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30 May 2022

Northland Regional Council
Private Bag 9021
Whangarei

Attention: Mr Stuart Savill and Mr Paul Maxwell

Dear Stuart and Paul,

Application for Resource Consent – Carrington Estate Jade LP – Proposed Residential Subdivision , Doubtless Bay Drive , Whatuwhiwhi.

On behalf of our client, Carrington Estate Jade LP [the applicants] , please find the following application and assessment of environmental effects that supports a subdivision application to create 140 residential sites within the Whatuwhiwhi community.

The application embodies the re-approval of existing consents CON20120828006 [06-10] issued in November 2012 and expiring on 30 November 2022.

The application is lodged with regard to Section 124 [2] [d] of the Act, which allows for the applicant to continue to give effect to the consents until such time as the new application is determined.

The proposal requires approval under the Proposed Regional Plan for Northland.

The application site [Pt Lot 1 DP 67692 and part of Lot 6 DP 417562] has a combined development area of some 22.4ha and is currently vacant of any structures.

In accordance with Section 15(1) of the Resource Management Act 1991 (RMA), the proposal requires resource consent under the following Proposed Regional Plan for Northland (Appeals Version March 2022) rule:

- Rule C.8.3.4 Earthworks - discretionary activity : The earthworks exceeding the 5000m2 of exposed earth plus part of the land is defined as erosion prone.

Overall, the application is a **Discretionary Activity**.

A consent period of 15 years is sought.

Should you require any further information please do not hesitate to contact me. The following attachments are included with this application:

- Appendix A – NRC application form (Part A & B)
- Appendix B – NRC wetland assessment (2012)
- Appendix C - Engineering Suitability Reports and Drawings from Cook Costello Limited.

Yours sincerely,



Jeff Kemp
Principal Consultant
on behalf of Carrington Estate Jade LP.

1.0 INTRODUCTION

Carrington Estate Jade LP (the Applicant) seeks a land use permit [earthworks] , from Northland Regional Council, to undertake a 140 lot residential subdivision. The Applicants have sought subdivision consent from the Far North District Council [the District application], which is currently being assessed by the District Council.

In summary the District subdivision application involves some 22.4ha of Residential zone land , the same area as that being sought from the Regional Council , and will be developed in two stages [3 and 4] . The District application is effectively the reapproval of the two subdivision stages previously approved under FNDC reference RC 2100195 - RMA SUB. That approval lapsed in August 2015 and has not been given effect to. The current application to the District Council completes the consenting process of a four stage subdivision package undertaken by a previous land owner – Edgewater Developers Limited. The first two stages [1 and 2] have already been given effect and residential development is taking place on these lots. The subdivision application is a Controlled Activity under the Far North District Council Operative District Plan.

2.0 SITE DESCRIPTION, BACKGROUND and PROPOSED DEVELOPMENTS.

The proposed subdivision would occupy an area of some 22.4ha of land which forms part of the two underlying appellations.

The location of the application site is shown in Figure 1 & 2 below.

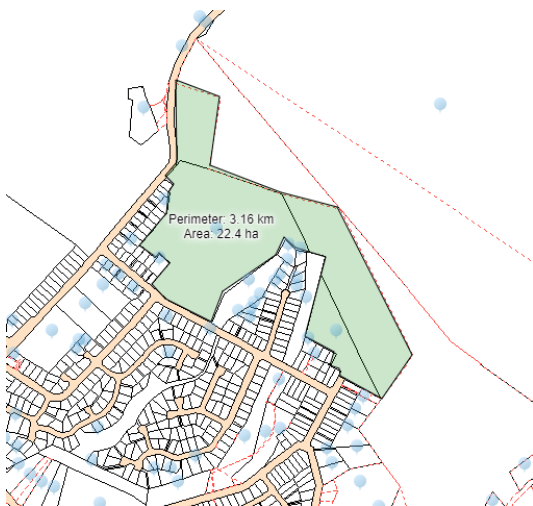


Figure 1 – Application Area



Figure 2 – Application Area - Aerial

[Application area (green shade) (Source: Prover Maps)]

The application site being the combination of four parcels of land as shown in **Figure 3** below –

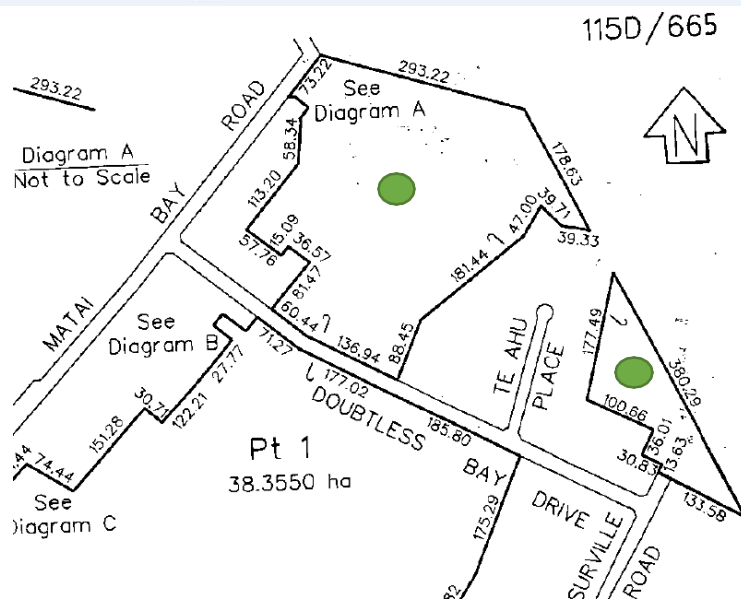


Figure 3: Location map showing application site areas from underlying appellations (green circles)

As shown in **Figure 4** below, the proposed development will be undertaken within the **Residential Zone** of the FNDC District Plan with the creation of two new access roads and an extension of De Surville Road.

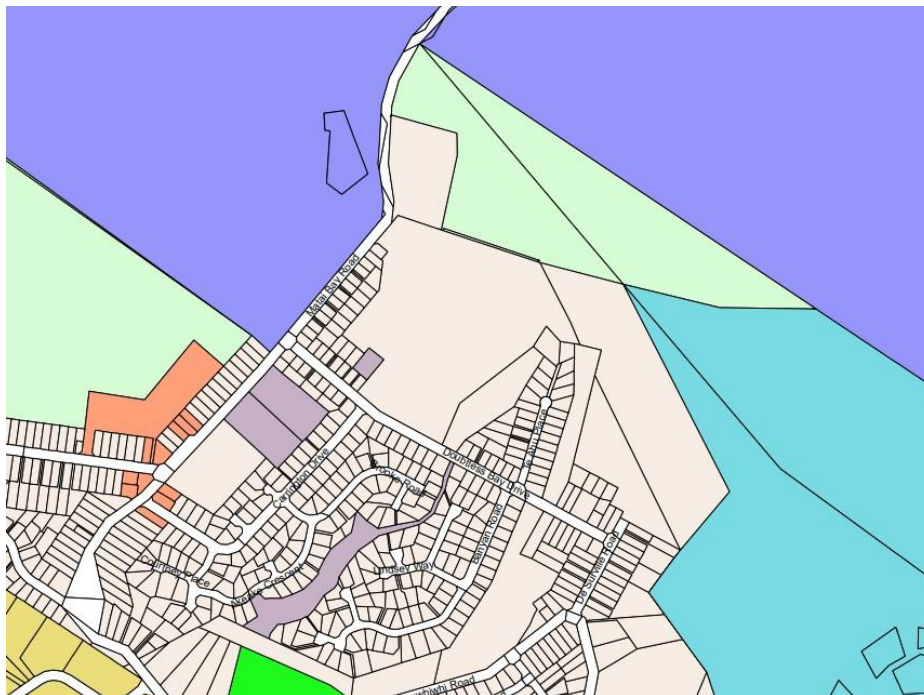


Figure 4: Map showing current zoning (Far North Maps)

The Applicant has owned this land for a number of years and currently holds approval from the Northland Regional Council to undertake the following -

EDGEWATER DEVELOPERS LIMITED, MATAI BAY ROAD, RD 3, KAITIĀ 0483

To carry out the following activities associated with the development of Stages 3 and 4 of a proposed 140 lot subdivision located at Doubtless Drive and Matai Bay Road, Whatuwhiwhi, within the catchments of Te Kopuaorangiriri and Waitamatau (Whatuwhiwhi) Creeks, and the unnamed tributary of Parakerake Bay on Part Lot 1 DP 67692 and Part Lot 1 DP 202051 at or about location co-ordinates 1635538E 6141347N (Stage 3) and 1635171E 6141624N (Stage 4).

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

- (06) **Land Use Consent:** To carry out earthworks for the development of subdivision roading and associated activities.
- (07) **Discharge Permit:** To discharge stormwater from land disturbance activities to land.
- (08) **Water Permit:** To divert stormwater.
- (09) **Discharge Permit:** To divert and discharge stormwater from impervious surfaces following subdivision development.
- (10) **Land Use Consent:** To clear vegetation from erosion prone land for subdivision development.

The preceding approvals had been issued to the previous landowner and all expire 30 November 2022 and relate to the following Scheme Plans -

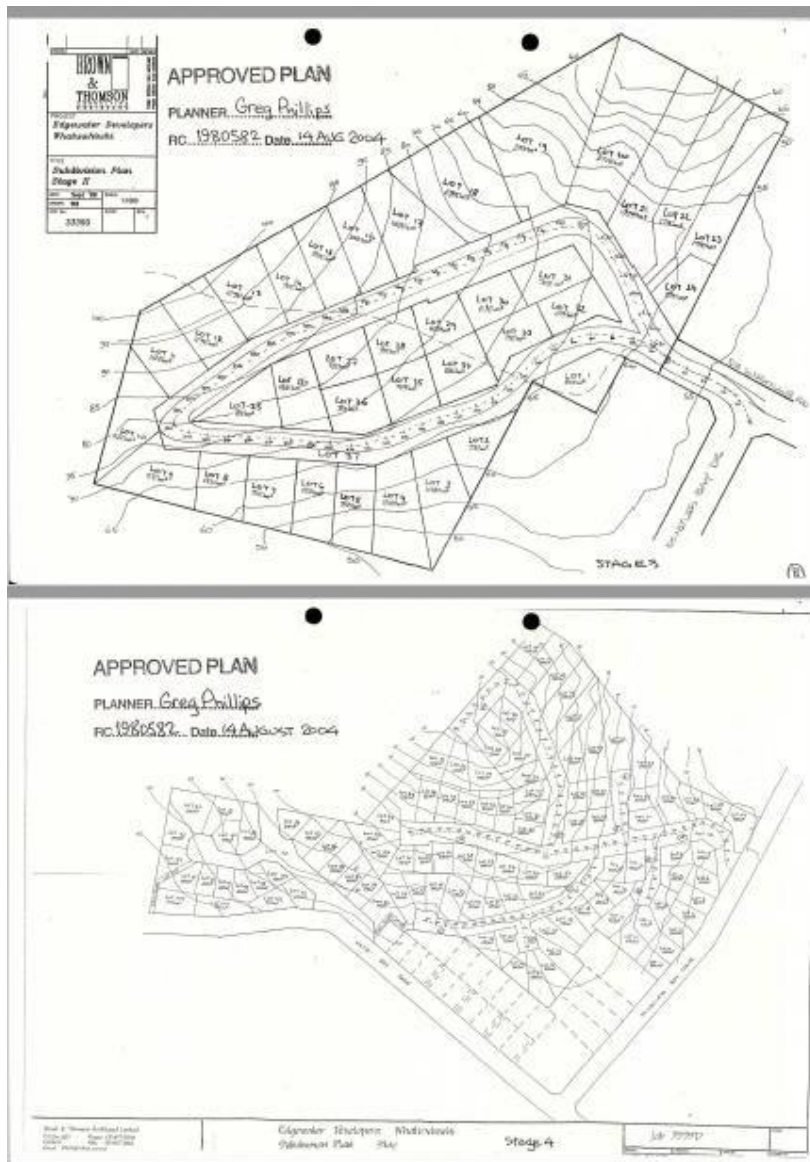


Figure 5: Approved scheme plan for 2100195 RMA SUB issued by the FNDC.

As shown in **Figure 3** above, the application site is zoned **Residential**. It is in part located in the **Coastal Environment** as identified in the Northland Regional Policy Statement as shown on **Figure 6** below -

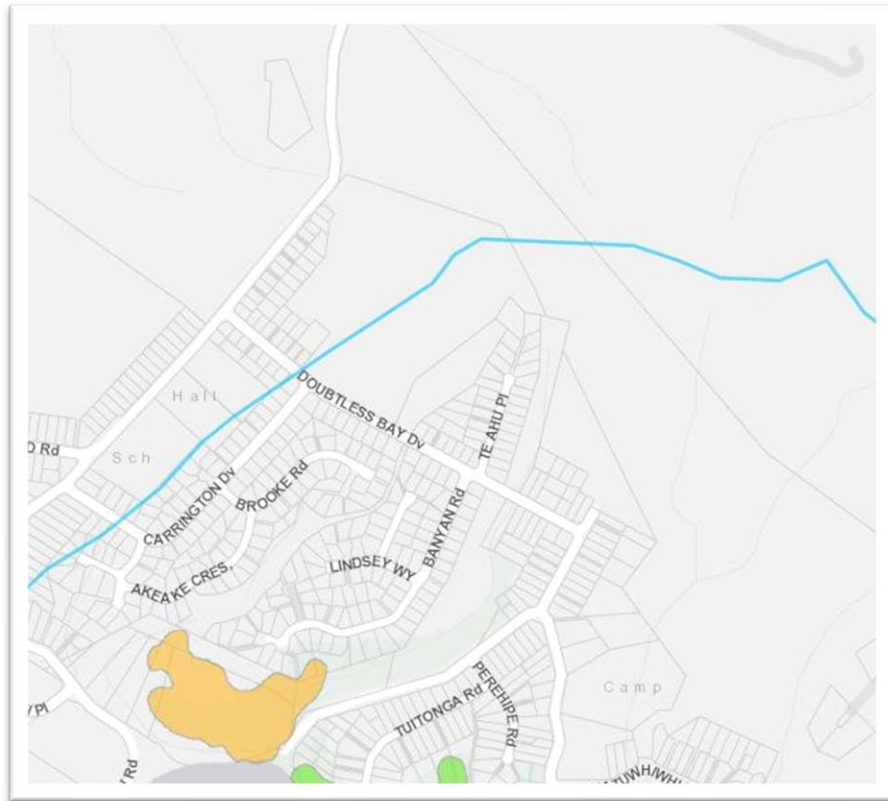


Figure 6: Map showing extent of coastal environment (NRC RPS Maps)

The site has frontage to both Matai Bay Road and Doubtless Bay Drive along with an extension of De Surville Drive. The site is covered in a range of coastal vegetation, including Manuka and Hakea.

The application areas adjoin the District Council's reticulated stormwater and wastewater network to which it is proposed to connect. The stormwater system was designed and constructed by Edgewater Developers to allow for these two stages incorporated into this application.

3.0 DESCRIPTION OF THE PROPOSAL

Earthworks

The existing approvals issued by the Northland Regional Council allows for approximately 50000m³ of earthworks to be undertaken. The same volume is sought within this application based upon the following staging regime –

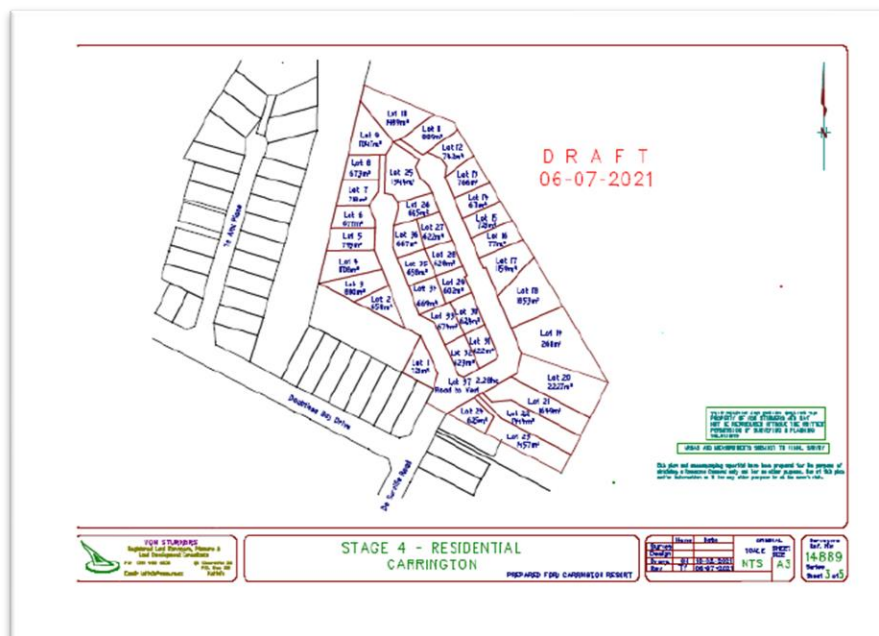
4.1. Stage 3

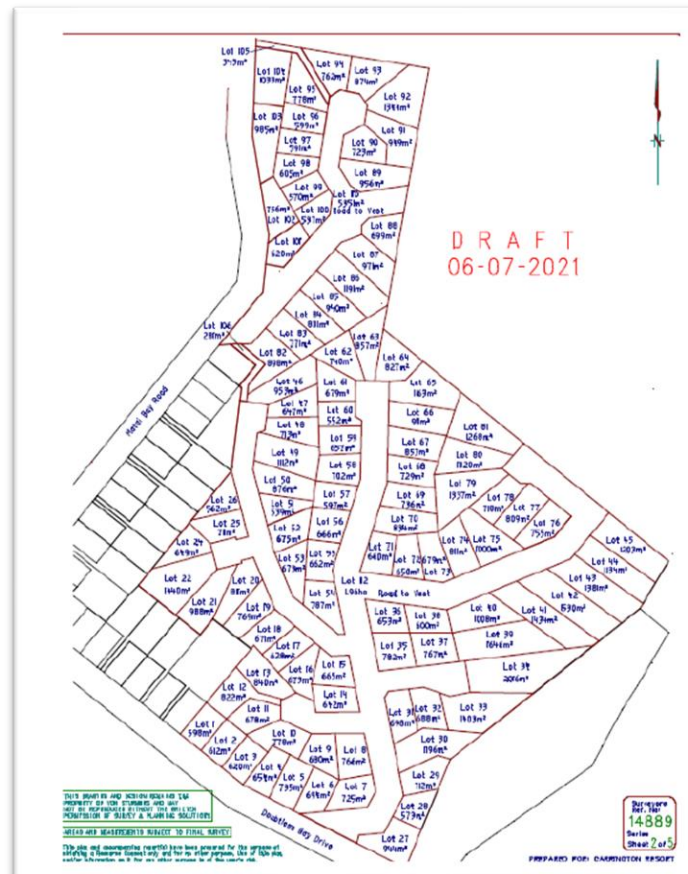
The development of roads and house pads for Stage 3 has been approximated at volume cut of 8000 m³ and fill of 2200 m³. For initial earthworks calculations a topsoil strip of 150 mm and subgrade of 300 mm has been used. The installation of civil infrastructure such as stormwater and wastewater pipes have an approximate trenching earthworks volume of 1300 m³. Total earthworks balance for Stage 3 is estimated at 5800 m³.

4.2. Stage 4

The development of roads and house pads for Stage 4 has been approximated at volume cut of 20350 m³ and fill of 5400 m³. For initial earthworks calculations a topsoil strip of 150 mm and subgrade of 300 mm has been used. The installation of civil infrastructure such as stormwater and wastewater pipes have an approximate trenching earthworks volume of 4300 m³. Total earthworks balance for Stage 3 is estimated at 14950 m³.

Total combined earthwork will be less than 50,000 m³ for both stages. The approximated balance of 21000 m³ can be stockpiled on land also owned by the client, close to the proposed subdivision site.





Stage 4

The application includes authorisation to allow for up to 50000m³ of soil being disturbed in order to create the road alignments, building access and general site development. While the earthworks will be undertaken in stages which may create an exposed area less than 5000m² per annum, this application seeks for completeness the ability to undertake the earthworks beyond a 12-month period.

The extent of the earthworks is identified within the Cook Costello engineering report and drawings.

In assessing this aspect a small area of the application site is located within erosion prone land as depicted within this snip –

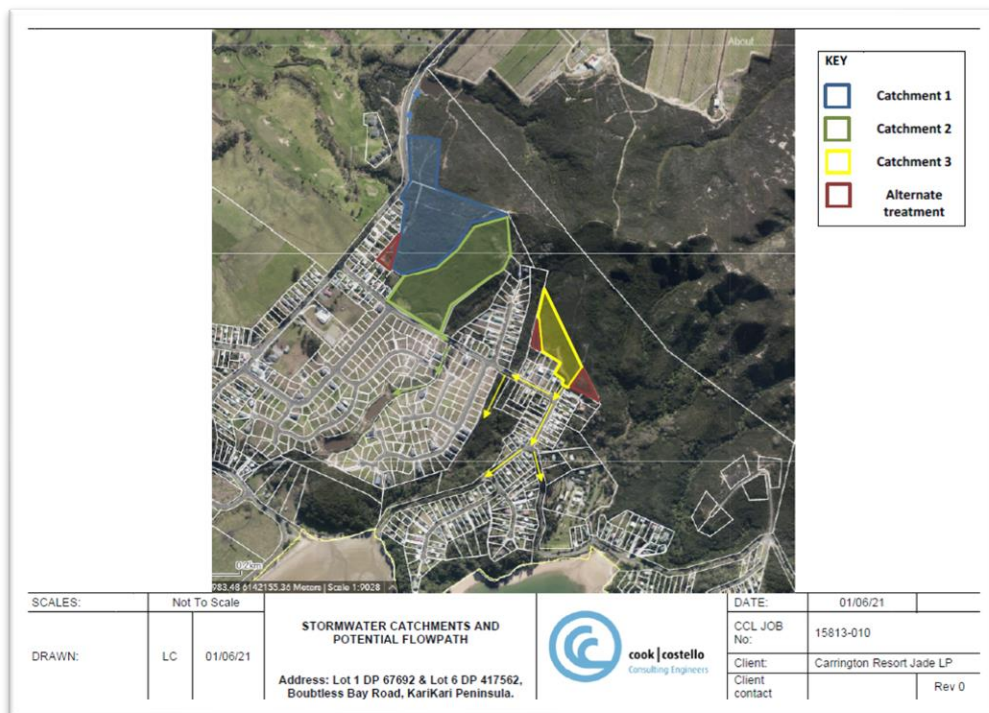
While only a small portion of the site [the blue arrows showing the property boundary] is within the area identified as erosion prone, this component of the application is considered to be assessed under **C.8.3.4 Earthworks – discretionary activity**.



Figure 7 – Location of Erosion Prone Land.

Stormwater

There are three proposed catchment areas to be considered. Catchments 1 & 2 cover **Stage 4** while Catchment 3 covers **Stage 3**.



The proposed development will create impervious areas in the form of roads, driveways, and residential housing.

For the proposed roads, stormwater runoff will be controlled by kerb and channel along the road edge leading to sumps and controlled to existing infrastructure via a piped network.

It is proposed to include onsite stormwater attenuation for every allotment. This will likely be in the form of individual attenuation tanks. The attenuated stormwater will then enter the proposed stormwater infrastructure in the road boundary.

The attenuated stormwater produced by the proposed allotments will be transported to the proposed stormwater infrastructure via open channels if attenuated stormwater is to be discharged overland via spreader bars (so that greater infiltration can be achieved) or piped directly to the proposed infrastructure from the attenuation tank outlets.

This aspect of the application is assessed to fall within **Rule C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity**.

Vegetation Clearance

The application site is covered in a range of exotic and indigenous vegetation. This will be removed via a mulching unit attached at the end of an excavator arm or alternatively fixed behind a tractor unit.

No specific rule applies to this activity and is therefore assessed – **permitted activity**.

Air Discharge

The potential discharge to air from the earthworks activities is considered to sit within the permitted threshold - **C.7.2.8 Discharges to air not regulated in the Plan – permitted activity**.

4.0 STATUTORY CONSIDERATIONS

Resource Management Act 1991 (RMA) Reasons for Consent.

Section 9 (2) of the RMA restricts the use of land which may contravene a regional rule unless the use is expressly allowed by a resource consent.

The applicable regional rule [Proposed Regional Plan Northland (PRPN)] in this instance is –

- **Earthworks**

C.8.3.4 Earthworks – discretionary activity

Earthworks outside the bed of a river or lake, a wetland, or the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are not a permitted or controlled activity under another rule in section C.8.3 of this Plan.

For the avoidance of doubt this rule covers the following RMA activities:

- Earthworks (s9(2)).
- Damming and diversion of stormwater associated with earthworks (s14(2)).
- Discharge of stormwater associated with earthworks into water or onto or into land where it may enter water (s15(1)).

- **Stormwater**

C.6.4 Stormwater discharges

C.6.4.1 Stormwater discharges from a public stormwater network – permitted activity

The diversion and discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water is a permitted activity, provided:

- 1) the discharge is not from a public stormwater network servicing an urban area listed in Table 10: Urban areas, and
- 2) the diversion and discharge does not cause permanent scouring or erosion of the bed of a water body at the point of discharge, and
- 3) the discharge is not within 100 metres of a geothermal surface feature, and
- 4) the discharge does not contain contaminants used, stored or generated in trade or industrial premises, and
- 5) the discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and
- 6) the discharge does not cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:
 - a) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or
 - b) a conspicuous change in the colour or visual clarity, or
 - c) an emission of objectionable odour, or
 - d) the rendering of fresh water unsuitable for consumption by farm animals, or
 - e) the rendering of freshwater taken from a mapped priority drinking water abstraction point (refer I Maps | Ngā mahere matawhenua) unsuitable for human consumption after existing treatment.

Table 10: Urban areas

Far North district	Whangārei district	Kaipara district
Kaitiaki Kaikohe Kerikeri Paihia Waipapa-Haruru	One Tree Point-Marsden Cove Ruakākā Waipū Whangārei City	Dargaville Mangawhai-Mangawhai Heads

For the avoidance of doubt this rule covers the following RMA activities:

- Diversion of stormwater (s14(2)).
- Discharge of stormwater from a public stormwater network into water or onto or into land where it may enter water (s15(1)).

- **Air Discharge**

C.7.2.8 Discharges to air not regulated in the Plan – permitted activity

The discharge of a contaminant into air that is not the subject of any other rule in this Plan is a permitted activity, provided:

- 1) the discharge is not from an industrial or trade premises and, other than for discharges from motor vehicles, aircraft, trains, or **vessels**, the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject **property** or in the coastal marine area, and
- 2) the discharge is not from dry **abrasive blasting**, except as provided for by **Rule C.7.2.12**.

For the avoidance of doubt this rule covers the following RMA activities:

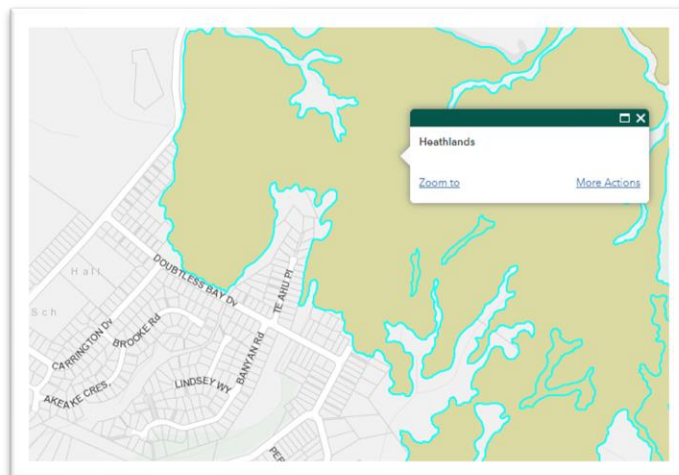
- Discharge of a contaminant into air (s15(2A)).

Section 9 (1) of the RMA restricts the use of land which may contravene a national environmental standard unless the use is expressly allowed by a resource consent.

Section 14 of the RMA restricts the diversion of water unless allowed by a national environmental standard, a regional rule or resource consent.

With regard to a national environmental standard the most relevant is the **NES Freshwater (NES FW)**.

Parts of the application site are shown as Heathlands as depicted on the Northland Regional Council map below. However, the high level mapping can be superseded where there has been a site-specific ecological assessment undertaken. At the time of assessing the existing approvals Council undertook its own assessment (attached as Appendix B) of the application area [October 2012] and determined ... *there is no evidence of elevated ground water levels as no ground water was encountered. Even in minor hollows there was no evidence of ground water.* This assessment referred to the definition of “wetland” in the RMA.



The definition of “natural wetland” in the NES Freshwater is found in the National Policy Statement on Freshwater Management (NPS-FM). The definition of a “natural wetland” for the purposes of the NPS-FM means a “wetland as defined in the [RMA]” that does not meet other triggers. Therefore, if the application site is not a “wetland” under the RMA, it cannot be a “natural wetland” under the NPS-FM.

Based on this site specific assessment it is determined the application site is not a wetland and the NES Freshwater is not applicable.

Resource Management Act 1991 (RMA) Statutory Assessment Overview

Sections 104, and 104B of the Resource Management Act (RMA) governs the determination of applications for Discretionary Activities.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

Section 104B: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

With regard to **Discretionary Activities**, a consent authority has no restriction as to those matters which may be assessed, and conditions of consent can reflect those matters. In addition, the application may be approved or declined.

However, a consent authority is only able to decline consent on the basis of matters over which it retains control (i.e. matters requiring consent). Accordingly, a consent authority cannot grant a resource consent with conditions in respect of aspects of that consent which are permitted activities, unless the applicant consents to those conditions (*Marlborough District Council v Zindia Limited* [2019] NZHC 2765; *Smith Chilcott Ltd v Auckland City Council* [2001] 3 NZLR 473 (CA)).

Resource Management Act 1991 (RMA) Statutory Assessment – Section 104

The roadmap to determining the application sits within Section 104 of the RMA which states –

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#), have regard to—
 - (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.

The following assesses each of the applicable sub sections of Section 104 :

(a) Environmental effects

The effects of the activities are considered to fall within the consideration of the following matters –

Earthworks – soil disturbance , stability of the ground, silt control and dust disturbance;

Stormwater – water quality and quantity, and silt control;

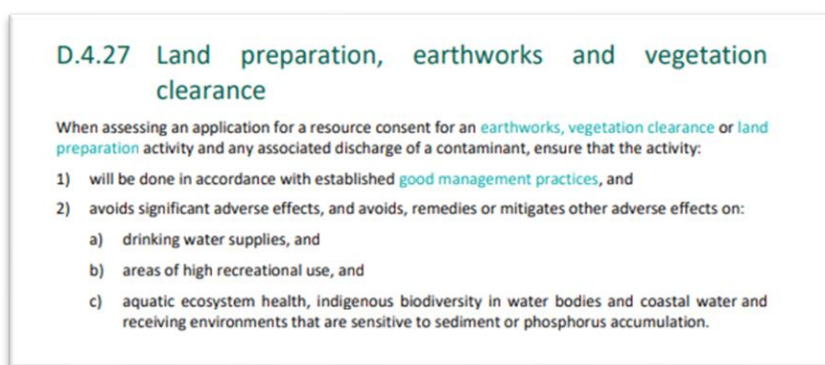
Vegetation Clearance – biodiversity and habitat values;

Landscape and Visual - character and amenity values.

Turning to the applicable planning documents these provide assessment criteria which assists with assessing the effects of the activity. The following commentary results -

Earthworks;

The PRPN contains the following assessment matters –



Those factors relating to good management practice have been assessed within the accompanying engineering report. The report does not conclude that there are any adverse effects. Furthermore, the application site is not affected by items 2(a) – (c).

Stormwater ;

The stormwater diversion is connecting to the reticulated stormwater system and has been assessed as not requiring any resource consent approval. The system to which the connection is to be made is that which was constructed by the previous consent holder during the development of Stages 1 and 2.

As expressed above these factors have been collectively assessed within the accompanying engineering report. The report details the management of the effects associated with the activity.

Landscape and habitat ;

There will be a change in the presence of the application site relative to the existing environment. Part of the application area has in the past been mulched which has resulted in a distinct vegetative edge set against taller vegetation. The activity will result in most of the vegetation being removed in order to create the access and building platforms.

This will create a visual change through the removal of the vegetation as well as remove this area from forming part of the wider habitat area. While the activity will create these physical changes, the application site has been zoned for residential development for many years. The applicant's proposal is completing the last two stages of the four stage residential subdivision implemented by the previous land owner.

(ab) Positive effects on the environment

The applicants seek to enhance the supply of building sites within the Whatuwhiwhi community, with the number of vacant sites dropping significantly the past two years. The subdivision will occur in an area zoned for residential use and provide an increased funding stream [rates] for the Council which in time should result in the enhancement of local community services and infrastructure.

(b)(i) National Environmental Standard ;

(b) (iii) National Policy Statement.

National Policy Statement for Freshwater Management 2020 (NPS FM) and National Environmental Standards Freshwater Regulations [NES FW] 2020

The NPS FM and NES FW were respectively promulgated on 7th and 3rd September 2020. The NPS FW provides a national policy framework for the management of freshwater in New Zealand and the NES FW the administration / implementation framework. Central to the NPS FW is the Maori concept of Te Mana o te Wai, which recognises that protecting the health of freshwater protects the health and well-being of the wider environment. The principal objective of the NPS FW which is supported by 13 policies within Part 2 is :

2.1 Objective

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

As the site is not a natural wetland, it is considered the only applicable Objective is 2.1 . To that end it is considered the management of the activities proposed maintain the health and well being of the water body , in this case the two down stream detention dams , whilst recognising the waterbody is not contributing to the supply of potable water. The design and layout of the activity is to enable social and economic well being within the community both in the present and immediate future. As such the proposed development would not be contrary to the NPS Freshwater 2020.

(b)(v) A regional policy statement

Northland Regional Policy Statement

The Northland Regional Policy Statement (NRPS) sets out the policy framework for the management of the regions resources. While there are no direct matters applying to the earthworks per se it is considered the key matter relates to water quality, which includes the management of water diversion. Relevant to this application are Objective 3.2 and Policy 4.2.1:

3.2 Region-wide water quality

Improve the overall quality of Northland's fresh and coastal water with a particular focus on:

- (a) Reducing the overall Trophic Level Index status of the region's lakes;*
- (b) Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams;*
- (c) Reducing sedimentation rates in the region's estuaries and harbours;*
- (d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and*
- (e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.*

4.2.1 Policy - Improving overall water quality

Improve the overall quality of Northland's water resources by:

- (a) Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement.*
- (b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and*
- (c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands.*

The application includes best practice sediment management during the earthwork construction and operational phase of the completed subdivision which gives effect to the management of sediment to maintain water quality. The activity will not be in conflict with the preceding Objective or Policy.

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

The application site contains indigenous vegetation and habitat areas. These will be removed through the subdivision application as contemplated under the Residential zoning of the land in the Far North District Council District Plan.

3.8 Efficient and effective infrastructure

Manage resource use to:

- (a) Optimise the use of existing infrastructure;*
- (b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and*
- (c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.*

The land has suitable connection to the reticulated stormwater system which has been designed and constructed to accommodate the flows from the application site. This existing system was constructed by the previous land owner within Stages 1 and 2.

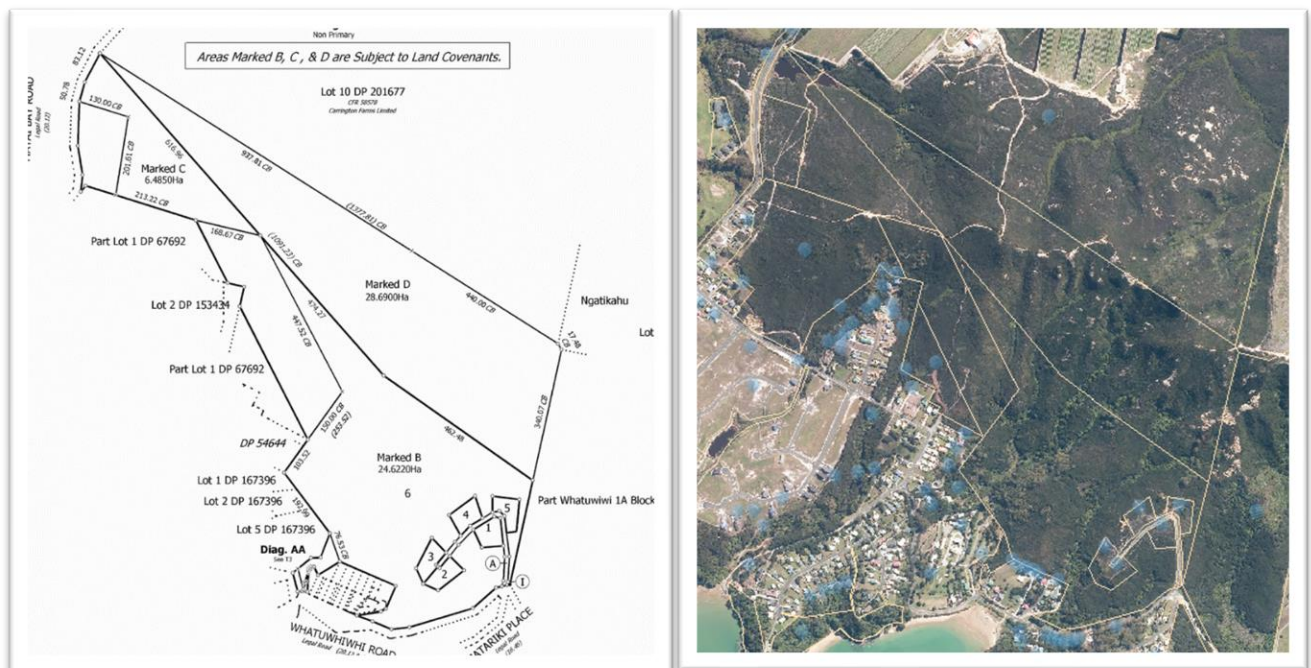
The NRPS Objective 3.12 recognises that tangata whenua have a role in decision making on the use of natural resources and how particular activities might affect local taonga. The applicant has not at this point in time consulted with local Iwi due to the timing of this application to meet the statutory time frames. The applicant is nonetheless moving into this consultation phase and we will respond upon completion.

The framework of the document does not place any hierarchy or priority on the objectives and policies however within some of the objectives and policies there is a defined hierarchical approach.

The proposal is unable to attain Objective 3.4 on the application site itself, but the indigenous vegetation and ecosystems on the adjacent land owned by Carrington has been protected and maintained on a long-term basis by a Land Covenant. This was implemented through the underlying subdivision approval [RC 2050356] granted by the District Council on the adjoining land where a condition of the consent specified the following –

3. That, prior to approval under Section 223 of the Act, the consent holder shall supply a diagram or a copy of the survey plan suitable for inclusion in a consent notice, showing;
 - (a) Areas 'B' to 'D' as shown on the subdivision plan prepared by *Williams and King* referenced 10786 dated January 2005 as being subject to a 'no building' consent notice.
 - (b) Areas 'B' to 'D' as shown on the subdivision plan prepared by *Williams and King* referenced 10786 dated January 2005 and area 'E' as being subject to a bush protection consent notice. The protected areas shall correspond to those areas of significant indigenous vegetation and significant habitats of indigenous fauna within Lot 6 and Lot 10 DP 201677 that are within *Taupiroroa Range Shrublands* (DoC SNA reference: O03/004)

Areas B, C and D are depicted below -



Further, in practical terms the vegetation being removed is located at the outer edge of the vegetation canopy, with almost all of the remaining vegetation being located within the area subject to and protected by the Land Covenant.

(b)(vi) a plan or proposed plan

Operative Regional Water and Soils Plan for Northland (ORWSP)

The applicable PRPN objectives, policies and rules that apply to this proposal are now operative. The ORWSP is no longer considered as being relevant to this application.

Proposed Regional Plan for Northland (Appeals Version – March 2022) (PRPN)

Objective F.1.2 and Policies D.2.18 are applicable to this proposal -

F.1.2 Water quality

Manage the use of land and discharges of contaminants to land and water so that:

- 1) existing water quality is at least maintained, and improved where it has been degraded below the river, lake or coastal water quality standards set out in [H.3 Water quality standards and guidelines](#), and
- 2) the sedimentation of continually or [intermittently flowing rivers](#), lakes and coastal water is minimised, and
- 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and the health of freshwater ecosystems is maintained, and
- 4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and
- 5) the health and safety of people and communities, as affected by discharges of sewage from [vessels](#), is safeguarded, and
- 6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and
- 7) the significant values of outstanding freshwater bodies and [natural wetlands](#) are protected, and
- 8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

The supporting engineering report has adopted a management approach which has been designed in accordance with accepted Industry standards. The work being undertaken to manage any off-site effects.

D.2.18 Managing adverse effects on indigenous biodiversity

Manage the adverse effects of activities on indigenous biodiversity by:

- 1) in the coastal environment:
 - a) avoiding adverse effects on:
 - i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
 - ii. the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
 - iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
 - b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:
 - i. areas of predominantly indigenous vegetation, and
 - ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
 - iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and
- 2) outside the coastal environment:
 - a) avoiding, remedying or mitigating adverse effects so they are no more than minor:
 - i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and
 - ii. areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and
 - iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
 - b) avoiding, remedying or mitigating adverse effects so they are not significant on:
 - i. areas of predominantly indigenous vegetation, and
 - ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
 - iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, wet heathlands, headwater streams, spawning and nursery areas, and
- 3) recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:
 - a) Significant Ecological Areas, and
 - b) Significant Bird Areas, and
 - c) Significant Marine Mammal and Seabird Areas, and
- 4) recognising damage, disturbance or loss to the following as being potential adverse effects:
 - a) connections between areas of indigenous biodiversity, and
 - b) the life-supporting capacity of the area of indigenous biodiversity, and
 - c) flora and fauna that are supported by the area of indigenous biodiversity, and
 - d) natural processes or systems that contribute to the area of indigenous biodiversity, and
- 5) assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, including by:
 - a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and
 - b) recognising that existing activities may be having existing acceptable effects, and
 - c) recognising that minor or transitory effects may not be an adverse effect, and
 - d) recognising that where effects may be irreversible, then they are likely to be more than minor, and
 - e) recognising that there may be more than minor cumulative effects from minor or transitory effects, and
- 6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:
 - a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and
 - b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and
 - c) considering the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and
 - d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and
 - e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and
 - f) the development of ecological management and restoration plans, and
- 7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:
 - a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and¹⁰
 - b) after consideration of the methods in (6) above, and
- 8) recognising the benefits of activities on biodiversity values that:
 - a) restore, protect or enhance ecosystems, habitats and processes, ecological corridors and indigenous biodiversity, and
 - b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.

The proposal will not enable the retention of the indigenous vegetation on the application site. However, as described the applicant has protected in perpetuity the vegetation on the adjoining land via a previous subdivision application. The residential zoning and existence of reticulated services in relation to this site anticipate the subdivision and development of the land.

(c) Any other matters

Whilst the applicant holds an existing approval to undertake the activity, it will not be possible to complete all of the work prior to 30 November 2022. The subject land has been zoned Residential under the Far North District Council District Plan since 1988 and the site has been previously approved for subdivision as part of the staging program undertaken by the previous land owner.

5.0 CONSULTATION

The NRPS Objective 3.12 recognises that tangata whenua have a role in decision making on the use of natural resources and how particular activities might affect local taonga. The applicant is initiating consultation and the results of these discussions will be conveyed upon completion.

6.0 CONCLUSION

The Applicant seeks resource consent to undertake earthworks which will involve the clearance of vegetation, in order to develop a residential subdivision containing 140 sites. The application is a re approval of existing authorisations issued by Council in November 2012.

Overall the management of the effects associated with the subdivision are designed to retain these within the site or are managed through the proposed conditions of consent (consistent with the conditions imposed on the existing consent).



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