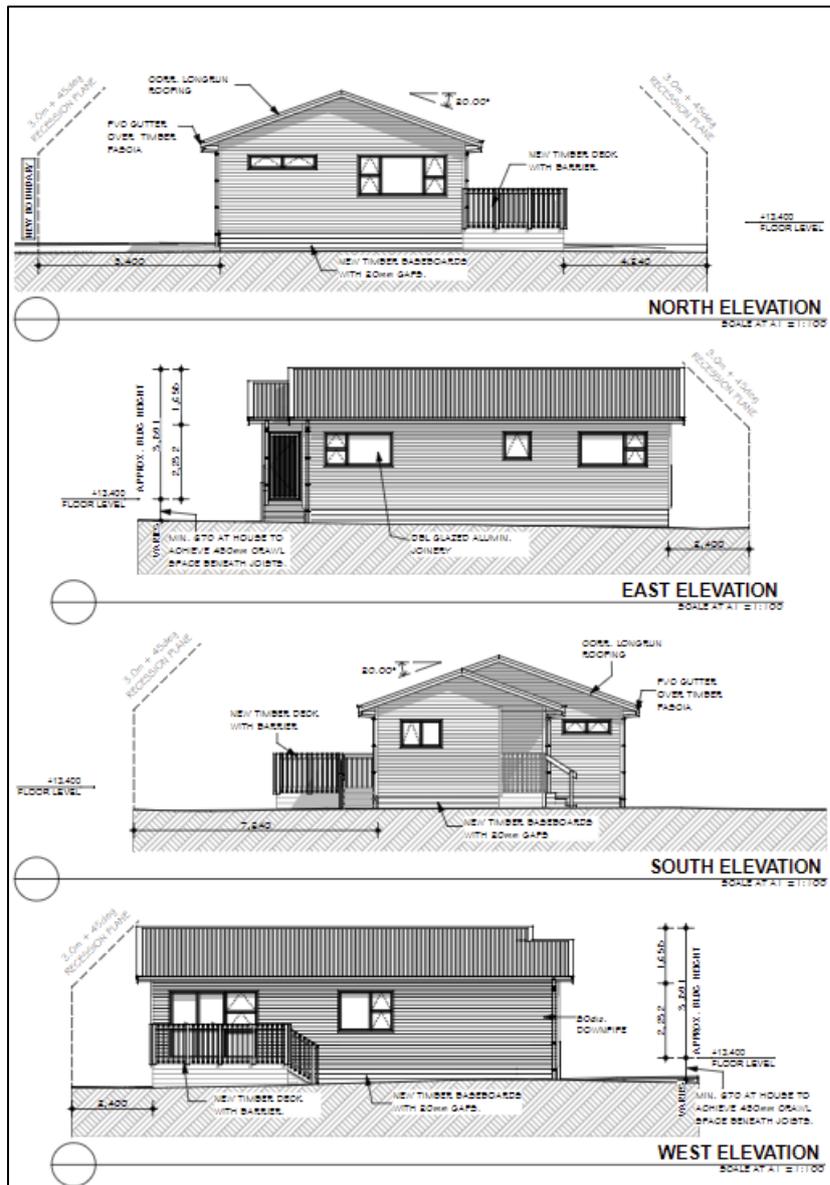


Figure 6: Proposed Elevation Plans (2-bedroom dwelling)

6. The existing sheds on the application site will be removed to accommodate the proposed development. Each of the four dwellings will be provided with new 2.7m² sheds.
7. Two existing vehicle crossings currently serve the application site from Cranley Street. The existing access and parking arrangement for the existing dwelling at 38 Cranley Street (proposed Lot 1) will be retained, with the crossing being upgraded to Council's engineering standards. The existing vehicle crossing for 40 Cranley Street (proposed Lot 3) will be utilised for the new relocated dwellings via proposed rights of way, also being upgraded/constructed in order to meet the relevant engineering standards.
8. The dwelling units will be connected to the Council's public water and wastewater reticulation systems. The existing wastewater lines serving the existing dwellings will be removed and capped. A new wastewater line will be established to serve the four dwellings. The new relocated dwellings will connect to the watermain via a new pipe within the shared access.

Pipeline Certificate (K68891) will be cancelled by Kainga Ora pursuant to Section 29(3) of the Housing Act 1955.

9. A Stormwater Report has been prepared by Haigh Workman Ltd dated 14 July 2021 and submitted in support of the application ('HW report'). The HW report recommends that stormwater detention tanks be provided for both Lot 2 & Lot 4 to attenuate of runoff, with final discharge to the reticulated stormwater network adjoining the property.
10. To complete the proposed development, it is estimated that a total volume of 199.5m³ of earthworks will be undertaken across an area of 853m² of the site.
11. The volume of earthworks, includes 85.5m³ of soil impacted by lead and arsenic which is proposed to be removed to a contaminated landfill as part of the proposed development.
12. A Preliminary and Detailed Site Investigation Report has been prepared by Pattle Delamore Partners Ltd dated 30 September 2020, and submitted in support of the application ('PDP Report'). The contaminated land will be managed and removed in accordance with the recommendations of the Site Management Plan ('SMP') contained within the PDP Report, plus additional sampling (as outlined below), will be completed after the soil remedial works have been undertaken, at the time of the validation sampling:

16. Collection of up to fourteen soil samples (seven locations at two depths) from 38 Cranley Street and sixteen soil samples (eight locations at two depths) from 40 Cranley Street (completed at the same time as the validation sampling);

- *Soil samples will be collected from each side of the house, at a distance of 0.5 m and 3 m from the building wall/surrounding 'halo area', of both 38 and 40 Cranley Street properties;*
 - *A deeper discrete sample will be collected from each location at a depth of 300 mm (and placed on hold cold at the laboratory);*
- *Eight samples will initially be analysed for total recoverable heavy metals (arsenic, cadmium, chromium, copper, lead, nickel and zinc) and four samples for semi-quantitative asbestos concentrations (two from each house); and*
- *A Soil Validation Report detailing the findings of the results and risk assessment based on the sample results will be provided to Kaipara District Council.*

2.0 Site and Consent History

13. The application site is legally described as Lot 224 DP 859 (RT NA 203/268) and Lot 225 DP 859 (RT NA 43A/252).
14. 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

15. Hodgson Planning Consultants has provided a description of the subject site on pages 4-6 of the Application Report reference KO2035, dated 18 March 2021.

Having undertaken a site visit on 12 April 2021. I concur with that description of the proposal and the site and have no further comment.

4.0 Kaipara District Plan (Operative 2013) Rule Assessment

16. 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.

13.10.10 'Relocation of Buildings' – This rule requires that any relocated building not complying with the relevant Standards for Permitted Activities in the District Plan be assessed as a restricted discretionary activity.

13.10.25 'Vehicle Access and Driveways' – 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 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.

13.14.2 'Road, Private Way Formation and Property Access' - As reverse manoeuvring is proposed onto Cranley Street and within the shared access, and the distance between vehicle crossings do not meet the Council's standards, consent is also required as a discretionary activity.

Activity Status: Non-Complying Activity

5.0 Notification Assessment

17. 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 13 September 2021. The application was limited notified 14 September 2021, with the submission period closing 11 October 2021.
18. A (late) submission was received on the evening on 12 October 2021 in response to the public notification of the application. The submission raised the following matters:
 - Parties and noise generated by future occupants of the proposed dwellings; and
 - A concern about the untidiness / unsanitariness of state housing and that such an outcome may be replicated on the application site.
19. A decision was made under delegated authority by the Resource Consents Manger to not accept the late submission.

20. 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, the applicant has not requested to be heard, therefore the Council considers that a hearing is not necessary.

6.0 Statutory Acknowledgements

21. 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.
22. Te Roroa have been provided a copy of the application and have not raised any objection to the proposed development.

7.0 Section 104D – Non-Complying Activities

23. 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.
24. 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

25. 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

26. No written approvals have been received in support of this application.

Permitted Baseline

27. 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:

- Residential buildings other than a dwelling, such as garages, accessory buildings and sleep-outs complying with the relevant performance standards of Chapter 13 of the District Plan; and/or

- Commercial and/or industrial activity or activities, complying with the relevant performance standards of Chapter 13 of the District Plan.

It is therefore considered appropriate to disregard the effects related to complying built development and traffic movements, as all such effects fall within the permitted activity baseline for the application site overall.

Receiving Environment

28. 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 is characterised by residential properties in all directions.

Selwyn Park, which contains the Kauri Coast Community Swimming Pool buildings and the Dargaville Skate Park, is located to the west of the application site.

The site is generally flat in topography and contains two existing dwellings (one per existing title).

The surrounding environment comprises a residential environment characterised by a mixture of medium to high density development, with allotments generally of a similar size to the application site, either containing single dwellings or multiple units.

The three properties west of the application site along Cranley Street (42 and 44 Cranley Street and 26 Carrington Street) each contain two dwelling units.

The receiving environment also includes those activities permitted by the operative Kaipara District Plan, being;

- Residential activities complying with the performance standards of Chapter 13 of the District Plan
 - Commercial or Industrial activities complying with the performance standards of Chapter 13 of the District Plan
29. 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

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

Adverse Effects

Access and Traffic

31. Two vehicle crossings currently serve the application site from Cranley Street. The existing access and parking arrangement for the existing dwelling at 38 Cranley Street (proposed Lot 1) will be retained, with the crossing be upgraded to Council's engineering standards.

The existing vehicle crossing for 40 Cranley Street (proposed Lot 3) will be utilised for the new relocated dwellings via proposed rights of way, also being upgraded/constructed in order to meet the relevant engineering standards.

From a traffic movement perspective, the traffic intensity factor as outlined in Chapter 25F of the Kaipara District Plan ('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 four dwellings over two existing titles, the proposal may therefore result in 12 additional vehicle movements from each lot (titles NA 203/268 and NA 43A/252), which can be comfortably accommodated by the road network 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 three of the dwellings/lots of the development will still be able to leave the parent site accessing onto Cranley Street site in a forward gear.

Adequate on-site parking is provided in accordance with the Kaipara District Plan requirements.

Residential Character

32. The application site is a large residentially zoned lot currently held in two records of title located on the northern side of Cranley Street within an established residential area of 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.

The application site is currently held in two existing records of title with a total area of 2023m², therefore a total of three dwellings (one additional) could be reasonably anticipated for the site overall considering the District Plan density provisions of one dwelling per 600m².

The proposal will result in a density of development with an average of 505m² per dwelling. However, the dwellings are subject to and comply with the bulk and location development standards in relation to site coverage, height, setbacks etc resulting in a level of built form that could be reasonably anticipated.

The surrounding environment comprises a residential environment characterised by a mixture of medium to high density development, with allotments generally of a similar size to the application site, either containing single dwellings or multiple units.

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 being one dwelling per 400m², however no plan change has occurred for the site or surrounding area as yet.

In light of the above, and taking into consideration the context of the residential zoning of the land, and the surrounding built development pattern, it is my opinion that the arrangement and size of the proposed lots/dwellings would have at least minor adverse effects on the character and amenity values of the surrounding environment.

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.

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, however due to the lack of any submissions in response to the limited notification of the application, it is assumed that surrounding property owners have no concerns about the potential effects on character and amenity values of the surrounding environment and therefore the proposed development is deemed to be acceptable.

Servicing

33. As discussed previously in this report, the proposed dwellings would connect to the Council's public water and wastewater reticulation systems. A new wastewater line will be established to serve the four dwellings. The new relocated dwellings will connect to the watermain via a new pipe within the shared access.

A Stormwater Report prepared by Haigh Workman Civil and Structural Engineers (HW Report) submitted in support of the application recommends that stormwater detention tanks be provided for both Lot 2 & Lot 4 to attenuate of runoff, with final discharge to the reticulated stormwater network adjoining the property. This recommendation is offered as a condition of consent.

The Council's Consultant Engineer has assessed the application, including the HW 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 supports a condition of consent that stormwater detention take into account the HW Report.

Power and telecommunications are available to the boundary of the parent titles and are proposed to the new lots.

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.

Earthworks / Contamination

34. While no specific HAIL activities were identified from past or present activities being carried out on the application site, soil sampling and a Preliminary and Detailed Site Investigation Report has been prepared and submitted in support of the application ('PDP Report').

It has been discovered that the surface soil exceeds the soil contamination standards of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011, for residential use with respect to lead and arsenic.

It is proposed that the contaminated land will be managed and removed in accordance with the recommendations of the Site Management Plan ('SMP') contained within the PDP Report, plus additional sampling will be completed after the soil remedial works have been undertaken, at the time of the validation sampling to ensure that the application site has been successfully remediated and concentrations of contaminants that pose a risk to human health are no longer present.

Cumulative Effects

35. 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 this case, the proposal is a combined land-use and 4-lot residential subdivision, and it is considered that the density of development proposed being two more dwellings / allotments than that anticipated by the District Plan would not exhaust the carrying capacity of the in surrounding environment which is already characterised by a mixture of medium to high levels of density, nor would the land use 'tip the scale' such that there would be more than minor cumulative effects on the existing character and amenity values of the wider surrounding environment.

Conclusion

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

9.0 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.

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)

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

37. While no specific HAIL activities were identified from past or present activities being carried out on the application site, soil sampling and a Preliminary and Detailed Site Investigation Report has been prepared by Pattle Delamore Partners Ltd dated 30 September 2020, and submitted in support of the application ('PDP Report').
38. It has been discovered that the surface soil exceeds the soil contamination standards of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011, for residential use with respect to lead and arsenic.

As such, it is proposed that the contaminated land will be managed and removed in accordance with the recommendations of the Site Management Plan ('SMP') contained within the PDP Report, plus the following additional sampling at the validation stage will be completed after the soil remedial works have been undertaken:

- *Collection of up to fourteen soil samples (seven locations at two depths) from 38 Cranley Street and sixteen soil samples (eight locations at two depths) from 40 Cranley Street (completed at the same time as the validation sampling);*
 - *Soil samples will be collected from each side of the house, at a distance of 0.5 m and 3 m from the building wall/surrounding 'halo area', of both 38 and 40 Cranley Street properties;*
 - *A deeper discrete sample will be collected from each location at a depth of 300 mm (and placed on hold cold at the laboratory);*
 - *Eight samples will initially be analysed for total recoverable heavy metals (arsenic, cadmium, chromium, copper, lead, nickel and zinc) and four samples for semi-quantitative asbestos concentrations (two from each house); and*
 - *A Soil Validation Report detailing the findings of the results and risk assessment based on the sample results will be provided to Kaipara District Council.*
39. The Council's Consultant Engineer, Conal Summers (Hawthorn Geddes) has reviewed the submitted PDP Report and the SMP submitted in support of the application and supports the undertaking the sampling at the validation stage, recommending the following conditions:
- *A condition referring to the information within the PDP Report and requiring this be undertaken.*
 - *A condition stating that in the event of results from the sampling undertaken indicating contaminants at levels exceeding the relevant standards, that a Remedial Action Plan ('RAP') shall be developed and provided to the Council for approval.*
 - *A condition requiring that the approved RAP be implemented.*
 - *A condition requiring provision of a site validation report confirming remediation has been undertaken on accordance with the RAP, and that remediation goals have been met.*
40. None of the other National Environmental Standards are relevant to this application.

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

National Policy Statement on Urban Development 2020

41. The New Zealand Statement on Urban Development (NPS-UD) is considered to be relevant to this application.
42. The NPS-UD seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.
43. The relevant objectives and policies of the NPS-UD have been considered and it is determined the proposed development meets these provisions, including the following:
 - The proposed development creates additional residential lots in response to the diverse and changing needs of people, communities, and future generations, including increased capacity housing to meet future demand.
 - The consent decision does not raise any Treaty of Waitangi issues.
44. None of the other National Policy Statements are relevant to this application.

Regional Policy Statement

Northland Regional Policy Statement 2016

45. 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 3.6 Economic Activities – Reverse Sensitivity and Sterilization;
 - 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.

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

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

- (a) Primary production activities in primary production zones (including within the coastal marine area);
- (b) Commercial and industrial activities in commercial and industrial zones;
- (c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and
- (d) The use and development of regionally significant mineral resources

46. 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 residential character and amenity effects.

Regional Plans

Regional Water and Soil Plan for Northland 2004

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

Proposed Regional Plan for Northland

48. 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

49. Chapter 3 of the District Plan sets out the land use and development strategy for the Kaipara District. As part 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.

50. 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.

51. As discussed previously in this report, the proposed dwellings are to be accessed via existing vehicle crossing and proposed rights of way which would be upgraded/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 Cranley Street in a safe manner.

Conclusion

52. 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

53. 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

54. 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 additional dwellings/lots which are being created.

Precedent

55. 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.

56. 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. Additionally, the overall density would be consistent with 1 dwelling per 600m², which is consistent with the Controlled Activity performance standards.
57. It is also noted that the three properties west of the application site along Cranley Street (42 and 44 Cranley Street and 26 Carrington Street) each contain two dwelling units. Further, the application site is located in close proximity to numerous social infrastructure/community facilities, including the Kauri Coast Community Swimming Pool buildings and the Dargaville Skate Park.

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

Dargaville Spatial Plan

58. 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.

59. 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 7: Dargaville Spatial Plan Map

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

11.0 Section 106 Assessment

61. 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.
62. 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 Cranley Street via existing vehicle crossings and a proposed right of way.

12.0 Part 2 of the Act

63. 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

64. 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).
65. 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

66. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. There are no Section 6 matters of relevance to the proposal.

Section 7 – Other Matters

67. 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.
68. 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.
69. All stormwater and wastewater can be adequately treated in order to maintain the health of the surrounding environment.

Section 8 – Treaty of Waitangi

70. 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.

13.0 Reasons for the Decision

71. 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.
72. 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.
73. The proposal creates two additional residential dwellings/allotments that will provide for the applicants and any future residents well-being.
74. In terms of Section 104(1)(c) of the Act, other relevant matters, have been considered in the determination of the application.
75. 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 Cranley Street.
76. 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

28 October 2021

Date

Signed:



Dwayne Daly

Date: 9/11/2021

Acting Resource Consents Team Leader

Kaipara District Council

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