

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
KD Paterson*

File Reference:

RM210229

Decision on Resource Consent Application

Activity

4-lot subdivision in breach of Rule 12.12.1 and 12.9.4 as a non-complying activity as the minimum lot size of 20ha for the Mangawhai Harbour Overlay is not achieved. The proposal does not comply with any of the other subdivision rules. The application also includes no provision for reticulated telecommunications under Rule 12.15.8. A breach of Rule 12.10.9 is also proposed, as the site is located within 300m of an industrial activity.

Location

Address: 120 Black Swamp Road, Mangawhai

Legal Description: Lot 1 DP 444069 (RT 556343)

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment:

The following apply to the subject property:

Zoning: Rural Zone

Overlays: Mangawhai Harbour Overlay

Rules: Rule 12.12.1 'General Rural Subdivision', 12.9.4 being a non complying activity as the minimum lot size of 20ha for the Mangawhai Harbour Overlay is not achieved, 12.15.8 'Telecommunications' as no reticulated telecommunications are to be provided, 12.10.9 'Separation Distance for Noise Sensitive Activities in the Rural Zone' as the site is located within 300m of an industrial 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"), Kaipara District Council **grants** RM210229; 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 21 July 2021:*
 - *Application form, and assessment of environmental effects prepared by Pacific Coast Surveys, dated May 2021.*

Plan title and reference	Author	Rev	Dated
<i>Scheme Plan aerial reference 2612</i>	<i>Pacific Coast Survey</i>	<i>1</i>	<i>February 2021</i>
<i>Scheme Plan non-aerial reference 2612</i>	<i>Pacific Coast Survey</i>	<i>1</i>	<i>February 2021</i>
<i>Engineering Proposal reference 2612 sheets 1 to 4</i>	<i>Pacific Coast Survey</i>	<i>1</i>	<i>November 2021</i>
<i>Landscape plan</i>	<i>Evolve</i>	<i>-</i>	<i>22/09/2021</i>
Report title and reference	Author	Rev	Dated
<i>Geotechnical Investigation Report reference 9087</i>	<i>Geotechnical Professionals</i>	<i>-</i>	<i>22 September 2017</i>
<i>Requirements Letter reference 17363</i>	<i>Northpower</i>	<i>-</i>	<i>22 June 2021</i>
<i>Assessment of landscape and visual effects reference 21079</i>	<i>Evolve</i>	<i>-</i>	<i>September 2021</i>
<i>Cultural effects assessment</i>	<i>Te Uri O Hau</i>	<i>-</i>	<i>March 2021</i>
Other additional information	Author	Rev	Dated
<i>Update letter</i>	<i>Geotechnical Professionals</i>	<i>-</i>	<i>15/11/2021</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.*

Prior to Section 223 Certification

4. 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 prepared by Pacific Coast Survey reference 2612 rev 1 dated February 2021.*

Easements

- (b) *The survey plan shall show all necessary easements as required.*
- (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 show the necessary easements on the survey plan to the approval of the Council.*
- (d) *The survey plan shall show the land covenants for the proposed areas of amenity planting shown on the landscape plan prepared by Evolve dated 22/09/2021.*
- (e) *The survey plan shall show the designated building platforms on Lots 1 to 3.*

Engineering Conditions

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

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

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

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

- i) Detailed engineering plans for vehicle crossing and its location, the right of way, and distance between vehicle crossings must be designed in accordance with the Engineering Proposal plans (Reference No: 2612, Rev 1 sheets 1 to 4, dated: November 2021), and the Council Engineering Standards 2011, and submitted for approval by Council's Development Engineers.
- ii) The engineering plans shall show the nearest natural wetland area to the vehicle crossing and right of way.

Planting plan

(g) A detailed planting and pest and weed control management plan shall be submitted to Council for approval in support of the report by Evolve reference 21079 dated September 2021 submitted in support of the application. The planting plan shall include additional planted areas and restoration planting of the existing conservation covenants, and as a minimum, contain or provide for the following:

- i) Inclusion of any additional areas for planting to that approved by consent RM210229.
- ii) Prior to planting, the removal or management of all invasive weed species and their replacement with native, eco-sourced species as detailed in the landscape report.
- iii) Works undertaken for maintenance should include watering, weed control, cultivation, control of pests and diseases, removal of litter, checking of stakes and ties, trimming, pruning, topping up mulch and other works required to ensure planting maintains healthy growth and form.
- iv) Details for covenant fencing for the exclusion of stock.
- v) Weed and pest control shall apply to all planted areas on the lots.

Prior to Section 224(c) Certification

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

- (a) Electricity connection shall be provided to the boundary of the net site area of Lot 1 to 3 and all cabling shall be underground. The Consent Holder shall provide confirmation from the network utility supply authority/authorities of compliance with this condition.
- (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.
- (c) Written confirmation shall be provided from a qualified landscape architect confirming that the works described in the approved planting plan under 4 (g) have been completed for approval in writing by Council.

(d) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the titles of Lot 1 to 4 by way of Consent Notices.

- i) In respect of Lot 1 to 3, earthworks, the location of buildings, building foundations and stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Design shall take into account the recommendations identified in the report prepared by Geotechnical Professionals dated 22 September 2017, and submitted to Council with subdivision consent RM210229. [Lot 1 to 3]
- ii) Future owners of Lot 1 to 4 are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to this lot. [Lot 1 to 4]
- iii) Sufficient firefighting water supply shall be provided for any single residential dwelling on Lot 1 to 3 with a minimum volume of 10,000 litres, with dwellings over 250m² requiring a 20,000L firefighting water supply. Supply shall remain accessible and available all year round. [Lot 1 to 3]
- iv) Unless specifically authorised in writing by Fire and Emergency New Zealand, sufficient firefighting water supply shall be provided for any commercial or industrial land use on the lots. Sufficient firefighting water supply is deemed to mean meeting full criteria of the Code of Practice for firefighting water supplies (SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice). [Lot 1 to 4]
- v) Prior to the occupation of a habitable building on Lot 1 to 3, a driveway is to be provided that meets the requirements of the Kaipara District Council's current Engineering Standards. [Lot 1 to 3]
- vi) Require that all planting and works on Lot 1 to 4 shall be maintained in accordance with the approved Planting Plan of resource consent RM210229 to the satisfaction of the Council. [Lot 1 to 4]
- vii) Require that weed and pest control be carried out on Lot 1 to 4 in accordance with the approved Planting Plan of resource consent RM210229 to the satisfaction of the Council. [Lot 1 to 4]
- viii) All buildings and infrastructure on Lot 1 to 3 shall generally comply with the design guidelines in landscape report by Evolve reference 21079 dated September 2021 approved under consent RM210229. The owner of the lot shall submit a design statement from a suitably qualified architect or landscape architect at the time of building consent confirming compliance with the guidelines:
 - Any accessory buildings related to the dwelling and any ancillary infrastructure shall be located within 30 metres of the dwelling.
 - Any building are to have a height limit of no more than 6 metres for Lot 1 to 3 this is to be measured above existing ground level (rolling height method to be utilised).
 - Glazing to be non-mirrored.
 - Any building on the lot is to be finished in the colours found on BS5252 complying with the following: Hue (colour): all the colours from 00-24 are acceptable. Reflectance Value (RV) and Greyness Groups: the predominant wall colours have a RV rating of no more

than 60% for greyness groups A and B and no more than 30% for greyness group C; Roofs: a RV rating of no more than 20% within greyness groups A, B and C.

- *Any fencing shall be restricted to rural fencing typology - post and rail or post and wire fencing to complement the rural character of the site (aside from safety fencing typology around pools).*
- *Exterior lighting shall prohibit the use of spotlights.*
- *Water tanks shall be situated no more than 300mm above ground(if ground conditions allow) and shall be screened by vegetation.*
- *Power and telecommunication infrastructure shall be underground.*
- *Driveways shall suit the rural character of the site and be recessive in finish. Chip seal, metal or asphalt with natural swales is preferable, if concrete is used concrete with a black oxide additive or exposed aggregate finish is required. [Lot 1 to 3]*

ix) Commercial activities other than home occupation businesses with no customer visits are not permitted on Lots 1 to 4. [Lot 1 to 4]

Solicitors undertaking

- (e) A solicitor's undertaking shall be provided to Council confirming that all consent notices and covenants 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 and covenants 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.

Financial Contributions

- (f) A cash contribution in lieu of reserves shall be paid based on 5% of the assessed value of a "nominal" 4000m² dwelling site on Lot 1 to 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 three (3) months old.

Engineering Conditions

- (g) All works on the engineering plans approved under Condition 4 (f) 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 4 (f) 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.*

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 \$3315.00 plus GST for each additional allotment for roading and \$496.00 plus GST for community in Kaipara District.*

The proposed development will result in 3 additional allotments. The Total Development Contribution will be \$11,433.00 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) *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.*
- iv) *If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Heritage New Zealand should be contacted.*
- v) *In the event of koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Uri O Hau shall be contacted so that appropriate arrangements can be made.*
- vi) *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.*
- vii) *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.*

- viii) *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.*
- ix) *The consent Holder shall hold written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$1,000,000.00.*
- x) *The consent Holder shall hold 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 \$1,000,000.00.*
- xi) *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. A decision was made under delegated authority to process the consent on a notified basis as per the Council's Notification Assessment Report dated 22 December 2021. The consent was notified on 28 February 2022. Submissions closed on 25 March 2022, with one submission received. All parties agreed to the application being decided under delegated authority on 12 April 2022.
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 because:
 - The proposed subdivision would be consistent with the rural-residential character and use of the area.
 - Mitigation of visual and landscape effects is provided for.
 - Character and amenity values would be maintained by the subdivision.
 - Appropriate on-site servicing will be provided at the time of building consent.
 - Safe and practicable vehicle access is existing and is sufficient to support the additional lot subject to upgrade to Council standards.
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 8.0 of this report.
4. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
5. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner



Katrina Roos

10/06/2022

Date

Signed:



Wendy Robinson

Date: 13/06/2022

Resource Consents Manager
Kaipara District Council

Signed under delegated authority pursuant to Section 34A and Section 100 of the Resource Management Act 1991.

RM210229**Section 104 of the Resource Management Act 1991 - Assessment Report**

Details of Application	
Applicant	KD Paterson
Property to which the consent relates	120 Black Swamp Road, Mangawhai, Lot 1 DP 444069 (RT 556343)

1.0 Description of Proposal

1. The proposal is for a 4-lot subdivision in breach of Rule 12.12.1 and 12.9.4 as a non-complying activity as the minimum lot size of 20ha for the Mangawhai Harbour Overlay is not achieved. The proposal does not comply with any of the other subdivision rules. The application also includes no provision for reticulated telecommunications under Rule 12.15.8.
2. A breach of Rule 12.10.9 is also covered, as the site is located within 300m of an industrial activity, being a mechanic and boat workshop on the opposite side of Black Swamp Road (Lot 2 DP 550997).
3. The lot sizes are proposed as follows:
 - Lot 1 – 1.1ha
 - Lot 2 – 1.02ha
 - Lot 3 – 1ha
 - Lot 4 – 1ha
4. Access will be provided via a single crossing to Black Swamp Road and a shared right of way. The vehicle crossing and right of way will be constructed to meet Council Engineering Standards 2011. Engineering plans have been provided in the section 92 response.

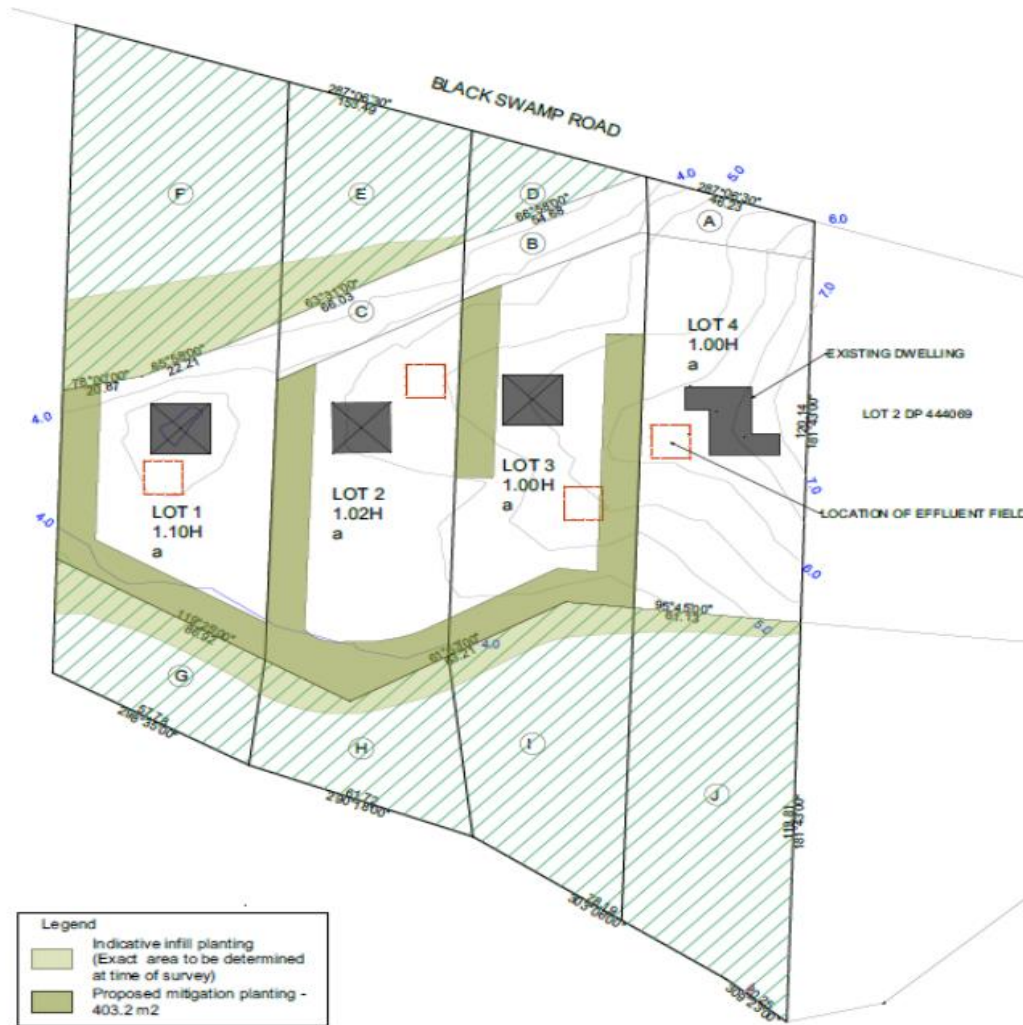


Figure 1: Planting Plan

5. The application is supported by a landscape report by Evolve provided in the Section 92 response which proposes enhancement of the existing conservation covenant areas, landscape mitigation planting, and design controls for future development. The applicant later agreed to offer a consent notice banning commercial activities from the lots to mitigate potential rural character and amenity effects.
6. The current proposal provides for lots sizes and a density of residential development that could only be achieved on a lot of this size by way of subdivision providing an Environmental Benefit under Rule 12.13.1. However, no Environmental Benefit is proposed. Use of the Small Lot rule is also not achievable as the title post-dates 2009 which is a requirement under Rule 12.14.1.
7. Utility connections and availability have been confirmed in respect of electricity. Although reticulated telecommunications are available, the applicant has opted for phone services via satellite or cellphone. Cellphone coverage maps have been provided.
8. The site suitability report by Geotech Professionals dated 2017 supplied with the application details arrangements for building foundations, stormwater and wastewater for a future dwelling on all lots. This report is supported by an addendum confirming the report is still applicable in 2021 and does not require further investigation of ground conditions.

9. The future dwellings will be served by tank water supply with 10,000 litres to be set aside for fire-fighting purposes at the time of building consent.
10. A section 92 request was made on 26 July 2021 for the following items:
- *The application is for a non-complying subdivision and is not supported by mitigation measures. At minimum, the application should be supported by a landscape assessment by a qualified landscape architect detailing the landscape, rural character and amenity effects on the surrounding area that also addresses relevant policy frameworks and potential mitigation measures. This information is necessary to consider effects on the environment and whether consistency with the District Plan objectives and policies is achievable, and if the gateway test under Section 104D is met.*
 - *Please provide a density analysis plan which shows how your proposal aligns with other granted subdivisions in the area.*
 - *The application is supported by an old geotechnical report from 2006. This is not acceptable and an updated geotechnical report by a suitably qualified engineer is required in respect of building foundations and wastewater.*
 - *Please provide a design for the upgraded vehicle crossing and right of way to confirm compliance with Kaipara Council Engineering Standards 2011.*
 - *The application is being reviewed by the Northland Transport Alliance in respect of the capacity of Black Swamp Road. There may be additional information requests from NTA once their review is completed.*
11. A landscape report was received on 29 September, followed by a site suitability addendum report on 16 November 2021. This was followed by engineering plans on 23 November 2021. The consent was taken off hold on 25 November when the development engineer confirmed they were satisfied with the plans provided.

12. Natural Wetlands

The site contains natural wetland areas protected via existing conservation covenants. It is likely that these wetlands will meet the definition of a natural inland wetland under the National Policy Statement for Freshwater, however the subdivision will not require consent under the National Environmental Standard for Freshwater 2020. Future stormwater and wastewater disposal to ground for future dwellings will also not require consent according to recent Northland Regional Council (NRC) guidance. Earthworks to construct future dwellings and construct the right of way will not require consent from NRC in future under the NES as the distance from the nearest wetland areas will be greater than 10m, as confirmed by the applicant. A condition of consent is offered requiring the wetland areas to be surveyed and shown on the engineering plans approved prior to 223 certification.

2.0 Site and Consent History

13. The site is held in record of title 556345, created in 2011 by consent RM100098. The following consent notices apply to the site:

- Building foundations, wastewater and stormwater to be subject to specific engineering design.
- Adherence to monitoring and maintenance plan for the conservation covenant areas C, D and E for a period of three years.

There are existing conservation covenants on the title (C and E) which will draw down to the new titles.

3.0 Site Description and Surrounding Environment

Description of Site

14. The application site measures 4.0970ha. The site contains an existing dwelling and has a gravel crossing and driveway to Black Swamp Road. The site is level and contains areas of conservation covenant on the front and rear boundaries surrounding natural wetland areas. The vegetation within the covenant on the front boundary screens the site from views to the east and north, but the site is visible from views to the west and south.



Figure 2: Location of Site at 120 Black Swamp Road

15. The site is not subject to natural hazards in the Northland Regional Council Hazard Maps, and is not noted as flood susceptible in the District Plan maps. A review of the open-source website Archsite found no recorded archaeological sites on the property, which was confirmed by Te Uri O Hau in their cultural assessment supplied with the application.
16. Surrounding Environment

The surrounding area is dominated by rural-residential development of lifestyle lots between 1 and 5ha. There is no remaining rural production land. Sites less than 1ha are shown below in red in Figure 5 below. Lifestyle subdivision has been prolific in the last 10 years, however the majority of lots in the wider area are larger than 1ha. There is a commercial activity directly opposite the site, being a mechanic and boat workshop. Black Swamp Rd is a local road with varying speed limits that is maintained in gravel in this location.



Figure 3: Sites Less than 1ha (red)

4.0 Kaipara District Plan (Operative 2013) Rule Assessment

17. The following apply to the subject property:

Zoning: Rural Zone

Overlays: Mangawhai Harbour Overlay

Rules: Rule 12.12.1 'General Rural Subdivision', 12.9.4 being a non complying activity as the minimum lot size of 20ha for the Mangawhai Harbour Overlay is not achieved, 12.15.8 'Telecommunications' as no reticulated telecommunications are to be provided, 12.10.9 'Separation Distance for Noise Sensitive Activities in the Rural Zone' as the site is located within 300m of an industrial activity.

Activity Status: Non-complying

5.0 Notification Assessment

18. A decision was made under delegated authority to process the consent on a notified basis as per the Council's Notification Assessment Report dated 22 December 2021. The consent was notified on 28

February 2022. Submissions closed on 25 March 2022, with one submission received from Fire Emergency NZ.

19. The submitter withdrew their request to be heard on 7 April 2022 on the proviso that their recommendations for water supply for fire-fighting were imposed as conditions of consent. The applicant withdrew their request to be heard and agreed to the application being decided under delegated authority pursuant to Section 100 of the Act on 12 April 2022.

6.0 Bundling

20. Bundling of applications is consistent with an integrated resource management approach. Applications are generally expected to be bundled except where:

- Separate but concurrent applications have been made and one of the consents involves a controlled or restricted discretionary activity and the Council's discretion is limited; and/ or
- The effects of exercising the two or more consents would not overlap.

In this case it is considered appropriate to bundle the subdivision application with the land use consent as the subdivision will be located within 300m of an industrial activity.

7.0 Statutory Acknowledgements

21. Relevant to this application, any statutory acknowledgement within the meaning of the Act specified in Schedule 11 would be contained within the Te Uri o Hau Claims Settlement Act 2002. Environs Holdings Limited is a subsidiary of Te Uri o Hau Settlement Trust (caretaker of Te Uri o Hau Claims Settlement Act 2002) authorised to participate in the Resource Management Act 1991 proceedings.
22. Pursuant to the Te Uri o Hau Claims Settlement Act 2002, the subject site does not fall within a site of significance or nohanga site. Under s58(1)(a) of that Act, Council has the responsibility to forward summaries of resource consent applications to Te Uri o Hau. Te Uri O Hau have reviewed the application and provided a cultural effects assessment in support.

8.0 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, as concluded in this report, the proposal would not be contrary to the Objectives and Policies of the Kaipara District Plan 2013. It is therefore concluded that the application meets both of the tests of Section 104D of the Act. The application can be assessed against the provisions of Section 104B of the Act and a substantive decision made.

9.0 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. 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:

- Lot 1 DP 458417/113 Black Swamp Rd – Crosbie and Sweetman
- Lot 2 DP 444069/128 Black Swamp Rd – Medland-Slater
- Lot 2 DP 499340/114 Black Swamp Rd – Storey
- Lot 2 DP 550997/115 Black Swamp Rd – Crosbie

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.

28. For the application site, the following activities with comparable effects are permitted:

- A single residential dwelling which complies with the bulk and location standards in 12.10 of the District Plan.
- Accessory buildings which comply with the bulk and location standards in 12.10 of the District Plan, including accessory buildings with sleeping accommodation and bathrooms.
- Vehicle movements of 60 per day for the entire site as per the requirements of Rule 12.10.18
- Earthworks which constitute less than 1000m³ of cut and fill as per the requirements of Rule 12.10.1a in the Mangawhai Harbour Overlay.
- Compliance with the consent notices listed on the title.

There is no permitted baseline for subdivision as all subdivision requires consent.

Receiving Environment

29. 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).

30. In this case, the receiving environment includes recently consented subdivisions in the vicinity, and activities permitted under the Rural rules in the District Plan, which could include significant built form and commercial activities which generate up to 60 vehicle movements per day.
31. The receiving environment is well described in point 15 above and shown in Figure 3. The surrounding area is dominated by rural-residential development of lifestyle lots between 1 and 5ha. There is no remaining rural production land. Sites less than 1ha are shown below in red in Figure 5 below. Lifestyle subdivision has been prolific in the last 10 years, however the majority of lots in the wider area are larger than 1ha. There is a commercial activity directly opposite the site. Black Swamp Rd is a local road with varying speed limits that is maintained in gravel in this location.

Assessment of Effects

Positive Effects

32. The subdivision proposes the development of a rural-residential site considered unviable for rural production which will benefit the economic and social well-being of the owners. The proposed landscape amenity planting will when completed enhance the biodiversity value and habitat value of the site and provide additional amenity value.

Adverse Effects

Access and Traffic

33. Council's Engineer has visited the site and assessed the application and considers that safe and practicable vehicle access can be provided via the proposed new crossing and right of way, subject to construction in accordance with Council Engineering Standards 2011 and the engineering plans provided.
34. The applicant has agreed to offer a consent notice banning commercial activities from the lots to mitigate potential rural character and amenity effects. This will also reduce potential traffic volumes to below the permitted baseline, as only residential traffic movements will be generated by the lots, being 6-8 movements per lot where the permitted baseline for the current site is 60 movements per day under Rule 12.10.18. The roading network has sufficient capacity to support residential traffic movements.

Geotechnical, Stormwater and Wastewater

35. A Geotechnical Investigation Report prepared by Geotechnical Professionals has been submitted in support of the application, reviewed by Council's Engineer. The report was dated 2017 but a letter was provided confirming the recommendations were still sound. The lots are considered geotechnically stable. Secondary wastewater treatment systems are proposed, and ground disposal of stormwater from water tank overflow. The proposed lots are considered to be of sufficient size to accommodate on-site disposal within their respective lot boundaries. With these arrangements, there should be no off-site effects on land stability or receiving environments.

Water Supply

36. In relation to water supply, drinking water would be provided by roof catchment collecting rainwater into a storage tank including dedicated supply for fire-fighting, to be supplied at the time of building consent. Access is provided for fire emergency vehicles.

Utilities

37. Written confirmation of available electricity services has been provided from Northpower. The applicant has also provided coverage confirmation from satellite or cellphone providers for telecommunication services. These arrangements are considered acceptable for this location and type of development

Landscape and Visual Effects

38. The application proposes four lots of 1ha. While this will result in a distinctive rural-lifestyle pattern of development, amenity screen planting and design controls for finishing are offered to ensure that future dwellings will not be obtrusive within the visual catchment when established.
39. The landscape assessment provided with the application confirms that effects on the wider landscape would be low or less than minor taking into account the receiving environment, the offered design guidelines and screen planting. Having viewed the site from the road and being familiar with the location, the processing planner agrees with this assessment in the medium to long term. However, the assessment does not provide an assessment of temporary effects prior to the planting becoming established.
40. Any temporary visual effects arising while the planting reaches maturity would be partially mitigated by the existing vegetation on the front boundary, with only limited views being available of the new house sites. It is also noted that accessory buildings could be built where the house sites are located without resource consent. Design controls will also control built form effects in the short term. Designated building platforms are shown on the scheme plan and landscape plan, and controls include height, colour and reflectivity, accessory building placement and fencing, lighting and water tank placement.
41. No submissions were received from adjoining neighbours who had not provided their written approval during the notification process, indicating no concerns regarding short term minor effects from those most likely to view the site. Overall, the short term visual effects of the subdivision are deemed acceptable and no more than minor.

Character and Amenity Values

42. Rural character effects can occur where there is change is to the fabric of the landscape or the sensory aspects (look and feel) of an area as a result of changes in individual elements or features of that landscape and/or the introduction of new elements 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 rural character in terms of 'sense of place' rather than obvious physical changes.
43. As shown in the density plan in Figure 3, there are a number of lots 1ha or less in the receiving environment, largely granted as compliant with the Small Lot and Environmental Benefit rules since the District Plan was made operative in 2013.

44. The application enables rural-residential use and proposes appropriate infrastructure and vehicle access consistent with rural-residential sites in Black Swamp Road, and mitigation of visual effects via design controls and extensive planting which will screen the house sites in the medium to long term. Lot 4 will contain the existing dwelling and is already in rural-residential occupancy and use.
45. Notwithstanding the visual mitigation, the proposal is non-complying and not anticipated for the wider Rural Zone in the Kaipara District Plan. However, in considering the receiving environment and its pattern of rural-residential lots, including lots less than 1ha, and the mitigation offered in terms of visual effects and banning commercial activities on the lots, the subdivision would not be out of character with the surrounding area in terms of the type of rural-residential activities and related noise, occupation and visual effects likely to occur on the lots.
46. No submissions were received from adjoining neighbours who had not provided their written approval during the notification process, indicating no concerns regarding rural character and amenity effects. Overall the effects on rural character and amenity are deemed to be acceptable and no more than minor.

Ecological Effects

47. No clearance of indigenous vegetation is proposed for the subdivision and earthworks will be limited to the access works. It is not considered that the natural wetlands on the site would be affected by on-site servicing for wastewater and stormwater, or future earthworks. The proposed landscape amenity planting will when completed enhance the biodiversity value and habitat of the existing covenanted areas on site. Additional planting of the covenants for the purposes of restoration are also proposed, and ongoing weed and pest control will also benefit these areas.

Cultural and Archaeological Values

48. There are no known cultural or archaeological values associated with the site. Environs Holdings Ltd on behalf of Te Uri O Hau have provided a cultural effects assessment in support of the application, subject to recommendations relating to the Accidental Discovery Protocol.

Reverse Sensitivity

49. As already outlined throughout this report, the proposal is consistent within the existing pattern of development and density in the immediate surrounding area, which is characterised by rural-residential development. The subdivision is unlikely to give rise to reverse sensitivity effects on nearby farming activities, with no large horticulture or stock units generating nuisance effects. There is a mechanic's workshop opposite the site which is classed as an industrial activity under the District Plan, but this is unlikely to result in reverse sensitivity issues as the activities are contained indoors and the future dwellings will be well buffered by the covenant vegetation.

Productive Land Values

50. The site has very limited remaining productive land value as it is a rural-residential lot just over 4ha in area currently in rural-residential use. There will be no loss of productive rural land as an outcome of the subdivision.

Cumulative Effects

51. 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.
52. Council's consultant engineer has confirmed capacity of the lots in terms of on-site wastewater, stormwater and water supply infrastructure. The carrying capacity of Black Swamp Road will not be exceeded by the additional lots due to the ban on commercial activities on the lots. As concluded in the landscape report, the subdivision will not contribute to cumulative adverse effects on landscape in the medium to long term subject to offered mitigation.
53. The subdivision will enable rural-residential activities which is consistent with the overall character of the area, and the density and pattern of development is consistent with the immediate receiving environment. Landscape and visual effects would be short-term and limited.
54. It is therefore considered that the proposed subdivision would not give rise to a 'tipping point' of effects on rural character and amenity within the immediate area.

Conclusion

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

10.0 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

56. The site is not identified as being a contaminated site within the Northland Regional Council's register of contaminated sites or selected land use mapping system, nor does the Council property records or available historic aerial photographs indicate historic use for activities under the Hazardous Activities and Industries Register (HAIL). The subdivision is therefore a permitted activity under the NES Soil as no evidence of ground contamination exists.

National Environmental Standard for Freshwater 2020

57. The site contains natural wetland areas protected via existing conservation covenants. The subdivision will not require consent under the National Environmental Standard for Freshwater 2020. Future stormwater and wastewater disposal to ground for future dwellings will also not require consent according to recent Northland Regional Council (NRC) guidance. Earthworks to construct future dwellings and construct the right of way will not require consent from NRC in future under the NES as they will be more than 10m from the wetlands as per Regulation 54 of the NES.
58. No other National Environmental Standards are considered relevant to the proposal.

National Policy Statements

New Zealand Coastal Policy Statement 2010

59. The NZCPS is not relevant to the proposal. Although the site is located in the Mangawhai Harbour Overlay, it does not adjoin the coast.

National Policy Statement for Freshwater 2020

60. The site contains natural wetland areas protected via existing conservation covenants. The subdivision will not require consent under the National Environmental Standard for Freshwater 2020 as detailed above. The proposed additional amenity planting and ongoing maintenance will contribute to the health and wellbeing of the wetland areas.
61. No other National Policy Statements are considered relevant to the proposal.

Regional Policy Statement

Northland Regional Policy Statement 2016

62. The subject site does not contain any significant features as defined by the RPS and therefore consideration of the RPS provisions is limited to matters under the following objectives:
- Objective 3.2 Region-Wide Water Quality
 - Objective 3.6 Economic Activities – Reverse Sensitivity and Sterilization
 - Objective 3.11 Regional Form

The RPS recognises that there are activities and land that should be protected from the negative impacts brought about through subdivision, as further development can result in incompatible land use, effects on indigenous ecosystems, reverse sensitivity issues and sterilisation of productive land.

63. As discussed previously in this report, the existing title is relatively small in area, with limited rural production values. The proposed development will not have adverse effects on the viability adjoining rural land-holdings and activities, which consist of rural-residential activities. Therefore, it is considered that no reverse sensitivity or sterilisation of productive land is anticipated as a result of the proposed subdivision. The subdivision is also considered consistent with the pattern or form of the surrounding area, being a rural-residential lifestyle development supported by landscape mitigation.

Regional Plans

Proposed Regional Plan for Northland

64. Consent is not required under the NRP for the proposed subdivision. A wastewater system for Lot 1-3 will need to comply with regional plan requirements at the time of building consent.

Kaipara District Plan 2013

65. Chapter 4: Overlays

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

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

Objective 4.4.12 To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay.

Objective 4.4.13 To enable growth in the Mangawhai Harbour Overlay in a manner that protects and enhances the identified valued natural environments which includes:

- *Coastal dune systems and coastal edge;*
- *Estuarine wetland and saltmarsh systems;*
- *Terrestrial wetland systems and associated riparian corridors;*
- *Significant areas of contiguous bush remnants and regenerating bush shrubland areas;*
- *Visually prominent ridgelines;*
- *Significant wildlife habitats and corridors; and*

The Brynderwyn Range.

Objective 4.4.4 To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.

Policy 4.5.2 By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.

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

Policy 4.5.16 By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid,

remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.

66. The proposal is consistent with the character and values of the Mangawhai Harbour Overlay, and there will be no adverse effect on habitats or watercourses which would affect ecology, or adverse landscape effects on the coastal environment.

67. Chapter 12: Rural Zone

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

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

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

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

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

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

68. There are multiple options for rural-residential subdivision in the District Plan and no restrictions on where subdivision can be located within the Rural Zone. In addition, the objectives and policies for the Rural Zone do not provide explicit discouragement of rural-residential development or non-complying subdivision activities. This regime has led to a permissive environment for rural-residential development and a proliferation of lifestyle development in popular areas around Mangawhai. Recent spatial plan exercises have sought to address these emerging development patterns and their related effects which would inform the District Plan review process, however at present the current District Plan applies and the proposal must be considered against its objectives and policies.

69. As detailed in this report, the subdivision proposes a density pattern that is not out of character with the receiving environment created by a permissive environment for lifestyle development. The subdivision will enable rural-residential activities and built form consistent with rural character and amenity values.

70. No clearance of native vegetation or significant earthworks are required to facilitate the subdivision. On-site infrastructure will be sufficient to avoid effects on water quality from stormwater and wastewater. In

the immediate context the natural character values of the surrounding area would be maintained and not degraded.

71. The proposed development would not restrict the use of surrounding properties for agricultural or horticultural purposes as rural production activities are limited and do not involve significant effects such as noise, mass spraying, stock or use of heavy vehicles. The site is not considered viable for horticulture or other farming activities due to its size and terrain.

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

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

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

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

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

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

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

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

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

72. The above objectives and policies seek to manage, protect and enhance rural character, high amenity values and biodiversity values by limiting rural subdivision and development to subdivision which results in the protection of significant vegetation, wetlands and wildlife habitats, or enhancement planting, which

can offset some of the adverse effects of subdivision on the environment and landscape values. The proposal is in accordance with these objectives and policies as it will be consistent with the established rural lifestyle character of the area and proposes to mitigate effects on landscape and amenity via landscape planting and design controls.

73. It is noted that the District Plan and the RMA accept that there will be some effects of subdivision; whether they are adverse or not is a matter requiring specific consideration. However, the expectation is that what are generally considered to be adverse effects will be avoided where possible, and if avoidance is not possible then they will be remedied or mitigated. In this case the subdivision layout has been designed to avoid adverse effects, including planting and design controls. When completely avoiding adverse effects has not been possible, remedying or mitigating effects has been the approach taken.
74. The disposal of stormwater and wastewater can be adequately contained within the respective lot boundaries away from watercourses, and an adequate supply of water can be provided for on-site. The proposal would therefore avoid adverse effects on sensitive receiving environments and would protect the health and safety of residents. Safe and practicable vehicle access to Black Swamp Rd is provided for following upgrade works and the road has sufficient capacity to support the subdivision.

Conclusion

75. On balance, the proposal is considered to be consistent with the objectives and policies of the Plan.

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

Contributions

Reserves Contribution

76. Section 22.10.6 of the District Plan sets out the amount of reserve contributions for subdivision of land for principally residential purposes where lots can accommodate a residential dwelling at 5% of the value of a 4000m² building site on a rural lot. In this case, 3 additional undeveloped lots are proposed and therefore a reserves contribution is required and will be imposed as a condition of consent.

Development Contribution

77. 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 undeveloped lot of \$3315.00 plus GST for roading and \$496.00 plus GST for community.

Precedent

78. A precedent effect is not an effect on the environment but rather it is a consideration of how a decision to allow the proposed activity may subsequently lead to subsequent similar applications being granted (in the sense of like cases being treated alike). The matters of precedent and District Plan integrity are considered relevant for this application.

79. 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.
80. 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 plan.
81. In this case, no precedent is being created to challenge the District Plan as the Plan has created a permissive environment for rural-residential subdivision which has changed the rural character of the hinterland around Mangawhai. The proposal, while non-complying, will not be out of character with the receiving environment and offers sufficient mitigation of visual and amenity effects to ensure the proposal is exceptional enough to be accepted by Council without providing justification for other ad hoc, non-complying developments.

12.0 Section 106 Assessment

82. 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 is not located in area identified as susceptible to flooding in the Kaipara District Plan or Northland Regional Council hazard maps, nor does it contain any geological features.
83. 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 proposed Lot to gain access via Black Swamp Road.

13.0 Part 2 of the Act

84. 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

85. 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).
86. In considering the provisions of Section 5, the subdivision would use and develop the physical resources of the site in a sustainable manner that would continue to enable the applicant to provide for their future economic and social wellbeing. The proposal will maintain the quality of the environment and amenity values in accordance with the District Plan.

Section 6 – Matters of National Importance

87. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. No matters are relevant to the proposal.

Section 7 – Other Matters

88. Pursuant to Section 7(b) particular regard shall be had to the efficient use and development of natural and physical resources. In this case, the subdivision allows for the efficient use of the physical resources of the site while mitigating adverse effects on the environment.
89. Pursuant to 7(c) and 7(f) particular regard shall be had to the maintenance and enhancement of amenity values and the quality of the environment. It is considered that the character and amenity values associated with the environment will be maintained and enhanced by the proposed subdivision.

Section 8 – Treaty of Waitangi

90. Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consultation with Te Uri o Hau has been carried out. The site does not contain archaeological sites, nohoanga sites or other sites of cultural and spiritual significance. Effects on receiving environments would be appropriately managed by servicing arrangements.

14.0 Reasons for the Decision

91. A decision was made under delegated authority to process the consent on a notified basis as per the Council's Notification Assessment Report dated 22 December 2021. The consent was notified on 28 February 2022. Submissions closed on 25 March 2022, with one submission received. All parties agreed to the application being decided under delegated authority on 12 April 2022.
92. 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.
93. 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 8.0 of this report.
94. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
95. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner



.....
Katrina Roos

10/06/2022

.....
Date

Signed:



Wendy Robinson

Date: 13/06/2022

Resource Consents Manager
Kaipara District Council

Signed under delegated authority pursuant to Section 34A and Section 100 of the Resource Management Act 1991.