
RESOURCE CONSENT APPLICATION AT A PROPERTY AT 68 WEKA STREET, MANGAWHAI

MAY 2022

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APPLICANT DETAILS

Applicant: Westmoreland Homes

Owner: Sean and Kate Fullan

Site Address: 68 Weka Street, Mangawhai

Legal Description: Lot 8 DP 560995

Site Area: 660m²

Type of Consent: Land use consent

Consent Sought: Consent is being sought for the construction of a new dwelling.

Kaipara District Plan:

Zone
Residential

Overlays
Harbour

Address for Service: CPPC Planning
Claire Phillips
Director
PO Box 550, Warkworth, 0941, New Zealand
Email: claire.phillips1@xtra.co.nz 021302340

PROPOSAL DESCRIPTION

Land use consent is being sought pursuant to section 88 of the Resource Management Act 1991 for a Restricted Discretionary Activity to construct a dwelling.

The proposal involves the following elements:

- The construction of a new dwelling. The ground floor has a floor area of 192.16m² and will contain three bedrooms, bathrooms, kitchen with scullery, dining and living, entry and attached double garage and a workshop. The attic has an area of 54m² and contains a bedroom and living area, study and bathroom. The dwelling is located 1.5 metres to the western boundary.

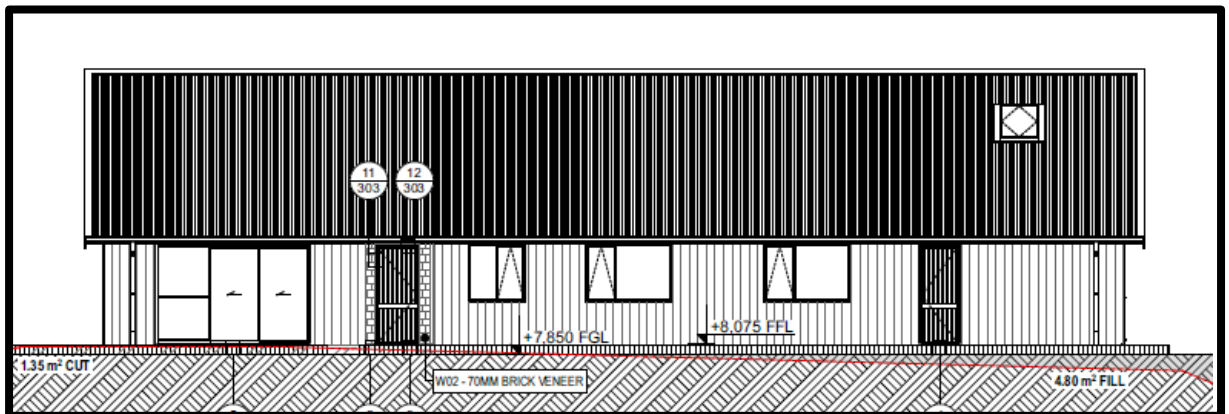


Figure 1: East Elevation of dwelling

- To facilitate the formation of the building platform for the new dwelling, access and maneuvering areas and car parking with a total volume of 107m³ over an area of 403.42m². All earthworks are being undertaken in accordance with GD05, including a stabilized vehicle crossing and silt fencing.
- The site involves impervious surfaces of 277.96m² (42.11%) with the provision of two onsite water tanks buried to ensure that they are not within any yards.

A copy of the architectural plans are located at **Appendix 2** of this report.

SITE DESCRIPTION AND CONSENT NOTICES

The subject property has an area of 660m² and is legally described as Lot 8 DP 560995. The property is currently in pasture and is slightly sloping.

The property is located within the Mangawhai Village Township and is surrounded by residential dwellings as shown below.

The site is access from Weka Street. Weka Street is sealed to an urban standard, with a fire fighting pond to the east of the site.



Figure 2: Aerial of Site – Source: Google Maps

There is a number of consent notice registered against the certificate of title (12089402.6). In particular:

- Vehicle crossing locations and design; The crossing has at least 45m sight distance either way and the crossing itself will meet KDC Engineering Standards. Minimum distance between crossings on same side of the road shall be 10m.
- Earthworks and location of buildings to take into consideration the report by Coffey Geotechnics report dated 4 April 2007 and letter dated 21 October 2010, the Hawthorn Geddes Engineer dated 11 May 2015 and completion report dated 20 July 2021. The earthworks will be designed by an engineer at building consent stage and they will have regard to the HG engineering report.
- The proposal will access the MCW water Scheme as per the consent notice 2.2

The application has taken into consideration these and is compliant.

OPERATIVE KAIPARA DISTRICT PLAN

The subject site is zoned Residential with the harbour overlay under this plan.

The proposed earthworks fail to comply with b) as the proposal involves earthworks with a total volume of 107m³ over an area of 403.42m². Accordingly the proposed earthworks are deemed to be a **Restricted Discretionary Activity** under this plan.

Rule 13.10.7 states that the rear yard setback is 3.0 metres from all boundaries. The proposed dwelling is located 1.5 metres to the western boundary and therefore requires consent as a **Restricted Discretionary Activity**.

Rule 13.10.8 states that there shall be a 300m separation distance is maintained between the noise sensitive activity. The proposed dwelling is to be located approximately 172 metres to Bennett's of Mangawhai and therefore requires consent as a **Restricted Discretionary Activity**.

Rule 13.10.11 states that private open space shall contain a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter. The proposed outdoor space is obstructed by retaining walls and therefore requires consent as a **Restricted Discretionary Activity**.

Rule 13.10.12 states that *...The area of any site covered by buildings and other impermeable surfaces is less than 40% of the net site area.* In this case, the proposal involves impermeable surfaces over an area of 277.96m² being 42.11%. Accordingly the proposed impervious surfaces are deemed to be a **Restricted Discretionary Activity** under this plan.

ASSESSMENT OF PERFORMANCE STANDARDS

Rule	Compliance/Explanation
13.10.1a – Earthworks	Earthworks consent is required as a Restricted Discretionary Activity see above.
13.10.1b – Earthworks within ONL	Subject site is not within an ONL, therefore rule not relevant
13.10.2a – Indigenous Vegetation Clearance	No vegetation removal is necessary to facilitate the construction of the dwelling – Complies
13.10.2b – Indigenous Vegetation Clearance within ONL	Subject site is not within an ONL, therefore rule not relevant

13.10.3a – Dwellings	As a result of the development there will be one dwelling on site – Complies
13.10.3b – Dwelling Floor Levels	The subject site is not subject to flooding – Complies
13.10.3c – Erection and alterations of buildings and structures within an ONL	Subject site is not within an ONL, therefore rule not relevant.
13.10.4 – Commercial and Industrial buildings	The proposal does not involve the construction of any commercial or industrial buildings. Complies
13.10.5 – Height	All buildings do not exceed 8 metres in height – Complies
13.10.6 – Height in relation to boundary	The buildings will not exceed the maximum height in relation to boundary control – Complies
13.10.7 – Setbacks	The dwelling is located 1.5 metres to the western boundary and therefore requires consent as a Restricted Discretionary Activity .
13.10.8 – Separation Distance for Noise Sensitive Activities	The application site is located approximately 172 metres to Bennett’s of Mangawhai and therefore requires consent as a Restricted Discretionary Activity .
13.10.9 – Buildings and Vegetation Near Airfields	The application site is not within the runway or take off approach paths of an airfield.
13.10.10 – Relocation of Buildings	The dwelling is not to be relocated, rather constructed in-situ.
13.10.11 – Private Open Space	The proposal has sufficient open space – Complies
13.10.12 – Permeable Surfaces	The proposal exceeds permeable surfaces and consent is required as a Restricted Discretionary Activity .
13.10.13 – Building Coverage	The proposal complies with building coverage.
13.10.14 – General Noise	The proposal will comply with the general noise requirements.
13.10.15 – Construction Noise	During construction the proposal will comply with noise controls – Complies
13.10.16 – Wind Generation	NA
13.10.17 – Vibration	The construction and on-going use of the buildings will comply with the vibration controls – Complies
13.10.18 – Traffic Intensity	The proposal will not exceed 20 daily one way movements – Complies
13.10.19 and 13.10.20 – Contaminated Land	The subject site is not known to be contaminated – Complies
13.10.21 – Hazardous	There are no known hazardous substances to be used or stored on

Substances	site – Complies
13.10.22 – Radioactive materials	There are no known radioactive materials to be used or stored on site – Complies
13.10.23 – Lighting and Glare	The new dwelling and use will comply with the lighting and glare standards – Complies
13.10.24 – Signage	There are no signs proposed - Complies
13.10.25 – Vehicle Access and Driveways	The property gains access directly from Longview Street. The driveway is to be sealed to an all-weather standard – Complies
13.10.26 – Fire Safety	Complies
13.10.27 – Parking	The proposal involves parking with manoeuvring on site that has been demonstrated – Complies
13.10.28 – Loading	There is no loading required – Complies
13.10.29 – Special Provisions	There are no relevant special provisions associated with this proposal.

PUBLIC NOTIFICATION ASSESSMENT

ASSESSMENT OF STEPS 1 TO 4 (SECTION 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES

Step 1 states that no mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

In this case the applicant does not request notification.

STEP 2: IF NOT REQUIRED BY STEP 1, PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not involve one or more of the activities specified in s95A(5)(b).

Council is restricted to the following matters of discretion:

- Setbacks – 13.10.7

- Separation from noise sensitive activities – 13.10.8
- Permeable Surfaces – 13.10.12

STEP 3: IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

EXISTING ENVIRONMENT AND PERMITTED BASELINE

ENVIRONMENT

The 'Environment' includes the 'Existing Environment' which includes all lawfully established activities that exist – and the 'Future Environment' which includes the effects of activities enabled by an unimplemented consent where the consent is 'live' that have not lapsed and there are no reasons why the consent is not likely to be implemented.

These activities and their constituent effects form part of the existing (lawfully established) environment and in this case the site is vacant of buildings.

PERMITTED BASELINE

RMA states that for the purposes of formulating an opinion as to whether the adverse effects on the environment will be minor or more than minor a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect.

A single dwelling and associated accessory buildings are permitted for existing permitted activities provided they comply with the relevant standards.

UNIMPLEMENTED CONSENTS

There are no current unimplemented consents for this site.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

Having regard to the above and after an analysis of the application, including any proposed mitigation measures, the adverse effects of the activity on the environment are identified and discussed below.

ANY EFFECT ON THOSE IN THE NEIGHBOURHOOD AND, WHERE RELEVANT, THE WIDER COMMUNITY, INCLUDING ANY SOCIAL, ECONOMIC, OR CULTURAL EFFECTS

As noted above, the proposal is not likely to result in effects on the wider community including any social, economic or cultural. The proposal is for a new dwelling, which is anticipated as a permitted activity on this rural property.

ANY PHYSICAL EFFECT ON THE LOCALITY, INCLUDING ANY LANDSCAPE AND VISUAL EFFECTS

As noted above, the proposal involves the construction of a new dwelling and associated driveway access and manoeuvring with earthworks. The dwelling activity is provided for, however it is the associated yards, separation for businesses, impermeable surfaces, provision of fire fighting supply and earthworks that require consent.

In terms of the landscape, there will be change from what currently exists, being a vacant residential site, to include the built development, however these landscape changes were anticipated at the time of subdivision to create the new property and the ability to construct a new dwelling. The dwelling is not going to be located in a position that would dominate the landscape or adversely affect the visual amenity of the area.

The amenity values of an area are those features, particularly natural and physical attributes, which make an area attractive and different. The Residential zoning is characterised by residential living, moderate site sizes with small separation distances between properties/dwellings.

The subject site has an area of 660m² and is located within an existing environment consisting of residential zoned properties containing a single household unit.

The proposal is considered to be overall compatible with the existing residential character and amenity values of the immediate and surrounding area. It is considered that the proposal will have minimal effects on the wider and immediate neighbourhood with the development in line with the existing and expected scale, design and character of development in this area.

The proposed location of the earthworks will not result in adverse effects on the residential character of the surrounding area, including the geographic nature of the site is such that some form of earthworks is necessary to provide a platform for the new buildings to enable the applicant to develop the site.

The overall effects of the proposal and associated earthworks on the residential character and amenity of the surrounding environment are considered to be less than minor.

ANY EFFECT ON ECOSYSTEMS, INCLUDING EFFECTS ON PLANTS OR ANIMALS AND ANY PHYSICAL DISTURBANCE OF HABITATS IN THE VICINITY:

No vegetation removal or disturbance to ecosystems is proposed as part of the application.

ANY EFFECT ON NATURAL AND PHYSICAL RESOURCES HAVING AESTHETIC, RECREATIONAL, SCIENTIFIC, HISTORICAL, SPIRITUAL, OR CULTURAL VALUE, OR OTHER SPECIAL VALUE, FOR PRESENT OR FUTURE GENERATIONS:

The proposal is considered not to create any effects on the natural and physical resources over and above what might be expected associated with a permitted activity.

The applicant has not undertaken any iwi consultation and there are no known items of cultural heritage within the site. All measures will be undertaken during the earthworks. Should an archaeological site be discovered, works will cease and the appropriate authority notified.

Further the proposal will incorporate appropriate erosion and sediment control to ensure that there will not be any adverse effects on the mauri of the water.

Accordingly the effects of the proposal on cultural heritage are deemed to be less than minor.

ANY DISCHARGE OF CONTAMINANTS INTO THE ENVIRONMENT, INCLUDING ANY UNREASONABLE EMISSION OF NOISE, AND OPTIONS FOR THE TREATMENT AND DISPOSAL OF CONTAMINANTS:

In regard to sewage disposal and site drainage, the proposal involves the connection to reticulated services. Fire fighting will involve a separate water tank that is collected by way of roof collection and also is within close proximity to the stormwater pond within the subdivision to the east.

Stormwater from paved surfaces (all impervious surfaces) is to be controlled in accordance with the engineering report supplied with this application.

As such it is considered that adequate provisions have been made in regard to services, with the proposed new dwelling are not expected to adversely affect the surrounding environment or create adverse discharge of contaminants.

ANY RISK TO THE NEIGHBOURHOOD, THE WIDER COMMUNITY, OR THE ENVIRONMENT THROUGH NATURAL HAZARDS OR HAZARDOUS INSTALLATIONS.

The applicant has commissioned a report that has been prepared by a suitably qualified engineer that confirms that the building platform is free of hazards. Further access to the new buildings is considered to be suitable.

SUMMARY

In summary, having assessed the adverse effects of the activity on the environment, it is considered that the proposal will have less than minor adverse effects on the environment.

LIMITED NOTIFICATION ASSESSMENT

ASSESSMENT OF STEPS 1 TO 4 (SECTION 95B)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

STEP 1: CERTAIN AFFECTED PROTECTED CUSTOMARY RIGHTS GROUPS MUST BE NOTIFIED

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups or affected persons under a statutory acknowledgement affecting the land (ss95B(2) and 95B(3)).

The application site is not affected by customary rights.

STEP 2: IF NOT REQUIRED BY STEP 1, LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES

Step 2 describes that limited notification is precluded where all applicable rules and NES preclude public notification; or the application is for a controlled activity (other than the subdivision of land) or a prescribed activity (ss95B(5) and 95B(6)).

The proposal is a non-complying activity and there are no rules precluding notification.

STEP 3: IF NOT PRECLUDED BY STEP 2, CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED

Step 2 requires that where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of a prescribed activity under s360H(1(b)), a prescribed person; and

- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary or prescribed activity, and therefore an assessment in accordance with s95E is required. This assessment is set out below.

Overall, it is considered that any adverse effects in relation to adjacent properties will be less than minor, and accordingly that no persons are adversely affected.

STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

There are not considered to be any special circumstances that would warrant notification.

SECTION 95E STATUTORY MATTERS

As required by step 3 above, certain other affected persons must be notified, and the following assessment addresses whether there are any affected persons in accordance with s95E. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded.

It is considered that there is no useful baseline that can be applied as the land needs to be earth worked to provide building platforms and subdivision of the land would also require resource consent.

- The adverse effects on those persons who have provided their written approval must be disregarded.

Because of the minor scale of the proposal no written approvals have been sought for this proposal.

The sections below set out an assessment in accordance with section 95E, including identification of adjacent properties, and an assessment of adverse effects.

ADJACENT PROPERTIES

No written approvals have been sought or provided. No adjacent properties are considered to be adversely affected by the proposal for the following reasons:

- The proposed dwelling, whilst within the 3m rear yard setback is similar to a front side, given the jointly owned access lot and will not result in adverse shadowing or dominance on the property to the west.

- The proposal is not expected to greatly increase the amount of vehicular traffic to and from the site beyond what can generally be associated with a residential activity. The permitted baseline in terms of traffic movements associated with a household unit is approximately 10 vehicle movements per day.
- Suitable erosion and sediment control measures are being employed to ensure there is not discharge to adjacent properties.
- Suitable measures to ensure that the additional impervious surfaces are addressed appropriately.

Taking the above into account, it is considered that any adverse effects on persons will be less than minor. It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

LIMITED NOTIFICATION CONCLUSION

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

SECTION 104 MATTERS

The matters that require consideration in assessing this application are set out in section 104 of the Resource Management Act 1991. These matters include the actual and potential effects of the allowing the activity on the environment and the relevant rules and assessment criteria. Given that the proposal is deemed to be in keeping with the assessment criteria, a separate analysis of objectives and policies is considered to be unnecessary. The provisions of section 104 are subject to the matters set out in Part II of the Act.

In summary it is concluded that this proposal satisfies the relevant matters requiring consideration under section 104.

ASSESSMENT CRITERIA

The following assessment criteria are considered relevant when considering the proposed earthworks to form the platform:

Rule 13.10.1a) - Earthworks

- i) *Whether building consent has been issued and has already assessed the proposed earthworks(in such cases the matters considered under the Building Act 2004 will not be reconsidered here);*

Comments: A building consent has been issued for the proposal referenced BC180640

- ii) *Machinery to be used and hours of operation;*

Comments: It is likely that a single digger will be used during normal construction hours.

- iii) ***Effects** on the locality, particularly the character and **amenity values** of adjoining **sites/land uses**;*
- iv) *Effects on ecological values and in particular any **Sites of Ecological Significance** as defined by the criteria listed in Appendix 25G;*

Comments: The above have been addressed in the previous section of this report and it is concluded that the effects on amenity values of adjoining sites will be acceptable and the proposal does not propose to remove any vegetation (other than grass) to facilitate the development.

- v) *Effects of **excavation** related traffic on the safety and efficiency of the **road network** and on the amenity of **dwelling**s on adjoining land;*

Comments: Access to the site will be gained over the existing crossing and driveway with Weka Street. The earthworks are cut to fill on site, therefore no additional transportation over the public road is necessary.

The proposal is not expected to greatly increase the amount of vehicular traffic to and from the site beyond what can generally be associated with a rural-residential activity, as is provided for on the subject site.

As such it is considered that the effect on the transportation network are deemed to be less than minor.

The proposed earthworks are consistent with the existing character and will not have an adverse effect on the amenity of dwellings on adjacent land.

- vi) *Effects on landscape and heritage values;*

vii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;

Comments: The proposed earthworks are necessary to fulfil the residential function of the site. They are not located within an ONL identified in Map Series 2. Whilst there will be some change to the landscape, these changes are envisaged by the planning documents as the site will contain residential components. There are no known heritage values within the property. Should any heritage items standard procedures will be employed.

*viii) The extent to which the works meet the requirements of the performance standards in Rule 12.10.1 or the **Kaipara District Council Engineering Standards 2011** ;*

Comments: The main adverse effects on the environment that could potentially arise from earthworks relate to the silt discharge from the earthworks site. As noted above, the site is made up of pasture. If silt is uncontrolled it can create adverse effects on water quality of a waterway.

The effect of the proposed earthworks on water quality and quantity will be largely avoided by the location of the proposed earthworks being relatively distant from any waterways.

The applicant is to install measures to control and/or mitigate any silt/stormwater run-off. In particular the applicant proposes to install silt fencing and re-grassing or otherwise covered until the completion of the works. Further the earthworks will be undertaken during good weather in order to minimise sediment run-off.

The applicant intends to implement erosion and sediment control measures in accordance with the Auckland Councils Technical Publication 90 (now known as GDO5), which is considered to be a suitable document to assess erosion and sediment control measures on this site.

In terms of off-site effects such as noise, dust, vibration, and traffic generation, these effects on the surrounding environment will be no more than minor, given that the majority of earthworks are cut to fill on the site and because of the central location of the works within the site.

Overall, it is considered that the proposed earthworks will not compromise the use of the surrounding land for any other permitted or controlled activities and the potential off-site effects of the earthworks such as noise, dust, vibration, and traffic generation are considered to be less than minor.

ix) Effects of dust and noise on sensitive receivers;

Comments: The proposal is considered to meet the construction noise standards outlined in the district plan. Dust is also to be managed through watercarts in summer months as well as metalling any areas that are not otherwise grassed.

- x) If located in an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;*

Comments: The proposed earthworks are considered to maintain and consistent with the relevant objectives and policies, particularly the overlay areas. The site is within the Harbour Overlay and as such it is important to implement appropriate erosion and sediment control measures. GD05 is a technical publication released by the Auckland Council and provides a suitable guide for the type of measures the applicants will be installing to ensure that the waterways are not adversely affected by sedimentation and discharges from the property. In particular silt fencing, reducing of dust and implementation of the Construction Management Plan.

- xi) Effects on cultural and heritage values (as defined in Chapter 17), including any consultation has been undertaken with **Tangata Whenua** as appropriate;*

Comments: The applicant has not undertaken iwi consultation in this case.

- xii) The consistency of the proposal with relevant Objectives and Policies contained in Part A and Part C of the Plan with managing the values of the District including but not limited to those outlined in Chapters 2, 6,7,8 and 17;*

Comments: The proposed earthworks are considered to maintain and consistent with the relevant objectives and policies.

- xiii) Whether and the extent to the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.*

Comments: The proposal does not include any heritage items or effects on heritage values.

Rule 13.10.7 – Setbacks

- i) The outlook and privacy of adjacent and adjoining neighbours;*
ii) Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including the Coastal Marine Area, and the effect on skylines and ridgelines;

- iii) *If in the Mangawhai Structure Plan Area, whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three;*
- iv) *Effects on the locality, particularly residential and natural character and amenity values;*
- v) *If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;*
- vi) *The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;*
- vii) *Effects on ecological values and in particular any sites of ecological significance as defined by the criteria listed in Appendix 25G;*
- viii) *Effects on public access;*
- ix) *Effects on natural hazards, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes;*
- x) *Protection of the conservation, ecological, recreation, access and hazard mitigation values of esplanade reserves or strips;*
- xi) *Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; and*
- xii) *The functional requirements of the building and activity.*

Comments:

In terms of the landscape, there will be change from what currently exists, being a vacant residential site, to include the built development, however these landscape changes were anticipated at the time of subdivision to create the new property and the ability to construct a new dwelling. The dwelling is not going to be located in a position that would dominate the landscape or adversely affect the visual amenity of the area or adjacent properties.

The amenity values of an area are those features, particularly natural and physical attributes, which make an area attractive and different. The Residential zoning is characterized by residential living, moderate site sizes with small separation distances between properties/dwellings. The resulting impact of the dwelling to be located 1.5 metres from the western boundary is considered to be similar to a front site and given that the site appears as a front site, with direct access to the Jointly Owned Access Lot, it will not result in adverse dominance and will not result in visual intrusion to adjacent properties.

The subject site has an area of 660m² and is located within an existing environment consisting of residential zoned properties containing a single household unit.

The proposal is considered to be overall compatible with the existing residential character and amenity values of the immediate and surrounding area. It is considered that the proposal will have minimal effects on the wider and immediate neighbourhood with the development in line with the existing and expected scale, design and character of development in this area.

Rule 13.10.8 – Separation Distance for Noise Sensitive Activities:

- xiii) The extent to which alternative locations have been considered;*
 - xiv) Mechanisms in place to avoid future reverse sensitivity conflicts (including covenants on titles) or other physical mitigation works;*
 - xv) Effects on health and safety of communities;*
 - xvi) Any consultation with relevant property owners or occupiers;*
 - xvii) How the activity contributes to the Objectives and Outcomes of the Plan, particularly Chapters 2 and 13;*
 - xviii) The extent to which the internal noise level in any habitable room does not exceed 35dB LAeq 24 hours while at the same time providing ventilation requirements (for example, as required by clause G4 of the New Zealand Building Code 2010); and*
 - xix) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.*
- And*
- In the case of any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory, the following additional assessment criterion will apply:*
- xx) The potential reverse sensitivity effects on the operation of the Maungaturoto Dairy Factory;*

Comment: There are no suitable alternative sites for a dwelling further away from any commercial activity. The applicants accept the presence of the existing commercial activities and are happy for a condition of consent to restrict any complaints. The proposal does not affect any ONLs. The dwelling will provide for double glazing ensuring compliance with internal noise level requirements.

Rule 13.10.12 – Permeable Surfaces

- i) Control of stormwater run-off;*
- ii) The effects of increased stormwater flows downstream;*
- iii) Methods of attenuating stormwater flows to pre-development rates;*
- iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011 ;*
- v) Effects on water quality; and*
- vi) The extent to which low impact design principles are utilised.*

Comment: A report has been prepared by a suitably qualified engineer on stormwater. Rain water is to be collected and also re-used for water and fire fighting supply. Stormwater from paved surfaces (all impervious surfaces) is to be controlled as outlined in the attached stormwater report. The recommendation of the stormwater report will be implemented to ensure that effects will be acceptable.

KAIPARA DISTRICT PLAN – OBJECTIVES AND POLICIES

The following objectives and policies are considered relevant and it is concluded that the proposed earthworks, impermeable surfaces and fire fighting infringements are consistent with them:

	Objectives	Policies
Chapter 4 – Overlays	4.4.1 to 4.4.8, 4.4.11 to 4.4.13	4.5.1 to 4.5.6, 4.5.16 to 4.5.20
Chapter 13 – Residential	13.5.1, 13.5.2, 13.5.4, 13.5.6 and 13.5.7.	13.6.1, 13.6.2, 13.6.3, 13.6.4, 13.6.7 and 13.6.9
Chapter 18 – Landscape	18.5.1, 18.5.2, 18.5.3 and 18.5.4	18.6.1, 18.6.2, 18.6.3 and 18.6.4

Chapter 13 relates to the residential section of the plan. The objectives and policies listed above have been considered. In particular objectives 13.6.1 seeks to maintain the existing character and amenity values. As noted in the previous sections of this report, the site is to be developed for anticipated residential activities, therefore the scope of development is considered by this document. The activities are considered to maintain existing and establishing residential character and amenity values that are existing in this locality. The applicant will employ industry accepted erosion and sediment control methods to ensure that sedimentation and erosion does not occur. The proposal is considered to be consistent with these policies.

Chapters 2, 4, 7, 8 and 17 have been reviewed and the development will not be inconsistent with the objectives and policies of these chapters.

Overall it is considered that subject to the implementation of mitigation measures, such as sediment and erosion control and re-grassing, the proposed works will be consistent with the above objectives and policies.

PART II OF THE RESOURCE MANAGEMENT ACT

Part II of the Act sets out the Purpose and Principles. This proposal is in keeping with Part II as the effects of the proposal on the environment will be minor and the proposal will not

compromise the ability of this site to be used by existing and future generations, also the life supporting capacity of air, water, soil and ecosystems will not be compromised.

Section 5 of the Resource Management Act 1991 (the Act) describes the Purpose and Principles of the Act and provides a definition of 'sustainable management' which includes reference to managing the use and development of natural and physical resources at a rate that allows people and communities to provide for their wellbeing, whilst avoiding, remedying and mitigating any adverse effects of activities on the environment.

This involves sustaining resource potential (excluding minerals), safeguarding the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating adverse effects. The effects of this proposal on the environment have been described above.

The proposal is considered to be consistent with the Purposed and Principles outlined above as the effects on character and amenity will be no more than minor. Further any potential effects can be adequately avoided, remedied and mitigated.

Section 6 of the Act requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance in relation to the natural character of the coastal environment, wetlands, lakes and rivers and the protection of them from inappropriate subdivision use and development. Outstanding natural features and landscapes are also to be protected from inappropriate subdivision, use and development.

The proposal is considered to be consistent with section 6 of the Act as there are considered to be no matters of national importance on this site.

Section 7 relates to other matters that are to which regard must be had in achieving the sustainable management of natural and physical resources: The proposed shed is considered to be consistent with the provisions of the section of the Act.

Section 8 requires that account shall be taken of the principles of the Treaty of Waitangi. The proposal is considered to be consistent with the matters outlined in Section 8.

Overall, it is considered that the proposal is in keeping with Part II of the Resource Management Act 1991.

CONCLUSION

It is concluded that the proposal at 68 Weka Street, Mangawhai will have less than minor adverse effects on the surrounding environment. Further the proposed activity is considered to be in keeping with the relevant assessment criteria, objectives and policies set out in Operative Kaipara District Plan.

As a result of the above granting consent to this proposal will be in keeping with the provisions set out in Part II of the Resource Management Act 1991 and sections 104 and 104B.

Appendix 1 – Certificate of Title

Appendix 2 – Architectural Plans

Appendix 3 – Stormwater Calculations

Appendix 4 – Earthworks Construction Management Plan
