

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 Bluegum Trust

File Reference:

RM210380

Decision on Resource Consent Application

Activity

To vary Clauses 1(i) and 1(x) of Consent Notice 12012486.3 to allow for construction of a dwelling outside a designated building platform pursuant to Section 221(3) of the Act.

To construct a single-story dwelling with impermeable surfaces of 972m² which breaches Rule 12.10.8 'Permeable Surfaces'.

Location

Address: 159 Robert Hastie Drive, Mangawhai

Legal Description: LOT 91 DP 556753, RT 973225

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 12.10.8 'Permeable Surfaces' due to the site consisting of 972m² impermeable surfaces covering 11.7% of the site, which is an infringement of 1.7%. Therefore, resource consent is required as a Restricted Discretionary Activity.

221 Variation to Clause 1(i) and 1(x) of Consent Notice 12012486.3– Discretionary Activity.

Activity Status: Discretionary Activity

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Determinations

Determination 1: Consent Notice Variation

Pursuant to Section 221 of the Resource Management Act 1991, Clause 1(i) and 1(x) of Consent Notice 12012486.3 as it relates to Lot 91 DP 556753 (RT 973225) are varied subject to the following conditions.

Variation of Clauses 1(i) and 1(x)

1. Clause 1(i) and Clause 1(x) of Consent Notice 12012486.3 as it relates to Lot 91 DP 556753 (RT 973225) shall be varied as follows; (showing deletions in strikethrough and additions in bold and underlined):

In respect to Lots 81-84 and Lots 91 to 94 on the Plan (each a "Lot").

(i) Earthworks, the location of building foundations and stormwater disposal shall be subject to specific engineering design by a 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 Engineering Suitability Report prepared by Hawthorn Geddes dated 12 July 20019 and submitted to Council with subdivision consent RM190258. **In respect of Lot 91, the report prepared by TMC Consultant Engineers, dated 15 July 2021 approved as part of RM210245.**

(x) All buildings must be located within the identified building areas shown on the Plan. **Or in the case of Lot 91, the site plans prepared by June Hunter Draughting, Site Plan, sheet 1/23, Dated July 2021 submitted for RM210380.**

Lot	DP	Record of Title	Building Site
81	556753	973221	N
82	556753	973222	O
83	556753	973223	P
84	556753	973224	Q
91	556753	973225	<u>R As per June Hunter Draughting, Site Plan, sheet 1/23, Dated July 2021 submitted for RM210380.</u>
92	556753	973226	S
93	556753	973227	T
94	556753	973228	U

Solicitors Undertaking

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2. A solicitor's undertaking shall be provided to Council confirming that the consent notice prepared for registration under resource consent RM210380 will be duly registered against the title of Lot 91 DP 973223. The consent notice for registration shall be prepared by a solicitor at the consent holder's expense and shall be complied with on a continuing basis by the owner of the lots and subsequent owners.

Determination 2: Land Use

Pursuant to Section 104 (104A, 104B or 104C), and 108 of the Resource Management Act 1991 ("the Act"), the Kaipara District Council **grants** RM210380; subject the following conditions:

General

3. 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 11 November 2021.
- Application form, and assessment of environmental effects prepared by *CPPC Planning*, dated November 2021.

Plan title and reference	Author	Rev	Dated
Site Plan, Bluegum Trust Project, sheet 1/23	June Draughting Hunter		July 2021
Part Site Plan, Bluegum Trust Project, sheet 2/23	June Draughting Hunter		July 2021
Excavation Plan, Bluegum Trust Project, sheet 3/23	June Draughting Hunter		July 2021
Floor Plan, Bluegum Trust Project, sheet 6/23	June Draughting Hunter		July 2021
Elevations 1, 2, 3, Bluegum Trust Project, sheet 7/23	June Draughting Hunter		16 August 2021
Elevations 4, Bluegum Trust Project, sheet 8/23	June Draughting Hunter		16 August 2021
Report title and reference	Author	Rev	Dated
Site Suitability Report; Reference S1662-J04634	TMC Consultant Engineers		15 July 2021
Stormwater Disposal Design, Reference	TMC Consultant Engineers		28 October 2021
Landscape Management Plan, Bluegum Trust	Dream Planning		September 2021

Advice Note:

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

Charges

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

Section 125 - Consent Lapse Dates

5. Under Section 125 of the Act, this consent lapses five years after the date is granted unless:
 - (a) 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.

Stormwater Conditions

6. The construction works shall generally be in accordance with the Site Plan prepared by June Hunter Draughting Limited (dated: July 2021) submitted in support of RC210380.
7. All Stormwater components shall be constructed/installed on-site in accordance with the Site Plan by June Hunter Draughting Limited (dated: July 2021), Section 6 of the Council's Engineering Standards 2011 and the recommendations in the Stormwater report by TMC Consulting Engineers Ltd (Reference: S1662-J04634; dated: 15/07/2021) submitted for RM210380.

Advice Notes

- i. The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.
- ii. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.
- iii. 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.
- iv. In the event koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Uri O Hau shall be contacted so that appropriate arrangements can be made.

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- v. 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.
- vi. 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.
- vii. 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 of all times to stop the works in and during periods of high wind.
- viii. 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 non-notified basis as per the Council’s Notification Assessment Report dated 9 December 2021.
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.
3. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement as discussed in this report.
4. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
5. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

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Reporting Planner  9/12/2021
Kelsey Newman Date

Signed  8/12/2021
Dwayne Daly Date
Acting Team Leader – Resource Consents
Kaipara District Council

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

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RM210380

Section 104 of the Resource Management Act 1991 - Assessment Report

Details of Application	
Applicant	Bluegum Trust
Property to which the consent relates	159 Robert Hastie Drive, Mangawhai, LOT 91 DP 556753, RT 973225

1.0 Description of Proposal

- The applicant proposes to construct a single-storey, residential dwelling on a site of 8337m². The proposal involves impervious surfaces of 972m² which is 11.7% of the site.
- The applicant also seeks consent under Section 221 of the Resource Management Act 1991 to vary consent notice clauses relating to an approved building platform. Specifically, the proposal does not comply with Clauses 1(i) and 1(x) for the following reasons;
 - Clause 1(i) requires compliance with an Engineering Suitability Report prepared by Hawthorn Geddes but the proposed dwelling would be constructed partially outside the area considered in this report.
 - Clause (x) requires a dwelling to be constructed within a designated building platform but the applicant proposes to construct the dwelling outside the designated building platform (Figure 1).

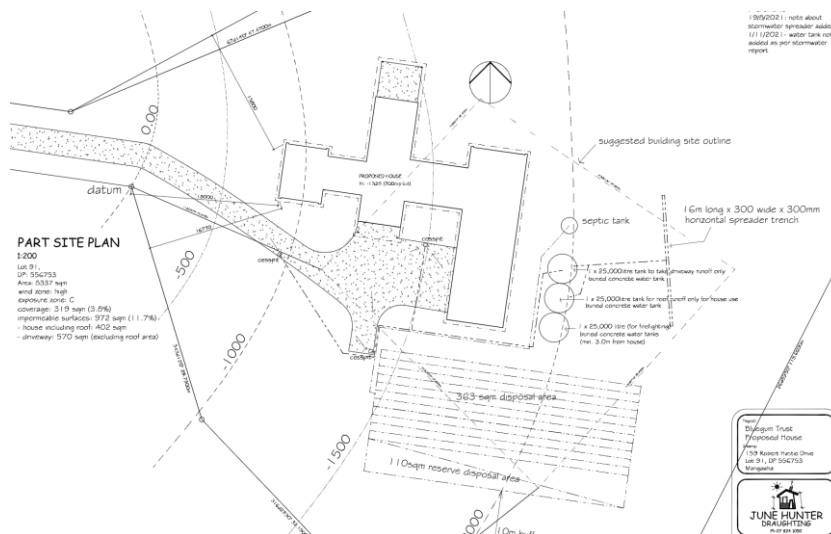


Figure 1. Location of the proposed dwelling outside the designated building platform.

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3. Consequently, the applicant seeks to vary Clause 1(i) to refer to a new Engineering Report and Clause 1(x) to identify a building platform outside the designated building area as follows;

- (i) Earthworks, the location of building foundations and stormwater disposal shall be subject to specific engineering design by a 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 Engineering Suitability Report prepared by Hawthorn Geddes dated 12 July 20019 and submitted to Council with subdivision consent RM190258. **In respect of Lot 91, the report prepared by TMC Consultant Engineers, dated 15 July 2021 approved as part of RM210245.**
- (x) All buildings must be located within the identified building areas shown on the Plan. **Or in the case of Lot 91, the site plans prepared by June Hunter Draughting, Site Plan, sheet 1/23, Dated July 2021 submitted for RM210380.**

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93	556753	973227	T
94	556753	973228	U

4. The site is a rear site accessed via a pan handle metal driveway to a shared access off Robert Hastie (a private lane).

5. The following documentation has been provided in support of this application:

- Assessment of Effects prepared by CPPC Planning, dated November 2021.
- Landscape Management Plan prepared by Dream Planning, dated September 2021.
- Stormwater Disposal Design prepared by TMC Consultant Engineers, dated 28 October 2021.
- Site Suitability Report prepared by TMC Consultant Engineers, dated 15 July 2021.

2.0 Site and Consent History

6. The subject site was created by RM190258 in 2019. Consent Notice (12012486.3) is listed against Lot 91.

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7. Compliance with the consent notice clauses has been confirmed by the applicant's agent with the exception of Clauses 1(i) and 1(x).
8. RM190258 was a limited notified, non-complying subdivision due to the subdivision involving the creation of thirteen residential lots, with the lot sizes ranging from 5,600m² to 1.42ha. While the proposed landscaping and retention of existing vegetation would strengthen landscape patterns in this area when established, the proposed development was stated to fragment and diminish the overall sense of spaciousness that was previously provided by the application site. Due to the nature of the subdivision, the proximity of the site to the periphery of the Mangawhai residential zone, and the potential change in character of the site, this subdivision was limited notified. However, no submissions were received. This application did not go to hearing and the decision was approved.
9. An Engineering Suitability Report prepared by Hawthorn Geddes (HG Report) dated 12 July 2019 was submitted in support of 190258. The HG Report identifies suitable building sites on each of the proposed lots and makes specific recommendations with respect to foundations. Regarding Lots 91-94, the HG Report found that soils were not consistent with 'good ground', due to low-capacity soils. Therefore, the lots are subject to specific recommendations for building foundation design and development is to be within the designated building platforms, which reflect where the geotechnical assessment was undertaken.
10. As discussed within the decision report for RM190258, the building platforms were also identified to help mitigate the potential risk of fragmentation and reduction of the overall sense of spaciousness of the area.
11. Due to these above points, landscape enhancement planting within these lots is critical to create a more robust landscape that has the potential to reduce the prominence of the built environment. Within the decision report, discussion was had surrounding how vegetation will not mitigate the loss of openness but has potential to create new vegetated character which offers alternative separation between clusters of built form.

3.0 Site Description and Surrounding Environment

12. The site has a regular shape and is accessed off a long drive from Robert Hastie Drive. The site is predominately sloped away off the drive and slopes down. The site is visible from Robert Hastie as shown in Figure 2 by the red arrow.

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Figure 2: Subject site seen from Robert Hastie. Identified through the red arrow.

13. The site is located within a low density rural-lifestyle area of Mangawhai. The surrounding lots are similar in size and character.

4.0 Kaipara District Plan (Operative 2013) Rule Assessment

14. The following apply to the subject property:

Zoning: Rural Zone

Overlays: Mangawhai Harbour Overlay Area

Rules: Rule 12.10.8 'Permeable Surfaces' due to the site consisting of 972m² impermeable surfaces covering 11.7% of the site, which is an infringement of 1.7%. Therefore, resource consent is required as a Restricted Discretionary Activity.

Section 221(3) variation of Condition 1(i) and 1(x) of Consent Notice 12012486.3 – Discretionary.

Activity Status: Discretionary Activity

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5.0 Notification Assessment

15. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 9 December 2021.

6.0 Statutory Acknowledgements

16. 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.
17. There are no features within the subject site that have been recognised by the Crown, through a statutory acknowledgment, as significant to Te Uri o Hau. Under Regulation 5(1) of the Te Uri o Hau Settlement Trust regulations, Te Uri o Hau have waived the right to receive summaries of resource consent applications for land use of this type. Consequently, this application was not reviewed by Te Uri o Hau.

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

Trade Competition

18. 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

19. With regard to Section 104(3)(a)(ii), the Council must not have regard to the effects on those persons who have given written approval to the application. No persons/parties have provided written approval.

Permitted Baseline

20. 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.

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21. Development within the Rural Zone compliant with the performance standards of the Kaipara District Plan and the relevant consent notice requirements is a permitted activity. The proposed development is in breach of Rule 12.10.8 'Permeable Surfaces' and Consent Notice Variation and has been assessed in relation to these breaches only as these extend beyond what is permitted.

Receiving Environment

22. 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).
23. In this location, the receiving environment consists of predominately large rural-production lots with some rural-lifestyle development. Some of these lots contain residential dwellings although some are undeveloped. Development of the lots in a manner compliant with the performance standards of Chapter 12 of the Kaipara District Plan is a permitted activity.
24. No other information is available that identifies any other likely to be implemented resource consents that may affect the decision of this resource consent.

Assessment of Effects

Positive Effects

25. The proposal provides for the construction of a residential dwelling on a rural site which will provide for the economic and social wellbeing of the owners and future occupiers of the site.

Landscape and Visual Effects

26. The building platforms were identified within the underlying subdivision primarily due to geotechnical reasons. However, landscape and visual considerations were also a consideration. The proposed dwelling is proposed in a location partially outside of the identified building platform. Clauses 1(i) and 1(x) of Consent Notice 12012486.3 require all buildings to be located within the identified building site. As such the applicant proposes to vary Clause 1(i) and 1(x).
27. A Landscape Management Plan, by Dream Planning, dated September 2021, has been lodged in support of this application. The proposed planting provides for a softening of the dwelling design. This Landscape Management Plan has been prepared to ensure the landscaping will contribute positively to the existing environment and intended outcome for the Sanctuary development.

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28. The site is not in an unduly prominent position as the house will not sit high on a ridge line, nor be proximately visible from a public viewing point. The location of the building platform as per the consent notice was located in the middle of the lot. The proposed location allows the dwelling to be closer to the driveway, thereby enabling more open space and allow for rural residential character of the site to be maintained.
29. The Sanctuary Design Guidelines consider elements such as grouping, built form, privacy, views, building bulk and location, colour, materials and landscaping. The proposal is considered consistent with the relevant design guidelines. As such the development is concluded to be sensitive to the surrounding environment in a manner which retains existing character therefore acceptable.
30. Furthermore, the proposed building is also not situated in a prominent position from the coastal environment. The subject site is also not located within an Outstanding Natural Landscape (ONL) identified in the District Plan.
31. As such the proposed building will not create additional effects on the landscape beyond those anticipated by the District Plan for Rural Zone. Therefore, the proposal is considered to be acceptable and to have less than minor adverse effects on the wider environment and adjacent or adjoining property owners.

Land Stability (Geotechnical) Effects

32. The designated building platforms approved by way of RM190258 were identified as geotechnically stable building sites in the Hawthorn Geddes Engineering Suitability Report, dated 12 July 2019 submitted in support of RM190258. The applicant has submitted a Site Suitability Report prepared by TMC Consultant Engineers, dated 15 July 2021, which states that the proposed location is also geotechnically stable.
33. Council's Development Engineer has reviewed the TMC Report and raised no concerns. Consequently, the proposed location is considered suitable and any adverse effects are less than minor.

Stormwater Effects

34. The proposed dwelling (402 m²) and driveway area (570 m²) constitute a total impervious area of 972 m² or 11.65% of the total site area. The site is not serviced via council's reticulated services. Therefore, attenuation is achieved by combination of orifices in 3 x 25000L rainwater tanks.
35. The applicant has submitted a Stormwater Report by TMC Consulting Engineers Ltd, dated: 15/07/2021. The report recommends an attenuation volume of 16,625L to reduce post development levels to pre-development levels. Council's Development Engineer has reviewed

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the TMC Report and raised no concerns. Consequently, the proposed attenuation is considered suitable and any adverse effects are less than minor

Conclusion

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

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

National Environmental Standards

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

The National Environment Standards in effect are;

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

37. Consent is not required under the above documentations.

National Policy Statements

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

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

38. There are no consents needed under an NPS.

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Regional Policy Statement

Northland Regional Policy Statement 2016

39. The Operative Regional Policy Statement (“RPS”) for Northland contains high level policy guidance for development. The subject site does not contain any significant features as defined by the RPS and therefore consideration of the RPS provisions is limited to matters under the following objectives:
- *Objective 3.1 Integrated Catchment Management*
 - *Objective 3.2 Region-wide Water Quality*
 - *Objective 3.11 Regional Form.*
40. The RPS recognises that there are activities and land that should be protected from the negative impacts brought about through subdivision. The proposed development is considered to be generally consistent with the outcomes sought by the RPS. Regarding stormwater, the proposal provides for adequate on-site stormwater disposal and is therefore considered to be consistent with the relevant RPS objectives.

Regional Plans

Regional Water and Soil Plan for Northland 2004

41. Consent is not needed under the Regional Water and Soil Plan for Northland 2004.

Proposed Regional Plan for Northland

42. Consent is not needed under the Proposed Regional Plan for Northland.

Kaipara District Plan 2013

Chapter 4: Overlays

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

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

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

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

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

Chapter 12: Rural Zone

Objective 12.5.2 To maintain the rural character and amenity, including the sense of openness; low dominance of built form; pasture and commercial forest areas; areas of indigenous vegetation and significant fauna; and unmodified natural landforms.

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

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

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

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

43. The proposal is consistent with the objectives and policies above as the proposed development will maintain the rural character and amenity of the subject site and Kaipara Harbour environment as it provides for the construction of a dwelling on a rural lot that will be consistent with the existing built character of the surrounding area.
44. The activities provide appropriate management, including stormwater systems to ensure that discharges do not result in adverse effects on sensitive receiving environments such as the Mangawhai Harbour area.

Conclusion

45. The proposal is considered to be consistent with the relevant provisions of the Regional Policy Statement and the objectives and policies contained within the District Plan.

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

46. There are no other matters needing to be considered for this proposal.

10.0 Part 2 of the Act

47. 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

48. 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).

49. It is considered that the proposal will promote the sustainable management of natural and physical resources as the proposal will enable the use and development of the physical resources of the site in a manner that would continue to enable the applicant and current and future land owners to provide for their future social and economic wellbeing. At the same time the proposal sufficiently avoids, remedies or mitigates adverse effects on receiving environments, amenity and rural residential character of the surrounding environment.

Section 6 – Matters of National Importance

50. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. The proposal is considered to be consistent with the provisions of Section 6 as it does not detract from the natural character of the coastal environment and is not located within any outstanding natural landscape. The proposal does not result in the removal of any vegetation and does not restrict access to the coastal environment.

Section 7 – Other Matters

51. Section 7 of the Act sets out other matters a consent authority must have particular regard to.

52. The following matters are considered relevant:

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

53. Pursuant to Section 7(b) particular regard shall be had to the efficient use and development of natural and physical resources. The proposal involves establishment of a new dwelling on the subject site in an alternative location on site, which is unlikely to generate adverse effects. This is

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

54. Pursuant to 7(c) particular regard shall be had to the maintenance and enhancement of amenity values. In this case, the proposal is consistent with the site's rural character and would maintain the character and amenity values of the surrounding rural environment and wider character of the Sanctuary.
55. Pursuant to 7(g) particular regard shall be had to maintenance and enhancement of the environment. In this case, there is no proposed change in activity and addition of mitigation planting, therefore the health of the surrounding environment would be maintained.

Section 8 – Treaty of Waitangi

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

11.0 Reasons for the Decision

57. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 9 December 2021.
58. 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.
59. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement as discussed in this report.
60. 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.
61. 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



Kelsey Newman

9/12/2021

Date

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Signed

9/12/2021

Dwayne Daly

Date

Acting Team Leader – Resource Consents

Kaipara District Council

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

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