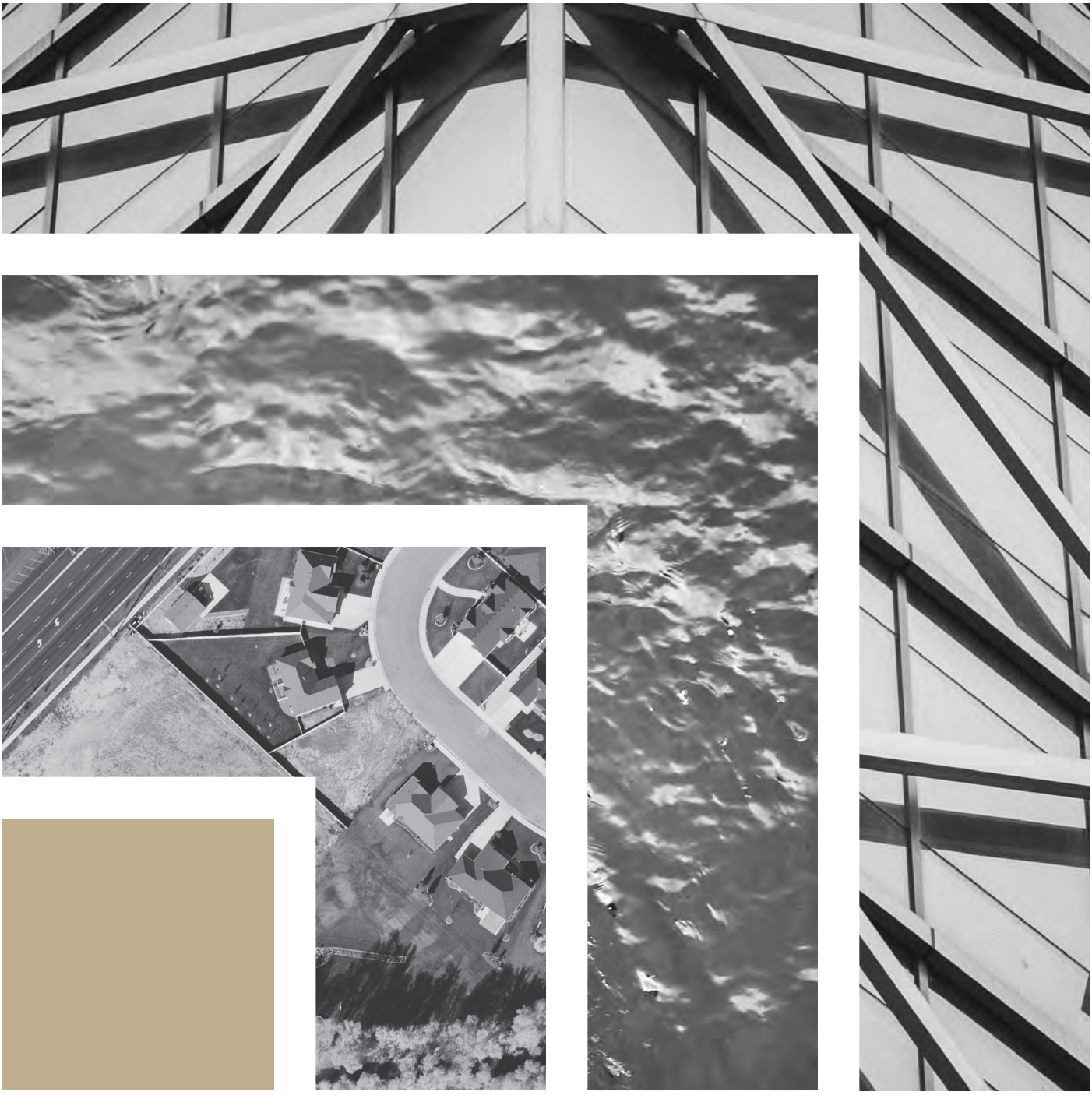

EARTHWORKS & STORMWATER DISCHARGE CONSENT

01-Oct-2021

131 and 189 Three Mile Bush Road
Kamo, Whangārei

ASSESSMENT OF ENVIRONMENTAL EFFECTS
AND STATUTORY ANALYSIS

PREPARED FOR:
Hurupaki Holdings Limited

B&A
Urban & Environmental

CONTENTS

APPENDICES:

1.0 THE APPLICANT AND PROPERTY DETAILS

To:	Northland Regional Council
Site Addresses:	131 and 189 Three Mile Bush Road, Kamo
Applicant's Name:	Hurupaki Holdings Limited
Address for Service:	Barker & Associates Ltd PO Box 37, Whangārei 0140 Attn: Melissa McGrath
Legal Description:	Lots 2 and 3 DP 990445 (refer to Certificates of Title as **Appendix 1**)
Site Owner:	Onoke Heights Limited and TMB 2 Limited
Site Area:	13.978 ha (total)
Regional Plan Zoning:	<u>Operative Regional Water and Soils Plan</u> Not identified on map showing Erosion Prone Land. Located within Riparian Management Zone <u>Proposed Regional Plan (Appeals Version):</u> Groundwater Quality and quantity management units – 'Other Aquifers' River water quantity management unit – 'Coastal River' Hill Country and Low land Areas – 'Lowland Area' and 'Hill Country Area' Whangārei Swimming Sites Stock Exclusion Areas – 'Upstream Catchment'
District Plan Zoning	<u>Operative District Plan</u> Living 1 Environment and Rural Production Environment <u>Proposed District Plan (Appeals Version)</u> General Residential Zone <u>Operative District Plan - Overlays</u>

	Outstanding Natural Landscape Outstanding Natural Feature Critical Electricity Line Living Overlay
Additional Limitations:	N/A
Locality Diagram:	Refer to **Appendix 2**
Brief Description of Proposal:	To enable bulk earthworks and stormwater discharge associated with a residential development as described within Section 4.
Reasons for Consent:	<u>Regional Water and Soil Plan for Northland</u> Resource consent is required as a **controlled activity** pursuant to rule **22.2.1** Diversion of Stormwater from Land Disturbance and as a **discretionary activity** pursuant to rule **34.3.1** Earthworks in Riparian Management Zone <u>Proposed Regional Plan (Appeals Version)</u> Resource consent is required as a **controlled activity** pursuant to rule C.6.4.3 as the stormwater discharge does not comply with the permitted activity standards in C.6.4.1. Resource Consent is also required as a **discretionary activity** C.8.3.4 as the earthworks do not comply with all of the permitted activity standards in Rule C.8.3.1, in particular the 5000m^2 area limit for earthworks. A full list of reasons for consent is contained within Section 5. Overall, resource consent is required as a **discretionary activity**.

We attach an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

AUTHORS

Melissa McGrath
Associate

David Badham
Senior Associate/Northland Manager

Barker & Associates Ltd
Date: 1 October 2021

2.0 INTRODUCTION

This report has been prepared in support of a resource consent application to undertake bulk earthworks of approximately 55,985m^3 (33,317m^3 cut and 22, 668m^3 fill), over an area of 55,700m^2 and to discharge stormwater associated with the earthworks, on behalf of Hurupaki Holdings Limited in preparation for a 76 residential allotment subdivision and associated access and services located at 131 and 189 Three Mile Bush Road, Kamo. Non-complying resource consent is concurrently being sought from Whangārei District Council (**WDC**) for the proposed development.

This Assessment of Environmental Effects (**AEE**) has been prepared in accordance with the requirements of Section 88 of and Schedule 4 to the Resource Management Act 1991 (**the Act**) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the proposal may have on the environment.

2.1 BACKGROUND – CONSULTATION

In preparation of the proposal the applicant has undertaken meaningful consultation with Ngati Kahu O Torongare recognising that surrounding lands and waterways which includes the subject site are of cultural significance to the hapū. Consultation has included the following:

- Provision of draft scheme plan to hapu for feedback on 25 February 2021.
- Meeting with hapū representative Matua Richard Shepard on 30 March 2021 (minutes attached see **Appendix 10**)
- Various emails during April 2021 seeking to obtain comments on draft scheme plan. Hapū response 23 April 2021 requested engagement of Matakohe Architecture + Urbanism to help refine/amend the scheme plan.
- Various emails during May 2021 seeking to obtain confirmation with respect to aspects raised in the meeting such as vesting of the slopes of Hurupaki with hapū.
- Provision of updated scheme plan which had been amended to reflect aspects raised in meeting on 30 March 2021, provision of open space, protection of stream.
- High level discussions with hapū members.

Due to the inability to obtain a cultural impact assessment from the hapū prior to lodgement, public notification has been requested to enable full and proper engagement.

3.0 SITE CONTEXT

3.1 SITE DESCRIPTION

The 13.978ha subject site is comprised of two existing allotments (legally defined as Lots 2 and 3 DP 990445), and fronts onto Three Mile Bush Road (see **Figure 1** below).

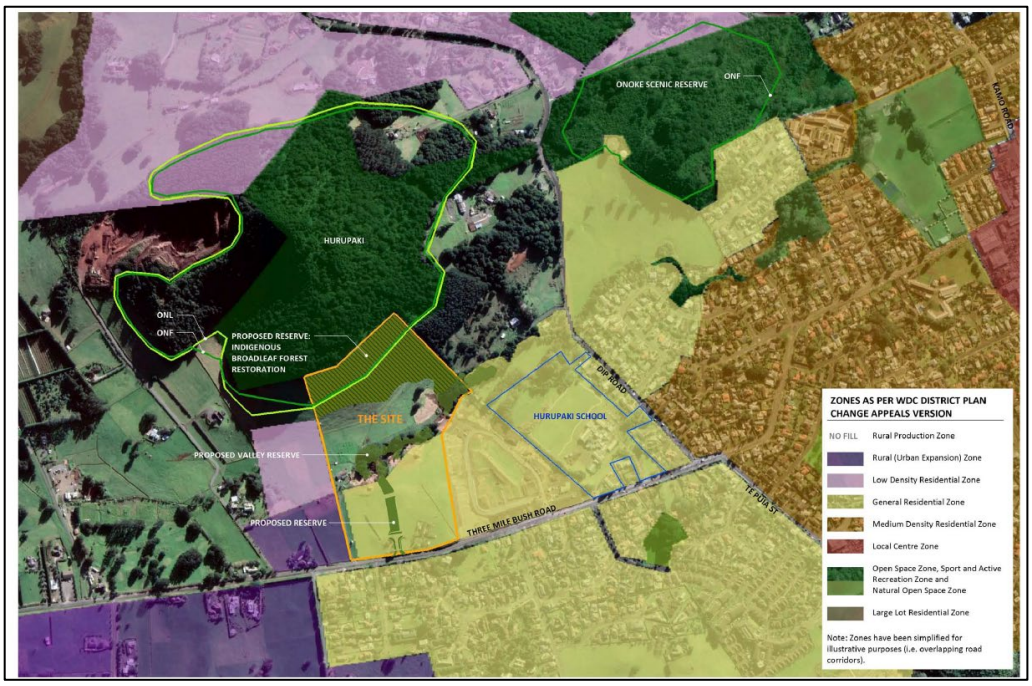

Figure 1: Locality plan – see full scale version in **Appendix 2**.

Lot 2 DP 990445 contains two existing residential unit and accessory buildings with boundary fencing and exotic vegetation surrounding the residential units. The remainder of the site is a greenfield site and is currently largely vacant. Lot 3 DP 990445 contains one existing residential unit and accessory buildings with boundary fencing and indigenous vegetation.

The site is situated at the north-western residential edge of the suburb of Kamo, located north of Three Mile Bush Road. The site extends north from the road with a generally flat topography, which falls away to the Waitaua Stream which bisects the site, flowing west to east. North of Waitaua Stream the site extends steeply up the base of the Hurupaki Cone and the edge of the indigenous vegetation on of the slope of the cone.

Vegetation is scattered throughout the site with exotic planting around the existing residential units. The site contains indigenous vegetation with broadleaf forest remnants encompassing the Waitaua Stream, including a large significant stand of puriri with scattered canopy trees, and indigenous vegetation near the eastern boundary which is dominated by totara and shrubs.

The site can broadly be divided in to four topographic areas being:

- The plateau (southwest of the site) which is a broad nearly level plateau landform of approximately 3.2ha;
- Moderate side slopes (central-east of the site), which is an area with slopes descending to the north and east, the upper part of these slopes is moderately steep becoming gentle;
- Scoria cone slopes, the northern third of the site covers the lower and middle side slopes of Hurupaki scoria cone; and
- Finally the gully with crosses the site from west to east, it is deeply incised at the western end and gradually shallows towards the east.

Approximately 175m of dry-stone wall is present along the southern site boundary/road frontage, with two existing vehicle crossings (located at 131 and 189) and approximately 10m of dry stone wall is present at the 189 Three Mile Bush Road vehicle crossing. A 50m long internal stone wall is present on the eastern side of the of the site, offset 5-70m (south to north) from the surveyed boundary. Approximately 150 of internal stone wall is present on the central western part of the property, running north east from the existing dwelling. No other known archaeological sites are recorded within the subject site.

Three Mile Bush Road is defined as a primary collector road, with two sealed lanes and a carriageway width varying between 6.5 and 7.0. Three Mile Bush Road has a legal width of 20m including carriageway, berms and a footpath is located on the southern side of Three Mile Bush Road. Three Mile Bush Road has a speed limit of 50 kilometres per hour through the site frontage. There are no street trees in the road reserve adjacent to the site. However, there are a number of power poles and light poles that the proposed design has responded to. Three existing vehicle crossings exist from Three Mile Bush Road (two within 131 Three Mile Bush Road and one within 189 Three Mile Bush Road).

3.2 RECORDS OF TITLE

The development site is contained of two Records of Title, copies of which are contained in **Appendix 1**. The only interests that are relevant to the processing of this application are water right and right of way easements. There are no other interests on these titles that are considered relevant to the consideration of this combined Land use and Subdivision application.

3.3 SURROUNDING LOCALITY

The surrounding locality is predominantly residential in nature, featuring a mix of single-storey and two-storey dwellings. The existing built form comprises houses that are typically set back from the street by around 5-8m, with either fully open front yards or low fencing.

Existing residential development is located to the south of the site, situated across Three Mile Bush Road. Residential development (immediately adjacent under construction), Hurupaki Primary School and Kindergarten are located directly east of the site, within Dip Road.

The recreation reserve and native vegetation of Hurupaki Cone is located directly north of the site. While rural residential development of Cow Shed Lane is located to the west. A large vacant site, currently in pasture is located directly to the west.

With respect to schools and amenities, Hurupaki Primary School and Kindergarten are located immediately to the east, while Kamo Primary School is located approximately 1km to the east. The Local Centre of Kamo approximately 1.2km east of the site providing community services, convenience shopping and Kamo High School. Neighbourhood shops are within approximately 800m of the site, including dairy and takeaway outlets.

The area is served by public transport and pedestrian infrastructure. The bus network includes services along Three Mile Bush Road within approximately 1000m walking distance from the site.

The area is well serviced by public open space networks with natural reserves within Hurupaki Cone to the north, Onoke Reserve and Hodges Park to the east. Kamo park has active open space located within Kamo Centre.

4.0 PROPOSAL

4.1 EARTHWORKS

The proposed earthworks involve modification of the site to enable the construction of the building platforms, site access and carparking areas, stormwater infrastructure, over an area of approximately 55,700m^2. It is proposed to excavate approximately 55,985m^3 (33,317m^3 cut and 22, 668m^3 fill), with a maximum cut depth of 3m and a maximum fill height of 4.3m during earthworks. Approximately 400m^2 of the excavation area will occur within 10m of the Waitaua Steam to enable the construction of a culvert crossing and stormwater pond outlets.

As previously described the topography of the site is varied. Within the plateau area minimal earthworks will be required to form level platforms. Minor re-levelling may

be required to provide stormwater flow paths and to take down the slight mounds present within the area. Earthworks are expected to involve cuts and fills up to approximately 1m in depth.

On the moderate side slopes, more significant earthworks will be required to provide level platforms. For a nominal building platform width of up to 15m, platforms are expected to cover an elevation range of up to approximately 3-4m. Cut/fill depths between platforms are expected to be around this figure, although this may vary where there is bulk re-levelling of the site (i.e. to flatten to moderate slope through cutting down significantly at the crest). Engineered retaining walls may be used to support batter slopes and increase flat areas within sites, and may be required with design beyond the cut and fill batter limitations.

An indicative earthworks cut/fill plan prepared by Blue Wallace Surveyors Ltd is provided within the application and attached as **Appendix 3**.

4.2 STORMWATER

The proposed development will be supported by a comprehensively designed stormwater system to be vested with Whangārei District Council. The servicing strategy for the proposed development is set out in the Integrated Three Waters Design report by LDE, included as **Appendix 4**, and the accompanying Engineering Drawings by Blue Wallace Surveyors, included as **Appendix 3**.

The proposed stormwater system has been designed to mitigate the 2yr, 10yr and 100yr storm events to equal or less than pre-development rates, which ensures that it does not affect downstream areas with any increases in flow rates. Additional to the 2, 10 and 100yr storm event mitigation an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with Auckland Council's GD01.

This includes three onsite stormwater ponds to be vested with Whangārei District Council, they will include an extended detention volume to address erosion effects on the stream network that they discharge into and provide water quality treatment for the roads within the development, based on 1/3rd of the 2 year storm.

Two of the proposed stormwater ponds are in close proximity to Waitaua stream, however the proposed system will not alter the course of the stream, fish passage will be maintained and no damage will occur to existing flood defences. There are no natural wetlands within 50m of the proposed system.

During Construction

The main source of stormwater from the site will be from surface run-off of rainwater. It is proposed to discharge all stormwater run-off to ground within the construction work area.

In order to minimise the potential for off-site discharge of contaminants from excavation of soils and waste material into stormwater, the following erosion and sediment control measures are proposed and offered as mitigation for this consent application:

- Stabilising the accessway and carparking areas (metal/concrete) as soon as practical as this will provide a safe and tidy access for the following building construction stage;
- The site will be separated into four work areas, surrounded by earth bunds with stormwater from each area being directed to sediment retention ponds (future stormwater ponds);
- Monitor the site after storm events and repair as necessary. Regular maintenance of the devices will also be necessary to ensure their effectiveness during general earthworks; and
- Adopt Auckland Council's GD05 (good guidelines for the industry) as the standard for all devices and sediment control measures.

A draft Erosion and Sediment Control Plan has been prepared by Blue Wallace Surveyors Ltd (refer to **Appendix 3**). It is proposed that should any further detail or a Construction Management Plan be required, that it be conditioned to provide an opportunity for the nominated contractor to further develop and provide site specific context.

4.3 CULVERT CROSSING OF WAITAUA STREAM

A new culvert crossing is proposed to be installed across Waitaua Stream to provide for road access to the northern portion of the subject site. The catchment is approximately 46ha in area, the box culvert will be installed, being less than 25m in length and will accommodates the 10yr flows (2m3/s) with the 100yr flows (4.1m3/s) overtopping the road.

The box culvert will be partially buried beneath the stream bed to allow the base of the culvert to mimic natural stream bed conditions and allow the passage of fish etc (even though there is a waterfall about 10m further down stream). It is expected the box culvert will be about 1m high with about 300 - 400mm of the base submerged to achieve this.

Waitaua Stream is not mapped as Outstanding Natural Character Area, or Outstanding Natural Feature or Site or Area of Significance to tangata whenua.

4.4 MITIGATION

The proposal includes the following mitigation offered as part of the comprehensive development of the site:

- Design of subdivision has avoided allotments on the steeper slopes of Hurupaki cone, with proposed earthworks being avoided on the northern portion of the site where possible.
- Location of earthworks will ensure minimal disturbance (establishment of culvert and stormwater outlets only) within the riparian margin of Waitaua Stream.
- Erosion and sediment control during construction (detailed further below).
- Extensive management and treatment of stormwater improving quality of stormwater entering Waitaua Stream (detailed further below).
- Protection by way of reserve the entire length of Waitaua Stream, including planting of the western portion, protection of existing indigenous vegetation and provision for on-going pest and weed management.
- Protection by way of recreation reserve to vest with Whangarei District Council over 5.5ha of the total site with 4ha of revegetation of the stepper slopes of Hurupaki Cone with indigenous vegetation.
- Proposed accidental discovery protocol in accordance with Heritage New Zealand Pouhere Taonga Act.

5.0 REASONS FOR THE APPLICATION

The site is subject to the provisions of the Regional Water and Soil Plan and the Proposed Regional Plan (appeals version). An assessment of the rules of these Plans is attached as **Appendix 5**.

5.1 OPERATIVE REGIONAL WATER AND SOIL PLAN FOR NORTHLAND (RWSP)

Under the provisions of the RWSP, resource consent is required pursuant to following:

- **Rule 22.2.1** Diversion and discharge of stormwater: As highlighted above, controlled consent is required for a Land Disturbance Activity Rule, accordingly resource consent is also required as a **controlled activity** pursuant to **22.2.1 (1).**
- **Rule 34.1.3** Earthworks in the Riparian Management Zone: Discretionary consent is required for earthworks within the riparian management zone of Waitaua Stream pursuant to rule **34.3.1** – **discretionary activity**.

5.2 PROPOSED NORTHLAND REGIONAL PLAN (PRP)

Under the provisions of the PRP, resource consent is required for the following:

- **Rule C.6.4.3** Stormwater discharges - The proposed stormwater system and discharge will be vested with Whangārei District Council as a public stormwater network within the urban area of Whangārei City the proposed stormwater discharge is therefore a **controlled activity**.

- **C.8.3.4** Land disturbance – earthworks - The proposed earthworks include approximately 400m^2 in area of excavation within 10m of an intermittently flowing river[1] (Waitaua Stream) and the total area of exposed earth will be approximately 55,700m^{2}at any one time. This exceeds the permitted standards in Rule C.8.3.1 –**discretionary activity.**

5.3 NES CONTAMINATED SOILS

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Contaminated Soils) were gazetted on 13th October 2011 and took effect on 1st January 2012.

The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

Whangārei District Council property search have been completed PSC210131 and PSC210132 which confirm that there is no indication of current or previous activities within the area of the site that are identified as Hazardous Activities and Industries. Reports are included as **Appendix 6.** The NES regulations are not considered to be applicable for the proposed development. The findings from the site investigation indicate that the activities described in the HAIL have not been undertaken at the site.

As a result, the NES Contaminated Soils is not applicable and no resource consents are required pursuant to it.

[1]**Intermittently flowing river or stream:**
A river that is naturally dry at certain times of the year and has two or more of the following characteristics: 1) it has natural pools, and 2) it has a well-defined channel, such that the bed and banks can be distinguished, and 3) it contains surface water more than 48 hours after a rain event which results in river flow, and 4) rooted terrestrial vegetation is not established across the entire cross sectional width of the channel, and 5) it appears as a blue line on topographical maps at 1:50,000 scale.

5.4 NATIONAL ENVIRONMENTAL STANDARD FOR FRESHWATER MANAGEMENT

The proposal is considered to be a permitted activity under the NES-FM.

5.5 STATUS OF THE APPLICATION

Overall, this application is for a **discretionary activity** under the Regional Water and Soil Plan and a **discretionary activity** under the Proposed Regional Plan.

6.0 PUBLIC NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C TO 95D)

6.1 ASSESSMENT OF STEPS 1 TO 4 (SECTION 95A)

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

6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

> Pursuant to section 95A(3)(a), Hurupaki Holdings Limited requests that this application is publicly notified.

6.2 PUBLIC NOTIFICATION CONCLUSION

Having undertaken the s95A tests, the following conclusions are reached:

- Under step 1, public notification has been requested by Hurupaki Holdings Limited. No further assessment of steps 2-4 are required.

Therefore, this application must be **publicly notified**.

7.0 LIMITED NOTIFICATION ASSESSMENT (SECTIONS 95B, 95E TO 95G)

7.1 ASSESSMENT OF STEPS 1 TO 4 (SECTION 95B)

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

Under section 95A public notification has been requested by Hurupaki Holdings Limited. No further assessment of limited notification is required.

Therefore, this application must be **publicly notified**.

8.0 CONSIDERATION OF APPLICATIONS (SECTION 104)

8.1 STATUTORY MATTERS

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

As a discretionary activity, section 104B of the Act states that a council:

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

8.2 WEIGHTING OF PROPOSED PLANS

The Act requires that before a Plan change becomes operative, any resource consent application be considered in terms of the provisions of both the Operative Plan and a Proposed Plan/Plan Change. In this case, a number of provisions of the Operative Water and Soil Plan do not require consideration because appeals to the Proposed Regional Plan have been settled. Greater weight has been applied to the Proposed Regional Plan.

In this instance and with specific regard to the proposed bulk earthworks for the proposed development, it is considered that both the operative Regional Water and Soil Plan provisions and Proposed Regional Plan (appeals version) provisions seek similar outcomes regarding minimising erosion and discharge of sediment to water. Given this consistency, and the fact that discretionary activity resource consent is required under both plans, it is not considered necessary to undertake a full weighting assessment.

9.0 EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(A))

The following sections set out an assessment of effects of the proposed development, and it is considered that the following effects are relevant to this proposal:

- Positive Effects;
- Erosion and Sediment Control and Construction effects (location, timing, extent and duration of earthworks);
- Stormwater quality;
- Ecological effects;
- Flooding hazard; and
- Cultural effects.

These matters are set out and assessed below.

9.1 POSITIVE EFFECTS

It is considered that the proposal will also result in positive effects as the earthworks and stormwater discharge proposed will be managed in a manner that will improve water quality, reduce flood risk downstream and protect ecological values onsite. These matters are set out and assessed below.

The earthworks and stormwater discharge are a necessary precursor to the proposed development that will enable people to meet the needs of future generations and result in positive effects for the local community.

9.2 EROSION AND SEDIMENT CONTROL AND CONSTRUCTION EFFECTS (LOCATION, TIMING, EXTENT AND DURATION OF EARTHWORKS)

Earthworks are required to modify the site to enable the construction of the building platforms and associated access, parking and services.

It is proposed to excavate approximately 55,985m^3 (33,317m^3 cut and 22, 668m^3 fill), over an area of 55,700m^2 with approximately 400m^2 in area of excavation within 10m of an intermittently flowing river[2] (Waitaua Stream) exposed at any one time as depicted on the earthworks plan prepared by Blue Wallace Surveyors Ltd provided in **Appendix 3**.

The topography of the site is varied, location and volume of earthworks is also varied across the site, being minimal within the plateau area minimal earthworks will be required to form level platforms increasing on the moderate side slopes, to provide level platforms. Engineered retaining walls may be used to support batter slopes and

[2]**Intermittently flowing river or stream:**
A river that is naturally dry at certain times of the year and has two or more of the following characteristics: 1) it has natural pools, and 2) it has a well-defined channel, such that the bed and banks can be distinguished, and 3) it contains surface water more than 48 hours after a rain event which results in river flow, and 4) rooted terrestrial vegetation is not established across the entire cross sectional width of the channel, and 5) it appears as a blue line on topographical maps at 1:50,000 scale.

increase flat areas within sites, and may be required with design beyond the cut and fill batter limitations.

All earthworks work is anticipated to be completed within the next earthworks season (October to April), will be undertaken during standard working hours (e.g. 7am to 7pm) and working days (e.g. Monday to Saturday). Works are also expected to comply with the construction noise limits as set out within the NZS 6803: 1999 "Acoustics – Construction Noise".

Any effects associated with the construction phase of the project will be temporary in nature, and can be effectively managed through adherence to the erosion and sediment control measures which will be setup before onsite work commences to avoid any potential adverse effects on the surrounding environment. Blue Wallace Surveyors Ltd have prepared a draft erosion and sediment control plan (see **Appendix 3**) which includes measures that are designed to ensure that sediment is removed from stormwater runoff prior to discharge from the site. Key elements of the erosion and sediment control plans include the installation of silt fences, clean water and dirty water diversion channels and a stabilised construction entrance. The proposed erosion and sediment control measures will be implemented in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016) for the duration of the activity.

As well as measures to mitigate erosion and sediment runoff effects, measures to control dust generation and noise generation will also be implemented in accordance with standard good practice procedures.

On the basis of the above, it is considered that any adverse erosion and sediment runoff effects associated with the proposed earthworks will be less than minor.

9.3 STORMWATER QUALITY

In order to reduce the potential for discharge of other contaminants from the excavation of the site, the stormwater management procedures and sediment controls outlined above will be implemented. These measures are considered to be appropriate for the scale of the works, and will avoid or otherwise mitigate potential sedimentation of stormwater and the receiving environment.

The proposed stormwater system has been designed by LDE and is detailed in Three Waters Design Report (**Appendix 4)**. This report concludes that the proposal will improve the quality of stormwater:

- All stormwater from site will be directed to existing and proposed public stormwater system.
- The three onsite stormwater ponds have been designed to collect the stormwater runoff from impervious and pervious areas of each proposed

residential lot and the road reserve and an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with Auckland Council's GD01. The extended detention reduces the stream erosion and increases water quality in the pond for the runoff from all the individual lots and road reserve areas and will help improve the overall quality of the stream the pond discharges to.

- Approximately 4 hectares the Hurupaki Cone is proposed to be planted in indigenous vegetation which will improve water quality, and reduce runoff from the steeper hillside area.

The proposed mitigation will ensure that the proposed earthworks and future development of the proposed residential allotments will improve the stormwater quality.

9.4 ECOLOGICAL EFFECTS

Rural Design have undertaken an assessment of the potential ecological effects of the proposed development within their report (**Appendix 9**). This report has considered the potential ecological effects resulting from the proposal including construction phase, operational phase and cumulative effects.

The report makes the following conclusion in section 5.5 on page 38:

> "*The current terrestrial and aquatic ecological values of the subject site reflect the highly modified nature of the environment. The proposed development proposal for the site provides the opportunity to restore, protect and enhance the current ecological values. Implementing the recommendations set out in Section 6 of this report will significantly enhance and extend ecological values within the subject site and immediate surrounds.*"

Earthworks associated with the development of the site has the potential to result in sediment runoff to Waitaua Stream, risk of addition of fine sediment to stream environments during construction phase of the development has the potential to alter water chemistry, increase turbidity and decrease light penetration that affects primary production and feeding for some fish species. The deposition of sediment can also smother instream surfaces and decrease the amount of suitable habitat available for benthic invertebrates.

Rural Design conclude that the proposed that all earthworks will be undertaken in accordance with best practice erosion and sediment control plans. This should ensure that any sediment/erosion related effects on water quality and habitat in the downstream receiving environment will be negligible (i.e., minimal sediment mobilization). With the implementation of appropriate silt controls during the construction phase, the effects of earthworks on water quality in the receiving

environment during construction will be avoided and the overall level of effect is assessed as low.

Rural Design conclude, having reviewed the Three Waters Design Report and associated subdivision Scheme Plan, that an integrated stormwater management is proposed within the application site to manage any potential negative environmental effects (both source and cumulative). The potential for adverse effects relating to the implementation of the proposed stormwater network are low. The proposed new stormwater ponds are likely to provide habitat for common native avifauna species moving within the landscape such as pukeko, and paradise shelduck, among others.

A box culvert crossing is proposed, with the structure being located within Waitaua Stream the structure is conductive of fish passage both up and downstream will be installed below the access road. The Rural Design report concludes that while no fish species were recorded as being present within this section of the stream during the initial assessment, maintaining sufficient fish passage on site will be beneficial for common fish species such as banded kokopu, which are likely present within the wider Waitaua Stream catchment.

The proposed mitigation will ensure that the proposed earthworks, stormwater run off and culvert will have less than minor ecological effects.

9.5 FLOODING EFFECTS

The proposed stormwater system has been designed by LDE and is detailed in Three Waters Design Report (**Appendix 4)**. This report concludes that the proposal will improve the potential flood hazard risk for adjacent properties and downstream because:

- The three onsite stormwater ponds have been designed to collect the stormwater runoff from impervious and pervious areas of each proposed residential lot and the road reserve. The ponds have been designed with the necessary outlet configuration to mitigate the 2yr, 10yr and 100yr storm events to equal or less than pre-development rates, which ensures that it does not affect downstream areas with any increases in flow rates.
- Additional to the 2, 10 and 100yr storm event mitigation an extended detention volume has been allowed for in the pond with a 24hr drain down period designed in accordance with Auckland Council's GD01. The extended detention reduces the stream erosion and increases water quality in the pond for the runoff from all the individual lots and road reserve areas and will help improve the overall quality of the stream the pond discharges to.
- Approximately 4 hectares of hillside planting is proposed as part of the development on the steeper slopes. This will improve water quality, and reduce runoff from the steeper hillside area.

This proposed mitigation combined with the proposed stormwater solution, will ensure that the proposed earthworks and stormwater discharge will not create or exacerbate any flooding effects on the surrounding environment.

9.6 CULTURAL (WAAHI TAPU) EFFECTS

The application site is not located within an identified area of cultural significance and the regional plan does not identify recorded sites of significance to Māori within the subject site.

As the subject site is located within the rohe of Ngāti Kahu O Torongare, direct discussions with Ngāti Kahu O Torongare prior to lodgement has been undertaken as discussed in section 2.2. An Archaeological Report has been prepared by Geometria Ltd (**Appendix 8**) which concludes that there is no evidence of permanent Māori occupation, however notes that Three Mile Bush Road appears to have been used as a foot track to Ruatangata and important Māori settlements are located short distances away.

It is understood from the discussion that there are features surrounding and within the site that are of importance to the hapū. Hurupaki forms part of the cultural landscape and is an important maunga to Ngāti Kahu O Torongare once being the largest Pā, Waitaua Stream which flows through the site has its origins from the Te Rawhitiroa Lake which is where babies were once baptised and the plateau of the site is within the that the area was used as a mahinga kai for the hapū.

The importance of Hurupaki has been recognised, the subdivision has been designed to reduce the potential effects of residential subdivision and built form, avoiding development on the upper slopes of the maunga. Proposed earthworks north of Waitaua Stream and have kept to a minimum to avoid excavation within the steeper slopes of Hurupaki. Effects of the proposed earthworks and stormwater will be mitigated by the permanent retirement and protection of approximately 5.5 ha of land as recreation reserve and the revegetation and rehabilitation of approximately 4ha of the steeper slopes of the Hurupaki cone within the subject site extending the existing vegetation and anchoring the maunga. Revegetation will have the benefit of improving slope stability, reducing stormwater run off from the cone, increasing biodiversity and connecting the vegetation of the maunga to the east and west.

The importance of Waitaua Stream has been recognised, earthworks within proximity to the Waitaua Stream have been carefully designed to reduce effect on the stream and the watercourse with not be altered. The treatment of any sediment laden stormwater will be contained within the site, prior to the discharge of any 'treated stormwater' to ground. The Erosion and Sediment Control Plan (**Appendix 3**) outlines the proposed mitigation measures in regards to sediment runoff and erosion measures. Effects of the proposed earthworks and stormwater will be mitigated by the protection by way of reserve the entire length of Waitaua Stream,

including planting of the western portion, protection of existing indigenous vegetation and provision for on-going pest and weed management.

The cultural importance of indigenous flora and fauna to hapū is recognised, the ecological effects have been discussed above, it is considered that the proposed development will have positive effects affording increased protection to the existing indigenous flora and fauna within the subject site.

It is considered the proposed mitigation measures, will ensure that the potential for adverse effects on the cultural values of the proposed development, particularly from the proposed earthworks and stormwater discharge will be less than minor.

9.7 SUMMARY OF EFFECTS

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it is concluded in the assessment above that any adverse effects relating to the proposal will be acceptable.

Further, it is considered that the proposal will result in significant positive effects as described in section 8.1 above. The earthworks and stormwater discharge are a required precursor to the proposed development that will enable people to meet the needs of future generations and result in positive effects for the local community.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are acceptable.

10.0 REGIONAL PLAN AND STATUTORY DOCUMENTS (SECTION 104(1)(B))

Section 104(1)(b) of the Act sets out that when considering an application for resource consent, council shall have regard to the relevant provisions of any national environmental standards, other regulations, policy statements (national and regional, including proposed regional policy statements), or plans or proposed plans.

The following planning documents prepared under the RMA are considered relevant to this application.

- National Policy Statement for Freshwater Management
- National Environmental Standards – Fresh Water
- Northland Regional Policy Statement
- Operative Regional Water and Soils Plan
- Proposed Regional Plan (Appeals Version)

10.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

The fundamental concept of the National Policy Statement for Freshwater Management (NPS-FM) is "Te Mana o te Wai" the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. The only objective of the NPS-FM 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.*

Policies of the NPS-FM focuses upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved.

The subject site does not contain any wetlands, the Waitaua Stream bisects the subject site. Policies 2, 3, 5, and 9 are considered relevant to the proposed development. As previously detailed various aspects of the proposed development will have the potential to affect the Waitaua Stream.

During the construction phase of the proposed development bulk earthworks will be undertaken and located in proximity to the Waiaua Stream (for which Regional Council consent has been applied for). Sediment and erosion control will be in place to mitigate potential affects to the Waiaua Stream.

The proposal will result in residential development being located directly north and south of the Waiaua Stream, any future built development within the proposed residential allotments will be appropriately setback from site boundaries. Any stormwater runoff from built form and impervious areas will be directed into the proposed stormwater system.

The proposal includes a comprehensive stormwater system which will result in three onsite stormwater ponds (designed to accommodate 2yr, 10 yr and 100yr storm events). The water will discharge from these ponds into the Waitaua Stream catchment into the headwaters of the catchment. The full water quality treatment volume for all areas of the development is provided within each of the ponds. The ponds are also likely to drain completely through soakage during the drier periods, as the stream only flows during heavier rainfall events, remaining dry for a lot of the drier summer period.

The proposal will result in the entire area of the Waitaua Stream being protected by way of reserve including the surrounding native vegetation. This will ensure on-going protection of native vegetation and the habitat of the Waitaua Stream.

For these reasons, it is considered that the proposal is consistent with the relevant NPS-FM policies and achieves objective 1.

10.2 NATIONAL ENVIRONMENTAL STANDARD FOR FRESHWATER MANAGEMENT

The proposal is considered to be a permitted activity under the NES-FM, therefore no further assessment is necessary.

10.3 NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement (RPS) covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of Plans on a regional level.

Objectives range from integrated catchment management, improvement of overall quality of Northland's water quality, maintaining ecological flows, protecting areas of significant indigenous ecosystems and biodiversity, sustainable management of natural and physical resources in a way that is attractive for business and investment that will improve the economic wellbeing. enabling economic wellbeing, regional form, the role of tangata whenua kaitiaki role is recognised and provided for in decision making, risks and impacts of natural hazards are minimised, outstanding natural landscapes and features and historic heritage are protected from inappropriate subdivision, use and development.

Relevant policy has been identified and summarised as follows:

- Policy 4.2.1 seeks to improve the overall quality of Northland's water resources by, establishing freshwater objectives, reducing loads of sediment, nutrients and faecal matter to water and promoting and supporting the active management, enhancement and creation of vegetated riparian margins. The propose development will have a positive effect on the fresh water of the Waitaua Stream, as sediment and nutrient run off will be reduced by the proposed stormwater management system. The stream and surrounding area will be protected by proposed reserve and protection of the indigenous vegetation.

- Outside of the coastal environment policy 4.4.1 seeks to avoid, remedy or mitigate adverse effects and of subdivision, use and development so they are no more than minor on indigenous taxa, indigenous vegetations and habitats

of indigenous fauna that are significant using Appendix 5, and avoid, remedy or mitigate adverse effects of subdivision, use and development. The proposed development will result in the protection of indigenous vegetation within the site, particularly the indigenous vegetation along the the Waitaua stream. Indigenous vegetation will be enhanced with the planting of approximately 4ha of the slopes of the Hurupaki cone, extending the existing vegetation down into the property.

- According to Policy 7.1.1 subdivision, use and development of land will be managed to minimise risks of natural hazards. The proposed subdivision and residential use of the site, will be managed to minimise the risk of natural hazards by way of comprehensive design of onsite stormwater management, avoidance of areas high instability hazards.

- Policy 8.1.2 requires district council to recognise and provide for the relationship of tangata whenua and their culture and traditions, have particular regard to kaitiakitanga and take into account the principles of the Treaty of Waitangi including partnership when processing resource consents. As previously discussed, the applicant has attempted to undertake engagement with hapu with respect to the proposed development.

For these reasons, it is considered that the proposal is consistent with the relevant RPS provisions.

10.4 OPERATIVE NORTHLAND REGIONAL WATER AND SOIL PLAN

The Regional Water and Soil Plan was made operative on 28 August 2004. With respect to this application, the following objectives and policies set out in Chapter 12 are the most relevant to the proposal:

> *12.5.1 The protection of the soil resources including soil quality and soil quantity, from degradation or loss as a result of unsustainable land use and land use practices.*
>
> *12.5.2. The safeguarding of the life-supporting capacity of water and ecosystems from the adverse effects of unsustainable land uses and land use practices.*
>
> *12.5.4. Avoid, remedy or mitigate the adverse effects of activities so as to achieve the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, natural character of water bodies and their margins; and to recognise and provide for waahi tapu and other sites of significance to tangata whenua.*

In general, these objectives and policies seek to protect soil quality, water quality, and cultural and heritage values from unsustainable land use. Further, the strategic

policy direction in chapter 12 of the RWSP is to regulate earthworks to minimise erosion and discharge of sediment to water.

It is considered that the proposed works will be consistent with these objectives and associated policies. Erosion and sediment control measures will be installed and stormwater system has been comprehensively designed which will ensure that any stormwater discharge will be contained within the subject site and appropriately managed to minimise any risk of soil erosion, or surface or groundwater contamination.

10.5 PROPOSED NORTHLAND REGIONAL PLAN

The Proposed Regional Plan was notified in September 2017, with all rules in the Proposed Regional Plan having legal effect under Section 86B of the RMA. With respect to this application, Policy D.4.31 (and associated objectives) is the most relevant to the proposal.

D.4.31 Managing the effects of land-disturbing activities

Earthworks, vegetation clearance and cultivation must:

1) *be done in accordance with established good management practices, and*
2) *avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on:*
   a) *human drinking water supplies, and*
   b) *areas of high recreational use, and*
   c) *aquatic receiving environments that are sensitive to sediment or phosphorus accumulation.*

It is considered that the proposed development is consistent with this direction as there will be no adverse effects on water quality. As established throughout the application, appropriate sediment and erosion control measures will be implemented in accordance with the Guidelines for Land Disturbing Activities in the Auckland Region (2016) to manage any sediment laden runoff for the duration of the activity. This will ensure that any stormwater discharge will be contained within the subject site and appropriately managed to minimise any risk of soil erosion, or surface or groundwater contamination. The proposed works will be stabilised as soon as is practicable after works are complete.

10.6 SUMMARY

It is considered that the proposed development is consistent with the relevant statutory planning documents.

11.0 ANY OTHER MATTERS (104(1)(C))

There are no other matters considered relevant to the determination of this application for resource consent.

12.0 PART 2 MATTERS

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of "other matters" to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant Regional Plan objectives, policies, and assessment criteria, it is considered that the proposal is consistent with the general resource management principles set out in Part 2 of the Act.

13.0 CONCLUSION

Hurupaki Holdings Ltd applies for a landuse consent from the Northland Regional Council for earthworks and stormwater discharge activities associated with the subdivision and residential development of 76 residential allotments, at 131 and 189 Three Mile Bush Road, Kamo. A separate land use and subdivision application is being sought concurrently from Whangārei District Council.

Based on the above report it is considered that:

- The application is a discretionary activity and is not precluded from public notification;

- Any adverse effects in relation to the proposed activity are considered to be less than minor, and acceptable when considering the positive effects of the proposal;
- The proposal is considered to accord with the Regional Policy Statement and operative and proposed Regional Plans; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted.

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