

Section 95 of the Resource Management Act 1991

Notification Decision – Non-Complying Activity

1 Consent Application

Council Reference	SL2100003 and P117722		
Reporting Planner	A Hartstone, Consultant Planner		
Applicant	Traverse Limited		
Application	<p>Subdivision of a 6.6940ha lot to create 32 residential lots, a private access lot, and a balance lot. The residential lots are located within a portion of the site zoned as Rural Village Residential Sub-zone, while the balance lot is in the Rural Production Zone.</p> <p>The application requests that the subdivision be developed in 3 stages.</p> <p>The application includes requests to:</p> <ol style="list-style-type: none"> 1. Surrender a previous consent (WDC ref SL1800021) granted for the site pursuant to S138(1) of the RMA 2. Cancel an existing consent notice pursuant to Section 221(3) and to cancel consent notices imposed through staging where required. 		
Property Address	51 Te Maika Road, Ngunguru		
Legal Description	Lot 14 DP 374000 (RT 298560)		
Date Lodged	11 February 2021		
Site Visit	2 March 2021		
Environment	Rural Village Residential Sub-zone ('RVRSZ') and Rural Production Zone ('RPZ')		
Resource Notations	Partially Flood Susceptible		
Other	N/A		
Distributions			
Internal	Date sent	Amendments sent	Comments received
WDC Development Engineering Officer			6/7/2021
External	Date sent	Amendments sent	Comments received
LINZ			8/3/2021

2 Further Information

Requested	Received
2/3/2021 Engineering requirements	14/6/2021 Complete response received

3 Description of Proposal

Section 3 of the consent application prepared by Reyburn and Bryant Limited dated February 2021 ('the application') provides a full description of the proposal. Briefly, the application provides for the creation of 32 residential lots (lots 1 – 32) located within the area of the property zoned RVRSZ (with some very minor

boundary extensions into the RPZ). Access to the lots will be provided by way of a private access lot (Lot 34) extending from Te Maika Road. A balance lot (Lot 33) containing 3.9620ha will be created as part of Stage 2 and will retain the balance of the property zoned as RPZ.

Since lodgement, the application has been amended as follows:

- The location of drainage and earthworks has been amended based on a consent sought and obtained from Northland Regional Council (NRC ref REG.042504.01)
- The proposed upgrading of Te Maika Road has been amended based on advice from Northland Transport Alliance. The initial proposal involved upgrading to Te Maika Road adjacent to the Ngunguru Primary School. Following discussions, it has been agreed that the upgrading should consist of construction of a right turn bay at the Matapouri Road and Te Maika Road intersection.
- The upgrading of the existing culvert under Te Maika Road has been recommended by way of the flood assessment report prepared by Hawthorn Geddes Limited.

In reviewing the draft conditions, the applicant has advised that for administrative purposes, consent notices imposed on Stages 1 and 2 as they relate to balance land to be further subdivided in subsequent stages, should be cancelled to avoid repetition of consent notices across lots. In addition, a further amended scheme plan was provided under cover of email dated 23rd July 2021. That scheme plan is the subject of this report and has been prepared by Reyburn and Bryant Limited and referenced as S16042 Revision F dated July 2021.

4 Site and Surroundings

Section 2 of the application provides a description of the site and surrounding environment. That description is accepted and adopted for the purpose of this report, noting that extensive earthworks have been undertaken across parts of the site since the application was lodged. Confirmation from Northland Regional Council regarding the earthworks undertaken as complying with their consent requirements was provided under cover of email dated 8th June 2021.

5 Reasons for Consent

Section 4 of the application provides an assessment of the relevant District Plan rules. That assessment is accepted and adopted for the purpose of this report in terms of both the Operative and proposed District Plan provisions, noting the following:

- Apart from some very minor proposed boundary alignments, the land to be subdivided into residential sections is within the RVRSZ. On the basis that the proposed residential sites will be serviced with reticulated sewerage, they will comply with Rule RVZ.3.3.2 as a controlled activity subdivision in the RVRSZ.
- The non-complying status of the application relates to the balance lot to be contained within the RPZ portion of the site not complying with Rule RPZ.3.1.7. It is noted that a complying subdivision of the

land within the RVRSZ cannot be undertaken without resulting in a non-complying status due to the balance lot size in the RPZ.

- The application is assessed as a restricted discretionary activity under the Three Waters Management Chapter
- The application is assessed as a discretionary activity under Rule TRA-R15 Integrated Transport Assessment in the Transport Chapter, and will not comply with the minimum requirements for private access noting that the private access lot will service 32 lots.
- The application is assessed as a controlled activity under Rule Earth-R1 in the Earthworks Chapter
- The application is assessed as a controlled activity under Rule Sub-R2 in the Subdivision Chapter.

The application includes a request to cancel an existing consent notice registered against the parent title. This requires consideration as a discretionary activity under Section 221(3). An assessment of that matter forms part of this report.

The advice regarding surrender of an underlying subdivision consent is addressed by way of Section 138 of the RMA. No detailed assessment of this is required for the purpose of considering the notification provisions.

Overall, the application consists of a bundle of activities and is assessed as a non-complying activity.

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

The application relies on a Potentially Contaminated Site Assessment contained in Appendix 12 of the application. That assessment confirms there is no record of any HAIL activity on the site. The Regulation is therefore not relevant to the proposal.

6 Notification Assessment (Sections 95A to 95G)

Statutory matters – Public Notification section 95A to 95D

Section 95A of the Resource Management Act 1991 (the Act) gives a council discretion to decide whether or not to publicly notify an application. However, an application must be notified if:

- 1 the activity will have, or is likely to have, adverse effects on the environment that are more than minor
- 2 the applicant requests public notification of the application
- 3 a rule or national environmental standard requires public notification.

Section 95A(3) provides that an application must not be notified if a rule or national environmental standard precludes public notification and the applicant has not requested public notification. None of those criteria apply to the application.

The application is not precluded from public notification under Section 95A(5)(a) or (b).

The application is not subject to any rule or environmental standard that requires public notification as per Section 95A(8)(a).

An assessment of environmental effects is required under Section 95A(8)(b) in order to determine the extent of adverse effects on the environment. An assessment of adverse effects in accordance with Section 95D is provided below. That assessment confirms that, for the purpose of Section 95A(8)(b), any adverse effects associated with the application will be less than minor.

Under Section 95A(9), it is necessary to determine whether special circumstances exist in relation to the application that warrant the application being publicly notified. There are no known exceptional or unusual circumstances that may apply to the application to warrant public notification.

Limited notification - sections 95B and 95E

If the application is not publicly notified, a council must determine if there are any affected persons and give limited notification to those persons. In deciding who is an affected person under Section 95E, a council:

- 1 may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (i.e. council may consider the 'permitted baseline')

- 2 must disregard an adverse effect of the activity on a person that does not relate to a matter for which a rule or environmental standard reserves control or restricts discretion.
- 3 must have regard to every relevant statutory acknowledgement made in accordance with a statute set out in Schedule 11 of the Act.

Further, and pursuant to s95E(3)(a), a council must not consider that a person is affected if they have given their written approval or pursuant to s95E(3)(b) it is unreasonable in the circumstances to seek that person's approval. The application is not precluded from limited notification pursuant to Section 95B(6)(a) and (b). Therefore, an assessment of affected persons under Section 95E is required. This assessment is provided further in this report.

Permitted Baseline

Section 5.2 of the application addresses the relevant matters under Section 95D(b) and 95E(2)(a) as they relate to disregarding effects that are permitted by any rule or standard. That permitted baseline assessment records the possibility of residential development consisting of multiple dwellings on land zoned RVRSZ and one dwelling being located on the land zoned RPZ. While it may be fanciful to suggest a large multi-unit development on the site, it would be reasonable to expect built development and servicing in the RVRSZ of some residential scale. Setting aside the density and potential traffic effects, it is considered that there is a permitted baseline that accounts for the construction of dwellings and provision of services on that part of the size zoned RVRSZ and a principal dwelling and associated services on that part of the site zoned RPZ.

It is noted that at the time of preparing this report, consent has been granted by Northland Regional Council for various works associated with earthworks and stormwater management, including infringements of the National Environmental Standard for Freshwater Regulation 2020. That consent and the works proposed therein are considered to form part of the existing environment, being a consent that is likely to be given effect to. Some earthworks have commenced on the site and, insofar as they comply with the Regional Council consent, are assessed as forming part of the existing environment. It is noted that in the absence of subdivision, the District Plan has no rules that restrict earthworks on the site.

Adverse Effects – Section 95D

In assessing the effects on the environment, the following adjacent land is disregarded as part of the assessment as per Section 95D(a):

- Lot 1 DP 65339 (49 Te Maika Road)
- Lot 2 DP 390702
- Lot 3 DP170209 (148 Matapouri Road)
- Lot 13 DP 439455
- Lot 12 DP 439455
- Lot 15 DP 374000 (16 Te Muka Lane)

It is recorded that those lots that are separated from the subject site by public road are not considered to be adjacent for the purpose of this assessment.

Section 5 of the application includes an assessment of adverse effects. The assessment provided in the application addresses amenity values, traffic effects, stormwater effects, infrastructure and servicing effects, land stability, flooding and effects relating to tree removal. Given the changes made to the application during processing, some commentary on adverse effects is provided below.

The assessment regarding amenity effects is accepted and adopted for the purpose of this report. The permitted baseline described in the application provides for built development across the site in both the RVRSZ and RPZ. Therefore, any potential adverse amenity effects associated with built development are readily anticipated by the permitted standards in the District Plan and therefore can be disregarded.

Traffic effects have been assessed as part of the application. The application is supported by a traffic effects assessment prepared by Engineering Outcomes attached as Appendix 9 to the application. Initially, the application sought to undertake works within the site to provide internal access from Te Maika Road, undertake upgrading adjacent to the Ngunguru School frontage on Te Maika Road, and to construct a right turn bay at the Matapouri and Te Maika Roads intersection. It is understood that all works proposed on Te Maika Road

outside the site are for the purpose of mitigating potential adverse traffic effects associated with traffic increases generated by the development.

Following discussions with Northland Transport Alliance ('NTA') after lodgement of the application, agreement has been reached regarding provision of a right turn bay at the intersection of Matapouri and Te Maika Roads. The works proposed outside the Ngunguru School have not been agreed to by NTA. Confirmation of the extent of works required was confirmed by way of email dated 8th June 2021. It is recorded that the proposed works outside the Ngunguru School were considered by NTA and deemed unnecessary to mitigate traffic effects arising from the subdivision. It is understood that any road upgrading works adjacent to the School will fall to the Council to undertake as part of programmed upgrading works in future. As those works are no longer proposed, the consent sought for removal of the existing pohutukawa tree located on road reserve is no longer required.

Stormwater effects have been assessed as part of the application. The applicant has sought and obtained consent from the Northland Regional Council for various works associated with damming, diversion and discharge of stormwater as part of the development. In addition to this, a flood assessment report prepared by Hawthorn Geddes Limited has been provided under cover of email dated 14th June 2021 by the applicant. That assessment includes a recommendation to upgrade the existing culvert under Te Maika Road adjacent to the site to avoid any potential flooding risk on adjacent properties. It records that *'it is not considered appropriate to provide attenuation for this development.'* Councils Development Engineer has reviewed this information and, subject to the works identified in the information provided including upgrading of the Te Maika Road culvert, confirmed that any adverse effects associated with stormwater management and flooding are suitably addressed.

The assessment of effects addressing infrastructure and servicing is generally accepted and adopted for the purpose of this report. Suitable reticulated services can be provided for all lots and there is no issue associated with capacity or functioning of these services. Each lot will have a connection to power with the option requested by the applicant to either provide telecommunication connections to each lot or utilise cellular service.

Land stability effects have been addressed by way of a Subdivision Report prepared by Core Engineering Solutions Limited contained in Appendix 8 of the application. As part of the Section 92 request, clarification regarding several geotechnical matters was sought. A revised report was received under cover of email dated 11th May 2021. As a result, Councils Development Engineer has advised that *'This proposal is considered to satisfy Section 106 of the Resource Management Act 1991 with the recommended conditions of consent which will mitigate the effects.'*

Based on the information provided with the application, in conjunction with the internal assessments and responses provided by NTA and Councils Development Engineer and the consent issued by the Northland Regional Council, any adverse effects associated with the proposal on the wider environment are considered to be less than minor.

With specific regard to the request to cancel the existing consent notice pursuant to Section 221(3), no adverse effects are expected to arise from the granting of consent to this component. The cancellation of the existing consent notice is administrative only, on the basis that any new consent granted will impose relevant and necessary conditions. It is noted that consent was granted pursuant to Section 221(3) for cancellation of the same consent notice as part of the underlying subdivision consent SL1800021 which is now intended to be surrendered.

Adversely affected parties – Section 95E

For the purpose of addressing Section 95E(2), the following applies:

- (a) A permitted baseline has been assessed under Section 95D(b) above. That permitted baseline is accepted and adopted for the purpose of disregarding effects on any person. Notably, that baseline accounts for a residential scale of development including dwellings, services, and access from Te Maika Road on that portion of the site zoned RVRSZ and a principal residential unit and ancillary building on that part zoned RPE. In addition, the consent issued by the Northland Regional Council provides for certain activities associated with drainage and earthworks to be undertaken on the site. That permitted baseline is not

considered to account for the full development of the site and does not fully address traffic effects and servicing.

(b) The application is a non-complying activity, therefore consideration of potential adverse effects is unfettered.

(c) There is no relevant statutory acknowledgement applicable to the site.

In considering the extent of adverse effects on persons on adjacent land, the information provided has suitably addressed matters associated with servicing, traffic, and land stability to ensure that any adverse effects on any adjacent land will be less than minor, inclusive of conditions as offered in the application. Matters associated with amenity and landscape effects are considered to be addressed by way of the permitted baseline.

Any potential adverse effects associated with flooding have been addressed by way of a flood assessment report prepared by Hawthorn Geddes Limited. That report identifies that, in the absence of any mitigation, there will be a potential increase in flood levels on an adjoining property (Lot 15 DP 374000) due to displacement of flood volumes created by the proposed subdivision works. The report recommends that the existing culvert under Te Maika Road that drains the catchment to the Ngunguru estuary be upgraded to provide for a box culvert. The report states that *'...this will ensure that there is no increased effect on flood elevations on the neighbouring property.'* On the basis of this advice, and inclusion of the offer of the culvert upgrading as a condition of any consent, any adverse effects on Lot 15 DP 374000 associated with increased flood levels will be avoided.

No persons are considered to be adversely affected by the cancellation of the consent notice as sought as part of the application.

Having regard to the above assessment, the adverse effects on the localised environment are considered to be less than minor. Therefore, no persons are considered to be adversely affected to a minor or more than minor extent by the granting of consent to the proposal.

7 Recommendation

That pursuant to Sections 95A- 95F of the Act, this application proceed on a non-notified basis because:

- 1 Sufficient evidence has been provided in the application to confirm that the adverse effects of the proposal in all respects will be less than minor. Having considered the extent of the permitted baseline for development and the existing environment, and the information provided to address the potential adverse effects including conditions offered to mitigate and avoid adverse effects, it is considered that the proposal will result in effects the same or similar to those that could occur as a permitted activity or already exist in the environment.
- 2 No persons are considered to be adversely affected to a minor or more than minor extent by the granting of the consent to the proposal.
- 3 There are no special circumstances to warrant public notification.



A Hartstone, Consultant Planner

23 July 2021

Date

R. Quinton

Roger Quinton, Team Leader (RMA Consents)

23/7/2021

Date

Notice of Decision

SL2100003 and P117722

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 by Traverse Limited

Section 104 of the Resource Management Act 1991

Decision – Non-Complying Activity

1 Processing Details

Reporting Planner	A Hartstone
Date of Report	23 July 2021
Section 37	Yes – an additional 22 working days (to 26 th July 2021) have been provided for to address discussions regarding draft engineering conditions, and to allow the applicant to review and advise on draft conditions.

2 Application Details

The application details, including the proposal have been detailed in Section 1 of the attached Notification Assessment. In addition, the reasons for consent, and the application site and the surrounding environment have been detailed in Sections 4 and 5 respectively of the attached Notification Assessment report.

3 District Plan Zoning/Environment and other Notations

The District Plan zoning/environment and other notations affecting the site have been detailed in Section 1 of the attached Notification Assessment.

4 Statutory Context

Section 104 of the Act sets out those matters that, subject to Part 2, a consent authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

As a non-complying activity, the provisions under Section 104D of the Act apply, where a consent authority may only grant consent if one of two ‘gateway’ tests can be met. Those two tests are:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of (in this case) the Operative Whangarei District Plan.

5 Actual or Potential Effects on the Environment (Section 104(1)(a))

Section 104(2) of the Act allows the consent authority to disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (i.e. the permitted baseline principle). This matter has been addressed in Section 6 of the Notification Assessment report and also applies to this consideration. The permitted baseline is a relevant consideration on the basis that part of the property is zoned RVRSZ which allows for a density of development of one dwelling per 500m² where serviced by reticulated sewerage. While the extent of the permitted baseline is limited in other respects, it is accepted that development of the area zoned RVRSZ is anticipated by the Plan as an area of residential development. In addition, the applicant has sought and obtained consent from the Northland Regional Council for various works within the Regional

Council jurisdiction. Those consented works are considered to inform the existing environment as a consent that is likely to be given effect to.

Section 104(3)(a)(ii) of the Act requires that no consideration may be had of any effect on a person who has provided their written approval to the application. The application is not supported by any written approvals.

The adverse effects of this activity have been addressed in Section 6 of the Notification Assessment report and is adopted for the purpose of this assessment. An important component in considering the adverse effects to be less than minor is the extent of the conditions offered as part of the application to avoid or mitigate adverse effects. Those conditions include provision of reticulated services including sewerage, construction and formation of access to a suitable standard to service 32 lots, traffic mitigation works to address off-site effects associated with increased traffic generation, and upgrading of the existing culvert under Te Maika Road to avoid increased flooding effects. Consents obtained from the Northland Regional Council address earthworks and stormwater management matters.

It is noted that the site has been subject to previous replanting of native vegetation on the northwestern flank of the ridge line. This area was subject to a covenant proposed and consented as part of the underlying subdivision consent now sought to be surrendered. It is considered appropriate to impose a condition requiring protection of this vegetation as well as the adjacent wetland to ensure that these areas are protected in perpetuity. The applicant, in reviewing draft conditions, has included Area J as a covenant suitable for protection of these areas.

No adverse effects are considered to arise from the cancellation of the consent notice as sought in the application, on the basis that new conditions will be imposed as part of this consent that will supercede the existing consent notice conditions

Positive effects will arise from the granting of consent on the basis that land zoned for residential development can occur to address the increasing demand for residential land in the Ngunguru area, noting that land availability is limited in this area.

Overall, the effects of the activity are considered to be acceptable in the receiving environment. For the purpose of addressing the first gateway test under Section 104D(1)(a), the adverse effects are assessed as being less than minor.

6 Relevant provisions of any regulation, policy statement, or plan (Section 104(1)(b))

The matters associated the National Environment Standard for Freshwater Regulation 2020, Northland Regional Policy Statement and Regional Plan have been addressed by way of the consent granted by the Northland Regional Council. On that basis, no further consideration of those provisions is considered necessary.

Despite proximity to the Ngunguru Estuary, the site is not identified as being within the coastal environment under the Regional Policy Statement for Northland and therefore not within the coastal area as defined in the District Plan.

At the time of preparing this report, the majority of provisions introduced by way of the Urban and Services Plan Changes have progressed through the Schedule 1 process to the point where the majority of appeals have been resolved and are therefore beyond challenge. Those matters that remain outstanding at this time generally do not affect the provisions requiring consideration as part of this application. On this basis, nominal weighting is given to the Operative Plan provisions, and they are not assessed on the basis that they do not assist in reaching any determination on the application for the purpose of addressing Section 104D(1)(b).

Section 6 of the application provides a detailed assessment of the relevant objectives and policies contained in the District Plan. The assessment considers the provisions of the relevant zones and considers that the proposal is consistent with the objectives and policies of the RVRSZ, and states that the proposal *'...cannot be contrary to the objectives and policies of the RPZ as no new or additional development is being facilitated by the proposal.'*

While it is accepted that the proposal is consistent with the RVRSZ objectives and policies, there is no specific provision in the RPZ objectives or policies that recognises the effect of split zoning resulting in balance lots less than 20ha. At best, the creation of a lot within the RPZ containing less than 20ha in this case could be argued as complying with Policy RPZ.1.3.8 simply on the basis that it does not change the current extent of RPZ zoned land on the site. On that basis, it does not compromise the

existing productive potential or reasonably anticipated productive potential of rural production activities on the site, does not restrict the range of options for the use of productive land, and allows for extension and upgrading of services. It is considered that, while the objectives and policies are not clear on the situation applicable in this case, the proposal will not be contrary to the objectives and policies of the RPZ provisions.

The application includes a brief assessment of the objectives and policies contained in the Transport, Three Waters Management, and Subdivision Chapters of the Plan. The assessment and conclusion provided records that the proposal is consistent with these chapters. Based on the information provided with the application, that conclusion is accepted and adopted for the purpose of this report.

The Earthworks Chapter is relevant to the proposal as it involves substantial bulk earthworks across the site for access and building sites. Councils Development Engineer is satisfied (in conjunction with NRC consents issued) that Rule Earth-R1 has been met as it relates to identification of suitable building sites on each lot. This matter is therefore assessed as a controlled activity and is deemed to be consistent with the objectives and policies of that Chapter.

Overall, it is considered that the proposal will not be contrary to the District Plan objectives and policies and therefore meets the second gateway test under Section 104D(1)(b).

7 Other Relevant Matters (Section 104(1)(c))

As a non-complying activity, the extent of any precedent effect generated by the granting of consent to the proposal is a relevant consideration. Case law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant non-complying resource consent. A precedent effect is likely to arise in situations where consent is granted to a non-complying activity that lacks any evident unique, unusual or distinguishing qualities that serve to take the application outside of the generality of cases or similar sites in the vicinity.

Section 6.4 of the application addresses the issue of precedent effects and District Plan integrity. That assessment, which relies on the implications of the split zoning of the site, is accepted and adopted for the purpose of this report. It is considered that the split zoning of the site is a distinguishing and unique factor that is considered to be sufficient to avoid any potential adverse precedent effect.

8 Part 2 Matters

Section 6.5 of the application provides a detailed assessment of Part 2 matters. This assessment and conclusion is accepted and adopted for the purpose of this report.

9 Decision and Reasons

As a non-complying activity, the application is required to pass one of the two tests under Section 104D before a granting of consent can be considered. Based on the information provided with the application, it is considered that the application will pass both tests, in that the adverse effects of the subdivision are no more than minor and that the proposal is not contrary to the objectives and policies of the District Plan. In the case that the application was found to be inconsistent with one or more of the Plan provisions, it is considered that consent could still be granted.

The application includes a request to surrender the existing subdivision consent SL1800021 granted to Longview Estuary Estate dated 2nd April 2019. There is no known reason to not accept the offer of surrender of the consent. Therefore, issuing of this decision constitutes acceptance of the surrender by the Council in accordance with Section 138 (4) of the RMA and a formal resolution forms part of the decision below.

The cancellation of the existing consent notice pursuant to Section 2231(3) is granted. In addition, for administrative purposes, a resolution is provided to cancel consent notices imposed in Stages 1 and 2 where they will be repeated in any subsequent stage.

On that basis, it is considered that consent can be granted to the proposal pursuant to Section 104 and 104B. Conditions of consent are recommended on the basis of those identified in this report.

The reasons for the granting of this consent are as follows:

- 1 Sufficient evidence has been provided in the application to confirm that the adverse effects of the proposal will be less than minor and therefore acceptable within the receiving environment. Where adverse effects have been identified, conditions of consent have either been offered as part of the application or can be imposed under Section 108 and 220 of the Act to avoid or mitigate such adverse effects to an acceptable level.
- 2 The proposal will not be contrary to the relevant objectives and policies of the Whangarei District Plan.
- 3 As the application is considered to pass both tests under Section 104D and, having assessed the relevant matters under Section 104 and 104B, it is considered that consent can be granted subject to conditions.

10 Conditions

Stage 1 – Lots 1, 2, 10 – 21, 34 (access lot) and Lot 200 (balance lot)

1. Prior to issuing of a Section 223 certificate:

- a) That the survey plan submitted for approval shall conform generally with the subdivision consent obtained and the plan of subdivision prepared by Reyburn and Bryant Limited referenced as S16042 Revision F Stage 1 dated March 2021, inclusive of Area J to encompass and protect the existing native vegetation and wetland area located on Lot 200.
- b) The survey plan shall show the following amalgamation condition:
 ‘That Lot 34 hereon (legal access) be held as to thirty-three undivided one-thirty third shares by the owners of Lots 1, 2, and 10 - 21 hereon and nineteen undivided one-thirty-third shares by the owner of Lot 200 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith’ (LINZ ref 1707770).
- c) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council’s Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Development Engineer for approval. It is to be noted that certain designs may only be carried out by a Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar). Plans are to include but are not limited to:
 - i Design details of the construction of access Lot 34 to the northern boundary of Lot 21 in accordance with Table 3.1 Class A and Sheet 2 and Section 3 of Council’s Environmental Engineering Standards 2010 Edition with the exception of constructing a 6m wide carriageway and 1.6m wide footpath including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, culverts, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining and street furniture and a temporary metalled turning head with an easement in gross in favour of Whangarei District Council.
Note: The NW side of the existing Te Maika Road cul-de-sac can be modified so that the existing kerb line from Te Maika Road can be extended straight through the cul-de-sac to allow space for the footpath extension without affecting the existing water table outside the cul-de-sac head.
 - ii Design details of the construction of right of way E in accordance with Table 3.7 Category B and Sheet 7 of Council’s Environmental Engineering Standards 2010 Edition with the exception of a 5.5m wide carriageway and 1.4m wide footpath, pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping and retaining.
 After the Lot 1/2 boundary, the formation shall comply with a Table 3.7 Category B standard with a 1.4m footpath instead of the 0.95m footpath.

The plans shall show design details for right of way E lighting to be installed in accordance with NTA design manual and AS/NZS1158

- iii Design details of the upgrade of the existing vehicle crossing for access lot 34 onto Te Maika Road in accordance with Sheet 18 Residential Double Width Crossing also in accordance with Sheets 22 & 23 of Council's Environmental Engineering Standards 2010 Edition. Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from a property. Urban accessways and private driveways sloping up from the road shall have a stormwater collection and disposal system at the boundary as detailed on Sheet 19.

Provision of 8m radii corners in accordance with Sheet 17 will be acceptable.

- iv Design details of the upgrade of right turn bay into Te Maika. Right turn bay is to be constructed in general accordance with the Austroads urban standard with;
- 2 x 3.25m movement lanes and a central 2.0m wide, 6m long right turn bay.
 - The taper extending back towards Ngunguru for 40 metres.
 - This layout is to be achieved by widening the existing Ngunguru Road formation by no more than 1m on the southeast side of the intersection. Any widening will not extend beyond the existing crossing point to the south of the intersection.
 - The existing water tables on the northeast side of the intersection shall remain. If the seal needs to be extended closer to the water table, then a flush edge beam can be used as opposed to a kerb so that the existing water table and stormwater arrangements can remain unaffected.
 - No widening will be required on the western side of Ngunguru Road.

Note: The applicant may request that the engineering plans for the road intersection upgrading be considered and approved separately from the balance of engineering plan requirements under Condition 1(c).

- v Design details of sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- vi Design details of sewer connections for Lots 1-2, 10-21 in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- vii Design details of sufficient water supply for fire-fighting purposes for each lot by way of tank storage or other approved means including a "PSL" Round Thread Adaptor with a gate valve (Part number 58900), suitable access for fire-fighting appliances in accordance with Section 6.7.8 of Council's Environmental Engineering standards 2010 Edition and more particularly with "FENZ Fire Fighting Code of Practice SNZ PAS 4509: 2008. This is to include a completed "FENZ Fire Fighting Facilities Checklist" approved by the Fire and Emergency NZ Service.

The tanks proposed on Lot 34 may be partially buried to reduce visual effects on Lot 14. In this case access can be via the tank lid and the adaptor is not required.

- viii Design details of stormwater connections for Lots 1-2, 10-21 in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010 Edition.
- ix Design details of the culvert upgrade under Te Maika Road. The culvert shall be (as a minimum) a 1.5m wide x 1m high box culvert in accordance with the recommendations containing in the Hawthorn Geddes Flood Assessment referenced 12488 R1 provided with the application, or any alternative with the same or greater capacity.

Note: The upgrade works of the culvert shall comply with NES Freshwater 2020 regulation, particularly section 70 which details what is required for the culvert to be a permitted activity. If necessary consent shall be obtained from the Northland Regional Council for this work.

- x Design details of stormwater mainline reticulation inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that:
- The existing public reticulation is capable of receiving the additional flows; and
 - The new system is capable of receiving stormwater from further upstream development (where applicable)

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

- d) The consent holder shall provide written confirmation from the power utility service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.
- e) The consent holder shall provide written confirmation from the telecommunications service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.

Or the consent holder is to confirm that telecommunication connections are not proposed in which case consent notice will be registered on the relevant title prior to the issue of the Section 224(c) certificate alerting future owners of this situation.

- f) The consent holder must create easements in gross over the proposed temporary turning head in the event that the temporary formation extends outside of the Lot 34 Common Access Lot boundaries, to the satisfaction of the Development Engineer. The easements are to be sufficient to allow for the formal construction of the turning head and any associated underground services and footpaths should this become necessary. For clarity this consent provides for the cancellation of easements (turning heads) when the future stage is lodged for s223 approval.
- g) The consent holder must create easements over proposed and existing services and rights of way to the approval of the Development Engineer or delegated representative.
- h) The consent holder must create easements over any stormwater overland flow paths affected by the development or as directed by the Development Engineer.

Areas of proposed development shall be designed to avoid these overland flowpaths and noted in the Site Suitability report.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

- i) The consent holder must provide Council with three proposed road names in writing for the access lot 34 and private right of way E in accordance with Council's Road Naming Policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed street/road/access should also be submitted and any evidence of consultation relating to the proposed names.

Please refer to the road naming policy and guidelines available on Council's website <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Policies/Pages/Road-Naming-Policy.aspx>

Note: This condition will not be deemed to be satisfied unless Council has approved the submitted names in writing.

2 Prior to issuing of a Section 224(c) certificate:

- a) The consent holder is to submit a Construction Management Plan in accordance with Council's Environmental Engineering Standards to the approval of the Development Engineer or delegated representative.
- b) The consent holder is to submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council's Road Reserve in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Development Engineer or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
- c) The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Development Engineer and include the following details:
 - Name and telephone number of the project manager/ IQP.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - 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 above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.

- d) A pre start meeting is required to be undertaken with the consent holder's representative, contractor(s) and all other IQP's or agents for consent holder and the Development Engineer prior to any works being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.
- e) All work on the approved engineering plans in Condition 1(c) is to be carried out to the approval of the Development Engineer. Compliance with this condition shall be determined by;
 - Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.
 - PS3 "Certificate of Completion of Development Works" from the Contractor.

No construction works are to commence onsite until the engineering plans required in condition 1(c) have been approved.

- f) The consent holder must submit a certified and dated 'Asbuilt' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition. This condition shall be deemed satisfied once the as built's have been approved by Council's Development Engineer or delegated representative.
- g) The consent holder must submit certified RAMM data for all new/upgraded Roding infrastructure prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Development Engineer or delegated representative.

Warranty documents shall be transferred to Council for all street lights installed.

- h) The consent holder shall submit written confirmation from power utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Post Approval Officer or their delegated representative.

- i) The consent holder shall submit written confirmation from the telecommunication utility services operator that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Councils' Post Approval Officer or their delegated representative.

Or if the consent holder has confirmed that telecommunication connections are not proposed as per condition 1(c) then the consent notice condition 2q) (iv) below is applicable.

- j) The consent holder shall ensure that spoil from the site are not tracked out onto Council or State Highway Road formations to the satisfaction of the Development Engineer or delegated representative.
- k) Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- l) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Development Engineer or delegated representative.
- m) The consent holder must reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and/or construction works associated with the subdivision or land use consent. The assets shall be reinstated in accordance with Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder and to the satisfaction of the Development Engineer or delegated representative.
- n) The consent holder must supply and erect the private road name for the access lot and right of way in accordance with Sheet 25 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/ road/access name. The sign shall be in a position where it is most visible for road users to the satisfaction of the Development Engineer or delegated representative.
- o) The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas of or ground stabilisation, cut or fill, from a Chartered Professional Engineer. Any site restrictions shall be included and confirmation that the land is suitable for building development, to the satisfaction of the Development Engineer or delegated representative. This Form EES PO1 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.' Earthworks are to be tested in accordance with NZS4431 and are to be certified by way of a statement of professional opinion.

As-Built final contours, and cut and fill plans shall be provided within the Geotechnical Completion Reporting. Areas of significant undercut should also be noted (i.e. muck outs of existing drains/swales). Locations of drainage placed as part of the earthworks shall also be shown on plans.

Settlement monitoring shall be undertaken under the supervision of a CPEng Geotechnical engineer and as outlined in the CORE Engineering Solutions Ltd report with predicted residual settlements associated with the underlying soft/peat soils (primary and secondary) which shall be included within the geotechnical completion report for the respective stage

- p) Provide the following plans and documents for approval by Council:
- i. Provide a legal document setting out the formation and responsibilities in perpetuity of an entity such as a resident's association/body corporate/incorporated society for the purposes of: (choose those applicable).
- Assuming responsibility for all repairs and maintenance to services to the house lots including roads, stormwater, drainage, power, rubbish collection, security and gates and emergency services.

- Managing and coordinating ongoing maintenance of the internal roading network including all mitigation plantings and stormwater management measures.
- Managing and coordinating ongoing maintenance of the community facilities associated with the development.
- Assuming responsibility for all monitoring, repairs and maintenance of the communal stormwater subsoil drainage system incorporated into the subdivision, to ensure that the system functions in accordance with the Council Environmental Engineering Standards 2010 (or any amendment thereof) and the approved plans/management plan for the system.
- Ensuring that funding mechanisms are in place and operational for the purposes of achieving i-iv above including ensuring that all owners within the development are obliged to join the Residents Association/Body Corporate, and that a sinking fund is available to adequately fund Residents Association/Body Corporate responsibilities.
- Management and ongoing maintenance in accordance with the Culvert Management and Maintenance Plan (CMMP), noting that this CMMP is a requirement of the Northland Regional Council consent (Condition 6) and the applicant has offered this condition to ensure that future owners are aware of responsibilities under this consent and CMMP.

This legal document shall be registered as a private covenant against all relevant lots across all stages of the subdivision.

Note: This document shall be reviewed by Councils Legal Advisor at the consent holder's expense before approval is given.

- ii. A conservation covenant pursuant to Section 77 of the Reserves Act 1977 in respect of Area J identified as per condition 1(a) is to be prepared and registered against the affected title/s at the applicant's expense. Conditions of the covenant shall provide for the following:
 - Removal by the landowner of fauna and/ or flora recognised as pests or weeds by e Regional Pest Management Strategy.
 - Access to the covenanted area by the landowner to continue by way of any existing track(s) and these tracks(s) can be maintained to existing standards should the need arise, including minor clearing of vegetation over, and/or adjacent to, the existing track(s); and
 - Restoration and/or enhancement and/or pruning of vegetation cover in the covenanted area to be undertaken by the landowner should the need arise Manager RMA Consents or their delegated representative. A formal request should be made to the Council to have the covenant prepared at the appropriate time. In the event a Queen Elizabeth II National Trust Open Space Covenant is to be registered on the title instead of a Reserves Act covenant, the consent holder shall provide the Council with the written confirmation from the Queen Elizabeth II National Trust that these areas have been accepted for the purposes of an open space covenant.

A formal legal undertaking shall be provided to confirm that the approved documents approved under this condition shall be registered against all affected lots in conjunction with the Section 224 certificate for all stages of development.

Note: This document may be reviewed by Council's Legal Adviser at the consent holder's expense before approval is given.

- q) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the affected lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
 - i. Any built development on Lots 1, 2, 10 – 21 and 200 shall comply with the restrictions and recommendations identified in the Core Engineering Solutions engineering report reference 20-0078 Rev 1 dated 21/05/2021 and earthworks completion report PO1

- provided on completion of this development provided under condition 2(n) unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- ii. Any development shall comply with the restrictions and recommendations identified in the Hawthorn Geddes stormwater report reference 12488 Rev 1 dated 25/06/2021 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - iii. For Lots 1, 2, 10-21, and 200, at the time of building consent (if no gravity connection is available) the property owner shall supply and install (at its own cost) a pressure sewer system of an approved make, (including all its constituent components) to the satisfaction of Council by applying for a Public Utility connection. After approval by Council, and connection of the pressure sewer system to the Council's reticulated system, Council shall own and maintain the pressure sewer system in accordance with the WDC Pressure Sewer Policy. The owner shall continue to own and maintain the property's gravity drain to the pump chamber. The owner shall be responsible for paying the power consumption of the pumping unit in accordance with WDC Pressure Sewer Policy.
 - iv. (If applicable under Condition 2 i) above) For Lots 1, 2, 10-21, and 200, no conventional telecommunication connection has been provided to the Lot as part of the subdivision works (as it is intended that wireless or satellite technology will be utilised if/when a telecommunication connection is required). Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.

Stage 2 – Lots 3 – 9, 201 and 33 (balance lot)

3. Prior to issuing of a Section 223 certificate:

- a) That the survey plan submitted for approval shall conform generally with the subdivision consent obtained and the plan of subdivision prepared by Reyburn and Bryant Limited referenced as S16042 Revision F Stage 2 dated March 2021.
- b) The survey plan shall show the following amalgamation condition:
'That Lot 34 Stage 1 (legal access) be held as to seven undivided one-thirty third shares by the owners of Lots 3-9 hereon and eleven undivided one-thirty third shares by the owner of Lot 201 hereon and one undivided one-thirty third share by the owner of Lot 33 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith' (LINZ ref 1707770).
- c) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Development Engineer for approval. It is to be noted that certain designs may only be carried out by a Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar). Plans are to include but are not limited to:
 - i. Design details of the construction of right of way I in accordance with Table 3.7 Class B and Sheet 7 of Council's Environmental Engineering Standards 2010 Edition including 0.95m wide footpath, turning facilities suitable for use by a fire appliance, pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping and retaining.

Design details are to be provided for right of way I lighting to be installed in accordance with NTA design manual and AS/NZS1158.

- ii. Design details of sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- iii. Design details of sewer connections for Lots 3-9, 33, and 201 in accordance with Section 5 of Council's Environmental Engineering Standards 2010 Edition.
- iv. Design details of sufficient water supply for fire-fighting purposes for each lot by way of tank storage or other approved means including a "PSL" Round Thread Adaptor with a gate valve (Part number 58900), suitable access for fire-fighting appliances in accordance with Section 6.7.8 of Council's Environmental Engineering standards 2010 Edition and more particularly with "FENZ Fire Fighting Code of Practice SNZ PAS 4509: 2008. This is to include a completed "FENZ Fire Fighting Facilities Checklist" approved by the Fire and Emergency NZ Service.

Where tanks are likely to be partially buried, adaptors will not be required as there will be access via lids.

- v. Design details of stormwater connections for Lots 3-9, 33, and 201 in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010 Edition.
- vi. Design details of stormwater mainline reticulation inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that:
 - The existing public reticulation is capable of receiving the additional flows; and
 - The new system is capable of receiving stormwater from further upstream development (where applicable)

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

- c) The consent holder shall provide written confirmation from the power utility service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.
- d) The consent holder shall provide written confirmation from the telecommunications service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.

Or the consent holder is to confirm that telecommunication connections are not proposed in which case consent notice will be registered on the relevant title prior to the issue of the Section 224(c) certificate alerting future owners of this situation.
- e) The consent holder must create easements over proposed and existing services and rights of way to the approval of the Development Engineer or delegated representative.
- f) The consent holder must create easements over any stormwater overland flow paths affected by the development or as directed by the Development Engineer.

Areas of proposed development shall be designed to avoid these overland flowpaths and noted in the Site Suitability report.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

4. Prior to issuing of a Section 224(c) certificate:

- a) The consent holder is to submit a Construction Management Plan in accordance with Council's Environmental Engineering Standards to the approval of the Development Engineer or delegated representative.
- b) The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Development Engineer and include the following details:
 - Name and telephone number of the project manager/ IQP.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - 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 above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.

- c) A pre start meeting is required to be undertaken with the consent holder's representative, contractor(s) and all other IQP's or agents for consent holder and the Development Engineer prior to any works being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.
- d) All work on the approved engineering plans in Condition 3(c) is to be carried out to the approval of the Development Engineer. Compliance with this condition shall be determined by;
 - Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.
 - PS3 "Certificate of Completion of Development Works" from the Contractor.

No construction works are to commence onsite until the engineering plans required in condition 3(c) have been approved.

- e) The consent holder must submit a certified and dated 'Asbuilt' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition. This condition shall be deemed satisfied once the as built have been approved by Council's Development Engineer or delegated representative.
- f) The consent holder must submit certified RAMM data for all new/upgraded Rooding infrastructure prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Development Engineer or delegated representative.

Warranty documents shall be transferred to Council for all street lights installed.

- g) The consent holder shall submit written confirmation from power utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Post Approval Officer or their delegated representative.
- h) The consent holder shall submit written confirmation from the telecommunication utility services operator that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Post Approval Officer or their delegated representative.

Or if the consent holder has confirmed that telecommunication connections are not proposed as per condition 3(d) then the consent notice condition 4q)(iii) below is applicable.

- i) The consent holder shall ensure that spoil from the site are not tracked out onto Council or State Highway Road formations to the satisfaction of the Development Engineer or delegated representative.
- j) Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- k) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Development Engineer or delegated representative.
- l) The consent holder must reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and/or construction works associated with the subdivision or land use consent. The assets shall be reinstated in accordance with Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder and to the satisfaction of the Development Engineer or delegated representative.
- m) The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas of or ground stabilisation, cut or fill, from a Chartered Professional Engineer. Any site restrictions shall be included and confirmation that the land is suitable for building development, to the satisfaction of the Development Engineer or delegated representative. This Form EES PO1 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.' Earthworks are to be tested in accordance with NZS4431 and are to be certified by way of a statement of professional opinion.

As-Built final contours, and cut and fill plans shall be provided within the Geotechnical Completion Reporting. Areas of significant undercut should also be noted (i.e. muck outs of existing drains/swales). Locations of drainage placed as part of the earthworks shall also be shown on plans.

Settlement monitoring shall be undertaken under the supervision of a CPEng Geotechnical engineer and as outlined in the CORE Engineering Solutions Ltd report with predicted residual settlements associated with the underlying soft/peat soils (primary and secondary) which shall be included within the geotechnical completion report for the respective stage

- n) Provide suitable evidence and legal undertaking to confirm that the legal document/s prepared under Condition 2(p)i. above will be registered against lots 3 – 9, 33 and 201 where they do not 'fall down' onto the new titles to be created.
- o) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the affected lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
 - i. Any built development on Lots 3 – 9, 33, and 201 shall comply with the restrictions and recommendations identified in the Core Engineering Solutions engineering report reference 20-0078 Rev 1 dated 21/05/2021 and earthworks completion report PO1 provided on completion of this development provided under condition 4(m) unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii. For Lots 3 – 9, 33, and 201, any development shall comply with the restrictions and recommendations identified in the Hawthorn Geddes stormwater report reference 12488 Rev 1 dated 25/06/2021 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - iii. (If applicable under Condition 4h) above) For Lots 3 – 9, 33, and 201, no conventional telecommunication connection has been provided to the Lot as part of the subdivision works (as it is intended that wireless or satellite technology will be utilised if/when a

telecommunication connection is required). Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.

Stage 3 – Lots 22 - 32

5. Prior to issuing of a Section 223 certificate:

- a) That the survey plan submitted for approval shall conform generally with the subdivision consent obtained and the plan of subdivision prepared by Reyburn and Bryant Limited referenced as S16042 Revision F Stage 3 dated March 2021.
- b) The survey plan shall show the following amalgamation condition:
‘That Lots 34 Stage 1 (legal access) be held as to eleven undivided one-thirty third shares by the owners of Lots 22-32 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.’ (LINZ ref 1707770).
- c) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council’s Environmental Engineering Standards 2010 Edition. The engineering plans are to be submitted to the Development Engineer for approval. It is to be noted that certain designs may only be carried out by a Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar). Plans are to include but are not limited to:
 - i Design details of the construction of the unformed portion of access lot 34 in accordance with Table 3.1 Class A and Sheet 2 and Section 3 of Council’s Environmental Engineering Standards 2010 Edition with the exception of constructing a 6m wide carriageway and 1.6m wide footpath including pavement structural details, signage, intersection design, typical cross sections, earthworks cross sections, long sections, culverts, drainage flow paths, surfacing, pavement marking, street lighting and any proposed planting, landscaping, retaining, street furniture and a turning head.
 - ii Design details of the construction of right of way H in accordance with Table 3.7 Class A and Sheet 9 of Council’s Environmental Engineering Standards 2010 Edition including typical cross sections, long sections, drainage flow paths.
 - iii Design details of the construction of right of way F & G in accordance with Table 3.7 Class A and Sheet 7 of Council’s Environmental Engineering Standards 2010 Edition including typical cross sections, long sections, drainage flow paths.
 - iv Design details of sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council’s Environmental Engineering Standards 2010 Edition.
 - v Design details of sewer connections for Lots 22-32 in accordance with Section 5 of Council’s Environmental Engineering Standards 2010 Edition.
 - vi Design details of sufficient water supply for fire fighting purposes for each lot by way of tank storage or other approved means including a “PSL” Round Thread Adaptor with a gate valve (Part number 58900), suitable access for fire fighting appliances in accordance with Section 6.7.8 of Council’s Environmental Engineering standards 2010 Edition and more particularly with “FENZ Fire Fighting Code of Practice SNZ PAS 4509: 2008. This is to include a completed “FENZ Fire Fighting Facilities Checklist” approved by the Fire and Emergency NZ Service.
 - vii Design details of stormwater connections for Lots 22-32 in accordance with Sheet 36 or 37 and Section 4 of Council’s Environmental Engineering Standards 2010 Edition.

viii Design details of stormwater mainline reticulation inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, detention structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. The design is to include evidence that:

- The existing public reticulation is capable of receiving the additional flows; and
- The new system is capable of receiving stormwater from further upstream development (where applicable)

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

- d) The consent holder shall provide written confirmation from the power utility service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.
- e) The consent holder shall provide written confirmation from the telecommunications service operator of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Councils' Post Approval Officer or delegated representative.

Or the consent holder is to confirm that telecommunication connections are not proposed in which case consent notice will be registered on the relevant title prior to the issue of the Section 224(c) certificate alerting future owners of this situation.

- f) The consent holder must create easements over proposed and existing services and rights of way to the approval of the Development Engineer or delegated representative.
- g) The consent holder must create easements over any stormwater overland flow paths affected by the development or as directed by the Development Engineer.

Areas of proposed development shall be designed to avoid these overland flowpaths and noted in the Site Suitability report.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

6. Prior to issuing of a Section 224(c) certificate:

- a) The consent holder is to submit a Construction Management Plan in accordance with Council's Environmental Engineering Standards to the approval of the Development Engineer or delegated representative.
- b) The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Development Engineer and include the following details:
- Name and telephone number of the project manager/ IQP.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - 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 above letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.

- c) A pre start meeting is required to be undertaken with the consent holder's representative, contractor(s) and all other IQP's or agents for consent holder and the Development Engineer prior to any works being undertaken on the site to the satisfaction of the Development Engineer or delegated representative.

- d) All work on the approved engineering plans in Condition 5(c) is to be carried out to the approval of the Development Engineer. Compliance with this condition shall be determined by;
- Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.
 - PS3 "Certificate of Completion of Development Works" from the Contractor.

No construction works are to commence onsite until the engineering plans required in condition 5(c) have been approved.

- e) The consent holder must submit a certified and dated 'Asbuilt' plan of completed works and services in accordance with Council's Environmental Engineering Standards 2010 Edition. This condition shall be deemed satisfied once the as built has been approved by Council's Development Engineer or delegated representative.
- f) The consent holder must submit certified RAMM data for all new/upgraded Roading infrastructure prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the satisfaction of the Development Engineer or delegated representative.

Warranty documents shall be transferred to Council for all street lights installed.

- g) The consent holder shall submit written confirmation from power utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Post Approval Officer or their delegated representative.
- h) The consent holder shall submit written confirmation from the telecommunication utility services operator that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Council's Post Approval Officer or their delegated representative.

Or if the consent holder has confirmed that telecommunication connections are not proposed as per condition 5(e) then the consent notice condition 6o)(iii) below is applicable.

- i) The consent holder shall ensure that spoil from the site is not tracked out onto Council or State Highway Road formations to the satisfaction of the Development Engineer or delegated representative.
- j) Dust nuisance must be controlled onsite (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
- k) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Development Engineer or delegated representative.
- l) The consent holder must reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and/or construction works associated with the subdivision or land use consent. The assets shall be reinstated in accordance with Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder and to the satisfaction of the Development Engineer or delegated representative.
- m) The consent holder must submit for approval a completed 'statement of professional opinion as to suitability of land for building development' (form EES-P01) including a detailed site plan of any areas of or ground stabilisation, cut or fill, from a Chartered Professional Engineer. Any site restrictions shall be included and confirmation that the land is suitable

for building development, to the satisfaction of the Development Engineer or delegated representative. This Form EES PO1 (and associated reports, plans and similar) will be registered against the relevant titles via a consent notice.' Earthworks are to be tested in accordance with NZS4431 and are to be certified by way of a statement of professional opinion.

As-Built final contours, and cut and fill plans shall be provided within the Geotechnical Completion Reporting. Areas of significant undercut should also be noted (i.e. muck outs of existing drains/swales). Locations of drainage placed as part of the earthworks shall also be shown on plans.

Settlement monitoring shall be undertaken under the supervision of a CPEng Geotechnical engineer and as outlined in the CORE Engineering Solutions Ltd report with predicted residual settlements associated with the underlying soft/peat soils (primary and secondary) which shall be included within the geotechnical completion report for the respective stage

- n) Provide suitable evidence and legal undertaking to confirm that the legal document/s prepared under Condition 2(p)i. above will be registered against lots 22-32 where they do not 'fall down' onto the new titles to be created.
- o) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the affected lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
 - i. Any built development on Lots 22 – 32 shall comply with the restrictions and recommendations identified in the Core Engineering Solutions engineering report reference 20-0078 Rev 1 dated 21/05/2021 and earthworks completion report PO1 provided on completion of this development provided under condition 6(m) unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - ii. For Lots 22 – 32, any development shall comply with the restrictions and recommendations identified in the Hawthorn Geddes stormwater report reference 12488 Rev 1 dated 25/06/2021 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council
 - iii. (If applicable under Condition 6i) above) For Lots 22 – 32, no conventional telecommunication connection has been provided to the lot as part of the subdivision works (as it is intended that wireless or satellite technology will be utilised if/when a telecommunication connection is required). Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.

3. Section 128 Condition

Pursuant to s128 of the RMA, the consent authority may at six monthly intervals from the date of the grant of consent serve notice on the consent holder of its intention to review the conditions of this consent to deal with an effect on the environment which arises after the date of the grant of the consent where such effect is contrary to, or is otherwise not in accord with, the engineering/geo-technical assessments provided with the application for the consent.

4. Section 221(3) Resolution – Cancellation of Consent Notice

- A. Pursuant to Section 221(3) of the RMA the existing consent notice 7086239.4 registered against Lot 14 DP374000 is cancelled, on the basis that new conditions will be imposed against the subject lots created by this subdivision consent.
- B. Pursuant to Section 221(3), the consent notice conditions imposed in Stage 1 may be cancelled at the time of depositing of Stage 2, and consent notice conditions imposed in Stage 2 may be cancelled at the time of depositing of Stage 3. The purpose of this cancellation is administrative only to avoid repetition of consent notice conditions associated with further subdivision on balance lots in Stages 1 and 2.

5. Section 138(4) - Surrender of existing resource consent

Pursuant to Section 138(4) of the RMA, the surrender of the subdivision consent SL1800021 is formally accepted by the Council.

6. Section 37 – Extension of Time

Pursuant to Section 37 and 37A, an additional 22 working days (to 26th July 2021) have been provided for to address discussions regarding draft engineering conditions, and to allow the applicant to review and advise on draft conditions.. The matters under Section 37A(1) have been taken into account in making this decision.

Advice Notes

- 1 This resource consent will lapse five years after the date of commencement of this consent (being the date of this decision) unless:
 - It is given effect to before the end of that period; or
 - An application is made to Council to extend the period after which the consent lapses, and such application is granted prior to the lapse of consent. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
- 2 Section 357 of the Resource Management Act 1991 provides a right of objection to this decision. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
- 3 The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
- 4 The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.
- 5 Any works carried out within Council's road reserve will require an approved Corridor Access Request.
- 6 A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, ph. 430 4230 ext. 8231.

The WDC QA/QC Manual document can be located at the following link:
<http://www.wdc.govt.nz/BuildingandProperty/GuidelinesandStandards/Pages/default.aspx>
- 7 Pursuant to Section 102 of the Local Government Act 2002, Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent related is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Council's web page at www.wdc.govt.nz.



A Hartstone, Consultant Planner

23rd July 2021

Date

R. Quinton

Roger Quinton, Team Leader (RMA Consents)

23/7/2021

Date