

Report to Hearings Commissioner(s) on Resource Consent Applications to Whangarei District Council and Northland Regional Council

EXECUTIVE SUMMARY

Vaco Investments (Waipu Project) Limited have made application to Whangarei District Council for a land use activities and associated subdivision that provides for development of approximately 6 ha of rural land for retail, commercial, and industrial development, inclusive of access via a proposed roundabout onto State Highway 1 and associated infrastructure. The subject site is located within the Rural Production Zone and requires consent as a non-complying activity.

The application to the Northland Regional Council is for an earthworks consent covering all construction works associated with the subdivision development and consent for discharge of treated effluent to ground, and associated discharge of odour to air. The application requires consideration under the proposed Regional Plan for Northland as a discretionary activity.

The application was subject to joint public notification with Whangarei District Council as lead agency. A total of seventy-one (71) submissions were received by both Councils. The majority of submissions received raise issues that span the jurisdiction of both Councils.

This planning report assesses the extent of potential adverse and positive effects that may arise from the proposal and considers the relevant planning provisions contained in various national, regional and district planning documents. Careful consideration has been given in particular to the National Policy Statement on Highly Productive Land, Regional Policy Statement for Northland, proposed Regional Plan for Northland, and Whangarei District Plan Operative in Part 2022.

Based on the suite of technical reports and evidence provided, the recommendation on the application lodged with the Whangarei District Council is that it be declined. That recommendation is based on the potential adverse effects arising on productive soils, landscape and visual amenity, and rural character and amenity values associated with the site. The recommendation on the application lodged with the Northland Regional Council is that it be approved, subject to conditions.

STATEMENT OF REPORTING PLANNER QUALIFICATIONS AND EXPERIENCE

Alister Hartstone – Reporting Planner

I am a director of Set Consulting Limited, a company established in early 2016 that provides planning consultancy services to both local government and private clients. I currently undertake work for private clients across the upper North Island and Hawkes Bay, and district and regional councils. I hold a Bachelor of Regional and Environmental Planning with Honours from Massey University. I am a Full Member of the New Zealand Planning Institute and an accredited Hearings Commissioner.

I have previously worked in local government across Manawatu and Northland, commencing in 1995. During that time, I have dealt with a wide range of planning-related matters. I have managed a multi-disciplinary team overseeing the processing of all planning-related applications, as well as being involved

in development and review of plan changes, presenting evidence at Environment Court hearings, development contribution policy development and implementation, and strategic projects across the council and communities. In addition, I have been involved in several national working groups run by Local Government New Zealand and Ministry for the Environment.

I confirm that I am familiar with the subject site and undertook a site visit on the 27th April 2023. I confirm that the evidence on planning matters that I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. I have read and agree to comply with the Code of Conduct for Expert Witnesses as set out in the Environment Court's Practice Note 2023. The opinions expressed in this evidence, are based on my qualifications and experience, and are within my area of expertise. If I rely on the evidence or opinions of another, my evidence will acknowledge that.



27 March 2024

Alister Hartstone,

Date

**Consultant Planner for Whangārei District
Council and Northland Regional Council**

This report was peer reviewed by the following signatory:



27 March 2024

Katie Martin,

Date

Whangarei District Council



27 March 2024

Stuart Savill

Date

Northland Regional Council

ABBREVIATIONS USED IN THIS REPORT

NRC	Northland Regional Council
WDC	Whangarei District Council
RMA	Resource Management Act 1991
RPS	Operative Regional Policy Statement for Northland
PRPN	Proposed Regional Plan for Northland
WDP	Whangarei District Plan Operative in Part 2022
NTA	Northland Transport Alliance
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-ET	National Policy Statement on Electricity Transmission 2008
CEA	Cultural Effects Assessment
CEL	Critical Electricity Line
NZTA	New Zealand Transport Agency
FENZ	Fire and Emergency New Zealand
RPZ	Rural Production Zone
EIA	Economic Impact Assessment

Section 42A Hearing Report

APPLICATION DETAILS

Council Reference: Whangarei District Council SL2300006
Northland Regional Council APP.044965.01.01

Reporting Planner: A Hartstone, Consultant Planner (Set Consulting Ltd)

Applicant: Vaco Investments (Waipu Project) Limited

Activity Summary:

Whangarei District Council – Land use

Land use consent to develop a 5.92ha site for retail, commercial, and industrial development inclusive of the following activities:

- Service station
- Food and beverage outlets
- Food retail activities
- Light industrial/commercial activities

The activities for site development include buildings, earthworks, installation of infrastructure and roading, on-site parking and a roundabout access onto State Highway 1, landscaping, lighting, and signs. The proposal is assessed as a discretionary activity under the Whangarei District Plan Operative in Part 2022.

Whangarei District Council – Subdivision

A four (4) stage subdivision consent of the site, where Stage 0 will create two lots, one of which will contain the 5.92ha site proposed for land use activities under this consent, with the balance lot containing rural land, and Stages 1 - 3 will further subdivide the 5.92ha land use development site into smaller lots. The proposal is assessed as a non-complying activity under the Whangarei District Plan Operative in Part 2022.

Northland Regional Council

Discretionary activity consent pursuant to Rule C.6.1.5 and C6.6.6 of the Proposed Regional Plan for Northland to discharge treated wastewater from an on-site wastewater treatment plant onto land, and associated discharge of odour into air resulting from the discharge. A 35 year consent duration is sought under Section 123 of the RMA.

Controlled activity consent pursuant to Rule C.8.3.2 of the Proposed Regional Plan for Northland to undertake 24,800m³ of cut and fill earthworks over 5.92ha of land as part of a development that will not comply with the permitted activity standards in Rule C.8.3.1.

A ten (10) year lapse period is sought for all the consent applications under Section 125 of the RMA.

Location: 47 Millbrook Road, Waipu
Public Notification: 19th December 2023 - 5th February 2024
Submissions Received: Fifty-seven (57) in opposition or part opposition
Three (3) neutral with conditions
Eleven (11) Support

REPORT APPENDICES

- (a) **Application as lodged with WDC and NRC**
- (b) **Section 92 response received post – public notification**
- (c) **Submissions received**
- (d) **Spreadsheet Summary of Submissions**
- (e) **WDC and NRC Internal Technical Advice**

ADEQUACY OF INFORMATION

1. Applications were formally received by the Whangarei District and Northland Regional Councils on the 31st March 2023. The applications were reviewed with a Section 92 request issued for additional information associated with the WDC application on the 5th May 2023. It is noted that NRC recorded the application as being subject to Section 92 from the date of lodgement on the basis that the application was lodged pending receipt of a CEA from Patuharakeke Te Iwi Trust Board.
2. A partial response to the Section 92 request was received on the 16th June 2023. A further response was provided under cover of e-mail dated 20th October 2023 which included a full amended AEE application to replace that provided to both the WDC and NRC. Final versions of the landscape assessment and CEA were provided separately on the 27th November 2023 and 30th November 2023 respectively.
3. Following the close of public notification, a further Section 92 was issued on the 28th February 2024 requesting that the applicant address matters raised in the submissions received from NZTA, Transpower, and FENZ. A full response to that request was received on the 22 March 2024 and is provided in Appendix B to this report.
4. Consideration has been given to the matters raised in the submissions received. There are no matters that have been raised that have not been adequately covered in the information provided. No new matters have been identified in submissions that require additional information from the applicant in order to be suitably considered. The additional information provided following the close of notification has not resulted in any material changes to the proposal that would warrant reconsideration of the decision to publicly notify the applications.
5. It is noted that WDC has used external consultants to review the engineering (stormwater) and landscape assessment information associated with the application.
6. In summary, the information provided with the application allows for consideration of the following matters on an informed basis:
 - The nature and scope of the proposed activities that consent is being sought for
 - The extent and scale of the actual and potential effects on the environment
 - Those persons and/or customary rights holders who may be adversely affected
 - The requirements of the relevant legislation and Regional and District Plan provisions
7. On this basis, it is considered that the application is supported by adequate information to determine the application in accordance with Section 104(6). The proposal has not changed or been revised in any material form or scale during the processing of the consent application such that re-notification is required.

REPORT FORMAT AND METHODOLOGY

8. This report has been prepared as a single document covering the applications lodged with both the Northland Regional and Whangarei District Councils. It is necessary in this report to refer to the 'NRC application' and 'WDC application' to distinguish the two applications. Further to this, the land use and subdivision activities that form the WDC application are addressed separately. It is understood that, should consent be granted, Stage 0 of the subdivision will need to precede giving effect to any part of the land use consent, after which

Stages 1 – 3 of the subdivision will follow staging of the land use consent activities. Therefore, in assessing the subdivision application, the main consideration is Stage 0.

9. As detailed above, the information provided with the applications covers all relevant matters associated with the proposed activities. Technical assessments are provided within the application and comments have been provided from WDC and NRC staff addressing particular technical matters where required. Therefore, this report has been written in a manner to avoid any undue repetition or descriptions where suitable reference can be made to information in the application as provided for under Section 42A(1A) of the RMA.
10. Where there is agreement on any particular matter, including any technical assessment, this is identified in the report. Where there are any points of disagreement or difference of opinion, these are identified and the relevant points of difference of approach, assessment, or conclusions detailed.
11. Assessment of the proposed activities requires reference to a number of sections of the RMA and provisions in various planning documents. Unless considered necessary, reference will be made to the section and/or planning provision without a copy of that section or provision being included in the report in full.

THE PROPOSAL AND BACKGROUND

12. The application considered in this report is an amended version of the application originally lodged with both the WDC and NRC, with an updated AEE and Appendices provided as prepared by Mt Hobson Group Limited dated 16th November 2023 ('the application'). That application includes Appendices 1 – 19, where Appendices 16 and 18 as they relate to a CEA and Landscape and Visual Assessment were provided at a later date (but prior to public notification).
13. The plans illustrating the land use development are contained in Appendix 2 and have been prepared by Technitrades Architecture Limited dated 12 September 2023.
14. The subdivision consent is illustrated by way of staged plans in Appendix 12 and have been prepared by Everest Surveyors Limited dated 30 March 2023.
15. Section 4 of the application sets out a detailed description of the proposal, read in conjunction with the plans referenced above. Staging is proposed to the extent that, should consent be granted, the manner of construction of the development will depend on whether approval is obtained from WDC for connection to the public reticulated sewerage scheme or not. WDC have declined a request by the applicant to connect to the reticulated scheme at the time of preparing this report. It is considered that the application should be read as applying for consent for two scenarios – one where all activities are dependent on on-site effluent treatment and disposal, and the other where a connection to the reticulated public sewer system is obtained and utilised by all activities.
16. A significant component of the application is construction of a roundabout within the State Highway 1 corridor to provide access to the site, with an internal private roading network to allow traffic to circulate through the development and utilise on-site loading and parking. This would be the only entry and exit point for the development. Stormwater is to be managed on-site through collection and treatment via a pond system. WDC has agreed to a connection to the public reticulated water supply via an existing line at The Braigh. Wastewater will be treated and disposed of on-site unless / until a connection to the public reticulated

- wastewater scheme is approved. Should connection to the reticulated scheme be approved in future, an additional area of development would be constructed in the northeastern corner of the site. That area is identified as the location of the on-site wastewater treatment plant.
17. Paragraph 4.2 of the application sets out the likely activities that would occupy the buildings to be located on the site. An anchor tenant for the development is a large 'BP' service station located on the western portion of the site. Other activities occupying numerous commercial and retail buildings on the eastern portion of the site are summarised as:
- Light industrial/commercial activities (eg. vehicle sales and servicing)
 - Trade and retail activities (eg. garden centres, hire premises, agricultural suppliers)
 - Small scale commercial services (eg. real estates offices, childcare facilities, retail)
 - Food and beverage activities
18. Paragraphs 4.51 – 4.53 set out how the subdivision activity is intended to proceed. The initial Stage 0 subdivision will separate the area intended for the land use consent development lot (proposed Lot 200) from the balance of the 31.8184ha site (proposed Lot 100). It is understood that new titles for Stage 0 will be required to issue before the proposed land use consent could be implemented. Stages 1 – 3 of the subdivision would be undertaken as the land use consent is implemented to separate various buildings and associated activities on to separate titles as they progress. All proposed lots will require an interest in the central access by way of an amalgamation condition allocating shares in the ownership of a jointly owned access lot ('JOAL').
19. The NRC application provides for two activities. The first is bulk earthworks across the site. This work is described as requiring a total of 24,800m³ of cut and fill over an area of 5.92ha, and includes works to construct the roading network and stormwater ponds. The extent of the earthworks is illustrated visually on the plans prepared by CKL Limited entitled 'Earthworks Cut Fill Overview Plan' Sheets 1 – 3 attached as part of Appendix 3A to the application. It is noted that the earthworks for the proposed roundabout within the State Highway 1 corridor are not included. It is assumed that, if consent were granted, the works may fall to be undertaken in accordance with the designation for State Highway 1 although the applicant may wish to clarify this prior to or at the hearing.
20. The second component of the NRC application is for the discharge of treated wastewater to land. The application records at para. 4.29 that *'The system will consist of a centralized, modular treatment plant which can be adapted for flow and strength of wastewater, pending the type of commercial activity on site and can be trimmed based on occupancy in order to achieve the desired effluent quality. The Innoflow modular system can be added to in stages as different parts of the site are developing. The primary treatment will be undertaken by via specialised septic tanks and a secondary treatment via drip lines discharging the treated wastewater into the denoted disposal area. The disposal area has been sized based on TP58, with imported fill to create a 600mm minimum separation from existing ground.'*
21. Section 6.0 of the report prepared by CKL Limited entitled 'Earthworks and Civil Works Infrastructure Report' provided as Appendix 3 to the application sets out the proposed collection, treatment, and disposal system in more detail. The discharge to ground component of the application involves setting aside a total area of 6,731m² on the site as a wastewater field (inclusive of 30% reserve). Discharge through dripper lines is intended to comply with all relevant water separation standards in the PRPN, including groundwater, on the basis that the field will be located on imported fill. If consented, the construction and operation of the treatment and disposal system is intended to be staged to match demand as the development proceeds.

22. The various documents that form part of the application are listed as Appendices 1 – 19 attached to the application. It is understood that there are no additional reports or documents that have been included as part of the application, with the exception of the Section 92 response to the request issued following close of public notification contained in Appendix B to this report.

REASONS FOR CONSENT AND ACTIVITY STATUS

23. Section 5 of the application summarises the relevant planning provisions and reasons for consent from both the WDC and NRC. That assessment is generally accepted and adopted for the purpose of this report. Briefly, the activity status is set out below:

WDC Application

- a. The subdivision activity, consisting of Stages 0 – 3, requiring consent as a non-complying activity in the Rural Production Zone. The subdivision application includes infringements for earthworks and three waters management.
- b. The land use activity, inclusive of commercial activities (which includes retail), and identified bulk and location, setback from CEL, and parking and access, noise and vibration, hazardous substances, lighting, and signs infringements, requires consent as a discretionary activity in the Rural Production Zone.

NRC Application

- a. Earthworks where the exposed area exceeds 5000m² at any time at a particular location is a controlled activity.
 - b. Discharge of treated wastewater from a wastewater treatment plant onto or into land and associated discharge of odour is a discretionary activity.
24. With regard to the WDC activities, it is noted that as the subdivision stages progress, buildings and activities will be subject to new 'sites' with new boundaries and new lot areas defined as a result. Rule SUB-R2.2 is identified as an infringement in the application, but the extent of the infringements associated with each stage of the subdivision are not identified in the application. As an initial comment, development within each of the proposed Lots 1 – 10 would be unlikely to comply with Rules RPROZ-R4 Building and Major Structure Setbacks which requires an 8 metre building setback from all boundaries, and Rule RPROZ-R5 Building and Major Structure Coverage, which limits building and major structure coverage on any lot to 20%. While the effects assessment is not informed further by these potential infringements, it would be appropriate for the applicant to advise what (if any) infringements will arise to ensure the activities are captured in any decision should consent be granted.
25. It is considered the applications lodged with both NRC and WDC are interrelated to the extent that they should be considered as a single 'bundled' application of various activities. Therefore, overall, the WDC application is assessed as a non-complying activity while the NRC application is assessed as a discretionary activity.
26. The application does not record the need for any other consents that might be required in any other plans or regulations.
27. For completeness, it is recorded that the WDC has released proposed Plan Change 1 - Natural Hazards. The plan change was publicly notified in May 2023, with hearings held and recently completed in February 2024. The rules contained in the plan change will not take

effect until the plan change is operative. However, the objectives and policies are relevant to the extent that they require consideration under Section 104 and 104D as addressed further in this report. The subject site is identified as being affected by a Flood Hazard Area associated with the Ahuroa River at the northwestern boundary of the subject site and is relevant to the subdivision application. A very small area of moderate susceptibility to land instability is identified within the flood hazard area. The proposed land use activity is not within any identified hazard area.

28. The application requests a ten (10) year consent period for all consents sought under Section 125.

SITE AND SURROUNDS DESCRIPTION

29. Section 3 of the application provides a description of the site and surrounding locality. Having undertaken a site visit on the 27th April 2023 and travelled past the site on various occasions since then, it is considered that the description provided in the application can be accepted and adopted for the purpose of this report.

NOTIFICATION AND SUBMISSIONS

30. The application was subject to joint public notification, with WDC as lead agency. Public notification commenced on the 19th December 2023 and closed on the 5th February 2024. It is noted that the notification period spanned days not deemed to be 'working days' under the RMA (being 20th December 2023 to 10 January 2024).
31. A spreadsheet recording the submissions received by both the WDC and NRC is attached to this report, along with full copies of each submission. All of the submissions were received within the specified notification period.
32. Issues that have been raised in the submissions in opposition that are relevant to the application and can be considered are summarised below:
- Loss of rural character and amenity, and the scale/location will adversely affect historic township / village atmosphere
 - Traffic effects associated with proposed roundabout and increase in traffic, and concerns about traffic safety (including pedestrian and cycle access)
 - Loss of highly productive land / versatile soils / arable land
 - Potential for fuel / oil spills
 - Concerns regarding ability to provide suitable infrastructure capacity (water, sewer and stormwater) and potential pollution of wildlife from stormwater
 - Increase in noise and light pollution
 - Proposal not consistent with District Plan or longterm placemaking plan for Waipu
 - Effects on heritage and archaeology
 - Detrimental economic effects on existing businesses and services in Waipu
33. Submissions supporting the application have provided comments on the following matters:
- Waipu is rapidly growing and needs supporting commercial activities.

- Retail hub would be beneficial for competition and provide an amenity for travellers and the local community.
34. Three matters have been identified in the submissions received that are considered to fall outside the scope of the current applications. These matters are addressed briefly below.
- Submissions suggest that some control on the nature of activities (excluding a liquor / bottle store, fast food outlets, and requiring a charity 'op shop') should be applied. It is considered that there is no scope in the application or any planning basis on which to require or exclude any specific retail activities that might occupy premises in the development, unless there are specific environmental effects identified of concern. In particular, the decision-making framework for on and off licenses for the sale of alcohol is prescribed under different legislation.
 - Some submissions have referred to archaeological effects associated with the earthworks. The applicant holds an Authority issued by Heritage New Zealand Pouhere Taonga for the earthworks to be undertaken on and within the vicinity of an existing identified archaeological site (referred to as McGregor's Blacksmith shop). The Authority must be taken into account as part of the assessment of effects of the application.
 - A number of submissions refer to the possibility of another roundabout and/or road upgrading projects on State Highway 1, and a potential conflict arising between those projects and the roundabout proposed in this application. At the time of preparing this report, there are no known specifically planned, consented, and imminent roading projects on the Waipu section of the State Highway corridor. This has been confirmed in a discussion with NZTA. It is therefore not considered possible to take possible future roading projects affecting State Highway 1 at Waipu into account where they do not or cannot be considered to form part of the 'existing environment'.

STATUTORY PROVISIONS

35. The application requires consideration under the provisions of Section 104 of the RMA to determine whether consent can be granted. Section 104(1) of the RMA requires that, subject to Part 2 of the Act, regard should be had to the following matters:
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of-*
 - i. *a national environmental standard;*
 - ii. *other regulations;*
 - iii. *a national policy statement;*
 - iv. *a New Zealand coastal policy statement;*
 - v. *a regional policy statement or proposed regional policy statement;*
 - vi. *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
36. The WDC application is assessed as a non-complying activity. Therefore, Section 104D applies, which sets out a 'gateway' test which states (as it relates to this application) that;

'... a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
... (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

- 37. The application only needs to pass one of the two 'gateway' tests in order to allow consideration as to whether consent can be granted. If it passes neither of the 'gateway' tests, consent cannot be granted. Should the 'gateway' test be passed, regard can then be had to those matters under Section 104 to determine a final decision.
- 38. The NRC application is assessed overall as a discretionary activity. Therefore, Section 104B applies where a consent authority may grant or refuse consent, and may impose conditions under Section 108.
- 39. The remainder of this report addresses the matters under Section 104, 104B and 104D of the RMA. Consideration of conditions that may be imposed to avoid, remedy, or mitigate potential adverse effects under Sections 108 and 220 (as appropriate) as part of any grant of consent is addressed as part of the assessment.

SECTION 104(1)(A) - ACTUAL & POTENTIAL EFFECTS ON THE ENVIRONMENT

Trade Competition

- 40. With regard to Section 104(3)(a)(i), there are no known issues in the consent application or as a result of the submission process that raise questions of trade competition or the effects of trade competition.

Written Approvals

- 41. With regard to Section 104(3)(a)(ii), a consent authority must not have regard to the effects on those persons who have given written approval to an application. The application does not include any written approvals.

Receiving Environment and Permitted Baseline

- 42. When considering the effects of a proposal, consideration of the 'environment' that will 'receive' the effects of any proposal needs to be considered. In identifying the receiving environment, it is necessary to consider the environment as it is at the time of application, and the likelihood of change to that environment in the future, based upon the activities that could be carried out as of right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).
- 43. There are three components that inform the receiving environment:
 - what lawfully exists in the environment at present;
 - activities (being non-fanciful activities) which could be conducted as of right; i.e. without having to obtain resource consent ('permitted baseline'); and,

- activities which could be carried out under a granted, but as yet unexercised, resource consent.
44. The existing environment is well-described in the application and supporting documents.
45. In accordance with Section 104(2), the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (the 'permitted baseline' test). The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted on the application site as of right by the plan in question.
46. As it relates to the WDC application, the site is zoned RPZ which does not anticipate either subdivision or land use development such as that proposed. Notably, residential units are limited to a density of one unit per 20ha. Commercial activities of any scale exceeding that set out in Rule RPROZ-R10 are discretionary activities. That Rule provides for what are effectively 'home occupations' of a limited scale that is not comparable to the proposed activities in the application.
47. In terms of the bulk and location of buildings, provision is made for larger scale buildings. The permitted building coverage is 20% on any site, noting that Rule RPROZ-R14 Activities Ancillary to Farming or Forestry sets a limit of 2000m² gross floor area for buildings used for such activities. Any buildings of this size would have to be justified as rural buildings, and could conceivably consist of a residential unit and large-scale greenhouse or market garden activity.
48. In terms of the NRC, the PRPN limits bulk earthworks to an area not exceeding 5000m² of exposed earth at any one time, subject to a number of performance standards. It would be possible to stage earthworks across a larger area so long as no more than 5000m² of soil was exposed at any one time. There is no permitted baseline that could be adopted that addresses the discharge of wastewater as proposed.
49. Overall, it is considered that there is no permitted baseline that readily assists in assessing the effects of the proposal. At best, it may be credible to suggest that the earthworks could be staged across the site to comply with the permitted standards in the PRPN.

There are no known activities which could be carried out under a granted, but as yet unexercised, resource consent.

Assessment of Effects

50. Section 7 of the application provides an assessment of environmental effects addressing a number of matters, informed by technical reports forming part of the application. For the purpose of the following assessment, the format and headings provided in the application starting from '*Provision of infrastructure and effects of discharges*' are generally adopted for ease of reference. An additional matter addressing reverse sensitivity effects is included.

Provision of infrastructure and effects of discharges

51. Paras. 7.22 – 7.34 of the application address the provision of stormwater, wastewater, and water supply for the land use activity. The technical details are set out in the Earthworks And Civil Works Infrastructure Report prepared by CKL Limited provided as Appendix 3. Plans are appended to that report that illustrate the location of two proposed stormwater ponds and associated reticulation and discharge, the location of proposed wastewater effluent fields, and connection to the Councils reticulated water supply main on Millbrook Road. More

detailed advice responding to a Section 92 request are addressed in the Memorandum provided at Appendix 3B as it relates to stormwater design.

52. Addressing the subdivision application first, Stage 0 of the subdivision will separate the land use development site (Lot 200) from the balance of the property (Lot 100). Lot 100 contains an existing residential unit with existing services and access. There are no concerns regarding servicing associated with Lot 100. Development of Lot 200 is solely reliant on the land use consent activities sought. To the extent that the land use consent addresses this, there is sufficient information to confirm that Lot 200 can be serviced.
53. Council's Development Engineer has reviewed the information relating to on-site servicing proposed as part of the land use consent. His advice is provided in Appendix E to this report. Subject to suitable conditions reflecting the information provided in the application, it is accepted that the development can be serviced with stormwater, wastewater, and water supply. None of the services are proposed to be vested in WDC, therefore some form of management body may be required to be responsible for the network of private services within the development. The applicant is invited to comment on how that might be achieved, particularly given that the subdivision Stages 1 – 3 may further fragment any network of services and necessarily require easements and other mechanisms to allow the services to be managed and maintained across the development. This will likely require a single body or entity to be responsible for all services across proposed Lots 1 – 10, including a consent holder for the purpose of the NRC consents should they be granted.
54. With regard to water supply, Council's Development Engineer has advised that should the applicant seek to connect to reticulated water, they will need to connect at The Braigh. This option appears to be considered and accepted in the Memorandum provided by CKL Limited as part of the Section 92 response received on the 22 March 2024. This would be likely to address the fire-fighting water supply issue raised by FENZ in their submission.
55. The consent required from NRC for discharge of treated wastewater from a wastewater treatment plant onto or into land and associated discharge of odour relies on the advice provided in the Earthworks And Civil Works Infrastructure Report prepared by CKL Limited provided as Appendix 3. The proposed treatment and disposal system is considered appropriate for the type and scale of development and the site is not subject to significant constraints such as slope or poor soil conditions. The only limitation relates to the relatively high water table. Any potential adverse effects associated with groundwater contamination are addressed by way of the disposal field being elevated on imported fill so as to achieve a minimum 600 mm clearance from groundwater levels, which complies with the permitted standard in the PRPN. No discernible discharge of odour to any off-site receiver is likely to occur as a result of the appropriate functioning of the proposed system. It is noted that a specific design of the effluent treatment and disposal system will be subject to scrutiny both through the building consent process as well as the NRC consent, should it be granted.
56. A number of submissions have raised concerns about the adequacy of servicing and potential impacts, including ecological effects on downstream environments. These concerns are valid given the scale and nature of the proposal. However, where the infrastructure is being designed, constructed, and maintained in accordance with the necessary rules and standards that apply, the extent of any adverse effects on the downstream receiving environment are minimised and in this case are not considered to result in more than minor adverse effects.
57. The application records that *'If a suitable public wastewater treatment option is available at the point where Stage 2 is being implemented, the suitability of connection to this ww*

treatment option for the Stage 2 development can be explored with WDC. The application seeks some flexibility for this option to allow an either/or option as set out in para. 4.4 of the application. Plans illustrating the alternative site layouts are provided in Appendix 2 prepared by Technitrades Architecture Limited dated 12 September 2023. No conditions have been offered that might assist in considering how an alternative option might be pursued in a single consent decision, should a reticulated sewer connection be available. As it stands, the more appropriate option may be to grant consent on the basis of on-site wastewater treatment and disposal only. Should a connection become available in future and the applicant intends to provide a connection to the development, then the most appropriate pathway may be to apply under Section 127 to change conditions of any consent that may have been granted, and to possibly surrender any NRC consent granted for wastewater discharge.

Economic effects

58. Paras. 7.35 – 7.39 address the extent of potential economic effects arising from the granting of consent and establishment of commercial activities on the site. As context, economic effects under the RMA cannot consider trade competition effects, which focus on the impacts of individual trade competitors. It is understood that economics effects under the RMA relates to distribution effects, where a consent authority should have regard to significant effects on the amenity of the public caused by any reductions in the viability or vitality of the commercial centres that arise as a consequence of trade competition, i.e., often termed “distributional” or “consequential” effects. Where the patterns of support and retail activity within an existing centre would not change dramatically within a locality as a consequence of a proposed activity, then the retail distribution effects are not considered to be significant.
59. An Economic Impact Assessment prepared by Urban Economics Limited (‘EIA’) is provided at Appendix 10 of the application. That EIA considers a number of similar developments in the upper North Island located adjacent to State Highways and adopts a 1 km radius as a catchment for the local residential market. The EIA concludes at Section 7 that *‘...the proposal would have no adverse economic effect on surrounding centres and would instead provide a range of positive economic effects.’*
60. For comparison purposes, the areas zoned for commercial activity in Waipu township (zoned Settlement Zone Centre Sub-Zone) is approximately 6.5ha in area. Setting aside a comparison of gross floor area, the proposal will therefore almost double the area of land occupied by commercial activities in the area. It is recognised that the proposed service station and associated fast food outlet are likely to be used predominantly by State Highway 1 traffic that might not otherwise stop in Waipu for such services. However, the various ‘Drive Through Service Centre Case Studies’ identified in the EIA are significantly smaller and offer less potential commercial opportunities than what is proposed. The largest of the centres considered in the case study has a gross floor area of 3150m². The potential total gross floor area for the proposed development (with connection to reticulated sewerage) is 8830m² and the nature of many of the activities proposed do not appear to be provided for in the case study examples. It’s not clear how a suitable comparison of economic effects is derived from the case studies and applied to the proposal. The applicant is invited to provide some clarity as to the assessment and conclusion in the EIA either prior to or at the hearing.
61. A number of submissions have raised concerns about potential economic impacts on the economic viability of businesses in Waipu, with comments generally addressing concerns about the proposal diverting trade away from existing Waipu retailers. Adopting the position that these concerns are generally related to economic effects and not focused on trade competition, none of the submissions received are supported by any economic report or assessment that may argue against the EIA provided. The submitters who have raised these

concerns are invited to present information to support their concerns. Regardless, the information provided with the application is relatively succinct in its conclusion that there will be no adverse economic effects.

Effects on Rural Productive Land

62. The subject site is part of an existing rural property currently used for rural production purposes. There has been increasing awareness of the loss of productive rural land to activities that do not utilise productive soils as an adverse effect on the environment. A number of the submissions raise concerns about the loss of productive land (variously referred to as arable land, productive land / soils, and versatile soils).
63. Paras. 7.40 – 7.53 address the potential effects on the existing soils on the site. The application records that ‘...the site has “highly versatile soils” as the site is classed as LUC2w2 within the Land Use Capability classification in the New Zealand Land Resource Inventory (and considered “highly versatile land” under definitions in Part 1 of the WDP). The NPS-HPL also identifies all land in LUC classes 1, 2 and 3 as “highly productive land”.’ It is noted that the RPS includes a definition of highly versatile soils – it is not clear from the information provided whether any part of the subject site contains highly versatile soils as defined in the RPS.
64. The extent of highly productive land identified on the site is refined by way of the Soils and Resource Report prepared by Hanmore Land Management Limited provided at Appendix 14 of the application. The maps forming part of that Report identify the location of the various soil types and their classifications. In summary, it is understood that there is 24.79ha of highly productive land as defined in the NPS-HPL on the site. Stage 1 of the proposed subdivision will sever 4.08ha of highly productive land from this wider area, and that land will be utilised for the proposed land use activities. It will not be used for any productive rural purpose.
65. In assessing the effects associated with the loss of highly productive land, the application relies on the Report, concluding that ‘*It should be noted that in the context of running a viable farming business on the whole block the loss of the 6ha to the proposed development would have a minor impact.*’ In addition, it refers to comments in the EIA regarding the cumulative loss of land when considered against the amount of productive land across the Whangarei District.
66. Of concern is the fact that the loss of productive land is not directly related to the operation of a viable farming business at this point in time. The NPS-HPL in particular requires consideration of the productive capacity of land over the long term (30 years). Its viability at the current time is relevant but not the only consideration. With regard to the EIA, a significant amount of highly productive land identified in the Whangarei District has been removed from productive use and is unlikely revert back to productive use in future. The 29,000ha figure referred to in the EIA is understood to include large tracts of residential, rural residential, and rural lifestyle areas (and associated non-rural land use activities). The cumulative loss of highly productive land because of these activities informs the basis for addressing the longer-term protection of productive soils.
67. The EIA includes Figure 14 which illustrates the extent of highly productive soils in relation to the subject site. The subject site forms part of a larger swathe of LUC Class 2 soils that follows the State Highway 1 alignment and is currently largely intact in terms of rural productive use. Any subdivision and land use that removes highly productive land from productive use is likely to have some form of adverse effect. This issue is addressed further in the assessment of the NPS-HPL, but for the purpose of this assessment the fragmentation

and removal of 4 hectares of highly productive land in this location is considered to have potentially more than minor adverse effects.

Effects on Critical Electricity Lines

68. Paras. 7.54 – 7.60 address the location of an existing overhead Transpower 220V Line that crosses the subject site. It is noted that Transpower Limited have lodged a submission on the application. Para. 1.6 of that submission states *‘Transpower’s general position is neutral in relation to the merits of the proposal. However, it would hold concerns if the final design and construction works, along with associated mitigation measures and conditions do not adequately take account of the National Grid assets affected by the proposal. Transpower requests that appropriate conditions are imposed on any resource consents granted for the proposal in this regard.’*
69. The Transpower Limited submissions has been referred to the applicant for consideration, with a request as to whether the conditions sought by Transpower Limited attached as Appendix B to the submission are accepted and offered by the applicant as part of the application. The applicant has confirmed that they accept and offer the conditions as part of any grant of consent.

Lighting Effects

70. Paras. 7.61 – 7.66 address the extent of lighting effects associated with the proposed land use development. Given the extent of commercial activities and likely hours of operation of the service station and other outlets, some amenity and internal traffic lighting would be anticipated.
71. The application relies on the Lighting Assessment of Environment Effects letter prepared by Lumen8 Limited provided at Appendix 9 of the application. That Assessment sets out a proposed lighting scheme across the site which excludes the proposed roundabout connection to State Highway 1 and assesses compliance of that proposed scheme against the District Plan rules contained in the Light Chapter of the WDP. The Summary provided at the end of the Assessment confirms compliance with all relevant rules in the Light Chapter of the WDP and concludes that *‘...the proposed exterior lighting installation would have a no more than minor effect to the surrounding environments and would not adversely affect the rural amenity values....’*
72. While the lighting is designed to comply with the WDP lighting rules, the extent of amenity effects associated with illumination of the development is considered further in the Landscape and Visual Effects assessment below.

Effects of Proposed Signage

73. Paras. 7.67 – 7.69 address the proposed signage associated with the land use activities, Specifically, the signs referred to are illustrated on the plans prepared by Technitrades Architecture Limited provided as Appendix 2 to the application and referred to as Signs 1 – 3.
74. The proposed signs do not comply with the permitted standards set out in the Signs Chapter of the WDP. They are separate large illuminated free-standing panel signs, where Signs 1 and 2 will be 13.5 metres in height, and Sign 3 will be 9 metres in height. While signs of this nature might be anticipated where a commercial complex of some scale is located, and particularly inclusive of a service station and similar activities, they are not considered appropriate in a RPZ context. The extent of adverse effects associated with these proposed signs is set out in more detail under the Landscape and Visual Effects assessment below.

Traffic Effects

75. The extent of traffic effects and the proposed measures to manage traffic associated with the land use activities forms a substantial part of the application and has generated the most concern through submissions.
76. The proposed land use activity relies on the construction of a roundabout within the State Highway 1 corridor to allow vehicles to enter and exit the development site. Internal traffic circulation is provided by private two lane access through the development with provision for parking and heavy vehicle loading areas. The layout of the internal access and parking design is provided on the plans prepared by Technitrades Architecture Limited provided as Appendix 2 to the application. The proposed roundabout design and functionality is addressed in the Integrated Traffic Assessment ('ITA') report prepared by Traffic Planning Consultants Limited and supporting documents contained in Appendices 6, 6A, and 6B of the application. Notably, there is no detailed plan of the proposed roundabout structure within State Highway 1 provided with the application.
77. Following receipt of the submission from NZTA, which included a Technical Transport Memo prepared by Aecom Limited, the applicant was requested to provide any additional information that would address the concerns raised by NZTA. The Section 92 response dated 22nd March 2024 includes a Memorandum from TPC Ltd addressing the matters raised by NZTA. It is understood that the traffic modelling has been updated and some assumptions revised regarding linked and pass-by trips. The Memorandum includes the following statement:
- While there are variations in the turning movements and the detail of the SIDRA outputs, the fundamental finding remains the same as per the ITA and the first S92 response, notably:*
- *the proposed service centre roundabout will readily accommodate 2032 holiday peak traffic with the service centre in place, with the worst movement being the right turn out from the service centre onto SH1 having an average delay of 43s and LOS D.*
 - *the Milbrook Road and The Braigh intersections with SH1 cannot accommodate 2032 holiday peak traffic even without the service centre in place (with delays on the side road right turns of 410s and 702s and LOS F in the current analysis);*
 - *with service centre traffic included, the Milbrook Road and The Braigh intersections cannot accommodate 2032 holiday peak traffic (with delays on the side road right turns of 1232s and 1675s and LOS F in the current analysis); and [sic]*
78. It is expected that NZTA will be in a position to respond to this advice at the hearing.
79. In considering the extent of traffic effects associated with the proposal, two matters are considered relevant:
- a) State Highway 1 in this location is Limited Access Road. It is not known whether NZTA have an legal ability to 'veto' the construction of any roundabout or other access onto the State Highway in this location regardless of any decision that may be made on traffic effects that might otherwise inform a decision to grant consent.
 - b) As recorded previously in this report, and discussed in Section 3.1 of the ITA, there is no upgrading of the State Highway in this location that is imminent to the extent that it could be

considered to form part of the existing environment, and therefore needs to be taken into account in considered the effects of the proposal.

80. Ultimately, if there is agreement between NZTA and the applicant that the proposed roundabout is acceptable to address the potential traffic generation and will provide safe and efficient vehicular access in and out of the site, then the conclusion should be that the traffic effects will be minor and therefore acceptable.

Landscape and Visual Effects

81. The land use application proposes a urban-scale built development across approximately 6 ha of rural land. The landscape and visual effects that may arise from this extent of development is a relevant consideration. Paras. 7.77 – 7.110 provide a detailed assessment of the landscape and visual effects which is informed by the Landscape and Visual Effects Assessment prepared by Richard Knott Limited provided as Appendix 18 to the application.
82. The extent of potential effects identified include vegetation, earthworks during construction, building design, wider landscape context including visual effects from public places and neighbouring properties. The identified effects are intended to be mitigated mainly through landscape planting.
83. WDC has sought a review of the Landscape and Visual Assessment provided with the application by Mr Peter Kensington Landscape Architect. Mr Kensington's response to the proposal is provided as part of Appendix E to this Section 42A report. In summary, Mr Kensington has formed a different conclusion to that in the Assessment provided with the application. Mr Kensington provides the following conclusion:
- '47. *Following my review of the application, within the context of the relevant statutory provisions, it is my opinion that the adverse landscape effects of the proposal will initially be **high** (significant), reducing to **moderate-high** (more than minor) over time as the proposed planting becomes established. These adverse effects are unable to be mitigated to a lesser degree by way of consent conditions; however, if resource consents were to be granted to the application, in order to ensure the effective establishment of the planting, strong conditions of consent would be required, including for implementation, ongoing maintenance and long-term protection of the proposed planting and associated landscape design features.*
48. *In my opinion, the proposal as a whole represents an urban form of development that will not retain any form of rural character and amenity value on the site; and it will adversely impact people's appreciation of the wider rural landscape character and values, both for people travelling past the site and for people located in dwellings on properties that are directly opposite the site on State Highway 1. These adverse effects will be experienced both during daylight hours and during hours of darkness, stemming from the cumulative extent of building, vehicle access, parking, signage and lighting elements that are proposed.*
49. *As such, it is my opinion that the proposal will not achieve the maintenance (or enhancement) of rural character and amenity and will result in more than minor adverse effects on landscape character and amenity values within the context of the site's Rural Production zoning under the District Plan.'*
84. On the basis of Mr Kensington's advice, it is considered that the adverse effects on landscape and visual amenity will be more than minor and potentially significant.

Effects on Rural Character

85. Paras. 7.111 – 7.120 address matters considered to be associated with rural character. This includes reference to lighting effects on the rural landscape and cumulative effects. These matters are addressed under the Landscape and Visual Effects assessment in this report (above) and cumulative effects are assessed as a separate matter.
86. While the assessment addresses rural character, it may be more appropriate to consider the effects on rural amenity. ‘Amenity values’ is defined in the RMA as ‘...*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*’
87. The existing character and amenity of the site and immediate surrounding area is rural and is considered to have high rural amenity. The only activities in the area that reduce that amenity is the proximity of State Highway 1 and the overhead powerlines. Mr Kensington’s assessment regarding landscape and visual context and associated adverse effects assist in informing this view.
88. It is considered that there is no credible permitted baseline that accommodates the extent of development proposed. The development is of an urban character and a large scale, noting that the entire existing retail / commercial zoning within the central Waipu township (some of which is vacant) equates to approximately 6.5ha. This provides some scale of comparison in terms of the extent of commercial activity being proposed on a vacant open pastoral area adjoining State Highway 1.
89. A number of submissions raise concerns regarding amenity expressed in terms of ‘appropriateness of the zone’, effects associated with additional noise and lighting, and lack of connection for walking and cycling.
90. It is considered that the proposed land use activity has no relationship to the surrounding rural amenity values and will not be able to suitably mitigate or avoid adverse amenity effects given its size, location and urban nature. Therefore, the potential adverse amenity effects are considered to be more than minor.

Cultural and archaeological effects

91. The application (Appendix 17) includes an Authority granted by Heritage New Zealand Pouhere Taonga that is considered to suitably address any potential effects on archaeological values across the site. In addition, Heritage New Zealand Pouhere Taonga have lodged a submission that supports the application in its current form.
92. The applicant has consulted with Patuharakeke Te Iwi Trust Board with a Cultural Effects Assessment (Final version dated 29th November 2023) being provided and attached as Appendix 15 to the application. Section 6 of the CEA sets out Conclusions and Recommendations with four provisos list as a) – d). Patuharakeke Te Iwi Trust Board have lodged a submission which indicates a neutral stance on the proposal but this may change depending on evidence and discussions prior to and at the hearing. It would be appropriate for the applicant to advise prior to or at the hearing as to whether they accept the recommendations made in the CEA and if they do, how they may wish to give effect to the four provisos listed as a) - d) in the CEA.
93. Based on the information provided in the application and the submissions received, any adverse effects on archaeological and cultural values are considered to be minor and

acceptable. That conclusion is subject to a response from the applicant as to their approach to the CEA recommendations.

Construction effects

94. Construction effect associated with the land use activity generally include effects arising from bulk earthworks across the site, including erosion and sediment control, the operation of construction vehicles across the site, and the need for any piling or other construction activities that may generate off-site adverse effects.
95. The matters of construction effects, including construction noise and construction vibration, are addressed in paras. 7.126 – 7.133 of the application, noting that operational noise and vibration is addressed separately under the heading of Noise and Vibration Effects below. The information informing the extent of construction effects associated with bulk earthworks as part of the NRC application is provided in the Earthworks And Civil Works Infrastructure Report prepared by CKL Limited provided as Appendix 3. Section C. of that Report addresses earthworks and references a number of procedures that need to be followed as part of undertaking earthworks. The application includes a Sediment and Erosion Control Plan prepared by CKL Limited. It is assumed that all earthworks across the site will be undertaken at one time.
96. Rule C.8.3.2 Earthworks contained in the PRPN specifies seven matters of control requiring consideration as directed by Section 104A of the RMA. Those matters are listed below:
- 1) *The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005).*
 - 2) *The location, extent, timing, and duration of earthworks.*
 - 3) *The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.*
 - 4) *Adverse effects on water bodies and coastal water.*
 - 5) *Management of flooding effects and avoiding increased natural hazard risks on other property.*
 - 6) *Adverse effects on Regionally Significant Infrastructure.*
 - 7) *Adverse effects on the following, where present in adjacent freshwater bodies or the coastal marine area: a) wāhi tapu, and b) the identified values of mapped Sites and Areas of Significance to Tāngata Whenua (refer I Maps | Ngā mahere matawhenua).*
97. With regard to matters 1) – 6) specified under the Rule, these are considered to be adequately addressed by the information provided and conditions that can be imposed, particularly as it relates to erosion and sediment control measures. A Construction Management Plan can be utilised as a condition of consent to address matters associated with the location, extent, timing and duration of earthworks. Some landscape planting is proposed throughout the site, although that is better addressed through conditions of any consent granted to the WDC application. Matter of control 7) is considered to be addressed by way of provision of the CEA as addressed previously in this report.

98. The application relies on an Acoustic Assessment report prepared by SLR Limited provided as Appendix 7 to the application to address noise and vibration associated with construction activities. That Assessment identifies the location of the site and the closest existing residential units and potential receivers of noise and vibration effects (identified as R1 – R8) in Figure 1 of the Assessment. It addresses construction noise and vibration and confirms that construction noise will comply with the permitted standard in the WDP. With regard to vibration, the Assessment states that *‘With the exception of formation of the access road, the nearest receiver to the works is over 35 m from the subject site boundary. Therefore, the surrounding receiver buildings are located at sufficient distances from the works so that vibration levels generated by the construction works would be below the guideline values.’* The Conclusion in the Assessment then states *‘Construction generated noise and vibration levels are expected to comply with the relevant criteria at the surrounding properties due to the distance between the works and receivers.’*
99. It is anticipated that conditions of consent, including a requirement for a Construction Management Plan on any WDC and NRC consent to grant, can suitably address construction effects so that any adverse effects are minor. However, the applicant is invited prior to or at the hearing to clarify the methodology of the construction process and whether it will be staged, and confirm whether any persons may be adversely affected by vibration effects associated with formation of the access road (which is assumed to refer to the proposed roundabout).

Noise and Vibration effects

100. The assessment of operational noise and vibration effects, being those effects arising once part or all of the land use activity is constructed, is addressed in the Acoustic Assessment report prepared by SLR Limited provided as Appendix 7 to the application. Section 6 of that Assessment addresses operational noise, where such noise may arise from vehicle movements, loading bay operations, and mechanical ventilation. The Assessment concludes that *‘The existing ambient environment around the subject site is controlled by road traffic movements on State Highway 1, that passes the subject site and the identified noise-sensitive receivers. The assessment has identified that the operational activities associated with the proposed are expected to comply with the daytime noise limits at surrounding receivers. The predicted levels identify practical compliance with the Whangarei District Plan night-time noise limits (a negligible infringement of up to 1 dB at two dwellings).’*
101. This level of infringement is understood to be imperceptible when compared to compliant noise levels. Additionally, the predicted levels are the same level or lower than the existing ambient noise environment due to traffic noise generated on the motorway.
102. While a very minor infringement of the operational noise rule is identified, an infringement of 1 dB is considered to be imperceptible, and will result in less than minor adverse effects. In all other respects the proposal is understood to comply with the WDP noise rules for the RPZ.
103. The Assessment does not address any vibration effects associated with the operation of the activities on the site. This is presumably because no such effects will arise but the applicant may wish to confirm this prior to or at the hearing.

Hazardous Substances Storage

104. The storage and use of fuels as part of the proposed service station require consideration on the basis that they are substances that can pose potential threats to the health and safety of people and can have significant adverse effects on the environment. There are currently no

rules in either the WDP or PRPN that specifically address hazardous substances storage and use. However, there is a comprehensive regime of other regulations and requirements outside the RMA that govern fuel storage and use as part of the design, construction and operation of service stations in New Zealand. The Construction and Operational Environmental Management Plans prepared by BP and supporting documentation provided as Appendix 8 and 8A – 8H address a number of requirements. Any risk of adverse effects associated with the storage and use of fuels associated with the proposed service station are considered to be less than minor based on the information provided with the application.

Cumulative effects

105. Cumulative effects are generated by incremental effects of subdivision and development over time. While the individual effects in isolation may not be noteworthy, the compounding effects resulting from the incremental change can be considered adverse. For a cumulative effect to become significant, it must 'tip the balance' in terms of the combination of effects such that they become more than minor.
106. It is considered that there is no component of the existing environment that, when read in conjunction with the proposed land use activities, would result in any cumulative effects. Where adverse effects such as those on landscape and visual amenity have been assessed as more than minor and potentially significant, those are a 'stand alone' adverse effect of the proposal – those adverse effects are not magnified by combination with any existing development in the surrounding environment.

Effects of Subdivision

107. It is understood that the proposal is dependent on Stage 0 of the subdivision being completed. Stages 1 – 3 of the subdivision as sought would follow or be undertaken concurrently with built development implemented through any land use consent that might be granted. Therefore, the effects of the subdivisions proposed under Stages 1 – 3 will effectively arise as a result of the land use activities undertaken on each of the proposed lots rather than as a result of the subdivision.
108. The matter of highly productive soils has been addressed previously in this report. Stage 0 of the subdivision will result in adverse effects on the productive soils on the site. This issue is addressed further in the assessment of the NPS-HPL but for the purpose of this assessment those effects are considered to be more than minor. The loss of those soils is further exacerbated by the proposed land use activities proposed on Lot 200.
109. Matters associated with servicing of proposed Lots 100 and 200 in Stage 0 are addressed by the fact that an existing residential unit with access and services is located on the balance lot. While Lot 100 is adjoining the Ahuroa River which includes identification of a flood hazard area, the subdivision will not result in any additional development rights within that area. There is no esplanade requirement as proposed Lot 100 exceeds 4 ha where it adjoins the Ahuroa River.

Positive effects

110. Para. 7.156 of the application summarises the positive effects arising from the proposal should consent be granted. The extent of potential employment and income generation derived from the proposed land use activity is set out in the EIA provided with the application, these are considered to inform the extent of positive effects arising from the proposal. It would be expected that any commercial activity of any similar scale in the District would likely result in similar positive effects. There are no obvious wider community benefits beyond those identified in the application.

111. Several submissions in support of the proposal identify the likely positive economic effects arising from the variety of business opportunities and amenities provided.

Reverse Sensitivity Effects

112. Reverse sensitivity effects are considered to be relevant in this case given the commercial activities proposed to be located in a rural environment. Reverse sensitivity effects arise where a new activity introduced into an environment may have an adverse effect on an adjacent existing legally established and operated activity.
113. One submission (Michael Macartney (Rudi MacWills Ltd)) raises concerns as to whether unpredictable noise arising from the proposed commercial activities may have some adverse effect on the existing 'Yourvet' veterinary clinic located at 8 Millbrook Road. Reference is made in the submission to the safe handling of horses outside the clinic. The submitter has indicated a wish to be heard so it may be appropriate for the submitter to provide further explanation as to the potential effects and risks. Similarly, the applicant may wish to consider and advise on this issue prior to or at the hearing.
114. As it stands, the application provides suitable evidence to confirm that both construction and operational noise will comply with the required WDP permitted standards.

Consent Period and Duration

115. The application seeks a consent period of ten (10 years) in order to give effect to all consents sought. This is double the default five year period specified under Section 125 of the RMA. It is noted that if the subdivision consent was given effect to within the 10 year consent period (by way of Section 223 approval), but any land use consent granted for the commercial development and associated Northland Regional Council consents had yet to be given effect to, they would likely be deemed to have lapsed. That is a matter the applicant would need to manage should consent be granted.
116. In addition, the way the application is structured, Stage 0 of the subdivision consent could be given effect to and completed without the land use consent ever being implemented. This possibility has been accounted for in assessing the effects of the subdivision as a 'bundled' application. It is recognised that should consent be granted, Stages 1 – 3 of the subdivision consent would need to be given effect to concurrently with the land use consent.
117. Given the scale of the development, a ten year consent period in which to be given effect to is considered reasonable.
118. With regard to the duration of consent, this is applicable to the discharge consent for wastewater and associated discharge of odour. The application seeks the maximum term of 35 years duration for this consent. It is considered that 35 years is not an appropriate duration for the consent for the following reasons:
- a) The application acknowledges that a connection to the public reticulated sewer system will be sought at some point in time.
 - b) The application acknowledges the difficult ground conditions, notably in terms of ground water levels and the need to avoid potential ground water contamination by importing fill for the disposal areas. A consent period shorter than 35 years is considered appropriate to allow reconsideration of the suitability of the treatment and disposal system.
 - c) The application does not clearly specify the types of business activities that may occupy the development. Some assumptions have been made to inform the nature and volume of

treatment and disposal required and, should consent be granted, it may take 10 years for the land use activity to be given effect to and established, and possibly longer to be completed. A shorter consent period of (say) 20 years would allow time for the development to be progressed to completion and then allow reconsideration of the effects of on-site treatment and discharge.

119. Taking into account the above matters, a consent duration of 20 years is considered appropriate for the development.

Conclusion regarding Environmental Effects

120. Careful consideration has been given to the environmental effects arising from the suite of activities that form the subdivision and land use proposals lodged with the WDC and NRC.
121. In summary, it is considered that the subdivision and land use activities as set out in the WDC application will generate more than minor, and potentially significant, adverse effects that cannot be mitigated or avoided. The Stage 0 subdivision and resulting land use activities on proposed Lot 200 will result in a relatively intensive large-scale urban development on a rural site in a rural environment. While there is some limited scope for commercial activities in the RPZ, the location, nature, and scale of the proposal, and the associated adverse effects, is in no way comparable to any credible baseline. The loss of highly productive land, adverse effects on landscape and visual amenity, and rural character and amenity are therefore considered to be more than minor.
122. The positive effects are identified and acknowledged. Where new commercial activities are proposed there is invariably some form of positive effect. However, it is considered that, in this case, the positive effects are outweighed by some margin by the potential adverse effects identified.
123. In terms of the NRC applications, the potential adverse effects associated with the bulk earthworks and discharge of treated effluent and any associated odour are suitably addressed by the information provided with the application inclusive of conditions and a 20 year consent duration for the discharge consent. The adverse effects associated with those activities are considered to be minor and acceptable in the receiving environment.

SECTION 104(1)(AB) – ENVIRONMENTAL OFFSETTING OR COMPENSATION

124. The application does not refer to any specific activity as part of the proposal requiring consideration under this section.

SECTION 104(1)(B) - PROVISIONS OF STANDARDS, POLICY STATEMENTS AND PLANS

125. Section 104(1)(b) requires a decision-maker to have regard to the relevant provisions of a suite of planning documents at a national, regional and district level. The policy statements and plans that are considered to contain relevant provisions requiring consideration in this report are as follows:
- National Policy Statement for Highly Productive Land 2022
 - National Policy Statement on Electricity Transmission 2008
 - Northland Regional Policy Statement 2016

- Proposed Regional Plan for Northland
 - Whangarei District Plan Operative in Part 2022
 - Proposed Plan Change 1 – Natural Hazards
126. For completeness, it is recorded that the National Policy Statements relating to Freshwater Management, Indigenous Biodiversity, and Urban Development¹ are not considered relevant to the proposal. There are no direct or obvious implications associated with the application requiring consideration against the provisions of these NPS's.
127. There are no Regulations that are considered to apply to the application. Para. 8.3 of the application addresses the relevance of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and records that it is not engaged by the proposal.
- National Policy Statement for Highly Productive Land 2022**
128. The subject site is identified as containing soil types that require the proposal to be considered under the NPS-HPL. Paras 8.5 – 8.17 of the application provides an assessment of the relevant matters set out in the NPS-HPL.
129. The document issued by the 'Ministry for the Environment entitled National Policy Statement for highly Productive Land – Guide to implementation March 2023' includes the following advice regarding reference to site specific soil assessments:
- 'More detailed mapping could be tools such as S-Map, however it is not intended to include site-specific soil assessments prepared by landowners. If a local authority intends to use more detailed mapping information, it must be based on the LUC classification parameters (completing the assessment according to the methodology in the Land Use Capability Survey Handbook (2009)), and not consider other factors such as water availability.'*
130. This guidance indicates that site-specific soil assessments do not override Land Use Capability ('LUC') mapping in the transitional period before regional councils map highly productive land. The LUC mapping determines application of the NPS-HPL to a site, although a site-specific soil assessment would be relevant to the Councils regard to the NPS-HPL under section 104(1)(b)(iii). Therefore, this approach is adopted in providing the following assessment. As both subdivision and land use activities will have an adverse effect on highly productive land, the relevant provisions of the NPS-HPL for both subdivision and land use need to be considered and an assessment made against the relevant objectives and policies.
131. With regard to subdivision, Policy 7 of the NPS-HPL states as follows:
- Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*
132. Section 3.8 in the Implementation section of the NPS-HPL addresses avoiding subdivision of highly productive land. Section 3.8 states as follows:

¹ It is noted that NZTA's submission refers to Objective 6a and Policy 1 of the NPS-UD being relevant. It is considered that these provisions are not relevant as they relate to urban development that affects urban environments. The site is not considered to be located in an urban environment.

- (1) *Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*
 - (a) *the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*
 - (b) *the subdivision is on specified Māori land:*
 - (c) *the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.*
- (2) *Territorial authorities must take measures to ensure that any subdivision of highly productive land:*
 - (a) *avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*
- (3) *In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.*
- (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

133. With regard to land use activities, Policy 8 of the NPS-HPL states as follows:

Policy 8: Highly productive land is protected from inappropriate use and development.

134. Section 3.9 in the Implementation section of the NPS-HPL addresses protecting highly productive land from inappropriate use and development. Section 3.9 states as follows:

- (1) *Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:*
 - (a) *it provides for supporting activities on the land:*
 - (b) *it addresses a high risk to public health and safety:*
 - (c) *it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:*
 - (d) *it is on specified Māori land:*
 - (e) *it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:*
 - (f) *it provides for the retirement of land from land-based primary production for the purpose of improving water quality:*
 - (g) *it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:*

enough to be considered a cumulative loss from a large and cohesive area of highly productive land. No reverse sensitivity effects have been identified that may arise on surrounding farmland.

138. Section 6 of the EIA addresses 3.10(1) by addressing the economic return associated with current pastoral use and considers that the adverse effects '*....are considered to be marginal and are expected to be more than offset by significant positive economic effects to the district through value added contribution to GDP and new employment opportunities.*'
139. This is acknowledged as potentially reflecting the current economic return available and it may be difficult to consider what the return for possible primary production options may be over a 30 year period. However, the economic implications are only one aspect of the wider consideration required under 3.10(1)(c).
140. Overall, the application does not provide suitable evidence to illustrate that the removal of the highly productive soils from any productive capacity as a result of the subdivision and land use activities will meet and be consistent with the NPS-HPL provisions. The fragmentation and resulting permanent loss of highly productive land is considered to be a more than minor adverse effect and is contrary to the NPS-HPL.

National Policy Statement on Electricity Transmission 2008

141. The subject site is traversed by a 220V overhead power line owned by Transpower Limited. The NPS-ET provides for the management of effects of the electricity network across New Zealand under the RMA. Section 8 of the NPS-ET includes Policies 10 and 11 that are directed at managing the adverse effects of third parties on the transmission network. In this case, the applicant is a 'third party' proposing to undertake subdivision and land use activities on land occupied by the transmission network.
142. A detailed assessment of the NPS-ET is not considered necessary on the basis that Transpower Limited have lodged a submission on the proposal setting out specific requirements and conditions they wish to include as part of any consent. The applicant has considered Transpower's request and has agreed to offer conditions that may be included in any grant of consent.

Northland Regional Policy Statement 2016

143. Paras. 8.22 – 8.25 of the application briefly address the relevance of the RPS. While the RPS is generally a high-level document that is not readily applicable to any individual proposal, in this case there are three matters addressed in objectives and policies that are considered relevant. These are addressed as follows.
144. The RPS includes an Objective 3.12 and Policy 8.1.2 that address tangata whenua. These are considered relevant to both the WDC and NRC applications to the extent that they require tangata whenua to have a role in decision-making, and that a council should recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga.
145. Based on the CEA provided from Patuharakeke Te Iwi Trist Board, evidence of consultation is provided and the extent of the relationship between tangata whenua and the land and waters has been established. The conclusion contained in the CEA indicates concerns regarding the development of the proposed land use activity on a floodplain but have taken what appears to be a neutral stance. The provision of the CEA and the advice contained

therein is considered to suitably address the objective and policy, noting that the Patuharakeke Te Iwi Trust Board may speak to this matter further at the hearing.

146. Objective 3.11 Regional Form and Policy 5.1.1 Planned and Coordinated Development are intended to ensure that *'Well planned, coordinated development and good urban design can lead to higher levels of amenity, lower infrastructure costs and greater community wellbeing.'*

147. Policy 5.1.1 is relevant and includes two matters related to the proposal. This policy is set out below in full:

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils¹⁰, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- (h) Is or will be serviced by necessary infrastructure.*

Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.

148. Clause (f) addresses highly versatile soils in a primary production zone. The Class 3 and 4 soils identified on the site in the Soil and Resource Report prepared by Hanmore Land Management Limited provided at Appendix 14 are not identified as highly versatile soils in the RPS. This does not exclude consideration of the NPS-HPL, rather the proposal does not engage this particular Clause of the Policy in the RPS.

149. Clause (g) of the Policy is relevant insofar as the development of the site for a commercial activity is not considered to maintain or enhance the sense of place and character of the surrounding environment. The surrounding environment is considered to be rural and the proposal is neither maintaining nor enhancing the sense of place or rural character. There are no changes anticipated by the WDC through any growth strategy or structure plan or any other provisions that would anticipate or accommodate the type of land use development proposed. This is a concern raised in a number of submissions and those concerns are considered to be valid in the context of this Policy.

150. Based on the engineering information available, the proposal is able to be serviced by necessary infrastructure, although the provision of suitable access from the State Highway remains in question at this time.

Proposed Regional Plan for Northland Operative in Part 2024

151. The PRPN provisions are relevant to the NRC application. As the activity status of the proposed earthworks is a controlled activity, that activity and associated effects are considered to be anticipated by the provisions of the PRPN. Para. 8.28 of the application suitably addresses these provisions and is adopted for the purpose of this report.
152. The consent sought for discharge of wastewater to ground and associated discharge of odour to air has been assessed and the adverse effects of that activity, based on the engineering information provided, are considered to be minor and acceptable. On the basis that the purpose of the consent application is primarily to avoid discharge of treated wastewater to ground where it may enter water, Policy D.4.1 Maintaining Overall Water Quality is relevant to the proposal. Subject to the specifications and recommendations regarding the discharge of treated wastewater contained in the application, the requirements of this Policy are considered to be met.
153. In terms of addressing cultural values and effects, the PRPN repeats Objective 3.12 contained in the RPS, but includes a separate set of policies under Section D.1 Tāngata Whenua. Policies D.1.1, D.1.2, and D.1.5 are considered to be addressed by provision of and findings in the CEA from Patuharakeke Te Iwi Trust Board.
154. In addition to the above matters, there are general policies that address various matters that are relevant to the proposal, including the following:
- D.2.2 Social, cultural and economic benefits of activities, where the EIA identifies economic benefits associated with the proposal
 - D.2.11 Protection of Regionally Significant Infrastructure, where the overhead lines owned by Transpower Limited are defined as 'regionally significant infrastructure.'
 - D.2.16 Managing adverse effects on Historic Heritage, where the site contains an identified archaeological site and an Authority to remove the site has been obtained by the applicant from Heritage New Zealand Pouhere Taonga.

Operative Whangarei District Plan in Part 2022 ('WDP')

155. Para 8.30 of the application lists the relevant Chapters containing objectives and policies in the WDP. Those are considered to be most of the relevant provisions in the WDP for the purpose of assessing the application. A number of objectives and policies are set out in Table 1 contained in the application and are not repeated in this report unless considered necessary.
156. For the purpose of assessing the subdivision application, the relevant provisions are considered to be contained in the Subdivision, Rural Production Zone, Tangata Whenua, Three Waters Management, Transport, Network Utilities and Earthworks Chapters.
157. The land use application requires consideration of the District Growth and Development, Rural Production Zone, Transport, Network Utilities, Tāngata Whenua, Historic Heritage, Signage, Lighting, Noise and Vibration, and Hazards Substances Chapters.

158. To avoid repetition and maintain brevity, it is considered that the matters contained in the Tāngata Whenua, Transport, Network Utilities, Historic Heritage, and Three Waters Management, and Earthworks Chapters across both the subdivision and land use activities are suitably addressed by way of the information provided in the application, the advice provided regarding response to submissions, and through the Northland Regional Council consent matters. Many of the objectives and policies are aligned with matters addressed in the assessment of effects. Where the effects are assessed as less than minor or minor, they generally fall to be consistent with the objectives and policies. Therefore, further commentary is provided below only where provisions are considered central to determination of the application, or they have not been directly addressed in the application.
159. The objectives and policies contained in the District Growth and Development Chapter provide overarching provisions that address growth and development in the District. They are relevant to both subdivision and land use activities, and are intended to ‘...*address significant resource management issues for the Whangārei District...*’ including matters such as managing commercial, industrial and open space growth and development, fragmentation of the rural environment, and the protection of and efficient development, operation and maintenance of infrastructure. The Chapter should be read as ‘setting the scene’ for the various zones and associated provisions within the WDP.
160. Objectives and policies are specified in the District Growth and Development Chapter as they relate to the ‘Rural Area’. Notably, Objective DGD-O17 does provide for a range of appropriate land uses in the Rural Area, including *inter alia* commercial activities, in appropriate areas. Policy DGD-P22 relates specifically to the RPZ and reinforces the purpose of the RPZ to provide for ‘...*the protection of productive rural land resources to enable a diverse range of rural production activities and activities that support rural production activities and rural communities, and to maintain biodiversity and rural character,...*’
161. In addressing the subdivision application, the WDP places significant emphasis on retaining the RPZ for productive rural purposes. Objectives RPROZ-O1, RPROZ-R4 and RPROZO5 read together reinforce protection of rural land resources for rural production activities, avoiding adverse effects on productive land resources from small lot subdivision, and minimising fragmentation of rural land and promoting allotment sizes that facilitate rural production activities.
162. Policy RPROZ-O8 is the sole policy addressing subdivision of less than 20 hectares and states as follows:
- To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:*
1. *It does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved.*
 2. *The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities.*
 3. *The size, shape and arrangement of allotments:*
 - a. *Is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved.*
 - b. *Does not restrict the range of options for the use of production land.*
 4. *The viability of the existing rural production activity is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.*

5. *The subdivision and subsequent development will not result in adverse effects on the operation and viability of any adjoining rural production activity or strategic rural industry.*
 6. *The subdivision and subsequent development will not require connection to the District's reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's infrastructure network.*
163. The proposal is not considered to meet 1, 2, 3 or 4. There is no evidence to suggest it cannot meet 5. The proposal may meet 6. although the applicant has sought connection to the public reticulated water and sewer systems and significant upgrading of the State Highway to provide access is required. Whether the subsequent land use development is in the economic interest of the District is addressed by the EIA provided with the application.
164. As the subdivision is not intended to accommodate any form of productive rural activity and is a large-scale urban land use activity, the proposal is considered to be the antithesis of, and is directly contrary to, what the Objectives and above Policy intend for the RPZ.
165. The Subdivision Chapter contains a number of objectives and policies that are considered relevant to the subdivision application. Objectives SUB-O1 and SUB-O3 are largely predicated on the outcomes anticipated in each Zone. SUB-O4 relates to the efficient and orderly provisions of services and infrastructure, which the subdivision proposal is considered to suitably address.
166. Policy SUB-P1 addresses Zone, Overlay and District -Wide Policies. Points 1 – 4 contained in the Policy as they relate to the proposed subdivision are addressed as follows:
- The proposed subdivision does not reflect patterns of development with the role, function, amenity values and predominant character of the Zone. The site contains 31.8ha of productive rural land, and the surrounding land holdings utilising the productive land in this area are of the same or similar size. That informs the predominant rural character and high level of rural amenity of the area.
 - The RPZ objectives, policies and rules, define what is considered appropriate in terms of lot size. There are few exceptions available for subdivision of lots less than 20ha on the basis that subdivision creating smaller lots will affect the integrity of the RPZ.
 - The subdivision intended to provide for a commercial development on 5.9175ha allotment cannot be integrated into the surrounding context (this is read as integration with the surrounding landscape character and amenity).
 - The proposal will avoid all of the matters identified under 4. a. – i. including highly versatile soils as defined in the RPS.
167. Policy SUB-P5 addresses infrastructure associated with subdivision. The evidence indicates that the proposed lots can be suitably serviced.
168. The proposed land use activity engages objectives and policies relating to the activity being located in the RPZ, as well as those related to Signage, Lighting, Noise and Vibration, and Hazardous Substances Chapters. Those matters relating to Noise and Vibration and Hazardous Substances are considered to be addressed by way of the information provided in the application. There are no infringements of any rules identified that relate specifically to these matters, and the objectives and policies are reliant on the extent of effects. Notably, the matter of hazardous substances is governed by a number of other regulations and statutes and this is explicitly recognized in the Hazardous Substances Chapter of the WDP.

169. The Signs Chapter is relevant as a number of large free-standing signs are proposed as part of the proposal that do not comply with the permitted standards for signs. Objective SIGN-O1 and SIGN-O2 are both relevant, as are Policies SIGN-P1 Scale and Intensity, and SIGN-P7 Illuminated Signage (Amenity and Character). For completeness, the proposed signs on the site are not considered to be health and safety, traffic, or community signs.
170. Policy SIGN-P1 allows for signage across a range of zones but is subject to three limitations to ensure that the signage maintains the character and amenity of (in this case) the RPZ. The three limitations 1. – 3. are addressed in relation to the application as follows:
- The proposed signage will relate to goods and services available on site, insofar as 'site' relates to the overall commercial development rather than individual land titles that may arise through Stages 2 – 4 of the subdivision.
 - The proposed signs have no relationship to the bulk and location requirements for signs in the RPZ as set out in Rule SIGN-R7, which specifies permitted standards of one sign per site, not exceeding 3 metres in height, and maximum 3m² in area.
 - There are no existing large-scale signs beyond the site (either within the RPZ or any other zone in this location), that would be read in conjunction with the proposed signs that would lead to concerns about cumulative effects.
171. Policy SIGN-P7 addresses amenity and character effects associated with illuminated signage. In this case, illuminated signage of any scale is not anticipated in the RPZ. While there are several streetlights at the intersection of State Highway 1 and The Braigh / Millbrook Road, the wider site and surrounding area retains high rural amenity value with low background lighting levels. The extent of illuminated signage proposed is not considered to maintain the existing rural amenity and character, as supported by Mr Kensington's advice.
172. The Light Chapter is relevant as the land use proposal will introduce a high level of illumination into an area with high rural character and amenity. Light will likely be generated from sources such as signage, internal access and amenity lighting, and security lighting. While the design of the lighting is intended to meet the permitted standard, the extent of lighting and illumination across the development is a relevant matter. Objective LIGHT-O2 and Policy LIGHT-P1 address adverse effects associated with lighting on character and amenity. The extent of lighting across the proposed development is not considered to be anticipated in the RPZ, given the limitations on commercial activities as a permitted standard in the RPZ. The intensity, location, and direction of the proposed lighting across the development is such that it cannot be read as any form of rural activity that will maintain or enhance the rural character and amenity of the zone, as supported by Mr Kensington's advice.
173. The RPZ is a zone that spans a large area of the Whangarei District. The intention of the zone is to protect, sustain, and promote rural production activities as well as those activities that support rural communities. Maintaining rural character and amenity is an important component of the RPZ provisions. However, the RPZ Chapter 'Issues' section states that *'The Rural Production Zone provides for commercial activities and industrial activities that have a functional need to service rural production activities and/or rural communities or provide location based recreation or tourist activity.'*
174. Those objectives and policies that refer to commercial development or activities other than rural activities are Objective RPROZ-O2 and Policy RPROZ-P2 which both relate to 'Land Use Activities'. Objectives RPROZ-O3 and Policy RPROZ-P5 both address rural character

and amenity. These are considered to be the key provisions in the RPZ Chapter that the land use application needs to be considered against.

175. Policy RPROZ-P2 provides for commercial activities that can demonstrate compliance with matters listed as a. – f. in the Policy. Those matters a. – f. are addressed in relation to the application as follows:
- The proposal does not have any direct connection with the rural resource and does not support rural production activities. At best, it might support tourist-based activities by providing some amenity for travellers using State Highway 1.
 - The activity does not require a rural location for its operational function.
 - No potential reverse sensitivity effects have been identified.
 - The proposal does not contain and manage adverse effects on site.
 - The EIA provided indicates that the activities will contribute positively to the economy of the District.
 - The proposal can potentially meet and fund local infrastructure requirements.
176. Policy RPROZ-P5 requires all new buildings and major structures and rural land uses to meet three matters listed as 1. – 3. Those matters 1. – 3. are addressed in relation to the application as follows:
- The new buildings proposed constitute a relatively large-scale commercial development and are not of a scale and character appropriate to the RPZ.
 - The new buildings and major structures (including signs) are not considered to intrude on any off-site privacy of access to sunlight associated with amenity for neighbours.
 - The proposal will not result in ribbon development.

Plan Change 1 – Natural Hazards

177. Section 104(1)(b)(vi) requires consideration of ‘...a plan or proposed plan...’ The WDC has adopted a rolling review approach to its District Plan, meaning that different chapters are reviewed on an on-going basis, rather than undertaking a complete and single review of the entire District Plan at once. Plan Change 1 Natural Hazards is part of the rolling review approach and is the only current and active Plan Change.
178. Plan Change 1 reviews the Natural Hazards Chapter of the WDP. It addresses land instability, flood hazards, coastal hazards and mining hazards. The subject site is identified as being subject to a river flood hazard area associated with the Ahuroa River along the northwestern boundary of the site, and some very minor areas of Moderate Susceptibility to Land Instability. These two areas overlap as they relate to proposed Lot 100 as shown on the subdivision scheme plan, but do not affect the location of the proposed land use activity.
179. The rules associated with the Plan Change do not have legal effect until the Plan Change is operative. However, the objectives and policies are relevant and must be considered as part of assessing the subdivision application only. As the subdivision application will not result in any additional development potential on proposed Lot 100, there is no additional risk arising from the subdivision relating to either the flood hazard or land instability. On this basis, the proposal is not considered to result in any inconsistencies or conflicts with the proposed Plan Change 1.
180. No consideration of the weighting to be given to the provisions in Plan Change 1 is considered necessary as the matters relate solely to natural hazards and do not readily inform any conclusion on Section 104(1)(b) matters.

Conclusion regarding Consistency with Planning Provisions

181. In summary, the NRC application is considered to be consistent with the relevant RPS and PRPN provisions as they relate to the earthworks and discharge of wastewater to ground and associated air discharge consents.
182. With regard to the proposed subdivision, the application cannot meet the relevant objectives and policies contained in the RPZ and Subdivision Chapters. The limitations on subdivision for lots less than 20ha in the RPZ are specific and narrow. The application is not considered to meet those limitations and, on the basis that the subdivision is a precursor to and forms the basis for the proposed commercial activity, it is contrary to those provisions requiring that rural land be retained for rural productive purposes and maintain a rural character and amenity. It is acknowledged that the subdivision proposal will be generally consistent with policies related to servicing and infrastructure and reverse sensitivity matters.
183. The land use activity is considered to be inconsistent with one Policy contained in the RPS as it relates to maintaining or enhancing *'...the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.'* This theme of the land use proposal not retaining any rural character or amenity is echoed through consideration of the WDP provisions. It is not considered possible for the development, given its nature, scale and location, to retain any form of rural character or amenity.
184. Based on the above assessment of the WDP provisions, it is considered that the land use proposal is not anticipated or provided for in the RPZ. The references to provision of commercial activities in the zone is limited to those activities that have a direct link and functional need to be located in the RPZ. The bulk and scale of proposed buildings, and associated signs, lighting and other activities, are of an urban form, and will not maintain or enhance the existing rural character and amenity of the site and surrounding area.
185. It is notable that a number of the objectives and policies focus on residential and rural-residential activities and do not refer to commercial scale or nature of development. The lack of reference to commercial activities is not considered to result in a policy vacuum that will in any way support the proposal. The reference to rural character and amenity and retention and support for rural productive uses is equally (if not more so) relevant to urban activities (such as commercial development) as it is to residential and rural-residential activities.
186. Given the RPZ explicitly states that activities should recognise, maintain, and where appropriate protect the rural character and amenity, the proposal is considered to be directly contrary to these provisions. It is not considered possible for the development, given its urban nature and scale, and location, to retain any form of rural character or amenity.
187. The NPS-HPL has been considered in terms of both the subdivision and land use activities lodged with WDC. The NPS-HPL sets significant limitations on the use of highly productive land such that only specific exemptions under 3.10 may apply. Having considered the relevant matters in some detail, it is considered that the fragmentation of the current site as a result of the subdivision, and the resulting permanent loss of that 4ha of highly productive land due to the proposed land use activities, will have more than minor effects and is directly contrary to the NPS-HPL provisions.

188. Section 104(1)(c) allows the decision-maker to consider any relevant and reasonably necessary matters in order to determine the application. Two matters are considered relevant and reasonably necessary to consider in order to determine the application.
189. The first matter is the relevance of the any structure plan or growth strategy that the WDC has prepared, as raised in several submissions. The WDC has previously developed and released a document entitled 'Whangarei District Growth Strategy' that was adopted by the Council in September 2021. One of the initiatives in the Growth Strategy is identified as developing a 'placemaking programme'. Waipu is identified as one of the areas that will be subject to the placemaking programme. A 'Draft Waipu Placemaking Plan' has been prepared which sets out a scope and some community aspirations. The Draft Plan does not make any reference to any non-rural activities on the western side of State Highway 1 at Waipu.
190. However, as non-statutory documents, these strategies and plans have not been subject to the process set out in Schedule 1 of the RMA. While it may provide a clear path for future development in the Waipu area, it does not inform the planning provisions in the District Plan at this time, although it may do in future. On that basis, it is not a document that can readily inform any decision on the application.
191. The second matter relates to any precedent effect arising from the granting of consent. A precedent effect is likely to arise in situations where consent is granted to a non-complying activity that lacks any evident unique, unusual or distinguishing qualities that serve to take the application outside of the generality of cases or similar sites in the vicinity. In stating this, careful consideration is required in determining whether any precedent effect may arise from the granting of consent. Any potential precedent must be significant enough to be unacceptable in order to justify declining any application. That turns on how likely it is that any granted consent can be replicated and what the implications of such replication may be.
192. In this case, precedent effects are considered to be relevant and potentially more than minor. The site is a flat rural paddock located on productive rural land in the RPZ. The site does not have any distinguishing features that would set it apart from other similar land parcels in the District. There are extensive areas of flat rural land along the State Highway 1 corridor in the wider Whangarei area that have similar characteristics. Granting consent to the proposal as presented would potentially result in applications for rural subdivision for lots less than 20ha on the basis that they can be justified for use by a wide range of commercial activities not anticipated in the RPZ. While such applications would be unlikely to be of the same scale as the current proposal, smaller applications for commercial development could claim to be the same or similar, such that a precedent effect could arise.
193. It is noted that the application does not include an assessment of precedent effects. Therefore, the applicant is invited to address this matter further prior to or at the hearing.

SECTION 106 ASSESSMENT

194. Section 106(1) states as follows:
- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
- (a) there is a significant risk from natural hazards; or*

(b) [Repealed]

(c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

195. These matters have been addressed previously in the application. The extent of flood hazard has been identified and addressed through engineering advice. Stages 0 – 3 of the subdivision can be provided with suitable legal and physical access via public road connections, subject to confirmation of access being provided by way of Limited Access Road managed by NZTA.

SECTION 104D – NON-COMPLYING ACTIVITY

196. As identified previously, as a bundled application the subdivision and land use activities lodged with the WDC are assessed as a non-complying activity. The 'gateway test' set out under Section 104D is stated in the 'Statutory Provisions' section of this report and is not repeated here.

197. The appropriate assessment is for the Section 104D gateway test to be applied to the application. Should the proposal pass the gateway test, it can then be considered for the grant of consent. Regard must then be had to relevant matters under Section 104(1) in making a final determination whether to grant consent or not.

198. Based on the assessment provided in this report, it is considered that the gateway test cannot be passed by the subdivision or land use proposals. The application is considered to result in more than minor adverse effects that cannot be suitably avoided remedied or mitigated, such that Section 104D(1)(a) cannot be met.

199. The proposal is considered to be contrary to the key objectives and policies in the WDP as they relate to subdivision and the proposed land use activity in the RPZ. Those provisions are assessed on the basis that they determine whether the activities are appropriate in the RPZ or not. It is acknowledged that the proposal is not contrary to and/or is consistent with provisions addressing ancillary matters such as infrastructure and servicing, and noise and vibration.

200. It is therefore considered that the application lodged with the WDC cannot be granted consent. This assessment does not apply to the NRC application which is subject to consideration under Section 104B.

PART 2 OF THE ACT

201. Section 11 of the application provides an assessment of Part 2 matters as they relate to the WDC and NRC applications. To the extent it is relevant, that assessment and conclusion is accepted and adopted for the purpose of this report.

CONCLUSION AND RECOMMENDATION

202. An application has been lodged by the applicant to both WDC and NRC for activities to provide for the subdivision and land use consents necessary to develop approximately 6 ha of rural land for retail, commercial, and industrial development, inclusive of access via a proposed roundabout onto State Highway 1 and associated infrastructure. The application has been subject to joint public notification, with seventy one (71) submissions received during the notification period.

203. The information provided with the application covers a wide suite of effects, both positive and adverse. The substance of the submissions that are within scope have been considered, particularly in terms of effects on traffic, earthworks and construction, stormwater and wastewater concerns, historic heritage, cultural values, and rural character and amenity.
204. With regard to the NRC application, as a discretionary activity consent may be granted or declined and, in the event it is granted, conditions may be imposed. It is considered appropriate given the information provided with the application to recommend the grant of consent to the NRC application under Section 104B. A recommended set of conditions is provided as part of this report.
205. For the reasons set out in this report, it is considered that the WDC application cannot pass the gateway test under Section 104D and therefore must be declined. It is considered that granting consent to the application would result in more than minor adverse effects on the environment and the proposal is contrary to the objective and policies of the WDP. Even in the event that either of the 'gateway' tests was passed, it is considered that the application would face a significant hurdle in addressing the NPS-HPL provisions in order to consider granting consent.
206. In the event the Commissioners wish to view a draft set of conditions for the WDC application, these can be prepared and provided within a reasonable timeframe.

To undertake the following activities associated with development of approximately 6 ha of rural land for retail, commercial, and industrial development, inclusive of access via a proposed roundabout onto State Highway 1 and associated infrastructure, located at the corner of Millbrook Road and State Highway 1, Waipu at or about location co-ordinates 1728818E 6016705N.

AUT.044965.01	Earthworks for site development
AUT.044965.02	Divert stormwater during land disturbance activities.
AUT.044965.03	Discharge stormwater to land during land disturbance activities.
AUT.044965.04	Discharge secondary treated wastewater to land.
AUT.044965.05	Discharge contaminants (odour) to air.

Subject to the following conditions:

General Conditions:

1. At least two weeks prior to the commencement of any works authorised by these consents on-site, the Consent Holder must notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder must arrange for a site meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer, which must be held on site prior to any earthworks commencing.

Advice Note: Notification to the council may be made by email to info@nrc.govt.nz.

2. A copy of these consents must be provided to every person who is to carry out the works authorised by these consents, prior to any work commencing.
3. The exercise of these consents must not cause any of the following effects on the water quality of the Waihoihoi River, as measured approximately 10 metres downstream of a discharge point into the River, when compared to a site upstream of the discharge point or all land disturbance activities during the same sampling event:
 - a. The production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials;
 - b. A conspicuous change in colour or visual clarity;
 - c. An emission of objectionable odour;
 - d. An increase in suspended solids concentration greater than 100 grams per cubic metre.
4. These consents do not lapse until their expiry or ten years from the date of commencement of the consent, whichever is the lesser, unless before this date the consents have been given effect to.

Advice Note: An application can be made to the council in accordance with Section 125 of the Resource Management Act 1991 to extend the lapse date.

5. The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:

- a. Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- b. Immediately notify the council by telephone of the discharge; and
- c. Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- d. Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline must be contacted.

Advice Note: *The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

6. The Consent Holder must notify the council in writing if the property is to be sold, at least two weeks beforehand. This is to allow the council, if required, to initiate the transfer of these consents to the new owners. This must include the sale of any allotments created within the development by way of subdivision.

Advice Note: *The transfer of these consents should ideally be undertaken as part of the sale and purchase process for the property.*

7. The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of March for any one or more of the following purposes:
 - a. To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
 - b. To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder must meet all reasonable costs of any such review.

AUT.044965.01 to AUT.044965.04. Earthworks:

8. The location and nature of the earthworks shall be undertaken in general accordance with the **attached** documents titled:
 - a. "Earthworks And Civil Works Infrastructure Report", prepared by CKL Limited dated 8th September 2023
 - b. Plans prepared by CKL Limited listed as follows:
 - i. 'Earthworks Finished Contours' dated 8th September 2023
 - ii. 'Earthworks Cut and Fill Plan (Sheets 1 and 2)' dated 9th December 2022
 - iii. 'Erosion and Sediment Control Plan (Sheets 1 and 2)' dated 9th December 2022; and
 - iv. 'Earthworks Landform Sections (Sheets 1 and 2)' dated 9th December 2022
9. Sediment control measures must be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "2016/005: Erosion and

Sediment Control Guide for Land Disturbing Activities in the Auckland Region” (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents prevail.

10. Sediment control measures must include use of chemical treatment in all sediment retention ponds and decanting earth bunds.
11. As part of the written notice required by Condition 1, the Consent Holder or its agent/contractor must submit an Erosion and Sediment Control Plan (ESCP) to the council for certification by the Council’s assigned monitoring officer. As a minimum, the ESCP must include the following:
 - a. The expected duration (timing and staging) of earthworks, and details of locations of disposal sites for unsuitable materials, and clean water diversions if required;
 - b. Details of all erosion and sediment controls including diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the erosion and silt control structures/measures;
 - c. A Chemical Treatment Management Plan providing details of the flocculant and/or coagulant chemical treatment methodology to be implemented to treat sediment laden stormwater entering/within the sediment retention pond and the decanting earth bund;
 - d. The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
 - e. Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
 - f. Measures to minimise sediment being deposited on public roads;
 - g. Measures to ensure dust discharge from the earthwork’s activity does not create a nuisance on neighbouring properties;
 - h. Measures to prevent spillage of fuel, oil and similar contaminants;
 - i. Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;
 - j. Means of ensuring contractor compliance with the ESCP;
 - k. The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures; and,
 - l. Contingency provisions for the potential effects of large/high intensity rain storm events.
12. As a minimum, the erosion and sediment control measures must be constructed and maintained in accordance with the ESCP prepared in accordance with Condition 11 above. The Consent Holder may amend the ESCP at any time with the prior approval of the council’s assigned monitoring officer. The recent approved version of the ESCP must be used for compliance purposes.
13. Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site must be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents must be removed as soon as possible, but at least daily. The stabilised construction entrance must be maintained throughout the duration of earthworks operations.
14. Erosion and sediment controls must be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.

15. The installation of all erosion and sediment controls must be supervised by an appropriately qualified and experienced person. The Consent Holder must provide to the council's assigned monitoring officer certification from the appropriately qualified and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.
16. No works may be carried out between 1 May and 30 September in any year unless the prior written agreement of the council's Compliance Monitoring Manager has been obtained.
17. Any request to undertake works between 1 May and 30 September in any year must be in writing and must be made at least two weeks prior to the proposed date that the works are required to be undertaken. This written request must include an amended ESCP for the works that has been prepared in accordance with Condition 11.
18. Drains and cut-offs constructed to divert stormwater must be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event. All channels on grades greater than 2% must be protected to avoid erosion occurring.
19. All offsite stormwater must be directed away from earthworks areas and no drainage pathways must be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
20. No slash, soil, debris and detritus associated with the exercise of these consents must be placed in a position where it may be washed into any water body.
21. All bare areas of land and fill must be covered with aggregate, or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.
22. The exercise of these consents must not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.

AUT.044965.04.01 and AUT.044965.05.01 Discharge secondary treated wastewater to land and discharge odour to air.

23. The volume of wastewater discharged to the identified disposal areas must not exceed a maximum of 25.9 cubic metres per day.

Advice Note: *This may require the consent holder to ensure that any activities established within the development will not cumulatively result in an exceedance of this maximum discharge rate.*

24. The treatment and disposal system must be constructed generally in accordance with the "Earthworks And Civil Works Infrastructure Report", prepared by CKL Limited dated 8th September 2023, inclusive of the **attached** Innoflow Limited drawing titled 'AdvanTex Wastewater Treatment Plant Plan' dated 18th August 2023.

However, if there are any differences or apparent conflict between these documents and any conditions of this consent, then the conditions of consent must prevail.

25. The quality of the secondary treated wastewater, as measured in any wastewater sample collected after the outlet of the treatment system and prior to being discharged to land, must not exceed the following limits:
 - (a) 30 grams per cubic metre five-day biochemical oxygen demand.
 - (b) 45 grams per cubic metre total suspended solids.
26. The treated wastewater must be discharged to land via a minimum of three disposal areas generally as illustrated on the **attached** CKL Limited drawing titled '*Utility Services Layout Overview*' dated 8th September 2023.
27. The available disposal areas must provide a minimum of 6731m² (including 30% reserve) of land for disposal purposes. Those disposal areas must be designed and constructed such that there is a minimum of 600 millimetres of separation from existing ground to achieve suitable groundwater separation.
28. The design, construction, and operation of the disposal areas must generally comply with the staging as set out in Sections 6.3 and 6.4 of the "Earthworks And Civil Works Infrastructure Report", prepared by CKL Limited dated 8th September 2023.
29. The treated wastewater must not be applied to land at an areal loading rate greater than 5 litres per square metre per day.
30. Meters that have a measurement error of ±5% or less must be installed and maintained on the outlet from the wastewater treatment systems to all disposal areas. These meters must be used to measure the quantity of treated wastewater discharged to land.
31. The irrigation lines must, at all times, be located at least 100 millimetres beneath the surface of the disposal area or firmly affixed to the surface of the disposal area and covered by a mulch, or an appropriate alternative, to a minimum depth of 100 millimetres.
32. Stormwater from all roofed and paved areas must be diverted away from the wastewater treatment and disposal areas. In addition, stormwater from surrounding areas and groundwater must be prevented from entering the treatment system, and stormwater from surrounding areas must, as far as is practicable, be prevented from entering the disposal area.
33. An audible and visual high wastewater level alarm system must be installed and maintained within all wastewater pump chambers. In addition, there must be at least 24 hours' emergency wastewater storage capacity within the treatment system above the level at which the high wastewater level alarm is activated.
34. The Consent Holder must, at least two weeks prior to the installation of each stage of the wastewater treatment and disposal system commencing notify the council's assigned monitoring officer in writing of the proposed date that the wastewater treatment and disposal system is to be installed and the name of the proposed installer.
35. As part of the notification required by Condition 34, the Consent Holder must provide details of the permeability of the imported fill used to raise the disposal area in accordance with Condition 27.
36. The Consent Holder must notify the council's assigned monitoring officer in writing of the date that treated wastewater is to be discharged to a disposal area for the first time, at least two weeks beforehand.

37. Within two weeks of installation of each stage of the wastewater treatment and disposal system, the Consent Holder must provide to the council's assigned monitoring officer:
- (a) A certificate of compliance or a written statement from the suitably qualified and experienced person that installed the system. The certificate or statement must provide sufficient details and information to enable the council's assigned monitoring officer to verify compliance with Conditions 23 to 33; and
 - (b) Final "as built" plans that show the siting of all components of the wastewater treatment and disposal system. For the purpose of this Condition, the Consent Holder must ensure that the "as built" plans are drawn to scale and provide sufficient detail for a council monitoring officer to locate all features identified on the plans.
38. The wastewater disposal areas must, at all times, be planted with appropriate plant species and shall be adequately maintained so that plant coverage of the area is maximised.
39. The Consent Holder must keep written records of the quantity of treated wastewater discharged to land each month including the date that the record was taken. The records must be in an electronic format that has been agreed to by the council. If requested by the council, the Consent Holder must keep more frequent records (daily or weekly).
40. A copy of the written record required to be kept by Condition 39 for the previous year (1 July to 31 June) must be provided to the council's assigned monitoring officer by the following 31 July and immediately on written request by the council.
41. Reserve disposal areas that are equal to at least 30 percent of the design disposal area must remain undeveloped for future use if required. For this condition, "undeveloped" is defined as not being covered by an impermeable surface or permanent structure.
42. There must be no ponding of wastewater within, or surface runoff of any contaminants from, the wastewater treatment and disposal area as a result of the exercise of these consents.
43. The wastewater treatment and disposal systems must be maintained by a suitably qualified and experienced person so that they operate effectively at all times. As a minimum, this maintenance must be in accordance with the manufacturer's specification. A written record of all maintenance undertaken on the wastewater treatment and disposal systems must be kept. A copy of this record must be provided immediately to the council's assigned monitoring officer on written request.
- Advice Note:** *For compliance purposes, a "suitably qualified and experienced person" is a person employed or trained by the manufacturer of the wastewater treatment system, or someone who can provide evidence of satisfactory qualifications and/or experience in maintaining the type of wastewater treatment and disposal system installed.*
44. The operation of the wastewater treatment and disposal systems must not give rise to any discharge of contaminants to air at or beyond the legal boundaries of the Consents Holders property that are deemed by a council monitoring officer to be noxious, dangerous, offensive, or objectionable.
45. The council may, in accordance with Section 128 of the Resource Management Act 1991 (The Act) serve notice on the Consent Holder of its intention to review the conditions of these consents during the month of July of any year. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder must meet all reasonable costs of any such review.

EXPIRY DATE:	AUT.044965.01 to AUT.044965.03	31 MARCH 2034
	AUT.044965.04 & AUT.044965.05	31 MARCH 2044