

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 Westmoreland Homes Limited

File Reference: RM220116

Decision on Resource Consent Application

Activity

Land use consent is being sought for the construction of a new dwelling at 68 Weka Street, Mangawhai. The proposal breaches rules 13.10.1a 'Earthworks', 13.10.7 'Setbacks', 13.10.8 'Separation Distance for Noise Sensitive Activities', 13.10.11 'Private Open Space' and 13.10.12 'Permeable Surfaces' of the Kaipara District Plan.

Location

Address: 68 Weka Street, Mangawhai

Legal Description: LOT 76 DP 518700, RT 991406

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment:

The following apply to the subject property:

Zoning: Residential Zone

Overlays: Mangawhai Harbour

Rules: 13.10.1a 'Excavation and Fill' as the proposal involves earthworks with a total volume of 107m³ over an area of 403.42m². Therefore, the proposed earthworks are deemed to be a restricted discretionary activity.

13.10.7 'Setbacks' as the proposed dwelling is located 1.5m to the western boundary and therefore requires resource consent as a restricted discretionary activity.

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13.10.8 ‘Separation Distance for Noise Sensitive Activities’ as the proposed dwelling is located within 300m to Bennett’s and therefore requires consent as a restricted discretionary activity.

13.10.11 ‘Private Open Space’ as the proposed outdoor space is obstructed by retaining walls and does not contain a usable shape of no less than 3m dimension, capable of accommodating one circle less than 5m in diameter. Resource consent is required as a restricted discretionary activity.

13.10.12 ‘Permeable Surfaces’ as the proposal involves impermeable surfaces over an area of 277.96m² being 42.11% breaching the 40% limit. This requires resource consent as a restricted discretionary activity.

Activity Status: Restricted Discretionary Activity

Determination

Pursuant to Section 104, 104C, and 108 of the Resource Management Act 1991 (“the Act”), the Kaipara District Council **grants** RM220116; subject the following conditions:

General

1. The activity shall be carried out in accordance with the plans and all information submitted with the application formally received by the Kaipara District Council (Council”) on 3.06.2022.
 - Application form, and assessment of environmental effects prepared by *Claire Phillips of CPPC Planning, dated 16 May 2022.*

Plan title and reference	Author	Rev	Dated
Site Plan (Sheet No. 102)	Making Plans LTD Architectural: Design		16/05/2022
Drainage Plan (Sheet No.103)	Making Plans LTD Architectural: Design		16/05/2022
Ground Floor Plan (Sheet No. 104)	Making Plans LTD Architectural: Design		16/05/2022
Attic Plan (Sheet No. 105)	Making Plans LTD Architectural: Design		16/05/2022
Elevations (Sheet No. 106)	Making Plans LTD Architectural: Design		16/05/2022
Elevations (Sheet No. 107)	Making Plans LTD Architectural: Design		16/05/2022
Section A (Sheet No. 205)	Making Plans LTD Architectural: Design		16/05/2022

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Report title and reference	Author	Rev	Dated
Earthworks Construction Management Plan For 68 Weka Street, Mangawhai	CPPC Planning		May 2022
Stormwater Detention Tank Design (JOB No. 22-447)	Kevin Burrows Engineers		04/05/2022

Advice Note:

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

Charges

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

Section 125 - Consent Lapse Dates

3. 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.

Earthworks Conditions

4. The construction works shall generally be in accordance with the site plan prepared by Making Plans Ltd (Reference: 21035, sheet: 102, dated: April 2022) submitted in support of the RC application RM220116.
5. The earthworks activity shall be undertaken as per the approved Construction Management Plan (Reference: EARTHWORKS CONSTRUCTION MANAGEMENT PLAN FOR 68 WEKA STREET, MANGAWHAI, dated: May 2022) submitted in support of the RC application 220116. The erosion and sediment control measures shall be implemented in accordance with the approved Construction Management Plan, the site plan (Reference: 21035, Sheet: 102, Dated: 16/05/2022), Auckland council guideline GD05, and section 4 of KDC engineering standard 2011.

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6. The consent holder shall employ a suitably qualified Engineer acceptable to Council to investigate, direct and supervise all construction works and the cut and fill, compaction process, to ensure that an appropriate design and construction methodology is carried out to maintain the short- and long-term stability of the site and surrounds.
7. The consent holder shall implement, to the satisfaction of the Council's Monitoring officer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the street, the consent holder shall take immediate action, at their expenses, to clean the street. The loading of earth fill and other materials shall be confined to the subject site.
8. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The council reserves the right at all times to stop the works in and during periods of high winds

Engineering Conditions

9. The stormwater system, components and connections shall be over seen by a suitably qualified person acceptable to Council. Further detailed design is to be supplied during the building consent which is subject to review by a council adhering to section 6 Kaipara District Council Engineering Standards 2011 and subject to inspection by council or a council representative at the time of installation and completion.

Advice Notes

- i. *The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.*
- ii. *The Consent Holder shall hold written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$1,000,000.00.*
- iii. *The Consent Holder shall hold written verification that the Consent Holder's engineer responsible for design and supervision of the roading works holds professional indemnity insurance to the value of \$1,000,000.00.*
- iv. *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.*

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- v. *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.*
- vi. *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.*
- vii. *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.*
- viii. *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.*
- ix. *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.*
- x. *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.
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 Section 8.0 of this report.

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4. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
5. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner




 Cameron Harridge

4/07/2022

Date

Signed



 Wendy Robinson
 Resource Consents Manager
Kaipara District Council
6/07/2022

Date

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

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Section 104 of the Resource Management Act 1991 - Assessment Report

Details of Application	
Applicant	Westmoreland Homes Limited
Property to which the consent relates	68 Weka Street, Mangawhai, LOT 8 DP 560995, RT 991406

1.0 Description of Proposal

6. It is proposed to develop a new dwelling on Lot 76 DP 518700 at 68 Weka Street, Mangawhai. Resource Consent is sought as the proposal breaches rules 13.10.1a 'Earthworks', 13.10.7 'Setbacks', 13.10.8 'Separation Distance for Noise Sensitive Activities', 13.10.11 'Private Open Space' and 13.10.12 'Permeable Surfaces' of the Kaipara District Plan. These breaches class the overall status of the consent as restricted discretionary activity.
7. The applicant submitted the following documents in support of the application:
- Assessment of Environmental Effects (AEE) prepared by Claire Phillips of CPPC Planning dated May 2022.
 - Earthworks Construction Management Plan For 68 Weka Street, Mangawhai prepared by CPPC Planning dated May 2022.
 - Stormwater Detention Tank Design (JOB No. 22-447) prepared by Kevin Burrows Engineers dated 04/05/2022.

2.0 Site and Consent History

8. The subject site was created by Resource Consent RM100133B subdivision. The Record of Title 991406, has the following interests:
- Easement Instrument 10436311.9
 - Easement Instrument 10436311.9
 - Easement Instrument 10777034.5
 - Consent Notice 12089402.6

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9. Consent Notice 12089402.6 requires at the time of application for a building consent for any dwelling on a Lot, a vehicle crossing shall be constructed in accordance with the following requirement:
- i. The vehicle crossing shall be located at a point where at least 45m sight distance in each direction is available.
 - ii. The minimum distance between vehicle crossings on the same side of the road shall be 10m. The vehicle crossings on Lots 10 to 12 shall be designed and constructed in accordance with the Kaipara District Council's Engineering Standards 2011 drawings S05, S10 and S11; and
 - iii. Any necessary permit procedures shall be complied with.

3.0 Site Description and Surrounding Environment

10. The site legally described as Lot 8 DP 560995 (RT 991406) has an area of 660m². The subject site is currently in pasture and is slightly sloping. It is located within the Mangawhai Village Township and the surrounding area is typified by residential dwelling with allotments of varying shapes and sizes. As the wider area has been developed over a number of decades the character of the existing residential buildings reflects the changes and architectural style and building materials.
11. The site is accessed via Weka Street, which is sealed to an urban standard, with a firefighting pond to the east of the site.

4.0 Kaipara District Plan (Operative 2013) Rule Assessment

12. The following apply to the subject property:

Zoning: Residential Zone

Overlays: Mangawhai Harbour

Rules: 13.10.1a 'Earthworks' as the proposal involves earthworks with a total volume of 107m³ over an area of 403.42m². Therefore, the proposed earthworks are deemed to be a restricted discretionary activity.

13.10.7 'Setbacks' as the proposed dwelling is located 1.5m to the western boundary and therefore requires resource consent as a restricted discretionary activity.

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13.10.8 'Separation Distance for Noise Sensitive Activities' as the proposed dwelling is located within 300m to Bennett's and therefore requires consent as a restricted discretionary activity.

13.10.11 'Private Open Space' as the proposed outdoor space is obstructed by retaining walls and does not contain a usable shape of no less than 3m dimension, capable of accommodating one circle less than 5m in diameter. Resource consent is required as a restricted discretionary activity.

13.10.12 'Permeable Surfaces' as the proposal involves impermeable surfaces over an area of 277.96m² being 42.11% breaching the 40% limit. This requires resource consent as a restricted discretionary activity.

Activity Status: *Restricted Discretionary Activity*

13. As a Restricted Discretionary Activity, Council's discretion is restricted to the matters outlined in the rules listed above.

5.0 Notification Assessment

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

6.0 Statutory Acknowledgements

15. 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.
16. A copy of the resource consent application was sent to Te Uri o Hau on June 6 2022 and there was no response from them raising any concerns with the proposal.

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

Trade Competition

17. 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.

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Written Approvals

18. 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

19. 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.
20. For the application site, the following activities with comparable effects are permitted. Development within the Residential Zone compliant with the performance standards of Chapter 13 of the District Plan is a permitted activity. Only the effects of the proposal beyond the permitted baseline are assessed. The effects that will be assessed include the additional 7m³ of earthworks breaching the 100m³ limit for rule 13.10.1a 'Excavation and Fill'. The boundary infringement within 1.5m from the western boundary will be assessed, the proposed site being within the 300m (172m) setback from noise sensitive activities and the property not having sufficient private open space will also be assessed. In this case, the proposal involves impermeable surfaces over an area of 277.96m² being 42.11%. Any potential effects from the additional 2.11% of the permissible 40% of the net site area will also be assessed.

Receiving Environment

21. 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).
22. The site is currently vacant with the area immediately surrounding it consisting of existing residential dwellings that share similar sized allotments to the proposed developments. In this location the receiving environment comprises of developed allotments along with the sites vacant lot. The site is zoned residential with single detached dwellings on small to medium sized residential lots making up the receiving environment.

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23. No other information has been provided identifying any granted resource consents, where it is likely that they will be given effect to, that may affect the assessment of this application.

Assessment of Effects

Positive Effects

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

Earthworks

25. The proposed earthworks fail to comply with Rule 13.10.1b as the proposal involves earthworks with a total volume of 107m³ over an area of 403.42m².
26. The property has an area of 660m² and with a volume of 107m³ and it is proposed to undertake earthworks as part of the construction of a new dwelling. A Construction Management Plan was supplied in support of the application titled 'Earthworks Construction Management Plan For 68 Weka Street, Mangawhai' prepared by CPPC Planning dated 16 May 2022.
27. The following measures will be implemented to avoid any discharge of sediment laden water into receiving environments.:
- Filter fabric fences shall be installed on the down-slope side of soil stockpiles and disturbed/exposed areas to filter sediment from surface runoff before it enters the receiving environment (stormwater drains, rivers, streams and adjacent properties).
 - Cut off drains shall be constructed along batters, above soil stockpiles and disturbed/exposed areas to diver clean surface water away from where it could become contaminated by sediment.
 - Sediment collected by filter fabric and filter material is to be regularly collected and carted off-site and disposed of at an approved land fill site if any of the material is unsuitable, otherwise spread on the site.
28. The CMP also outlines dust control measures:
- Areas to be earth worked will be watered and covered as required to minimise the creation of dust;
 - The use of stockpiles and handing of excavation materials are to be minimized/limited;
 - The area of cut and fill is to be minimised/limited, with areas only being excavated where required.
 - Problem sandy, dusty areas will be capped to minimise/limit the level of dust creation;

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- Hydrocarbons (such as hydraulic oils) shall not be used as a method of controlling dust.
29. There is not expected to be any silt runoff created given the minimal number of earthworks required to prepare the site for the new dwelling, coupled with the relatively flat nature of the site, precluding any potential discharges during construction. Excavations are small and there will be little runoff from excavated surfaces that could result in erosion. Erosion mitigation measures include:
- There are to be no directed channels from earthworks to roadside drains or flood plain areas.
 - Limited areas are to be earth works at any one time, with areas that have been completed, to be capped or otherwise covered to prevent erosion. This including top soiling and re-grassing where appropriate.
 - Where areas are exposed to high winds (in excess of 30 kph plus), areas are to be wetted with imported water and/or otherwise covered with mulch or topsoil to prevent wind erosion.
30. Construction including earthworks are limited to between the weekday's hours of 7am and 7pm. The CMP also outlined potential refuelling and maintenance requirements on page 8.

Landscape and Visual Effects

31. In terms of the landscape, there will be change from the current vacant residential site, to include the built development. The dwelling will not be located in a position that would dominate the landscape or adversely affect the visual amenity of the area.

Private Open Space

32. The applicant's agent has said in the supplied AEE that the proposed outdoor space is obstructed by retaining walls and therefore is in breach of rule 13.10.11. On the supplied plans the private open space is also located on the south side of the dwelling a further breach to 13.10.11.
33. The lot adjoins a firefighting pond to the east and an existing dwelling to the west. Due to the neighbouring site with the pond not being capable of housing a dwelling and the dwelling next door only being single storied the neighbouring properties will not be affected by the proposed arrangement.
34. The private open space does have direct access from the main living area of the dwelling and is unobstructed by vehicle access or parking areas. The on-site privacy and amenity of the occupants will be maintained as is sufficiently setback from the side yard and rear yard requirements from neighbouring and adjoining properties.

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35. With the sun rising in the east and setting in the west, there is concern as to the lack of sunshine this designated area will get, potentially resulting in a cold darker area compared to if it was located on the east, north or west side. However, given the warm and sunny climate in this area it is not considered to result in an unusable outdoor area plus the site is within walking distance of public open space (Mangawhai Estuary and The Domain) so the onsite effects are deemed acceptable.

Setbacks

36. The proposed dwelling has a setback back breach to one of the side yards as it does not meet the 3m requirement. Instead, the setback is 1.5m from the boundaries of Lot 9 DP 560995 and Lot 10 DP 560995.
37. This setback breach will not result in adverse shadowing or dominance of the properties to the west as it is considered the effects of the encroachment do not extend beyond the site. Therefore, the side yard setback breach is considered to not result in adverse effects to the wider environment or adjacent and adjoining properties and is acceptable.

Noise Sensitivity

38. There are no suitable alternative sites for a dwelling further away from any commercial activity. The applicants have accepted the presence of existing commercial activities and the dwelling will provide for double glazing ensuring compliance with internal noise level requirements.
39. There is no direct line of sight between the commercial activities and the proposed dwelling as vegetation and existing dwellings act as buffers between these and Bennetts of Mangawhai Chocolate Shop.
40. Therefore, due to the topography, existing vegetation and built form any potential reverse sensitivity effect (i.e., noise and traffic etc) would be mitigated and the effects are less than minor.

Permeable Surfaces

41. A report has been prepared by a suitable qualified Engineer on stormwater. Rainwater 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 the effects will be acceptable and less than minor.

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Conclusion

42. 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)

43. Consent is not required under any National Environmental Standard.

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

44. The proposal does not require specific consideration under the above National Policy Statement.

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Regional Policy Statement

Northland Regional Policy Statement 2016

45. The operative Regional Policy Statement (RPS) for Northland contain high level policy guidance for development. The subject site does not contain any significant features as defined by the RPS and therefore consideration of the RPS provisions is limited to matters under the following objectives and policy:
- 3.11 Regional Form.
 - 3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage.
 - Policy 5.1.1 Planned and coordinated development
46. It is considered that the proposal will be in keeping with the character of the immediate locality and that the development would not result in adverse character and amenity effects. The extent of the proposed permeable surfaces, earthworks, setbacks, separation distance for noise sensitive activities and private open space breaches are considered acceptable and as such, the sense of place of the surrounding environment will be maintained.

Regional Plans

Regional Water and Soil Plan for Northland 2004

47. The proposal does not require any consent under the Regional Water and Soil Plan for Northland 2004.

Proposed Regional Plan for Northland

48. The proposal does not require any consent under the proposed Regional Plan for Northland.

Kaipara District Plan 2013

Chapter 4: Overlay Area

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

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- Any other specific values identified in an Overlay.

Mangawhai Harbour Overlay

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

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

- Coastal dune systems and coastal edge;
- Significant areas of contiguous bush remnants and regenerating bush shrubland areas; and
- Significant wildlife habitats and corridors.

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

Policy 4.5.16: By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.

Policy 4.5.17: By managing the scale, location and design of activities in the Mangawhai Harbour Overlay.

Policy 4.5.20: By protecting those areas identified as valued natural environments from inappropriate use and development, particularly by:

- Locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours out of these areas; and
- Carefully managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation.

Chapter 13: Residential Zone

Objective 13.5.1: To maintain and where appropriate enhance the amenity values of the residential environment.

Objective 13.5.2 To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environment.

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Objective 13.5.4: By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g., building location, earthworks and vegetation clearance).

Objective 13.5.6: To maintain sites and buildings during development to avoid adverse visual amenity effects.

Policy 13.6.1: By requiring subdivision and development to avoid adverse effects on the outlook and privacy of adjoining properties, while being compatible with the character and amenity of the surrounding environment.

Policy 13.6.7: By requiring subdivision and development to demonstrate how the effects of earthworks and vegetation clearance can be avoided, remedied or mitigated.

Policy 13.6.9: By requiring site and building development to demonstrate how adverse visual amenity affects will be addressed over the duration of the development.

49. The proposal is consistent with the objectives and policies above as the proposed development will maintain the residential character and amenity of the subject site and surrounding environment as it provides for the construction of a residential dwelling on a residential site that will be consistent with the existing built character of the surrounding environment.

50. As discussed above, the proposal does not represent a significant modification to the visual amenity of the landscape. The proposal does not involve the removal, or any significant vegetation as defined in the District Plan as the site is currently vacant.

Conclusion

51. Overall, the proposal is consistent with the objectives and policies of the Plan by enabling the development of a dwelling on a residential site within the Residential Zone.

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

52. There are no additional matters of relevance to this application.

10.0 Part 2 of the Act

53. 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

54. 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).

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55. 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 future landowners 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 residential character of the surrounding environment.

Section 6 – Matters of National Importance

56. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. The proposal is consistent with the provision of Section '6 as it does not detract from natural character and is not located within an 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

57. Section 7 of the Act sets out other matters a consent authority must have particular regard to. 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:
 - f. maintenance and enhancement of the quality of the environment:
58. Pursuant to Section 7(b), 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 site which is unlikely to generate adverse effects. This is considered efficient use of the physical resources, being land that is zoned Residentially in the District Plan.
59. Pursuant to 7(c), regard shall be had to the maintenance and enhancement of amenity values. In this case, the proposal is consistent with the site's residential character and would maintain the character and amenity values of the surrounding environment would be maintained.
60. Pursuant to 7(f), particular regard shall be had to maintenance and enhancement of the environment. In this case, the health of the surrounding environment would be maintained.

Section 8 – Treaty of Waitangi

61. 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 and no concerns were raised by Te Uri o Hau when the application was sent to them.

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11.0 Reasons for the Decision

- 62. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report.
- 63. 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.
- 64. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement as discussed in Section 8.0 of this report.
- 65. 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.
- 66. 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




Cameron Harridge

4/07/2022

Date

Signed



Wendy Robinson
Resource Consents Manager

6/07/2022

Date

Kaipara District Council

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

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