

Notification and substantive report for subdivision consent under the Resource Management Act 1991(RMA)



Discretionary activity

1. Application description

Application numbers:	SLC-65973 (NRSI Ref 45317) REG-66297 (NRSI Ref 45493)
Applicant's name:	Te Arai North Limited
Site address:	Te Arai Point Road, Te Arai Point
Legal description:	Lot 100 DP 483489 Lot 400 DP 483489
Site area:	Lot 100 DP 483489 – 1.8038ha Lot 400 DP 483489 – 172.4701ha
Operative plans:	Auckland Council District Plan (Rodney Section) Auckland Council Regional Plan (Air, Land and Water)
Zoning:	Landscape Protection Rural
Special features, overlays etc:	Scheduled Activity 101 Scheduled Activity 213 Scheduled Activity 352
Proposed Auckland Unitary Plan (“PAUP”) Zoning & Precinct:	Rural Coastal Public Open Space – Conservation Te Arai North Precinct
Special features, overlays etc:	Natural Heritage: Coastal Natural Character Areas [rps/rcp/dp] - AREA 48, Te Arai and Pakiri Beach, High Natural Heritage: Outstanding Natural Features [rps/rcp/dp] - ID 149, Pakiri Beach Natural Heritage: Outstanding Natural Landscape [rps/rcp/dp] - Area 22, Pakiri Beach Historic Heritage: Sites and Places of Value to Mana Whenua [dp/rcp] - ID 3176 Natural Resource: Significant Ecological Areas - SEA_T_987, Land [rps/rp] Natural Resource: Significant Ecological Areas - SEA_T_5548a, Land [rps/rp]

Natural Resource: Natural hazards - Coastal Inundation -
1m sea level rise

Natural Resource: Natural hazards - Coastal Inundation -
2m sea level rise

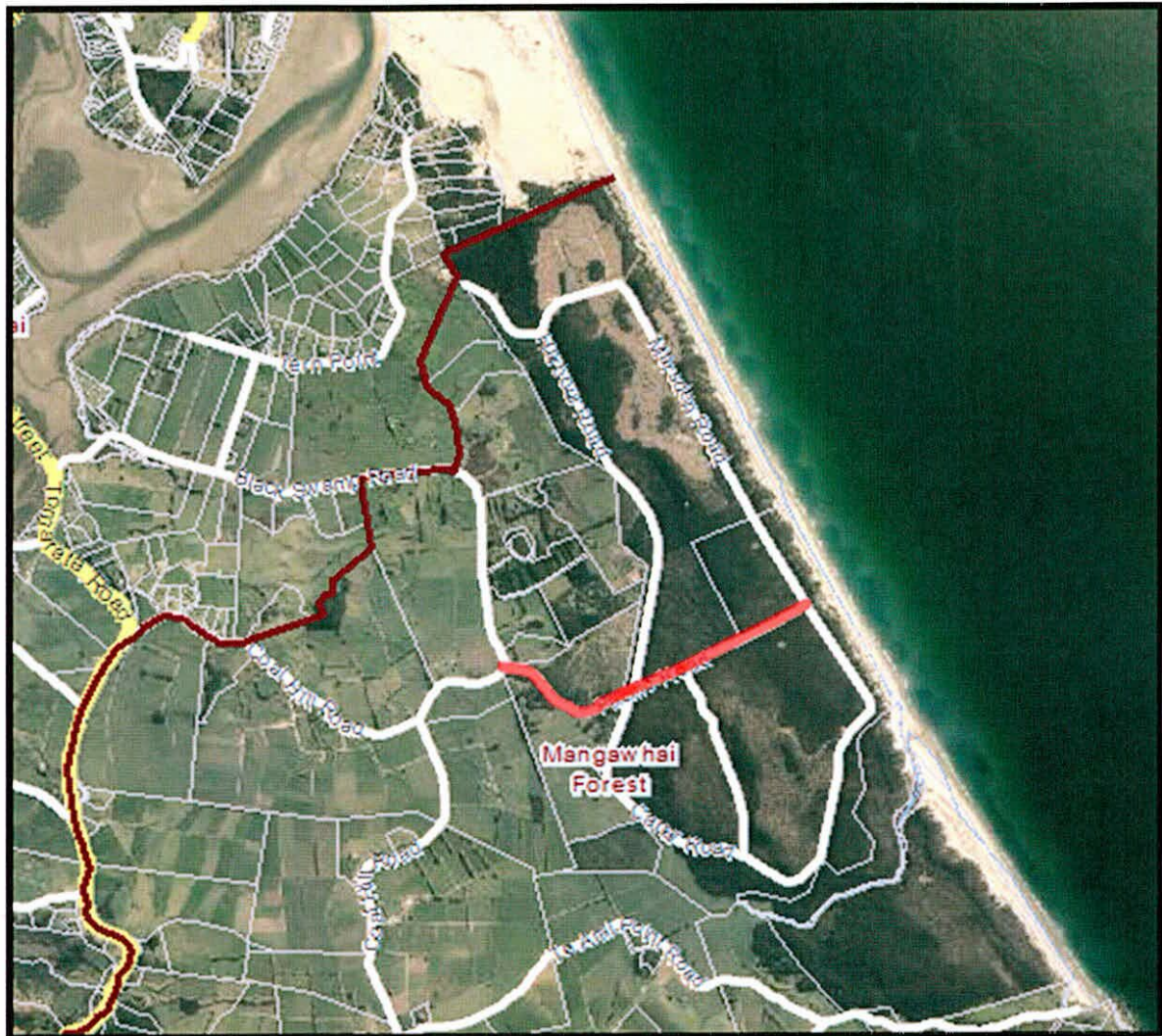


Image 1: Locality Plan



Image 2: Photo showing the location of the proposed lots



Image 3: Existing wetland to the east of proposed lots

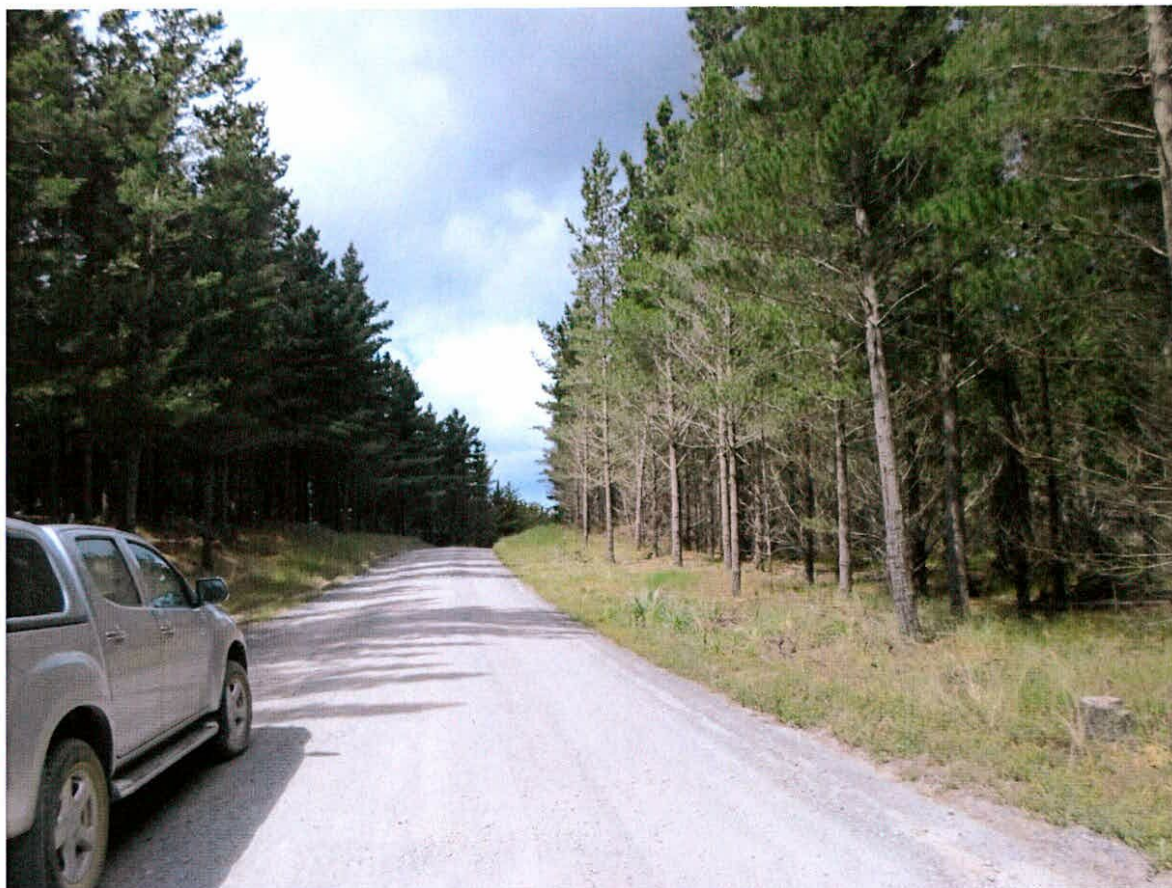


Image 4: Existing Pacific Road alignment to be amended

Application documents (plans and reference documents)

The application form and information submitted in support of the application is detailed in recommended condition 1.

The information has been reviewed and assessed by the following specialists:

- Gemma Chuah, Specialist Advisor, Stormwater & Industrial and Trade Activities
- Jane Andrews, Senior Ecologist
- Libby McKinnel, Specialist Advisor Earthworks and Streamworks
- Mica Plowman, Principal Heritage Advisor
- Neil Olsen and Richard Hollier, Parks and Open Space Specialist and Manager, Regional Parks.
- Ray Smith, Development Engineer
- Simon Cocker, Consultant Landscape Architect

2. The proposal, site and locality description

Proposal

The applicants propose to subdivide Lots 100 and 400 DP 483489 to create 9 house sites, 2 access lots, a pedestrian access lot and a balance lot as below:

- Lot 12 – residential lot (1.51ha)

- Lot 13 – residential lot (1.55ha)
- Lot 14 – residential lot (1.08ha)
- Lot 15 – residential lot (1.08ha)
- Lot 16 – residential lot (1.07ha)
- Lot 17 – residential lot (1.07ha)
- Lot 18 – residential lot (1.45ha)
- Lot 19 – residential lot (1.42ha)
- Lot 20 – residential lot (1.53ha)
- Lot 100 – access lot (1.0ha) to be amalgamated with Lots 102, 400 and 500
- Lot 102 – access lot (1.20ha) to be amalgamated with Lots 100, 400 and 500
- Lot 400 – balance lot (159.20ha) to be amalgamated with Lots 100, 102 and 500
- Lot 500 – pedestrian access lot (1.08ha) to be amalgamated with Lots 100, 102 and 400

The application proposes associated earthworks of 116,000m³ over an area of 18.9ha to form access routes, service trenching, driveways and landscaping.

It is also proposed to re-align the Pacific Road easement and relocate the existing public car park. The access road and Pacific Road will be upgraded as has occurred elsewhere in the development of the wider site but will remain unsealed.

The new impervious area associated with the subdivision proposal will comprise building roof areas, paved outdoor areas and new driveways for each lot. An estimate of the future potential impervious area of between 1,250 – 1,400m² per lot has been allowed for. In total, approximately 11,550m² of new impervious area is proposed.

The previous application for subdivision on the site protected a reserve of over 196ha of coastal land (including the stream mouth and associated terrestrial landforms including inland coastal vegetation).

To summarise the above, Lots 12 – 20 are the second application creating a potential 43 total new sites allowed for under Scheduled Activity 213. Therefore the total number of lots on the subject site arising from Scheduled Activity 213 (if consent is granted) will be 19.

Site and surrounding environment description

The applicant describes the subject site in Section 3 of their application as below:

"The subject site is a 230ha property located north of Te Arai Point and known as "Te Arai North". A location plan is provided at Appendix 4. The property is approximately 1.8km in length and approximately 1km wide. It is characterised by rolling sand dunes.

The property has historically been a pine plantation. Some areas of the land have been deforested to enable the establishment of a golf course and planting of native vegetation. The construction of the golf course is complete.

The site is bound to the east by the open due land of Te Arai Beach, and rural and farm land to the west. The balance of the Te Arai property is located south of the subject site.

The land immediately north of the subject site is located within the Kaipara District. This site is the location of the 245ha Mangawhai Wildlife Refuge. The Refuge is located on a 3.5km long sand spit situated between the Mangawhai Harbour / Estuary and the ocean. The Refuge is managed by the Department of Conservation. It is identified by the Department as a priority area on the basis of its significance as breeding grounds for a wide variety of Threatened or At Risk birds including the northern New Zealand dotterel, New Zealand Fairy Tern, pied stilt, banded dotterel and others...

The proposed lots are directly south of consented Lot 11. The area is primarily an open rolling dunescape. An area of existing pine forest is located to the west, parallel to the site. This overlaps at the southernmost lots.

An existing forestry road runs parallel to the site, to the east. This is located between the site and the reserve and coast beyond.

A raupo wetland is located directly east of proposed Lot 16, between the forestry road and the beach. It has established in an old constructed forestry water supply pond. This forms part of the of the wetland network over the wider area. It has been observed to be utilised by the Threatened Australian bittern.

On Lots 12 and 13, the sculpting of the dune has already been undertaken. This was done with Auckland Council's Reserves team approval and provides a visual example of how the remainder of the sculpting will be carried out, particularly to reinforce and expand the wetland and provide spaciousness, privacy and interest in the area of Lots 12 - 20 which were the goals jointly identified between the applicant and Reserves team as part of resolving the Reserve configuration".

Having undertaken a site visit I agree with the applicant's description of the site and it can be adopted for the purposes of assessing the application.

Background

In terms of resource consents, the following provides a summary of recent years (please note this is not necessarily an exhaustive list, with other consents such as those for bores being in place):

- R54893 was issued in September 2009 and related to the protection of a significant wetland, and the creation of two additional titles. The Auckland Council District Plan (Rodney Section) requires these new sites to be 1-2ha in size, but as a non-complying activity the applicant sought to create these titles in the order of 117ha- 305ha. The lot layout was varied in April 2011 and again in April 2012, via two s127 RMA applications. This subdivision has now been completed, and new titles issued. A links golf course is being established on Lot 2 of this final lot layout.
- In December 2011 an integrated Certificate of Compliance (regional earthworks and District Plan COC-58051) was issued relation to harvesting the pine plantation.
- In May 2012 an integrated landuse consent (District Plan and regional earthworks) was issued for earthworks associated with the golf course (green, tees and bunkers). This was a Restricted Discretionary Activity (References L58580/40248).

- LAN-58985 was lodged in July 2012 to take groundwater at a rate of 97,850m³ per year, undertake 14,872m³ of earthworks over an area of 4.54ha associated with trenches and 14,000-30,000m³ of earthworks over an area of 1ha-1.65ha associated with a reservoir. This was later withdrawn.
- In March 2013, TACL lodged an integrated resource consent application (reference L59839, 41461, 41462 and 41460) for the taking and use of 795m³ of groundwater from five bores to irrigate the golf course, and as a potable supply for activities associated with the golf course and a single dwelling. Earthworks associated with shaping the golf course, trenching and a water storage reservoir are also part of the application. This application was direct referred to the Environment Court. A hearing was held on 21-25 October 2013 and an interim decision and final decision of the Environment Court (approving the application), with conditions, has now been released.
- In March 2013, application LAN-59911 to establish visitors accommodation for up to 30 guests, an amenities building (including reception and administration areas, dining room, kitchen, lounge, bar etc) pool, spa and wellness centre, service and storage shed along with associated car parking areas, on site wastewater servicing, creation of impermeable areas where related earthworks will be 6000m³ over an area of 2.2ha and a new access was submitted. This application was later withdrawn.
- Resource consent L59805, 41402, 41403 was an integrated resource consent application for earthworks, trenching and water take on a two year basis made by Te Arai Coastal Lands. The application sought consent for the taking and use of groundwater from two bores (MA4P and MA5P) at a combined rate of 390m³ per day and 46,800m³ per year for a two year period and to undertake 2,680m³ of earthworks over an area of 6863m² associated with trenches. This consent was an interim measure to provide for stabilisation of the site and the establishment of the initial sections of the golf course and was granted in April 2013.
- LAN-60037 was lodged in April 2013 for an integrated consent to establish golf course maintenance buildings, earthworks, trenching, etc. This application was later withdrawn.
- In December 2013 resource consent application L60899/REG60900 was issued for "smoothing" earthworks and temporary buildings (essentially portacoms). The "smoothing" works related to smoothing tyre ruts and the like resulting from tree harvesting.
- In January 2014 resource consent application (Integrated consent LAN-60026, REG-41626, REG-41712) to establish a single household unit, to create associated impermeable areas and undertake earthworks associated with creating a building platform, access and a services trench was issued.
- In February 2014 resource consent application REG-61434, REG-61435, REG-61436 was issued for the drilling of three bores.
- In March 2014 resource consent application L61627/ REG61631/ REG61630/ REG61740 was issued for an extension to the golf clubhouse, a caddy shed and bag drop off building along with associated earthworks, the creation of impermeable areas, wastewater discharge and a new access road.

- In May 2014 resource consent L61959, REG61960, REG62123 was issued for a maintenance compound, including associated earthworks and impermeable surfaces. This comprised a number of buildings in a compound area to the rear of the site, to accommodate 15 staff associated with the golf course.
- In October 2014 resource consent L62822, REG62914, REG62823 was issued for the erection of two accommodation "tents" which will be utilised in association with the golf course, by members of the golf course and their invited guests.
- In October 2014 resource consent L63010, REG63178, REG63179 was issued to erect accommodation on the site for staff of the Tara Iti Golf course, incorporating 4 single bedroom units, 2 four bedroom units and a shared living room. Associated impervious areas and earthworks of 250m³ over an area of 170m².
- In November 2014 resource consent SUB-63006 was issued for consent to subdivide the subject site to create four lots from one existing title (Lot 2 DP 453130) - Lot 200 - 89.9ha (golf course), Lot 201 - 7.1ha (golf course), Lot 300 - 23.7ha (future reserve area to be vested), Lot 400 - balance lot. Lots 200 and 201 are to be held together and Lots 300 and 400 are to be held together.
- In November 2014 REG-63136 was issued for a water permit to take and use up to 980 cubic meters per day of freshwater from an unnamed 'Canal Drain' tributary of the Eyres Point Drainage.
- In March 2015, LAN-63719, REG-63721 and REG-63722 were issued for consent to erect a dwelling on the Northern part of the subject site, with associated earthworks and stormwater diversion and discharge.
- In May 2015, SLC-63818 was issued for consent to subdivide Lots 1, 3, 4 and 5 DP 453150 (and part of proposed lot 400) to create 10 house sites, 3 balance sites, 2 access lots and for over 196ha of reserve to be vested to Council as per Scheduled Activity 213 which allows for the subdivision of the site to create 46 lots (3 of which are balance lots). The application also proposed earthworks of 7,237m³ over an area of 19,028m² to form access routes, service trenching, driveways and landscaping.

Current applications also include:

- An application for a Certificate of Compliance (COC-58052) for a golf course but only in terms of District Plan provisions. Council contacted the applicant and advised it did not consider a CoC could be granted, due primarily to various other consents (district and regional) being required. The application remains suspended (lodged October 2011).
- An integrated Certificate of Compliance application (COC-59250) relating to a proposed golf clubhouse (lodged October 2012). This remains suspended.
- SUB-60088 was lodged in May 2013 for an integrated consent for a combined 5 Lot subdivision including earthworks, dwellings and stormwater discharge. This application remains suspended.
- COC-60838, REG-60890 was lodged in September 2013 for an Integrated Certificate of Compliance to harvest the exotic production forest including sediment control. This application remains suspended.

- COC-60839, REG-60888, REG-60889 was lodged in September 2013 for an Integrated Certificate of Compliance to undertake farming including Sediment control and Dairy Discharge. This application remains suspended.
- COC-60843, REG-60883 was lodged in September 2013 for an Integrated Certificate of Compliance for prospecting and exploration for minerals including sediment control. This application remains suspended.
- An application (SUB-62138) has been lodged in April 2014 to undertake a boundary relocation, but has been on hold at the applicant's request since lodged. There is potential the applicant may not proceed with this application.
- LAN-66319 was lodged in December 2015 for a bundled consent to construct a 113m² golf teaching facility, with earthworks exceeding 200m³, and wastewater discharge to be incorporated with existing system.

The site is located within the Te Uri o Hau Statutory Acknowledgment Area. It is understood a copy of the application has been served on Te Uri o Hau and no concerns have been raised. In this regard it is noted that previously Te Arai Coastal Lands Limited owned the site, of which Te Uri o Hau was part owner. It is understood Te Uri o Hau has been and continues to be part of the site's development, including that related to this application. Te Uri o Hau has confirmed in writing that a Cultural Impact Assessment has previously been undertaken and is not required in relation to the current development.

The site is also the subject of a 200m shoreline yard from Te Arai Beach and a marginal strip along Te Arai Stream in the Auckland Council District Plan (Rodney Section) (ACDP(RS)).

Protective covenant C646571.1 is a covenant under Section 19 of the Crown Forest Assets Act 1989 and relates to a variety of areas over the site. It includes restrictions relating to archaeological sites, conservation areas, water and soil conservation and forestry research. In a letter dated 16/5/12, the Te Arai Coastal Preservation Society Inc referred to this covenant, and outlined their understanding that the covenant requires areas where trees are removed to be replanted. This matter has been investigated previously and it was concluded the protective covenant sits outside the Resource Management Act (RMA), and the obligations set out in the covenant are in addition to any Resource Management Act related requirements. Any conclusions reached in the following assessment are made under provisions of the RMA and for RMA purposes. Nothing in this RMA process or any resulting resource consent is considered to fetter the owner's obligations to meet the protective covenant; any resource consent issued in relation to this application would not constitute a certificate from the Regional Council as referred to in the covenant.

3. Reasons for the application

Resource consent is needed for the following reasons:

Land use consents (s9) – LAN-65973

Auckland Council District Plan (Rodney Section)

- Consent is required for earthworks greater than 200m³ within the Landscape Protection Rural zone as the proposed cut and fill earthworks will total 116,000m³ over an area of 18.9ha (**restricted discretionary** activity under Rule 7.9.4.2.2).

Auckland Council Regional Plan (Sediment Control)

- The works in this application are to be undertaken outside of the Sediment Control Protection Area (SCPA) and would therefore be considered a controlled activity, if they were undertaken in isolation, as the total area exceeds 1ha. However, section 5.4 of the Auckland Council Regional Plan: Sediment Control (ACRP:SC) explains that areas specified in the rules refer to works undertaken over 'contiguous areas of land', or land within the same Certificate of Title. Therefore, these works (116,000m³ over an area of 18.9ha) will be assessed cumulatively and in relation to the previously granted consents (**restricted discretionary** activity under Rule 5.4.3.1).

Proposed Auckland Unitary Plan

- District and regional land use consent is required for earthworks greater than 2,500m² and 2,500m³ (116,000m³ over an area of 18.9ha) within a rural zone (**restricted discretionary** activity under Rule 3.H.4.2.1.1).

Subdivision consent (s11) – SUB-63818

Auckland Council District Plan (Rodney Section)

Rule 14.8.2 Activity Table - Scheduled Activity 213 allows for Subdivision for the Creation of Additional Public Reserve for a maximum of both 43 new sites and 3 balance area sites (total 46 sites) on the subject site complying with the standards in the rule as a restricted discretionary activity.

Subdivision that is not in accordance with this rule shall be a non-complying activity.

The rules state:

Subdivision for creation of up to 43 new sites in addition to the 3 existing sites shall comply with the following rules:

- (a) *The identified house sites associated with the 43 new sites created under this rule shall be located in the areas marked "A", "B" and "C" and identified on the plan in Appendix 14AL: 'Scheduled Activity 213 and Restricted Activity 352' ("Reserve Plan") as "Areas In Which New House Sites Can Be Created In Accordance With Rule 14.8.2" in the following manner:*

- (i) *No more than 5 new house sites shall be located in the area marked "A" of which no more than 1 new house site shall be located in the Area marked "A1";*
- (ii) *No more than 38 new house sites shall be located in the area marked "B" of which no more than 5 new house sites shall be located in the Area marked "B1";*
- (iii) *No more than 4 new house sites shall be located in the area marked "C".*

Provided that:

- *There shall be no more than 43 new house sites created under this rule in Areas "A", "B" and "C".*

- Residential buildings in areas "A1" and "B1" shall be set back 50 metres from that part of the reserve boundary shown on the Reserve Plan as "reserve boundary setback"; and
- Up to 3 house sites provided by existing entitlements may be located outside of Areas "A", "B" and "C", but not in Area D or the proposed reserve.

(b) No buildings shall be erected in the area shown on the Reserve Plan as Area D apart from buildings associated with land management or water storage facilities (e.g. fencing, pipelines, reservoirs, etc).

The applicant has not proposed any new house sites within areas A, A1, C, D or the proposed reserve. Five lots (14, 15, 16, 17 and 18) are proposed within area B and four lots (12, 13, 19 and 20) are proposed within Area B1.

In terms of the three house sites provided by existing entitlements, these will be located on proposed Lots 1, 400 and Lot 403 as per the previous consent (SLC-63818).

(c) Subdivision in accordance with this rule is subject to the following:

- i) At no cost to the administering body, the full area of public reserve, of a minimum of 172 hectares and generally as shown on the Reserve Plan, shall be vested prior to issuing the Section 224(c) certificate for the first site created under rule 14.8.2, and be subject to any fencing requirements by the administering body.
- ii) The final surveyed boundaries of the Additional Public Reserve Land shall be generally in accordance with the area identified on the Reserve Plan, and subject to:
 - The reserve shall have sufficient width to allow for a public access trail along the back of the foredunes in Lot 1 DP 453130;
 - The inland reserve boundary in Lot 1 DP 453130 shown on the Reserve Plan shall be a minimum of 200m wide from Mean High Water Springs with the exception of the transitional area shown near the northern boundary of Lot 1 DP 453130, and located to respect both the physical topography of the land and provide for a public access trail alignment that:
 - Protects ecological values and revegetation of the foredunes and the buffer areas referred to below;
 - Provides a buffer between the foredunes and the walking trail to protect the foredune structure; and
 - Provides a buffer between the public access trail and the adjacent boundary of a site created under these rules.
 - At no cost of the administering body, additional reserve may be provided in Lot 1 DP 453130 in the blue hatched area shown on the Reserve Plan where such reserve is required to meet the objectives above.
 - At no cost to the administering body, additional reserve may also be provided on Lot 3 DP 453130 in the blue hatched area shown on the Reserve Plan where such reserve is required by the administering body to provide better connections to the existing reserve at Te Arai Point Road.

iii) The following shall be undertaken in the reserve:

- *A public access trail alignment shall be provided for by the Applicant along the back of the foredunes from the public beach access point at the Pacific Road car park, northwards to a beach access point in the reserve near the northern boundary of Lot 1 DP 453130.*

- v) In Lot 1, the existing public easement over Pacific Road shall be widened to an average width of at least 50 metres to provide for safe pedestrian, cycle and equestrian use. The widened public easement may be subject to realignment for better integration with the existing landform. At the Council's election, the widened public easement on Pacific Road may be vested as public road.*
- vi) Easements of sufficient width and practically located shall be provided over the reserve for conveying water, telecommunications and power, including over parts of Lot 1 and 3 as generally shown on Appendix 14AL: Scheduled Activity 213 and Restricted Activity 352.*
- vii) A public access easement of up to 30m in width generally as shown on the Reserve Plan or otherwise agreed with Council or other administering body, shall be provided over Lot 3 DP 453130 to connect the existing reserve on Te Arai Point Road with that part of the new reserve created on the southern side of the Te Arai Stream.*
- (cc) All titles created under this rule (excluding the reserve area but including any balance title) shall include covenants or consent notices which prohibit in perpetuity further subdivision for creation of residential or rural residential sites other than the maximum 46 sites. All titles created under this rule, (excluding the reserve area but including any balance title), shall include covenants which require compliance with conditions of consent which provide for ongoing land management in accordance with the CSMP and other land management plans required under these rules. The covenants shall include a prohibition of domestic pets (including, but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) on the sites created and balance land. The Queen Elizabeth The Second National Trust and the Department of Conservation shall be invited to be parties to and beneficiaries of such covenants in respect of the balance land inside and outside Areas A, B, C and D.*

The reserve area was vested with the Council through the previous subdivision application (SLC-63818) and appropriate conditions of consent were proposed to ensure that the above provisions were met. Conditions will be proposed within this consent to ensure that those requirements continue to be met.

- (d) The following rules from rule 7.14.7 Subdivision for the Creation of Additional Public Reserve Land: Specific Subdivision Requirements shall apply:*

7.14.7.1: General Requirements

7.14.7.2 (c) – (d): Design of Subdivision – Area for Incorporation into Public Reserve

7.14.7.3 (b) – (f): Design of Subdivision – Site for Rural Residential Purposes

7.14.7.5 – Minimum Frontage and Access.

7.14.7.1: General Requirements refers to Chapter 23 – Subdivision and Servicing.

The proposal is consistent with the requirements of Chapter 23. The land being subdivided is considered to be suitable and access to the lots has been proposed. A condition of consent will ensure that the lots will be appropriately serviced.

Rule 7.14.7.2 (c) – (d) states:

(c) The applicant shall provide written advice from the agency administering the existing public reserve that the area to be incorporated into the existing public reserve is acceptable for public reserve purposes, including access where this is necessary for the function of the public reserve to be achieved.

(d) The area to be incorporated into the existing public reserve shall be vested in the administering body of the reserve at no cost to that body.

As above, the reserve area was vested with the Council through the previous subdivision application (SLC-63818) and appropriate conditions of consent were proposed to ensure that the above provisions were met.

The proposal will also comply with Rules 7.14.7.3 (b) – (f) as no vegetation removal is proposed and the subject site is not located close to any quarry operations or Significant Mineral Extraction Resources sites. The riparian margins on the site have already been protected.

The proposal will comply with Rule 7.14.7.5 as the frontage for the proposed lots will be in excess of 6 metres in width.

(e) Domestic pets (including, but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) are not permitted on any site created under this rule including any balance titles that are on any land included in Scheduled Activity 213 Area.

This will be proposed as a consent notice on all new lots.

(f) Prior to creation of any sites under this rule, a minimum of 4.26 hectares of wetland plus a minimum 1.4 ha buffer area as identified on the plan in Appendix 14AL: Chapter 14: 'Scheduled Activity 213 and Restricted Activity 352' as "Potential Protected Wetland Area" shall be protected in accordance with the following:

- (i) The applicant shall provide a Comprehensive Weed and Animal Pest Control Plan. The plan shall demonstrate how weeds and invasive plants (including climbing asparagus) and pest animals (including pest fish, feral pigs, rats, possums and mice) are to be eradicated or controlled in the protected area(s) on an on-going basis. Any chemical control to be used must be suitable for the purpose and for the environment in which it is to be used.*
- (ii) The applicant shall clearly and accurately provide a Planting Plan for the 1.4 ha wetland buffer area identified on the plan in Appendix 14AL: 'Scheduled Activity 213 and Restricted Activity 352'.*
- (iii) A stockproof fence as specified in one of clauses 6, 7 or 8 of the Second Schedule of the Fencing Act 1978 shall be constructed around the perimeter of the wetland and buffer to be protected. The fence shall be a minimum of 10 metres from the wet area (except where constrained by property boundaries). No gates shall be installed in the fence.*

(iv) Completion Certificate Requirement

All weed and pest control, planting and fencing required by (f) (i)–(iii) shall be completed prior to issuing the Section 224(c) certificate for the first rural residential site. For the purpose of this rule “control” means weed populations are reduced to a level whereby the landowner may remove re-infestations by using chemical or non-chemical control up to three times a year.

(v) Protection of Wetland and Buffer Area

All conditions for protection of the wetland and buffer area shall be complied with on a continuing basis by the subdividing owners and all subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.

(vi) *The wetland shall be protected in perpetuity through a covenant.*

The wetland described above has already been protected, therefore the proposal complies with the above provisions.

(g) *Prior to creation of any site under this rule, the applicant shall prepare for Council's approval a Comprehensive Site Management Plan (“CSMP”) for the Scheduled Activity 213 area. In preparing the CSMP the applicant shall consult a Community Liaison Group established for Te Arai comprising Auckland Council, the Department of Conservation, the Environmental Defence Society, the Royal Forest & Bird Protection Society of NZ, Te Uri o Hau, Te Arai Beach Preservation Society, the Ornithological Society of New Zealand and New Zealand Fairy Tern Charitable Trust.*

The CSMP shall provide for management of the Scheduled Activity 213 area (with the exception of the reserve post vesting),

The purpose of the CSMP is to manage the use and development of the rural residential sites and balance area to ensure, over the site as a whole, the protection and enhancement of archaeological, landscape and amenity values, ecological values including indigenous biota, soil conservation and reinstatement of sustainable native cover having regard to biota habitat requirements. Any vegetation removal within the proposed reserve area shall be in accordance with the approved CSMP, or as otherwise required to comply with conditions of vesting of the proposed reserve.

The CSMP shall include the management plans below to achieve its purpose, and the CSMP and other management plans below shall take into account and be consistent with the management plans prepared in accordance with conditions of resource consents relating to the golf course:

- i) A “Shorebird Management Plan” as detailed below consistent with the ecological management plan and conservation management plan required for the golf course under conditions of its resource consent.*
- ii) A “Vegetation Management Plan” as detailed below.*
- iii) A “Conservation Management Plan” that includes methods to protect and enhance ecological values consistent with the ecological management plan and conservation*

management plan required for the golf course under conditions of its resource consent and as detailed below.

- iv) Methods to ensure that earthworks undertaken are appropriately managed and, where necessary planted in native species, to control erosion.*
- v) A plan for the management of earthworks to minimise and control sand, dust and sediment run-off from the works and ensure compliance with the Soil Conservation Covenant on the land under the Crown Forests Assets Act 1989.*
- vi) Methods to protect and manage archaeological sites during construction and thereafter, including accidental discovery protocols, and the protection of sites of significance to iwi.*
- vii) Measures to manage that part of lot 3 adjoining the public access easement to ensure a rural and remote walking experience is maintained.*
- viii) A Community Consultation Plan to provide for ongoing consultation with the Community Liaison Group on the use and management of the land in accordance with the CSMP.*

The CSMP shall contain the following information, in addition to any information required in the constituent plans below:

- i) Identify the areas of the site to be developed for rural residential, including a landscape and visual assessment of the effects on outstanding landscape values and rural character and amenity.*
- ii) Identify the location of sites and associated building platforms, including geotechnical information demonstrating the stability of any proposed building site.*
- iii) Identify the location of any archaeological sites.*
- iv) Identify the areas of the site to be vegetated or managed to transition from pine to native cover, and how this will be achieved.*
- v) Specify the proposed staging of the subdivision and associated vegetation management.*
- vi) Detail the legal mechanisms for achieving the purpose of the CSMP.*
- vii) Identify the location of any fencing, as required.*

The Shorebird Management Plan shall recognise the critically endangered status of the New Zealand Fairy Tern/Tara Iti, and the endangered status of the Northern New Zealand Dotterel and include the following methods to protect shorebirds:

- i) pest and predator control and monitoring, including establishment of buffer zones on the site to protect shorebird habitats;*
- ii) management of people to avoid shorebird habitats, particularly during breeding;*
- iii) management of earthworks and construction activities to avoid shorebird habitats, particularly during breeding;*

- iv) *management and protection of threatened plant species and associated shorebird habitat;*
- v) *mechanisms to ensure that the Shorebird Management Plan and its requirements are binding on and funded by future landowners;*
- vi) *conservation management including pest control, protection of shorebirds from disturbance and habitat restoration;*
- vii) *long term monitoring and reporting on shorebird habitat;*
- viii) *a full time equivalent conservation ranger shall be appointed and permanently employed by the future landowners to implement the Shorebird Management Plan;*
- ix) *The Shorebird Management Plan shall contain the following information:*
 - *A review of current information on the status of all shorebird species in the area;*
 - *Survey methodologies to gather baseline information on species present, the size of populations and the state of their habitats;*
 - *Identification of the threats to local shorebird populations;*
 - *Proposed methods for conservation management including pest control, protection from disturbance and habitat restoration;*
 - *Proposed methods for long term monitoring and reporting;*
 - *Details of how the conservation ranger and other costs will be funded;*
 - *Communication and public education plans.*

The Vegetation Management Plan shall include the following methods to manage vegetation on the land:

- i) *The maintenance of adequate vegetative screening or land form back-drop associated with any subdivision to protect or enhance the high landscape values of the area.*
- ii) *Methods to ensure that the degree to which development associated with the subdivision would affect the natural landforms and vegetation cover that affects such character and values is minimised having regard to:*
 - *Current levels of naturalness of the area in the Scheduled Activity and adjoining areas and the integrity of that part of the coastal environment; and*
 - *Screening and integration potential afforded by natural landforms and existing vegetation.*

The applicant submitted a Comprehensive Site Management Plan (CSMP) as part of the previous subdivision application (SLC-63818) which they have circulated to the above groups (Auckland Council, the Department of Conservation, the Environmental Defence Society, the Royal Forest & Bird Protection Society of NZ, Te Uri o Hau, Te Arai Beach Preservation Society, the Ornithological Society of New Zealand and New Zealand Fairy Tern Charitable Trust).

The Shorebird Management Plan, Vegetation Management plan and Conservation Management Plan formed part of the CSMP and have previously been reviewed by Jane Andrews, Council's Senior Ecologist who has advised that they meet the required

standard. Conditions of consent will be proposed to ensure that the management plans are utilised on site.

The Conservation Management Plan has also been reviewed by Mica Plowman, Council's Principal Heritage Advisor who has advised that it meets the required standard and includes methods to protect and manage archaeological sites during construction and thereafter.

A Community Consultation Plan has been included within the CSMP and is considered appropriate to ensure that the ongoing land management of the area is undertaken in accordance with that plan and that consultation is undertaken with the Community Liaison Group.

All other requirements of the CSMP are considered to be met, and will be reinforced through proposed conditions of consent.

iii) Revegetation of the area marked "Northern Boundary Planting" on the Reserve Plan in 'Appendix 14AL: Scheduled Activity 213 and Restricted Activity 352. Subject to obtaining agreement with the Department of Conservation, the Northern Boundary shall be fenced and planted in accordance with Reserve Plan to achieve a 60m corridor that connects the foreshore reserve with the wetland. Such planting may be provided on either side of the boundary.

iv) The staged removal of pine trees and their replacement with native vegetation in the areas identified below:

- 1. The entire coastal section of the reserve, including the area of the reserve abutting the Te Arai stream up to a line 500 metres inland from and perpendicular to Mean High Water Springs;*
- 2. The riparian edge, being a 50m corridor to both sides of the Te Arai stream.*

The work shall be completed within five years of the vesting of the reserve.

Conditions of consent were proposed within the previous application (SLC-63818) to ensure that the above is undertaken.

The Conservation Management Plan and ecological management component of such plan shall include the following methods to protect and enhance the ecological values of the Scheduled Activity 213 area:

- i) An assessment of ecological values, a detailed scheme of protection for habitats and species of ecological significance covering all of the land, including mitigation measures, a programme for implementing such measures and methods for monitoring the impacts of any works. In particular methods to protect and enhance the following areas:*
 - The coastal dunes and beach on the site between the site and mean high water springs;*
 - Marsden Road Wetland;*
 - Harbour Road Wetland;*

- *The boundary with the Mangawhai Wildlife Refuge; and*
- *The Te Arai Stream Mouth.*

ii) Methods to control invasive weed species and animal pest control on the site including methods to manage the use of pesticides.

iii) The demarcation and protection of the areas of ecological value on the site.

iv) Identification and protection of any nests of Threatened or At-Risk shorebirds.

(h) Plants listed in the Auckland Regional Pest Management Strategy (including the research list) are not permitted in the development in private gardens or any amenity plantings

As discussed above, the Ecological reports have previously been reviewed by Jane Andrews, Senior Ecologist who has advised that they meet the required standard. Conditions of consent will be proposed to clarify any additional outstanding matters arising from this consent and ensure that the management plans are utilised on site.

Overall, taking into account the above it is considered that the subdivision activity under Scheduled Activity 213 can be assessed as a **restricted discretionary** activity.

Stormwater permits (ss14 & 15) – REG-66297

Auckland Council Regional Plan (Air, Land & Water)

- Consent is required as the new impervious area will be greater than 10,000m² (being 11,550m²) (**discretionary** activity under Rule 5.5.4).

Proposed Auckland Unitary Plan

- Consent is required as the new impervious area discharging to soakage will be greater than 1000m² (being 11,550m²) (**restricted discretionary** activity under Rule H.4.14.1.1).

4. Status of the application

The activity statuses under the relevant planning frameworks are:

- Operative plans: discretionary
- PAUP: restricted discretionary

The resource consents required overlap and are considered together as a **discretionary** activity overall.

Notification

5. Public & limited notification assessment & recommendation (sections 95A-95G)

The applicant has not requested public notification.

All further information requested (under s92) has been provided by the due date.

No rules in the relevant plans (or in any national environmental standard “NES”) preclude or require public notification of this application.

6. Adverse effects assessment (section 95A)

The following assessment addresses the adverse effects of the activities on the environment.

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The adjacent land includes the following properties:

Table 1

Address

Lot 2 DP 449321, Black Swamp Road Te Arai Point 0975
245 Black Swamp Road Te Arai Point 0975
315A Black Swamp Road Te Arai Point 0975
Lot 2 DP 202607, Black Swamp Road Te Arai Point 0975
80 Pacific Road Te Arai Point 0975
369 Black Swamp Road Te Arai Point 0975
Lot 1 DP 453130, Te Arai Point Road Te Arai Point 0975
226 Black Swamp Road Te Arai Point 0975
402 Black Swamp Road Te Arai Point 0975



Image 5: Adjacent land

Any effect on a person who has given written approval to the application

No persons have provided their written approval.

Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

Auckland Council District Plan (Rodney Section)

In this instance there is no appropriate permitted baseline as no subdivision can occur as of right in the Landscape Protection Rural zone. Subdivision generally creates new development potential on a site and the effects resulting from this can be compared against the permitted activities allowed for under the District Plan. There are a wide variety of activities permitted on this site under the District Plan, given the scheduled activities over the subject site. These permitted activities include:

- Outdoor Recreation, Horse Trekking, Dog Sled Racing and Motor Sports which do not involve the construction of permanent hardseal track surfaces. Buildings of less than 100m² gross floor area per activity, ancillary to Outdoor Recreation, Horse Trekking, Dog Sled Racing and Motorsports complying with Rule 7.10 in Chapter 7 Rural (Scheduled Activity 101).
- The harvesting or any exotic or native tree/s planted specifically for forestry or cropping purposes
- The formation and maintenance of forestry roads, tracks and landings within plantation forests provided that associated excavation or deposition does not occur within 10m of a wetland or natural watercourse.
- Ground surface disturbance arising from harvesting of a plantation forest, provided that the plantation forest was a permitted activity at the time of its establishment and it does not occur within 10m of a wetland or natural watercourse.
- The cutting, damaging or destroying of any individual native tree or number of trees constituting native bush, which is less than or equal to 3 metres in height and less than or equal to 100m² in area, provided that this is the maximum total area cut, damaged or destroyed on the site after 28 November 2000.
- Earthworks, not related to cropping, up to a volume of 200m³

This constitutes the permitted baseline and the associated adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

Auckland Council Regional Plan (Air, Land and Water)

Under the Auckland Council Regional Plan (Air, Land and Water), a total impervious area less than 1,000m² is a permitted activity. This constitutes the permitted baseline and the associated adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. In this case the permitted baseline is considered to be relevant to the proposal and has been applied. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

Auckland Council Regional Plan (Sediment Control)

Under this plan the following are permitted activities:

- Any vegetation removal provided it complies with the relevant conditions
- Earthworks with an area less than 0.25ha within the sediment control protection area (100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs) or 50 metres landward of the edge of a watercourse, or wetland of 1000m² or more) provided it complies with the relevant conditions.

- Earthworks with an area less than 1ha where the land has a slope less than 15° outside the sediment control protection area
- Roading/tracking/trenching of a length less than 100m within the sediment control protection area
- Roading/tracking/trenching with an area less than 1ha where the land has a slope less than 15° and an area less than 0.25ha where the land has a slope more than 15° outside the sediment control protection area
- Quarry area less than 1000m² and/or less than 1.0ha catchment

This constitutes the permitted baseline and these adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed. Given the scale of the works proposed in the context of the other earthworks which have and which are being undertaken on the subject site, the above has not been relied upon to discount adverse effects in the assessment of this application.

Receiving environment

The receiving environment is made up of:

- the existing environment and associated effects from lawfully established activities;
- effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- the existing environment as modified by any resource consents granted and likely to be implemented; and
- the environment as likely to be modified by activities permitted in the plan.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

Adverse effects

Having regard to the above and after an analysis of the application, including any proposed mitigation measures and specialist reports, the following assessment addresses the adverse effects of the activity on the environment for public notification purposes.

Site size, shape and number of sites, building location and suitability for building

The applicant has proposed to create 9 of the 43 potential housesites which can be created through Scheduled Activity 213, with 10 having already been created through the previous subdivision on the site (SLC-63818), granted in May 2015. Although the Scheduled Activity anticipates that all 43 new house sites will be created at once, having assessed the application and taking into account the size, shape and number of sites, it is considered that the proposal is in general accordance with the Scheduled Activity and its intent. The proposed lots range in size from 1.07ha – 1.55ha and are generally oblong in shape, gaining access from a central access lot (Lot 102). The applicant has submitted a geotechnical assessment with the application which has been assessed by the Council's Development Engineer, Ray Smith. He has not raised any concerns with the proposed

building locations in terms of stability or suitability. The proposed house sites will be located within areas B and B1 as shown on the approved planning map in Appendix 14L, and therefore the house site locations are considered to be appropriate.

Simon Cocker, Consultant Landscape Architect has reviewed the proposal and in relation to the assessment of landscape effects (e.g. landform, hydrology, vegetation, landscape character/sense of place etc), and rural character effects, he has provided the following comments:

"Section 8.0 of the LVA opines that the magnitude of change associated with the proposal is relatively low and also states that the sensitivity of the site to the type of change proposed is also low. Whilst acknowledging that the proposal will increase the density of development, the LVA notes that the development of 9 allotments in the general location proposed is an anticipated outcome of the District Plan. I concur with these views, whilst noting that such development is contingent on satisfying the requirements set out in the District Plan provisions.

Landscape effects take into consideration physical effects to the landscape and the potential changes in landscape character, which can affect amenity values, as well as natural character.

Direct (physical) effects of the proposal on the landscape may result from vegetation removal (or planting), construction earthworks, and / or the modification of watercourses and can occur in the absence of receptors (viewers).

Landscape character is influenced by patterns of landscape elements and activities, which together make an area distinctive. This includes built and natural elements, landuse and other more intangible qualities. Changes in landscape character can be experiential.

Rural character is considered to be a subset of landscape character and encompasses a broad range of 'rural landscapes'.

The site has undergone a change in its landscape over the preceding five or so years – changing from a character that was dominated by exotic plantation forest, to one that displays a more 'natural' appearance, particularly when viewed from locations on the beach and offshore. The 'naturalness' of this landscape is slightly illusory since it contains an intensively maintained golf course, nevertheless the character is strongly influenced by the dominance of the sand dune landform, natural vegetation patterns, and a consequential enhancement of the natural processes associated with the site.

The proposal will result in the introduction of nine additional dwellings, each up to 700m² GFA, and the likely appearance of this situation has been modelled in the visual simulations provided with the application. This will, inevitably precipitate a change in the character of the landscape, but one that is primarily experienced either from within the site, or from offshore in a boat, as depicted in the visual simulations, rather than from the beach.

The LVA describes how the proposed buildings will be 'settled' within the (albeit modified) dune landform and will be integrated within a vegetated context, and that the appearance and scale of the buildings will be controlled by the design guidelines. Assuming this element of the proposal is forthcoming I am of the opinion that this approach is appropriate, although I note that this opinion is contingent on the dune landform and vegetated context providing separation between the buildings, and the establishment of vegetation of a larger scale on the seaward side of the buildings.

Without successful implementation, establishment and maintenance of the proposed landform modifications and vegetation, there is the potential for the sequence of buildings to display a cumulative dominance when experienced from locations on the CMA, which may belie the generous ratio of open space to built form.

As such, I am of the opinion that, whilst the potential landscape effects can be mitigated through landform modification and planting, the mitigation planting is likely to take some time to become established and provide the mitigation benefits.

There is the potential therefore for a temporary landscape and rural character effect that is moderate⁵ (more than minor) until the mitigation planting becomes established, after which the level of effect will diminish to low”.

Simon Cocker has similar comments in relation to the assessment of visual effects, natural character effects, effects on natural heritage areas and cumulative effects.

Mr Cocker's report concludes that:

- “1. No additional information is required and the information supplied has enabled a clear understanding of the landscape, visual and natural character effects associated with the proposal;*
- 2. The proposal has the potential to result in more than minor temporary adverse landscape character, rural character, and minor natural character effects and (a maximum of) minor temporary visual amenity effects. Cumulative effects on the landscape character (and the remote character of the beach), will be more than minor initially and cumulative adverse effects on visual amenity will be a maximum of minor initially, both diminishing to less than minor.*
- 3. Effects on landscape character, rural character, visual amenity and natural character will diminish to some degree as the pine backdrop is replaced with appropriate native vegetation and mitigation planting around the house sites becomes established.*
- 4. I recommend that if Council is minded to grant consent, the inclusion of taller growing appropriate tree species within the VMP be considered for the ‘Coastal Primary Dune’ and ‘Coastal Dune Hollows’ areas.*
- 5. In addition, I recommend that the wording of condition 27(n) be amended to state the requirement for approval by Council a landscape mitigation plan at the time of land use consent for Lots 12 – 20 and 400”.*

It is noted that a resource consent is required for the erection of any household unit within the zone, and therefore the effects of any future dwellings on the proposed lots can also be addressed at that stage.

The character of an area is derived from aspects of the surrounding environment such as the ratio of open space to buildings, the surrounding activities and infrastructure as well as the predominance of natural features and open space. There is the potential for the character of an area to be affected when the environment is fragmented through subdivision. The Landscape Protection Rural zone is generally characterised by natural features and large areas of open space. Subdivision to create new lots within the rural zones under the Auckland Council District Plan (Rodney Section) is generally only provided for through the protection of a significant natural area i.e. native bush, wetland or esplanade reserve. This application has already offered the protection of a reserve (to be vested with Council) in accordance with Scheduled Activity 213. This was undertaken through SLC-63818.

Conditions have been proposed and agreed to by the applicant which will ensure that any future development will be undertaken in accordance with the Comprehensive Site Management Plan (CSMP) and other documents submitted with the application, ensuring that any buildings fit in with the special landscape of the area. This will ensure that in the context of this large site, the golf course will retain a large part of the site as open space in perpetuity and the amount of open space will still significantly dominate over built structures.

The proposed conditions relating to development within the proposed lots will also ensure that the effects of any future development will be no more than minor. Overall it is considered that the site sizes are appropriate and will generate effects that are no more than minor.

Given the above, overall it is considered that the effects relating to character, amenity, landscape and visual effects will be no more than minor.

Site contour, earthworks and land modification

Earthworks are required to shape the land and provide a more natural contour as well as form the building platforms on the site.

The total area of earthworks is approximately 19 hectares with a volume of 58,000m³ of cut and 58,000m³ of fill.

The applicant has proposed that a silt fence be constructed to protect the wetland on site which is in accordance with the recommendations and guidelines of Auckland Council's Technical Publication 90 – Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (TP90).

The proposed earthworks have been assessed by the Council's Specialist Advisor Earthworks, Libby McKinnel. She has provided the following comments:

"The applicant identifies and assesses the effects of the proposed activity on the environment that are likely to arise and any mitigating factors in Section 8.5 of the Application Report. The proposed earthworks are required primarily to provide a more natural contour to the land and to form the proposed building platforms. The applicant states that due to the sandy nature of the soils, which provide good drainage and little erodible qualities, the sediment yield will be minimal and very little sediment runoff is expected. The applicant does state that works will be progressively stabilised and if deemed necessary during works, controls in accordance with TP90 will be established, maintained and monitored. The applicant has identified that there is a 'raupo' wetland located on the eastern side of the proposed earthworks and that this needs to be protected from sediment discharge.

The main method to control sediment discharges will be a silt fence constructed around the edge of the wetland on site. The applicant has advised that the sediment control as well as the works area will be inspected by the project ecologist prior to the commencement of the earthworks within 100 metres of the wetland.

The applicant advises that all disturbed areas will be stabilised as soon as practicable with stabilised material or planting with grass or other plants similar to those on other areas within the site.

Although the assessment provided by the applicant is brief and the only technique from TP90 put forward to control the works is a silt fence to protect the 'raupo' wetland, the assessment is considered appropriate and proportionate to the works proposed. The works area is predominantly sand, demonstrating good drainage qualities, and is several hundred metres from the coastal environment. The level of erosion and sedimentation is expected to be negligible. Furthermore the works are proposed to be limited in duration, taking approximately 4-6 weeks.

It is considered that the applicant's assessment adequately identifies the effects resulting from the proposal and that there are no additional effects that may be generated.

Given the nature of the proposal, the characteristics of the subject site and the short timeframe for the earthworks to be completed, it is not considered necessary to impose a condition that would restrict the time of year when the earthworks can take place".

The Council's Development Engineer, Ray Smith has also assessed the proposal and has not raised any concerns regarding the proposed earthworks. I agree with the above assessments and conclude that the effects arising from the proposed earthworks will be no more than minor.

Effects on archaeological features

Earthworks and development can affect archaeological features on a site. The site contains no heritage or cultural items as noted in the District Plan, however two items (middens) are identified on the Council's Cultural Heritage Inventory, and previous investigations by Clough and Associates has identified one other. Through investigations undertaken to prepare for this application, three additional middens were discovered. The applicant has provided an 'Archaeological addendum' with the application (Richard Shakles and Sarah Phear, Clough and Associates, dated October 2015). Mica Plowman, Principal Heritage Advisor has also reviewed the application, the archaeological addendum and the *Specific Archaeological Site Management Plan, Te Arai Park: Middens R08/204, R08/205 and R08/206* and has not raised any significant concerns with the proposal.

Conditions of consent have been proposed in relation to the archaeological features, particularly the middens R08/204, R08/205 and R08/206. These have been accepted by the applicant.

The application does not include a Cultural Impact Assessment (CIA) as required by the PAUP (Part 3, Chapter G, 2.7.4). In relation to cultural effects, the site is part of a Statutory Acknowledgement Area in relation to Te Uri o Hau and it is understood this resulted from a Treaty of Waitangi settlement. This indicates that Te Uri o Hau is the identified iwi with a specific interest in relation to this site. This is quite different to other sites where a number of iwi may indicate a general interest in a wider area and as such consultation (including via the CIA process) may be required with a number of iwi groups.

A copy of this application has been served on Te Uri o Hau and no concerns have been raised as a result of this.

The works will not affect any known sites of importance to iwi and no additional development is proposed through the application.

Having regard to the above, the adverse cultural effects and effects on archaeological features are concluded to be no more than minor.

Site access and frontage

The site obtains physical access from Black Swamp Road which is a metal road, formed and maintained by the Council, and there are internal roads across the site.

The site is accessed via an existing Right of Way over lot 400, known as Pacific Road. The proposed lots will have a frontage to and will be accessed via proposed access lot 102.

The frontage and access to the site and the proposed lots is considered to be adequate and as anticipated within the Scheduled Activity. Conditions of consent which have been accepted by the applicant will ensure that the accessways will be constructed to the Council's required standards.

The Scheduled Activity requires that the accesses and roads be upgraded. Ray Smith, Development Engineer has advised that we can allow for the access to remain as a metalled surface at this stage, but this is something which may need to be upgraded at a later stage.

Appropriate conditions of consent have been proposed and agreed to by the applicant regarding the access and private ways for access to the proposed lots.

No other concerns in this regard have been raised by the Council's Development Engineer, Ray Smith.

Taking into account the above it is considered that the effects of the proposal in terms of traffic, safety and access will be acceptable. The effects on the surrounding road network are considered to be no more than minor.

Ecology effects

The wider land area, including the coastal area, land to the immediate north and a wetland area within the subject site, have high ecological values. This is demonstrated in various planning documents relating to the site, including the Auckland Council Regional Policy Statement and the Auckland Regional Plan: Coastal. In the PAUP, a Significant Ecological Area (SEA) extends along the coastal part of the site. Immediately to the north of the site lies the Department of Conservation's Mangawhai Wildlife Refuge. This is on the subject site's northern boundary, and within the Kaipara District (this refuge is also identified in the Kaipara District Plan as part of a Site of Biological Interest of Outstanding Value).

The Te Arai coast and Mangawhai spit are also of international significance for the threatened New Zealand Dotterel (ranked as "Nationally Vulnerable") and New Zealand Fairy Tern (ranked as "Nationally Critical"). The Katipo Spider is also abundant at Te Arai.

The applicant has previously proposed to vest the reserve with Council (through consent SLC-63818) to ensure that it will be protected in perpetuity and can be managed together by the Council's Parks Department. Conditions of consent were recommended and accepted by the applicant to ensure that the reserve area is vested and any works undertaken to ensure that the proposed planting and maintenance of the area are maintained.

The applicant has not proposed any vegetation removal within the application, however it is anticipated that in the future owners of the proposed lots may wish to remove pine trees from the lots to create views of the coast. The Council's Consultant Landscape Architect, Simon Cocker has reviewed the application and has recommended that pine tree removal be managed appropriately to ensure that any future development on the proposed lots does not adversely affect the visual landscape and character values of the area.

Jane Andrews, Senior Ecologist has assessed the application and peer reviewed the Ecology reports submitted with the application. Ms Andrews has advised the following:

"Native species including the New Zealand Dotterel and banded Dotterel have been identified across the wider property following the change in landuse from pine plantation to golf course and open ground. While most of the individuals have been identified on the seaward side of the inland dune system, there is potential for coastal birds to be utilising the entire site for feeding and breeding purposes. If earthworks for the subdivision are to be undertaken during the breeding season, identification and management of breeding sites (as per previous consent conditions for native fauna at Te Arai) must be undertaken.

A single Australasian bittern was observed flying out of the raupo reedland located near Lot 16 during an assessment by Boffa Miskell. Bittern are a nationally endangered wetland species and continue to be at risk through loss of habitat and predation. As outlined in the ecological assessment it is unlikely that the bittern would use the wetland for breeding however there are a number of wetlands in close proximity and together form a matrix of habitats that would be suitable for feeding and resting. Earthworks in close proximity to the wetland may cause bittern to abandon nests and the recommendations outlined in the Ecological Assessment to minimise any effects of the development to bittern (and other fauna) should be implemented.

Other native species known from the area include shore skink and katipo spider. While both species are typically found within the fore dunes, there has been significant disruption to the area following pine harvest and new habitat niches have formed across the site. The mitigation measures outlined in the Ecological Assessment adequately address the effects that the development may cause.

As part of PC166 the applicant proposes to implement stage 2 of the subdivision for 9 house lots. The area is largely clear of any significant biodiversity values and where biodiversity values are present (e.g. the raupo reedland) the effects have been addressed and adequate mitigation measures have been imposed. A number of management plans have been prepared for the resource consents at Te Arai (including the shorebird plan, ecological management plan, conservation management plan and erosion management plan) that have consent conditions associated with them. As per previous consents these plans must be adhered to for this application and any of the standard conditions should be imposed”.

Overall, it is considered that the ecological effects associated with the proposal will be no more than minor.

Effects relating to the re-alignment of the right of way and public carpark

The provisions of Scheduled Activity 213 require that the existing public access easement along Pacific Road be widened in Lot 1 (now Lot 400) to an average width of 50m to accommodate safe pedestrian, cycle and equestrian use. This easement runs through the site from Black Swamp Road to the location of the existing public car park. As the applicant proposes to change this easement and relocate the existing public carpark, Neil Olsen, Parks and Open Space Specialist and Richard Hollier, Manager Regional Parks have reviewed the application. Mr Hollier has advised that it is critical to retain the flexibility to achieve an average 50m easement through to the reserve in order to:

- Provide for safe access to and from the reserve given the anticipated mix of equestrian, walking and cycling activities;
- Implement the recreational circuits envisaged for the reserve, which were fundamental to the rationale for the agreed configuration of the reserve;
- Retain the option to provide for vehicle access into the reserve including parking should the need for a carpark in this location be determined through the management plan process;
- Safeguard options for future access and the recreational development potential of the reserve.

A condition of consent has been drafted and accepted by the applicant to ensure that the easement can be amended again in the future if required by the Council's Parks Department to achieve their objectives through the Reserve Management Plan.

It is considered that the relocation of the carpark may result in effects on the users of the existing carpark, but that ultimately given that the Council has agreed to the relocation, it is considered that the effects of the relocation of the carpark and amendment to the easement will be no more than minor.

Natural hazard avoidance/mitigation

Council's records indicate that the site is affected by various overland flowpaths and areas prone to flooding. Council's records also indicate that the subject site has been assessed as Category A or is non expansive in terms of soil type. Category A soils are not expected to be subject to shrink swell mechanisms and are generally comprised of loose sands.

The engineering aspects of the application have been assessed by the Council's Development Engineer, Mr Ray Smith who has not raised any concerns with the proposal in terms of stability. The proposal is not considered to exacerbate any natural hazards.

Having regard to the above and related assessment, it is concluded that the application has taken into account natural hazards, and that the adverse effects will be no more than minor.

Utility provision

The site is not serviced by public reticulated services, and as such on site servicing is required.

It is anticipated that any future dwellings would need to collect rainwater from the roof for drinking water supply and dispose of treated effluent and stormwater runoff on site.

It is accepted that electricity and telephone supply can be provided to the proposed lots. Conditions will be attached to the consent requiring the consent holder to confirm that power and telephone has been made available to serve the lots before a s.224(c) certificate is issued. The conditions have been accepted by the applicant.

Council's Development Engineer, Ray Smith has reviewed the application and has not raised any concerns regarding the proposed servicing of the lots. Overall the effects relating to servicing are considered to be no more than minor.

Stormwater discharge

The proposal will increase the impervious areas on the site and result in additional stormwater discharge. The applicant proposes the following stormwater management controls:

- Runoff from the roofs will be collected within rain tanks and disposed of by way of dispersal into infiltration fields.
- Water quality treatment for the driveways and upgraded roads will be provided by way of infiltration swales adjacent to the carriageway.
- The proposed new carpark area will be approximately 4350m². The final layout design hasn't yet been undertaken and it is likely that part of the carpark area will be grassed and part will be metaled. Stormwater runoff will be managed as in other areas of the site by swales and soakage, the exact details of which will be provided at a later date.
- No point discharges of stormwater are proposed.

Gemma Chuah, Specialist Advisor, Stormwater & Industrial and Trade Activities has reviewed the application and provided the following comments regarding the proposed stormwater discharge:

"Water quality

- *Runoff from the new driveways, access ways and relocated carpark has the potential to contain contaminants. As such the applicant is proposing that all runoff from these areas will flow as sheet flow into grassed swales. The swales will be designed in accordance with TP10 and will remove approximately 75% of total suspended solids (TSS) on a long term average basis.*
- *The applicant has not proposed any specific water quality treatment for roof and non trafficked paved areas which will run off into infiltration fields.*
- *The Design Guideline for the development includes a range of suggested roofing materials including some which are considered to be High Contaminant Generating. It has been assumed for the purposes of this assessment that inert roofing materials will be used for roofing and as such the effects will be less than minor. However, should future lot owners choose to utilise high contaminant generating roofing materials, they will likely require additional stormwater management consents and the owners will be required to provide additional water quality treatment to mitigate the effects of the use of such materials. It is recommended that an advice note regarding this is included.*
- *Overall the proposed water quality treatment for the site is considered appropriate in the context of the low impact nature of the development such that the effects of stormwater discharging to the receiving environment will be less than minor.*

Water quantity/flooding/overland flow

- *An increase in impervious surfaces on previously undeveloped land has the potential to increase localised flooding due to the increased diversion and discharge of stormwater. However, the site is located on sandy soils with a high permeability and the applicant has provided soakage reports which show that the infiltration capacity of the sand is greater than the intensity of the 10 year ARI rainfall event. In addition the applicant's engineering consultant has demonstrated the sand underlying the site will be sufficient for the purposes of stormwater disposal such that overland flow and channelization of stormwater flow will be negligible. There are no watercourses located on the site giving rise to extended detention requirements.*
- *In order to aid infiltration into the ground in a manner that will further reduce the risk of flooding, the applicant has proposed to construct dispersal fields for runoff from the roofs and outdoor paved areas. The calculations and drawings provided demonstrate that the volume of stormwater runoff from the buildings, paved areas and access road can discharge to the ground without causing any localised flooding. Detailed designs of the infiltration dispersal field for the building and outdoor paved areas have not yet been provided but these will be provided and checked with the building consent application.*

Erosion

- *The discharge of stormwater at a concentrated point such as an outfall structure can cause erosion, particularly with sandy soils. The applicant is proposing that all runoff will be evenly dispersed within infiltration fields using subsoil perforated pipes and within the driveway swale so no concentrated discharge points are proposed.*

Overland Flow

- *Overland will be minimal or non-existent due to the porous nature of the sandy soils on the site.*

Operation and maintenance

- *An operation and maintenance plan has not been supplied by the applicant and therefore a consent condition is recommended in this regard upon completion of the works to construct the stormwater management system. The operation and maintenance plan shall also include typical information for swales and stormwater dispersal fields.*

Conclusion

- *Overall it has been assessed that any effects of the proposed activity on the environment as identified above will be less than minor. This conclusion is based on the applicant undertaking the proposed stormwater management system to avoid, remedy or mitigate effects in accordance with the application documents".*

I agree with the above assessment and conclude that the effects of the proposed stormwater discharge will be no more than minor.

Financial contributions and contributions of works or services

It is clearly recognised that incremental and cumulative effects of development, impacts on infrastructure and services required by users and inhabitants of the district occur as a result of new development. Development stimulates building construction and generally increases the number of residents living in the District which in turn results in an increasing need and demand for improved roading standards, transport networks, community facilities and other infrastructure such as water.

Development contributions will be payable in relation to this development.

Neighbouring land use activities

Subdivision can interfere with neighbouring land use activities and the productive potential of the land. The proposed subdivision will further reduce the size of the parent lots and result in 9 new rural residential lots. Due to the location and size of the proposed new lots, the subdivision is unlikely to impact on existing neighbouring farm operations as there will still be large areas of open space on the site and a large separation distance between the proposed new lots and the adjacent lots. The specific effects on neighbouring properties will be addressed in the Section 95B assessment below.

Cumulative effects

Cumulative effects are becoming harder to assess due to the applicant's piecemeal approach to making applications. Each application on its own typically creates a minor degree of effect, but together a succession of activities are being undertaken on this site. Assessment of all the subdivision (anticipated through Scheduled Activity 213 i.e. 46 house sites) together would have allowed a more holistic assessment, and consideration of the overall effects of the proposal and methods that could have reduced, avoided or remedied effects on a more holistic basis. Nonetheless, this application is assessed on its merits in conjunction with those activities which have already obtained consent and as was agreed to following Environment Court proceedings, leading to the insertion of Scheduled Activity 213 within the District Plan.

It is considered important to consider how future applications for subdivision will be assessed in relation to Scheduled Activity 213. The Council's Policy Team (Peter Vari and Ryan Bradley) have reviewed the application and have previously provided policy advice regarding the future use and management of the sites.

The Council's Policy Team have confirmed that Scheduled Activity 213 (as a result of PC166) intends that only 46 sites in total shall be created from the area comprising the sites described in Scheduled Activity 213, of which 3 shall be balance area sites. The maximum of 46 sites envisaged under the rules in Scheduled Activity 213 would not however include lots that are ultimately vested in the Council for purposes such as roads or the reserve. The rules in Scheduled Activity 213 are clear that they relate to a maximum of 46 sites, regardless of whether a house is ultimately located on the site.

The applicant has been advised that this is the view that Council will take in the future. Therefore some of the lots created through this proposed subdivision application will be considered as making up a number of the 46 lots within Scheduled Activity 213 (new sites or balance lots) if a subdivision application is lodged in reliance on the rules in Scheduled Activity 213 in the future.

It is considered that future applications under Scheduled Activity 213 should be submitted in an integrated manner so that development and the associated effects can be adequately assessed.

In summary, adverse character, amenity, visual and landscape effects are becoming more difficult to assess as the applicant proceeds with a piecemeal approach to making applications. It is understood that there will be further development proposed on the site through subdivision applications (as per Scheduled Activity 213) but that cannot be assessed here. It is understood this will be taken into account as part of these new applications, in relation to adverse cumulative effects.

Assessing this application on its merits, adverse effects in this regard are concluded to be no more than minor subject to strict implementation of conditions as agreed, relating to future development on the proposed lots.

Adverse effects conclusion

Overall the adverse effects of the proposal are considered to be no more than minor.

Special circumstances

Despite the above, the council may publicly notify an application if

- special circumstances exist (s95A(3)); or

- it decides that there are other reasons that warrant notification (s95A(1)).

In this case it is considered that the site has certain characteristics and a planning history which together are out of the ordinary, and as such it is relevant to consider special circumstances.

The site has been the subject of a private plan change application - Plan Change 166, which was approved by the Council, appealed to the Environment Court and subsequently the appeals have been resolved. This resulted in the Scheduled Activity 213 which is the framework under which the applicant is applying for the 9 lots in this application.

Good resource management practice is to apply for, and assess, all works proposed as part of an integrated development at the same time. This allows for a full and thorough assessment. The application seeks consent for 9 of the possible 43 new lots anticipated through Scheduled Activity 213, and 10 lots have already been granted consent through SLC-63818. It is evident that this is the second application of several to create all 43 lots on the site.

The applicant's approach to development of the site, in terms of resource consent applications, has been piecemeal and this is not good resource management practice. This piecemeal approach was criticised by the Environment Court in decision NZ26/5/201429/4/2014[2014] NZEnvC 98 which relates to the direct referral noted earlier.

The Council has, on a number of occasions, encouraged a more holistic approach to development to the applicant and s91 RMA has been considered in detail. The applicant has advised that a more holistic approach was not possible due to a number of factors including changes in ownership, contractual obligations in terms of the sale of the site (in terms of works that were required to be undertaken, and consents obtained by the previous owner), changes to design of buildings/golf course and timing of certain aspects of the development. This is no longer the case in all instances, with one applicant undertaking development of the site although there will undoubtedly be works programming reasons for the applicant's continued piecemeal approach to seeking consents.

In terms of integrated assessment the following points are noted:

- This application includes consent for all district and regional plan infringements relating to the subdivision and associated landuse consents including earthworks, access and servicing.
- The proposed lots will also use infrastructure such as roading which has been installed/approved as part of earlier consents.
- The assessment of this application has included input from experts acting on the applicant's behalf and detailed review by the Council experts.

While it would have been a much preferred resource management approach to consider the project holistically, this has not significantly derogated the Councils ability to assess environmental effects to a point where they are not well understood.

The piecemeal approach that the applicant continues to make is poor resource management practice, however in this situation due to the nature of the activity and given that the proposed subdivision is in accordance with Scheduled Activity 213, which was

approved through the Environment Court, the effects (including cumulative effects) have been considered as no more than minor and therefore acceptable. The conditions proposed and accepted by the applicant include consent notices restricting the number of lots to the number specified within the Scheduled Activity to ensure that additional lots are not created over and above that anticipated.

The applicant's continued preference for this piecemeal approach is of concern. However in this instance and on balance it is concluded that sufficient reasons do not exist to motivate a decision for full notification. This recommendation is however finely balanced and this matter does, in the opinion of the reporting planner, require further discussion with the applicant as the current approach to making applications is poor practice and making assessment of the development overall more and more difficult for technical officers, in particular in relation to character, amenity, ecology, landscape and visual effects.

Overall it is not considered that the site's features or qualities, or the planning history of the site, represent a special circumstance warranting notification in relation to section 95A(4) RMA.

Public notification assessment conclusion

The application(s) can be processed without public notification for the following reasons:

- The adverse effects of the consent applications are considered to be no more than minor.
- There are no special circumstances.
- There are no rules in the relevant plans that require public notification.
- The applicant has not requested public notification.
- No reasons exist to exercise the general discretion under s95A(1).

7. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified the council must decide if there are any affected persons, or customary rights or title groups.

In deciding if a person is affected:

- A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor).
- Adverse effects permitted by a rule in a plan may be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.

Requirements of a rule or national environmental standard

There are no rules that preclude limited notification.

Limited notification / adversely affected persons assessment

No persons are considered to be adversely affected by the activities because:

- In regard to the adjoining landowners, sites to the west are generally rural lots consisting of mainly pasture. Aerial photographs indicate that some contain household units, but all are set back from the common boundary with the

application site. The western boundary of the application site remains largely vegetated in pines, and it is understood these are to be retained at least in the short term. These pines will screen the site when viewed from adjoining sites to the west. Overall the effects on these sites are considered to be less than minor.

- The Department of Conservation (DoC) owns and manages the adjoining site to the north. This is managed for conservation purposes and is a reserve. The application will create minimal adverse effects in relation to the operation and management of this reserve. Overall the effects on DoC will be less than minor.
- The Te Arai Beach Preservation Society is interested in development of the parent site, and it is understood this group of volunteers has been involved in the private plan change processes related to the site for some time (and were an appellant to the current Proposed Plan Change decision). The Society has also raised concerns regarding previous applications approved for this site, and water take/use in general and were a s274 RMA party to the recent direct referral process. More recently the Society and the New Zealand Fairy Tern Trust have contacted the Council to raise concerns with recent applications and the applicant's piecemeal approach (letter dated 11/9/14).
- It is understood that to be affected in terms of the RMA, this should be in an environmental sense. While individual members do own land in the immediate area, there are no known sites that are owned by the Society. Wider adverse environmental effects have been considered previously, and concluded to be no more than minor, and adjacent sites have been considered above. It is considered that while the Te Arai Beach Preservation Society has an interest in development on the site, it is not an affected party in terms of section 95B RMA. Special Circumstances have also been addressed previously.
- For similar reasons to those outlined above in relation to the Te Arai Beach Preservation Society, the New Zealand Fairy Tern Trust is not considered to be an adversely affected party.
- The applicant has agreed to conditions of consent relating to the future erection of household units on the proposed lots and the future management of the site i.e. vegetation removal etc. Overall the effects of the proposal will be less than minor on adjacent parties and therefore there are no adversely affected persons.

Limited notification assessment conclusion

This application should be processed without limited notification as there are no adversely affected persons. No customary rights holders or title groups are considered adversely affected as the proposal does not interfere with any customary rights or titles.

8. Notification recommendation

Non-notification

For the above reasons, this application may be processed without public notification or limited notification.

Accordingly I recommend that this application is processed non-notified.



Sarah Gathercole
Senior Planner
Resource Consents

Date 22/12/2015

9. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A, 95B and 95C of the RMA this application shall be processed non-notified.



Ian Dobson
Manager Northern Resource Consenting
Resource Consents

Date 23/12/2015

Consideration of the applications

10. Statutory considerations

Under s104B the council may grant or refuse consent for a discretionary or non-complying activity. If it grants the application, it may impose conditions under s108 of the RMA.

The council must have regard to Part 2 of the RMA ("Purposes and Principles" – ss5 to 8), ss104, 104B, 108, and as relevant ss105 & 107 of the RMA. The weighing up under s104 is subject to Part 2.

11. Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Positive effects

The proposal will have the following positive effects:

- The proposal will allow for the applicant to subdivide and develop the site in accordance with Scheduled Activity 213.

Adverse effects

In considering the adverse potential and actual adverse effects for any resource consent, the council:

- may disregard those where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval

The assessment and conclusion of the "permitted baseline" for the s95A adverse effects assessment are considered applicable to s104(2), and so are not repeated here.

No persons have provided written approvals.

The assessment of adverse effects undertaken for notification identified and evaluated adverse effects only, and this assessment and conclusion are adopted for the purposes of s104(1)(a).

Summary

Overall the actual and potential effects of the proposal are considered to be no more than minor as discussed above.

12. Relevant statutory instruments

National Environmental Standard – s104(1)(b)(i)

There are no National Environmental Standards relevant to the processing of this application.

National Policy Statement – s104(1)(b)(iii)

As the application relates to works near a wetland and the Te Arai Stream, the National Policy Statement: Freshwater Management 2014 (NPS: Freshwater Management) is

considered relevant to this application. Objectives of the NPS: Freshwater Management centre on safeguarding the life supporting capacity, ecosystem processes and indigenous species of water bodies in terms of water quality and quantity. Overall, given the measures proposed by the applicant to ensure that the waterbodies are not adversely affected by the proposed earthworks, the proposal is not contrary to the NPS.

New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The relevant policies of the NZCPS include the preservation of the natural character of the coastal environment which includes protection from inappropriate subdivision, use and development; protecting areas of significant indigenous vegetation and habitats of indigenous fauna in that environment; protecting the following features which are essential or important elements of the natural character of the coastal environment: landscapes, seascapes and landforms, areas of spiritual, historical or cultural significance to Maori and significant places of historic or cultural significance; protecting the integrity, functioning and resilience of the coastal environment; and to restore and rehabilitate the natural character of the coastal environment.

The NZCPS seeks to protect the coastal environment and its special values and states that adverse effects of development should, as far as practicable, be avoided.

The relevant provisions of the NZCPS have been considered and it is concluded that the proposal overall is not inconsistent with these as the earthworks will be minimal in relation to the size of the subject site. The proposed lots will be separated from the Mean High Water Springs by a dune system. The effects on the visual landscape of the area are considered to be no more than minor given the location of the dwelling, accessory buildings and their proposed recessive colours. As above, given the measures proposed by the applicant to ensure that the waterbodies and the coastal environment are not adversely affected by the proposed earthworks, the proposal is not contrary to the NZCPS.

Auckland Council Regional Policy Statement – s104(1)(b)(v)

The Auckland Council Regional Policy Statement ("ACRPS") sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner. The level of development within the proposal has been anticipated to some extent as it is provided for through Scheduled Activity 213 (arising from Plan Change 166).

Chapter 8 of the ACRPS, specifically objective 8.3(1) is considered relevant as this policy seeks to ensure that all land disturbing activities which may result in elevated levels of sediment discharge, be carried out so that the potential adverse effects are avoided, remedied or mitigated.

The relevant provisions of the ARPS have been considered and it is concluded the proposal is consistent with the provisions because the effects of the proposal are considered to be no more than minor. Overall the proposal is consistent with the sustainable and integrated management of natural and physical resources in the Region. Given the measures proposed by the applicant, the proposal is not contrary to the ACRPS.

Part 1 of the proposed Auckland Unitary Plan – s104(1)(b)(v)

Part 1, chapter B of the PAUP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.

It is considered that the proposal is consistent with the provisions of the PAUP and the Auckland Plan as the proposal maintains the sustainable and integrated management of natural and physical resources in the Region.

Plan or proposed plan – section 104(1)(b)(vi)

Auckland Council District Plan (Rodney Section)

Relevant objectives and policies

- Objectives 7.3, 7.8.3.1.1, 7.8.3.1.2, 23.3.1 – 23.3.3
- Policies 7.4, 7.8.3.2.1 – 7.8.3.2.8, 23.4.1 – 23.4.4

The proposal is not contrary to the above objectives and policies as although the proposal will introduce new development on the site it will not adversely affect the high landscape values, remoteness, general lack of buildings and people which act together to create the character of this area. The activity will allow the retention of a non-urban character, including the retention of significant open spaces, areas of vegetation, the retention of dune land vegetation and the continuation of rural infrastructure such as unsealed roads and on-site servicing. The continued use of the remainder of the site as a golf course allows retention of the open space amenity value that is important in this zone.

Natural hazards have been considered, as detailed previously. Overall the works proposed are not concluded to create, exacerbate or be unduly subject to natural hazards.

The District Plan does not identify any cultural or heritage features on the site. Nonetheless these are known to be present in the form of middens, including those recently discovered close to the proposed lots. Conditions of consent are proposed to reduce potential impacts in relation to the known and unknown archaeological sites.

Conditions have also been proposed to ensure that there are minimal ecological effects resulting from any future development on the lots.

Cumulative effects are referred to in policy 7.4.16. Assessments have been undertaken on this basis and associated adverse environmental effects are concluded to be acceptable.

Overall it is considered that the proposal is not contrary to the objectives and policies of the Auckland Council District Plan (Rodney Section).

Auckland Council Regional Plan (Air, Land and Water)

Relevant objectives and policies

- ALW Plan Objectives – 5.3.1, 5.3.5, 5.3.6, 5.3.7, 5.3.8, Policies – 5.4.4, 5.4.4B
- PAUP Objectives - C.5.14.1, C.5.15.1.1-6, Stormwater management policies - C.5.15.9-16,

The proposed stormwater management will achieve the above objectives through the proposed stormwater management system. It is assessed that the proposed stormwater management is the Best Practicable Option for the site. The stormwater management policies have reference to water sensitive design which is not specifically part of this proposal. Overall, the proposal is not contrary to the above objectives and policies.

Auckland Council Regional Plan (Sediment Control)

Relevant objectives and policies

- Objectives 5.1.1 and 5.1.2
- Policies 5.2.1 and 5.2.2

These objectives and policies seek to limit disturbance and maintain or enhance water quality in the region. The proposal is considered to generate no more than minor or no adverse effects in relation to the proposed earthworks due to the site characteristics and where required appropriate controls will be established. Consequently, it is considered that the proposal is not contrary to the relevant objectives and policies.

Proposed Auckland Unitary Plan

Relevant objectives and policies

Stormwater discharge:

- Chapter 2 Values; Objectives 2.1.3, 2.2.3, Policies 2.2.4.1, 2.2.4.3
- PAUP General Policies C.5.15.1 – 3

The proposed stormwater management will achieve the above objectives through the proposed stormwater management system. It is assessed that the proposed stormwater management is the Best Practicable Option for the site. The stormwater management policies have reference to water sensitive design which is not specifically part of this proposal. Overall, the proposal is not contrary to the above objectives and policies.

Earthworks:

- Part 2, Chapter C, 5.2, Objectives 1 – 3
- Part 2, Chapter C, 5.2, Policies 1 – 5

These objectives and policies seek to ensure that earthworks are undertaken in a manner that protects people and the environment, does not exacerbate natural hazards and minimises sediment generation. The proposal is considered to generate no more than minor or no adverse effects in relation to the proposed earthworks due to the site characteristics and where required appropriate controls will be established. Consequently, it is considered that the proposal is not contrary to the relevant objectives and policies.

Zoning:

- Objectives and policies relating to the Rural Coastal zone – Part 2, Chapter D, Section 6.4.

- Objectives and policies relating to the Te Arai North Precinct – Part 2, Chapter F, Section 5.49.

Overall, the proposal is generally consistent with the above objectives and policies. The proposed subdivision will not adversely affect the high natural character, landscape, biodiversity, ecological and amenity values, and Mana Whenua cultural heritage values of the Rural Coastal zone and the Te Arai North Precinct.

The Te Arai Precinct in the PAUP provides for subdivision for the creation of additional public reserve land. As discussed earlier, this subdivision is provided for under the Operative District Plan if the reserve area surrounding the site is vested in Council, as per the provisions of Scheduled Activity 213. This has been undertaken as part of SLC-63818.

Overall, given that the proposal will have no more than minor adverse effects on the site's existing character and landscape values and adverse effects on water bodies will be minimal, the proposal is not considered to be contrary to the objectives and policies of the PAUP.

Weighting

As the outcomes are the same under the operative and the proposed plan frameworks, no weighting is necessary.

13. Other relevant RMA sections

Matters relevant to discharge and coastal permits – s105

The proposal requires a consent to discharge contaminants under s15.

The provisions of Section 105 have been met as it has been determined that there are no significant effects on the receiving environment. It has been assessed that the applicant's reasons for the proposed choice of stormwater management are appropriate in the circumstances and regard has been had to alternative methods of discharge applicable in this case.

Matters relevant to subdivision consents – s106

It is considered that resource consent can be granted to the subdivision application as the land and structures on the land will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source and any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.

Restrictions on discharge permits – s107

Section 107(1) of the RMA places restrictions on the granting of certain discharge permits that would contravene Sections 15 or 15A of the RMA. The adverse effects of the discharge of contaminants have been assessed above. The assessment found that the discharge is not likely to result in any of the effects identified in s107(c)-(g).

Conditions of resource consents – s108

In addition to the conditions offered by the applicant or inherent in the application proposal, and any identified in the s104 assessment, the following additional conditions are recommended:

- Conditions relating to Engineering matters
- Conditions relating to Ecology
- Conditions relating to Archaeology
- Conditions relating to Landscaping
- Other conditions relating to compliance with Scheduled Activity 213 and the ongoing management of the area as per the requirements of Scheduled Activity 213.

Duration of resource consents – s123

It is appropriate to set a term of 35 years for the stormwater diversion and discharge permit because the nature of the activity subject to consent is unlikely to alter during this period, and the ongoing maintenance of the stormwater management systems as required by the recommended conditions of consent will ensure that the required standards continue to be met.

It is considered appropriate to set a term of five years for the earthworks activity to allow for unexpected delays in the commencement of the proposed earthworks. The earthworks consent will therefore expire five years from the date of issue.

Review condition – s128

A review condition has been recommended on the stormwater discharge consent within one year of construction of the stormwater works; and/or at five yearly intervals after that time to deal with any adverse effect on the environment which may arise from the exercise of the consent or is contributed to by the exercise of the consent, or is found appropriate to deal with at a later stage.

Monitoring

Monitoring will be undertaken by the applicant and their contractor during earthworks and the Council will undertake routine monitoring in relation to the proposed conditions of consent.

14. Part 2 (Purpose and Principles)

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

In this case the proposal is considered to be consistent with the above matters as the subdivision is proposed as anticipated through Scheduled Activity 213. The proposal will not adversely affect the amenity values of the area. Landscape effects will be minimised through proposed landscape planting and urban design guidelines.

Section 8 requires a council to take into account the principles of the Treaty of Waitangi. There are no Treaty of Waitangi matters surrounding this application. The middens on the site will be adequately protected during the proposed works.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA by sustainably managing natural and physical resources.

15. Conclusion

Overall the effects of the proposal are considered to be no more than minor. While it would have been preferred to assess this application in an integrated manner i.e. all 43 new lots at one stage, assessing this application separately has not significantly undermined the Council's ability to assess this application in its context. This is however becoming more and more difficult the more the applicant proceeds with their piecemeal approach to making applications in relation to cumulative effects. It is recommended that this approach be further discouraged.

The application is not contrary with the outcomes sought by objectives and policies of the Auckland Council Regional Policy Statement, Auckland Council Regional Plan (Sediment Control), Auckland Council Regional Plan (Air, Land and Water), Auckland Council District Plan (Rodney Section) and the Proposed Auckland Unitary Plan.


The application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

16. Recommendation

Under sections 104, 104B, 105, 107 and 108 of the RMA, I recommend that this non-notified Discretionary activity application is granted, subject to the following conditions.

The reasons for this decision are detailed in the attached draft decision and recommended conditions.

This report and recommendation prepared by:

Name: Sarah Gathercole
Title: Senior Planner, Resource Consents
Signed: 
Date: 22/12/2015