



25th August 2017

Application No.: SUB/2017/26

Cato Bolam Consultants Ltd
PO Box 157
Orewa 0946

Dear Sir/Madam

SUBDIVISION RESOURCE CONSENT: DECISION
Re: - Whitianga Waterways Stage 10 Subdivision.

This letter is to inform you of Councils decision to **grant** your application for a subdivision consent to subdivide to create a staged subdivision of 72 residential lots, including road to vest, local purpose reserves (recreation and accessway) to vest and balance titles for commercial or visitor accommodation use at 200 Joan Gaskell Drive Whitianga, in accordance with sections 104C and 106 of the Resource Management Act 1991, subject to the conditions below.

It is important you fully understand and comply with all the conditions of your consent however if you are dissatisfied with any aspect of the decision, you have the right to lodge an objection. Information regarding lodging of an objection can be found in the advice notes.

Please also note the following:

- Pursuant to section 223 of the Resource Management Act 1991, certification must be applied for and obtained within 5 years of the granting of this consent.
- Pursuant to section 224 of the Resource Management Act 1991, the final completion certification must be signed and deposited within 3 years of section 223 certification being obtained.
- In accordance with section 128 Resource Management Act 1991, Council may review the conditions of consent at any time prior to the issue of the final 224 completion certificate.

Conditions

The consent holder/landowner shall comply with the following conditions:

GENERAL

Fees and Charges

1. This consent holder shall not give effect to this consent (or any part thereof) until such time as the following charges, have been paid in full:

District Office: 515 Mackay Street, Private Bag, Thames 3540, New Zealand
P +64 7 868 0200, F +64 7 868 0234 E customer.services@tcdc.govt.nz
Offices at: Coromandel • Whitianga • Whangamata
www.tcdc.govt.nz

- (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA) including a consent compliance monitoring fee of \$320 (inclusive of GST); and
- (b) All additional charges imposed under section 36(3) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application.
- (c) All development contributions relating to the development authorised by this consent, which will be invoiced separately. Please refer to the advice notes for further information.

The Council's administrative charges for receiving and processing this application in accordance with Section 36 of the Act, must be paid in full within 15 working days of receipt of the invoice for this decision, unless otherwise agreed in writing with the Council's Planning Manager. The consent compliance monitoring fee shall be paid as part of the resource consent fee and the consent holder/landowner will be advised of any further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Prior to the commencement of physical works on the site, the following conditions are to be complied with for each stage:

2. The consent holder shall appoint an official representative for all engineering matters, and advise Council of the representative's name and contact details. All correspondence relating to engineering matters shall be directed to the appointed official representative.
3. The consent holder shall submit a 'Site Engineering Plan', construction drawings and specifications prepared by a Chartered Professional Engineer (CPEng) or other suitably qualified person, for approval to Council's Development Engineer. These documents shall include but not be limited to:

Stage 10A and 10B

- Geometric and pavement design within Lot 4 (Road 1) unless already constructed as part of an alternative stage.
- Geometric and pavement design of the Intersections within Lot 4 (Road 1)
- Profiles and finished levels of the building platforms.
- Storm-water systems design including long-sections and materials specification.
- Overland flow paths
- Water supply system design and material specifications.
- Footpath location and design.
- Wastewater system design
- Streetlighting within Lot 4 (road 1).
- Power and telecom reticulation to Lots 554 or Lots 556

Stage 10C

- Profiles and finished levels of the building platforms.
- Storm-water systems design including long-sections and materials specification.
- Overland flow paths

- Water supply system design and material specifications.
- Power and telecom reticulation to Lot 555
- Wastewater reticulation design

Stage 10D

- Geometric and pavement design of Lot 4 (if not already undertaken in a previous stage)
- Geometric and pavement design of Lot 2,
- Geometric and pavement design of the temporary road (if progressing Stage 10D prior to 10G)
- Geometric and pavement design of the Intersections within Lot 4 (if not already undertaken in a previous stage)
- Temporary turning head at the southern end of Lot 2 (which may be by 3-point turn within formed pavement)
- Geometric and pavement design of all intersections within Lot 2.
- Profiles and finished levels of the building platforms.
- Storm-water systems design including long-sections and materials specification. Residential properties may discharge stormwater to soakage disposal or roof water to canal disposal, subject to compliance with consent notice.
- Overland flow paths
- Water supply system design and material specifications.
- Footpath location and design.
- Wastewater system including the pressure sewer rising main to existing public reticulation, connections to each residential or commercial lot, and any temporary pipeline at Temporary Road 4. This is to include the provision of a long-section with valve placement and type.
- Streetlighting within Lot 2.
- Power and telecom reticulation (including temporary lines on the Temporary Road 4 if Stage 10D progresses before stage 10G.
- Local Purpose Reserve (Lot 7) construction
- Either the temporary road design or the Bridge design for Stage 10G

Stage 10E (this stage is required to be either after Stage 10D or simultaneously)

- Geometric and pavement design of Lot 3
- Geometric and pavement design of the Intersections within Lot 3
- Temporary turning head at the north end of Lot 3 (which may be by 3-point turn within formed pavement)
- Profiles and finished levels of the building platforms.
- Storm-water systems design including long-sections and materials specification. Residential properties may discharge stormwater to soakage disposal or roof water to canal disposal, subject to compliance with consent notice.
- Overland flow paths
- Water supply system design and material specifications.
- Footpath location and design.
- Wastewater system including the pressure sewer rising main to public wastewater reticulation, connections to each residential lot, and any temporary pipeline at Temporary Road 4. Also the provision of a long-section with valve placement and type.
- Streetlighting within Lot 3.
- Power and telecom reticulation (including temporary lines on the Temporary Road 4.
- Either the temporary road design or the Bridge design for Stage 10G if not provided under earlier stages.

Stage 10F (this stage is required to be either after Stage 10D or simultaneously)

- Geometric and pavement design of Lot 5
- Temporary turning heads the southern end of Lot 5(which may be by 3-point turn within formed pavement)
- Profiles and finished levels of the building platforms
- Storm-water systems design including long-sections and materials specification. Residential properties may discharge stormwater to soakage disposal or roof water to canal disposal, subject to compliance with consent notice.
- Overland flow paths
- Water supply system design and material specifications.
- Footpath location and design.
- Wastewater system including the pressure sewer rising main to public wastewater reticulation, connections to each residential lot.
- Streetlighting within Lot 5.
- Power and telecom reticulation

Stage 10G (This stage is required to be completed within 12 months of completing stage 10D if not being undertaken simultaneously)

- Geometric and pavement design of Lot 8
- Design of the Bridge and associated erosion protection measures.
- Storm-water systems design including long-sections and materials specification.
- Water supply system design and material specifications.
- Footpath location and design.
- Wastewater system
- Streetlighting
- Power and telecom reticulation

NOTE: At the time of application for engineering design approval the consent holder shall make it explicitly clear what stages, or combination of stages are being applied for.

4. The consent holder shall submit a 'Quality Management Plan' for approval to the Council's Development Engineer. This plan shall be compiled to a level of sophistication appropriate to the scale and nature of the works and shall include but not be limited to an inspection and testing regime to:

- Determine the subgrade bearing capacity prior to the construction of the sub-base.
- Confirm the compatibility of the wastewater pressure main system with the Councils' SCADA system in relation to the operation, maintenance and alarming. Note the details and contacts can be provided by the Council(TCDC).
- Monitor the construction of the access roads, the road crossings and the water supply, wastewater and stormwater systems.

Written approval must be obtained from Council's Development Engineer before any part of the approved 'Quality Management Plan' can be varied. For auditing purposes, records shall be maintained and made available to the Council's engineering representative upon request

5. The consent holder shall submit a 'Construction Management Plan' for approval to the Council's Development Engineer. This plan shall be compiled to a level of sophistication appropriate to the scale and nature of the works. It shall include specific

details relating to avoiding, remedying or mitigating adverse effects on the environment from all works associated with this development as follows:

- Details of the site manager, including their contact details (phone/mobile number, fax, postal address);
- The location of a large notice board on the site that clearly identifies the name, phone/mobile number and address for service of the site manager;
- Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- Ingress and egress to and from the site for vehicles and construction machinery during site works period;
- Proposed location of any wheel-wash facilities;
- Proposed number and timing of truck movements throughout the day and the proposed routes;
- Proposed hours of work on the site (NB: hours shall correspond with any other condition in this consent relating to working hours).

The above details shall be shown on a site plan and supporting documentation. The approved 'Construction Management Plan' shall be implemented and maintained throughout the entire construction period.

6. The consent holder shall submit an 'Erosion and Sediment Control Plan' for approval to Council's Development Engineer. The 'Erosion and Sediment Control Plan' shall be prepared by a Chartered Professional Engineer or other suitably qualified person that has been approved by Council's Development Engineer. The plan shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from all works associated with this development as applicable:

- All Limits of Disturbance;
- Construction staging and sequencing;
- Steep areas and works proposed for special protection;
- Watercourses and protection measures including crossings or disturbances and associated construction methods
- Re-vegetation methods for areas requiring both temporary and long term stabilization
- Perimeter controls and design parameters
- Sediment retention design specifications, detailed inspection and maintenance schedules of structures.
- Controls to contain any dust nuisance within the site and to ensure that it does not adversely affect any neighbouring property.

The approved 'Erosion and Sediment Control Plan' shall be implemented and maintained throughout the entire construction period.

7. The consent holder shall submit a 'Design Certificate for Land Development/Subdivision Work' (refer to Appendix H1 of Councils code of Practice for Subdivision and Land Development'), to Council's Development Engineer. The 'Design Certificate' shall be prepared by a Chartered Professional Engineer or other Council approved person and must address, the works approved and constructed under the approved engineering plans above.

During the implementation of physical works on site for each stage of development, the following conditions are to be complied with:

8. The proposal shall proceed in accordance with the approved plans and the applications' 'Engineering Report' prepared by James Greenwood of Airey Consultants Ltd and dated October 2016 and the Tonkin and Taylor Report titled "Review of Flood levels for Stage 10 Development" dated 26th July 2017
9. All construction work, including maintenance and demolition work, on any site will need to be designed and conducted to ensure that noise from the site is in accordance with the provisions of NZS6803:1999 Acoustics – Construction Noise. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, NZS6801:2008 Acoustics - Measurement of environmental sound and 6802:2008 Environmental Noise.
10. The consent holder shall clearly mark on site all 'Limits of Disturbance', using fences, signs and/or flags.
11. The Consent Holder shall ensure that no dust emissions from the activities authorised by this consent cause an objectionable or offensive effect beyond the boundaries of the stage under construction (includes stockpile areas and contractors yard).

Advice Note:

For the purposes of this condition, the Thames Coromandel Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Thames Coromandel District Council determines so after having regard to the frequency, intensity, duration, location and effect of dust emissions.

12. The consent holder shall plant and establish quick growing vegetation to provide rapid and/or temporary stabilization on exposed faces. An 80 -90% per m² grass strike rate shall be achieved and if necessary re-seeding will be required where seed germination is unsatisfactory or where erosion occurs.
13. The consent holder shall install erosion protection measures at the inlets and outlets of all culverts constructed as part of this resource consent. These measures shall be by way of rip rap, reno mattress, concrete headwall structures or an alternative measure to the satisfaction and approval of Council's Development Engineer.

Prior to the land transfer plan being signed for each stage of the development pursuant to section 223 of the Resource Management Act 1991, the following conditions are to be complied with:

14. The subdivision shall proceed in general accordance with the approved subdivision plan prepared by Cato Bolam Consultants titled "Stage 10 Lots 1-8 & 483-556 R7 S2 "dated 08/19 and updated 03/17 , signed and dated by Council on 25th August 2017.
15. Pursuant to section 243 of the Resource Management Act 1991, any necessary easements as required shall be included in a memorandum of easements endorsed on the land transfer plan. The applicant shall meet all costs relating to the creation of easements. The easements shall be placed over:

- All private service leads or drainage lines, where they cross property boundaries.
 - All public services, where they cross private property boundaries, shall be shown as an “Easement in Gross” in favour of the Thames-Coromandel District Council. This shall include easements, where necessary, for onsite pressure sewer systems (including pumps and other related components) for the relevant lots.
 - A right to drain sewage easement in gross shall be provided on Lots 483 - 553 (inclusive) and shall be a minimum width of 3m from front boundary adjoining road reserve or accessway (for access purposes). This easement is in place to provide for the installation and eventual access to the wastewater system within each lot. The consent holder shall provide written confirmation from the Group Manager Infrastructure, Thames-Coromandel District Council that the 'Home Owner's Manual' referenced within the Pressure Wastewater Reticulation Guidelines June 2017 has been prepared and adopted/approved by the Council.
16. If the temporary road option is utilised easements in gross in favour of Thames Coromandel District Council for access and public services shall be shown on the land transfer plan and included in a memorandum.
 17. Lot 6 shall vest in the Council as Local Purpose Reserve (Recreation).
 18. Lot 7 shall vest in the Council as Local Purpose Reserve (Accessway).
 19. Lots 2, 3, 4, 5 and 8 shall vest in the Council as Road.

Prior to the completion certificate being signed pursuant to section 224(c) of the Resource Management Act 1991, the following conditions of consent are to be complied with:

GENERAL Conditions for each Stage:

20. That the subdivision proceeds in general accordance with the information provided with the application, namely:
 - Subdivision consent application prepared by Cato Bolam Consultants Limited and dated March 2017
 - Further information prepared and submitted by Cato Bolam and Airey Consultants with accompanying plans titled:
 - Subdivision Plan titled "Stage 10 Lots 1-8 & 483-556" Revision 7 Sheet 2 dated 08/16 and updated 03/17, signed and dated by Council on the of 2017.
 - Easement Plan titled “Western Island Bridge Stratum Estate” dated 15/05/2017 Sheet S3
 - “Proposed Road layout Plan” Rev A dated 26/06/2017 (drawing 300)
 - “Road layout Plan Sheet 5 of 6” Rev A dated 26/06/2017 (Drawing 314)
 - Proposed Cut and Fill Plan Drawing 210
 - Proposed Cut and Fill Sections Drawing 211
 - Tonkin and Taylor Report titled “Review of Flood levels for Stage 10 Development” dated 26th July 2017
21. The consent holder shall engage contractors to carry out and certify by way of the 'Contractors Certificate upon Completion of Land Development/Subdivision Work' (refer to Appendix H2 of the Councils 'Code of Practice for Subdivision and Development') that the construction and all completed works for each stage of the subdivision are in accordance with:

- the approved engineering plans and specifications, and;
- the 'Engineering Report' prepared by James Greenwood of Airey Consultants Ltd and dated October 2016.
- the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development"

22. The consent holder shall engage a Chartered Professional Engineer or other suitably qualified person that has been approved by Council's Development Engineer, to certify by way of the 'Certificate upon Completion of Land Development/Subdivision Work' (refer to Appendix H3 of the Councils 'Code of Practice for Subdivision and Development') that the construction and all completed works are in accordance with:

- the approved engineering plans and specifications,
- the 'Engineering Report' prepared by James Greenwood of Airey Consultants Ltd and dated October 201 and;
- the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development".

All easements in gross shall be registered against the relevant Computer Freehold Register at the deposit of the Survey Plan. The easements in gross shall be prepared by the Consent Holder's Solicitor and shall include Council's standard conditions for easements in gross.

EARTHWORKS AND DRAINAGE

23. The consent holder must carry out earthworks procedures that will include but not be limited to :

- the removal of existing windrow stockpiles.
- The removal of topsoil from areas to be earthworked to stockpile(for reuse) or for use elsewhere on waterways sites.
- The infilling of the existing open drain on the Stage 10 northern boundary.
- The removal of existing windrow stockpiles and the removal of topsoil from areas to be earthworks to stockpile(for reuse) or for use elsewhere on waterways sites.
- General cut and fill, and compaction operations in accordance with the standards and plans as listed above

24. The consent holder shall achieve an 80-90% per m² perennial grass strike on all exposed earthworks within 3 months of the completion of earthworks on site.

25. The consent holder shall carry out all 'fill' earthworks in accordance with the relevant provisions of NZS4431:1989, entitled "Code of Practice for Earth Fill for Residential Development" and the Councils' 'Code of Practice for Subdivision and Land Development '.

26. The consent holder, after completion of all earthworks, must provide an 'Earthworks and Land Stability Completion Report'. Refer to Section 2, clause 2.1.11.1 of the Councils 'Code of Practice for Subdivision and Land Development ' The report must be prepared by a Chartered Professional Engineer and/or Geotechnical Engineer.

27. The consent holder/landowner shall submit an as-built plan to the Council showing the extent and depth of fill for all completed earthworks.

28. The consent holder shall construct the reticulated stormwater system, overland flow paths and rain gardens in accordance with the Approved Engineering Plans, the

current Thames-Coromandel District Council "Code of Practice for Subdivision and Development", and the Engineering Report prepared by Airey Consultants Ltd dated October 2016.

Note that all temporary drainage works shall be covered in the WRC earthworks consent.

29. The consent holder shall show evidence from a chartered professional engineer that the Overland flow paths are directed along a route to a controlled discharge point so as to not worsen any flooding downstream of the site or enter building sites in a 2% AEP event. If minimum habitable floor levels are required a consent notice shall be placed on the title of each residential lot and each commercial lot.

SERVICES

30. The consent holder shall install separate electricity and telephone service connections for each respective network utility for all lots below:
 - Stage 10A Lot 556.
 - Stage 10B Lot 554.
 - Stage 10C Lot 555.
 - Stage 10D, Lots 483 - 523.
 - Stage 10E, Lots 524 - 537.
 - Stage 10F, Lots 538 - 553.

Once installed, confirmation shall be provided to Council's Development Engineer by way of a letter of endorsement from each respective network utility provider, that the utility network provider's requirements have been met.

31. The consent holder shall construct a reticulated stormwater system to service the stage 10 subdivision roading network to TCDC standards. Residential properties may discharge stormwater to soakage disposal or roof water to canal disposal, subject to compliance with consent notice.

Construction shall be carried out to a standard satisfactory to Council's Development Engineer and in accordance with the standard requirements of the Councils 'Code of Practice for Subdivision and Development and approved engineering plans.

32. The consent holder shall construct a pressure sewer rising main through the Stage 10 subdivision to existing wastewater reticulation within the first stage of the subdivision.
33. The consent holder shall provide a wastewater connection via a wastewater boundary kit, to all residential lots.
 - Stage 10D, Lots 483 - 523.
 - Stage 10E, Lots 524 - 537.
 - Stage 10F, Lots 538 - 552

The boundary kit with the connection shall be located within the boundary of each lot.

Wastewater connections to Stage 10A Lot 556, Stage 10B Lot 554, Stage 10C Lot 555 may be by way of gravity main connection.

The construction will be carried out in accordance with the Approved Engineering Plans and the Councils 'Code of Practice for Subdivision and Development.

34. The consent holder shall make all wastewater 150mm lateral connections to Council's main through a manhole.
35. The consent holder shall construct a potable water supply system to service the stage 10 subdivision with service connections provided to each lot to a standard satisfactory to Council's Development Engineer and in accordance with the standard requirements of the Councils 'Code of Practice for Subdivision and Development.
36. The consent holder shall provide hydrants in all water mains for fire-fighting, air release, charging and emptying the system for maintenance purposes. The hydrants shall be installed in accordance with the Councils 'Code of Practice for Subdivision and Development' clause 4.3.7.

ROADING & VEHICLE CROSSINGS

37. The consent holder shall construct the new public roads in compliance with the Approved Engineering Plans and the current Thames-Coromandel District Council "Code of Practice for Subdivision and Development".
38. The consent holders shall construct the Bridge in accordance with the approved engineering design plans.
39. If the Consent Holder undertakes Stage 10D prior to Stage 10G the following conditions apply:
 - a) The consent holder shall construct the temporary access-road around the future bridge/culvert site. The access-road may be sealed but not kerbed, and will otherwise be constructed in accordance with the Approved Engineering Plan and the Councils' Code of Practice for Subdivision and Land Development'.
 - b) Prior to construction of the temporary access-road option the applicant is to provide evidence of a signed agreement between Whitianga Waterways and Council's Roading Manager confirming that the applicant has entered into a legal undertaking to construct the Bridge (stage 10G) and vest in Council within 24 months of the release of title for any of stages 10D, 10E or 10F, otherwise undertake to upgrade the temporary access-road to full road standard in accordance with the Code of Practice and vest the temporary road in Council for use as public road.
 - c) The temporary road shall be owned and maintained by Whitianga Waterways Ltd in accordance with the Temporary Road Link Maintenance Programme dated March 2017. An Easement in Gross shall be registered against the relevant Computer Freehold Register at the deposit of the Survey Plan in favour of Thames Coromandel District Council. When the road and bridge in Stage 10G has been completed Council will relinquish the easement in gross.
40. The consent holder shall construct temporary metalled turning heads, or other approved turning area, at the termination of the road within Lot 2 for stage 10D, Lot 3 for Stage 10E and Lot 5 for stage 10F, in accordance with the approved engineering plans.

41. The consent holder shall construct footpaths in the road reserve and within the Local Purpose Reserves, in accordance with the approved engineering plans and specifications and the Councils' 'Code of Practice for Subdivision and Development'. Note: All footpaths shall be 125mm thick.
42. The footpath located along Road 5 within Stage 10D (Lot 2) and Stage 10E (Lot 3) shall be designed and constructed in accordance with the amended drawing titled: "Road Layout Plan sheet 5 of 6" Revision A dated 26/06/2017 to provide separation from the road and footpath within the proposed 20 metre road reserve.
43. The consent holder shall construct vehicle crossings in the road reserve, for proposed Lot 488 within Stage 10D and the future access within Stage 10F as shown on the approved scheme plan. The vehicle crossings must be constructed to the standard requirements of Council's 'Code of Practice for Subdivision and Land Development'.

LANDSCAPING AND PLANTING

44. A detail landscaping plan for landscaping within the road reserve and local purpose reserves, including an implementation and maintenance programme shall be submitted to and approved by Council's Development Planning Manager. No landscaping shall be undertaken until the landscape plan has been approved by Council. The landscape plan shall include an estimate of the costs for the proposed landscaping work. Landscaping design and construction shall also comply with current Thames-Coromandel District Councils Code of Practice for Subdivision and Development.

ASSETS

45. The consent holder shall submit as-built plans for approval to Council's Development Engineer. The as-built plans shall be in accordance with the Council's standards for the 'Capture and Supply of Asset Data'.
46. The consent holder shall submit to the Council's Development Engineer relevant information with regard to all assets to be vested for each stage of the subdivision. This information shall include as-built drawings and a copy of the Council's 'Asset Component Acquisition Register' spreadsheet detailing the acquisition and/or redundancy and disposal of assets. The as-built drawings (asset data) shall be based on those found within NZS 4404:2010 Land Development and Subdivision Engineering (Appendix A- Standard Construction Drawings).
47. The consent holder shall submit to the Council's Development Engineer relevant information with regard to all roading assets to be vested. This information shall include as-built drawings and completed RAMM data collation forms which have been prepared by a suitably qualified RAMM technician. The as-built drawings (asset data) shall be based on those found within NZS 4404:2010 Land Development and Subdivision Engineering (Appendix A- Standard Construction Drawings). The information shall also include a copy of the Council's 'Asset Component Acquisition Register' spreadsheet detailing the acquisition and/or redundancy and disposal of the relevant asset(s).
48. The consent holder shall install streetlights in accordance with the approved engineering plans and specifications.

49. The consent holder shall provide relevant COC and SLIMM data associated with all new street light installations including a copy of the PowerCo street light forms for each light.

MAINTENANCE BONDS

50. The developer shall maintain the landscape component of the work for a period of 18 months following issue of s224 certificate. An 18 month maintenance bond is required on all landscaping and grassing within the subdivision to the value of 150% of the agreed maintenance cost. The bond document will be drafted by Council's Legal team at the consent holder's expense. The bond shall be signed and the bond funds deposited with Council prior to release of the s224 certificate.
51. The consent holder shall be responsible for the maintenance of all assets to be vested in Council for a period of 12 months following the date of issue of the s224 certificate for each construction stage.
52. The Consent holder shall be required to enter into a bond for the 12 month maintenance period. The bond document will be drafted by Council's Legal team at the consent holder's expense. The bond shall be signed and the bond funds deposited with Council prior to release of the s224 certificate.
53. The consent holder shall submit a schedule of costs which detail the value of the assets to vest in Council. These costs shall provide the basis for calculating the value of bond, which shall be set using the scale prescribed in Section 1, Clause 1.6.2.2 of the Thames-Coromandel District Council Code of Practice for Subdivision and Land Development. The value of the bond shall be approved by Council's Development Engineer.

CONSENT NOTICE CONDITIONS.

54. For the purpose of section 224(c) and pursuant to section 221 of the Resource Management Act 1991, a consent notice shall be registered against the relevant Certificates of Title. These notices shall specify the following conditions as relevant to each Lot:

Balance Lot:

- (a) If a temporary access-road option has been constructed the applicant shall within 24 months of first operation of the road construct the permanent bridge and road shown as stage 10G on the approved scheme plan and vest in Council. The temporary access-road shall be removed. Any easement over the access-road shall be relinquished.

Applicable to relevant Lots on various stages:

- (b) No vehicle crossing or access of any kind is to be constructed to serve Lot 532 or Lot 512 along the southern boundary road frontage of these allotments.
- (c) An application for vehicle crossings to serve Lots 483 - 487(inclusive), 489 - 552(inclusive) shall be made to the Council at the time of building consent application for either a garage or dwelling (whichever is applied for first). The vehicle crossing shall be constructed within (6) six months of the Council granting the building consent. The vehicle crossing shall be installed to the standards specified in the Council's current "Code of Practice for Subdivision

and Development” and shall be constructed by an approved vehicle crossing contractor unless specific approval for another suitably qualified person has been obtained from Council’s Roading Manager. Mountable kerbs may remain in-situ through the vehicle crossing.

- (d) At the time of application for a building consent for any dwelling on Lots 483 - 553 (inclusive), the owner shall, at their cost, construct an onsite pressure sewer system (including pumps and other related components) for the lot as approved by the Council at the Engineering Plan stage of the application for SUB20170026 having regard to the Council's "Pressure Wastewater Reticulation Guidelines" dated June 2017 (or any successors) and the associated 'Homeowners Manual' (or any successors) ("Approved System"), on the following terms and conditions:
- a) The Approved System shall be located in the area subject to a right to drain sewage easement in favour of the Council as shown on each lot;
 - b) Any deviation from the Approved System will require specific approval from the Council's Infrastructure Group;
 - c) The Approved System will be connected to the Council's sewage system via pre-installed boundary kits/control boxes at the lot owners cost;
 - d) The connection of the Approved System to the Council's sewage system will be subject to:
 - (i) The Owner's completion of the appropriate Council Utilities Connection Application (details available from the Council); and
 - (ii) Certification of the connection by a Council approved contractor at the owners cost.
 - e) Once installed and commissioned by a Council approved contractor, and prior to first use, the Approved System (including any boundary kits/control boxes), in situ, shall vest in the Council; and
 - f) The owner shall, at all times and at the owners cost, comply with the owner’s obligations with regard to the Approved System contained in the "Home Owner's Manual" (which forms part of the Council's Pressure Wastewater Reticulation Guidelines), in particular, maintaining continuous supply of power to the Approved System and ownership and maintenance of the property’s gravity drain to the pump chamber.
- (e) On-site stormwater disposal system design for Lots 483 to 552 inclusive shall be undertaken in accordance with:

The recommendations contained in a site specific on-site stormwater disposal report that shall be submitted for approval to Council in support of the building consent application,

OR

By way of soakage (for roof water only) and piped reticulation discharge in accordance with Airey Consultants Ltd drawings titled "Residential Stormwater Soakage Disposal Typical Details Road Side" file no. 6446/81 sheet 19, or Residential Stormwater Soakage Disposal Typical Details Canal Side " file no. 6446/81 sheet 18. (provided with the Council Approved Engineering plans), or as approved under subsequent Engineering Works Approval.

- (f). The minimum floor level of any habitable building for all residential lots shall be no less than 13.15m (WWD) (or R.L 3.15m AVD) as recommended within the Tonkin and Taylor report entitled "Whitianga Waterways: Review of flood levels for Stage 10 development" dated 26th July 2017 Job No: 1003723.

Advice Notes

1. Should the applicant wish to formally object to this decision please advise the Development Planning Manager in writing within 15 working days of the receipt of this letter, stating reasons for the objection and the preferred outcomes.

If no response is received within 15 working days it will be assumed that the applicant accepts this decision and it will be regarded as final.

2. Pursuant to section 125 of the Resource Management Act 1991, this consent lapses five years after the date it is granted unless:

- (a) The consent is given effect to, i.e the 223 certificate has been issued; or
(b) The council extends the period after which the consent lapses.

3. It is possible that archaeological sites may be affected by the proposed subdivision work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts or Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand (previously New Zealand Historic Places Trust) and a representative from Ngati Hei if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

Development Contributions Advice Note

The proposal has been assessed as requiring a development contribution. The development contribution has been assessed in accordance with the information provided in the application.

The following development contributions shall be paid pursuant to sections 198 to 208 of the Local Government Act 2002.

1. A development contribution is payable on this subdivision. A letter stating the amount payable will be issued within 15 working days of the date this decision is released.

These contributions are required in accordance with Council's Development Contributions Policy. The Development Contributions Policy provides a review provision under section 3.10. Any request shall be in writing and shall set out the reasons for the review. The notice of review must be received by the Council within 15 working days of receipt of the formal development contribution letter.

These contributions shall be paid upon the granting of the resource consent and prior to the completion certificate being issued pursuant to section 224(c) of the Resource Management Act 1991.

A copy of the decision report is attached for your information.

If you have any questions or concerns about any aspect of the decision or consent conditions, please contact me on (07) 868 0200.

Signed for and on behalf of the Thames-Coromandel District Council:



.....
Lachlan McHaffie
Senior Planner
PLANNING GROUP

Dated this 25th day of August 2017.

Notice of Commencement of Works

**PLEASE POST OR FAX THIS COMPLETED PAGE AT LEAST 3 WORKING DAYS
BEFORE STARTING WORK**

To: Thames-Coromandel District Council
515 Mackay Street, Private Bag
THAMES
Fax: (07) 868 0234

Attention: Monitoring Officer

Resource consent details:

Address: 200 Joan Gaskill Drive, Whitianga

Application no: SUB/2017/26

Proposal: To complete a staged subdivision of 72 residential lots, including road to vest, local purpose reserves (recreation and accessway) to vest and balance titles for commercial or visitor accommodation use.

Work will start on: _____
(Date)

Owner's contact details:

Name: _____

Telephone: _____

Mobile phone: _____

Postal address: _____

Contractor's contact details (e.g. builder, earthmover)

Name: _____

Telephone: _____

Mobile phone: _____



RESOURCE MANAGEMENT ACT 1991
ASSESSMENT AND DETERMINATION OF AN APPLICATION
FOR RESOURCE CONSENT

RESTRICTED DISCRETIONARY ACTIVITY
SUBDIVISION CONSENT

Reporting Officer:	Karl Baldwin - KTB Planning
Consent Number:	SUB/2017/26
Applicant:	Whitianga Waterways
Site Address:	200 Joan Gaskell Drive, Whitianga
Legal Description:	Lot 19 DP 333154, Lot 1 DP47148 and Lot 1 DP 503741
Application:	To complete a staged subdivision of 72 residential lots, including road to vest, local purpose reserves (recreation and accessway) to vest and balance titles for commercial or motel use.

1.0 Introduction

1.1 Description of the Proposal

The proposal is set out in the following stages:

Stage 10A

Lot 556 (13,735m²) plus balance lot. This proposed lot contains the existing wastewater pumping station and will be further developed for commercial activities at some point in the future.

Stage 10B

The proposal is for the creation of Lot 6 (957m²) to vest as local purpose reserve (recreation) and Lot 554 of 3993m²

Lot 4 Road to vest (5658m²) will be constructed during either Stages 10A, B or D.

Stage 10C Lot 555 (20,234m²) will be created for the use of a motel development at a later stage.

Stage 10G

The proposal is to either construct the bridge and road to vest or form a temporary road to provide legal and physical access to stage 10D. A strata easement is proposed to be created as part of this stage to allow for the passage of boats under the bridge and allow the Whitianga Waterways to maintain the bed of the canal (e.g. undertake any dredging activities) . The bridge itself and supporting structures below the bridge (foundations and geotextile materials) will vest as assets in TCDC.

Stage 10D

This stage is to create Lots 553 (4313m²) for commercial development and 41 residential sites (Lots 483-523). These lots will range in size from 604m² to 1298m². The stage also proposes the creation of Lot 7 (513m²) a local purpose reserve (accessway) to vest, and Lot 2 (14431m²) of road to vest.

Easements Y will be created for all lots with canal frontages (Stages 10B,C and D) to provide for canal walls, jetties and moorings.

Stage 10E

This stage is to create 14 residential lots (Lots 524-537) ranging in size from 600m² to 885m² and vest Lot 3 (4561m²) as road. Stage 10E will be completed after or at the same time as stage 10D to ensure legal and physical access through stage 10D.

Stage 10F

The creation of 15 residential lots (Lots 538-552) ranging in size from 600m² to 795m² and road to vest (Lot 5 – 2226m²). Stage 10F will be required to be completed at the same time or after stages 10D and 10E to ensure legal and physical access.

Servicing

The following is proposed in terms of servicing:

Roading and Access

Dual direction carriage ways separated with a grassed median strip with intermittent turn-around areas and intersections allowing vehicles to manoeuvre. Roads to vest will be formed with mountable kerb and channel, and be finished in single-coat chip seal, overlaid by asphalt concrete. Footpaths will be provided both sides of Lot 4, Lot 8 and Lot 2 road to vest. Road stubs will be provided to service future stages.

Vehicle crossings will be left to be constructed at building consent stage. Except for access ways where no other location for the vehicle crossing is possible. No vehicle crossings will be permitted along the southern road frontage of Lots 532 and 512 due to the widened road reserve linking the future recreation reserve and Lot 7 recreation reserve.

Stormwater

Stormwater reticulation for the catchment is designed to code of practice standard to cater for a 5 year ARI plus 20% increase for climate change. Stormwater from the catchment will be discharged to the canals. Stormwater from the roads will be treated in the swales located within the grassed medium strip in the centre of the roads. The applicant proposes that a consent notice be registered against the titles of residential lots to design for a 10 year ARI storm to deal with stormwater from roof areas and driveways with overflow directed to the roading networks.

Wastewater

Wastewater will be via a reticulated pressure system to the existing pump station located within Lot 556. This pumping station is designed to cater for discharges from the entire subdivision. As the proposal is for a pressurised system each individual dwelling will require a private gravity reticulation to a small pump chamber, once the pump chamber has sufficient volume the pump will push the wastewater into the public network. Individual pumping chambers require on-going maintenance. The applicant proposes an ongoing condition of consent be registered against the titles of the new lots to ensure that wastewater is managed on an on-going basis.

Water supply

The subdivision will be serviced by the reticulated network and watermains installed prior to 224c. Fire hydrants will be installed in accordance with the Code of Practice.

Utilities

Power and telecommunication supplies will be underground and provide to service all residential and commercial lots.

Earthworks

Retrospective and on-going earthworks consent for stage 10 is proposed Earthworks volumes are expected as follows:

Removal of stockpile to waste 45,469m³

Topsoil stripping – unsuitable 25,359m³

Cut volumes (sands 50,594m³)

Fill volumes (sands 25,235m³)

Area of earthworks: 15.15ha

Earthworks will be managed in accordance with the granted regional consents and geotechnical completion reports are proposed as a condition of consent by the applicant. Earthworks will ensure that the finished ground levels for the subdivision will be above areas subject to coastal inundation.

1.2 History

The Whitianga Waterways has been in development for a number of years as a result of a Structure Plan that was established back in the late 90's early 2000s. Multiple resource consents have been completed to date and iterations of the consents to construct the canals have been undertaken over a number of years. A Master Plan of the entire Whitianga Waterways has been developed and the new Structure Plan in the PDP has been established in accordance with that Master Plan.

1.3 Site and Locality Description

The site is accessed from an existing intersection with Joan Gaskell Drive and generally flat. Bulk earthworks were well underway to create the finished levels for proposed stage 10 of the subdivision. Sediment and erosion control measures were in place and no evidence of sedimentation leaving the site was noted. The canal revetment walls which run adjacent to Stage 10 to east are currently under construction and no flooding of the canal has occurred to date. To the east of the canal currently under construction are previous completed stages of the Whitianga waterways project. Observations from the site visit are that these stages have a high level of residential amenity with functioning infrastructure. To the west of the subject site is vacant land that will be subject to future stages of the waterways project. That will adjoin the state highway. Land to the north the subdivision adjoins Joan Gaskell Drive which is the main gateway to Whitianga township.



Image 1: View from Joan Gaskell Drive looking across the Canal under construction towards Stage 10



Image 2: Taken from approximately proposed Lot 507 looking north west.

1.4 Locality Plan



Image 3: Locality map.

1.5 Internal Referrals

The application has been referred to Council's Development Engineer, Council's Roding Manager, Reserves Manager and the Mercury Bay Area Manager for comment and assessment.

Council's Development Engineer Mr Jeff Hopping has recommended a number of conditions and is satisfied the proposal meets the relevant engineering requirements.

Council's Reserves Manager Mr Derek Thompson had initial concerns regarding the boat ramp, the usability of the reserves proposed and whether the proposal met the intention of the Structure Plan that provides for open space and connection of the inner lots with the canal frontages.

As a result of these concerns the applicant chose to remove the boat ramp from the proposal, change (Lot 7) from a recreation reserve to an accessway reserve and provided an overall updated master plan that showed the concept for the entire island and how the inner lots will maintain their connections with the canal frontage. As a result of discussions between the Roding Manager and the Reserves Manager it was agreed that the legal road corridor proposed in the location of the indicative reserve shown on the Structure Plan would be widened with a curved footpath in lieu of a reserve. This would allow clear linkages and line of sight through to Lot 7 and the canal frontage.

Council's Roding Manager Mr Matt Busch expressed concerns about how the temporary road will function, how it will be maintained and whether we could guarantee construction of the permanent bridge when it was not included as part of this application.

As a result of this the applicant included the permanent bridge in the application as a separate stage and asked that some flexibility be given to either use a temporary road or construct the bridge. This will depend on timing but the applicant has confirmed that their intention is to construct the bridge within 9-10 months of obtaining consent. Should the consent be granted, conditions of consent can place a timeframe on the use of the temporary road before the bridge shall be constructed and limits the use of the temporary road to 12 months. A private legal agreement will be agreed between the Roading Manager and the applicant to provide an undertaking that if the permanent bridge is not constructed and vested in Council within those 12 months, that the temporary road is brought up to full code of practice standard and vest in Council as permanent road.

No Comments were received from the Mercury Bay Area Manager.

2.0 Planning Framework

The Proposed District Plan decisions were publicly notified on 29 April 2016 and from this date the Proposed District Plan has had legal effect. The appeal period on the Proposed District Plan decisions closed on 13 June 2016. The Appeals version of the Proposed District Plan is now the working document. Under section 86F of the Resource Management Act 1991, a rule in the proposed plan must be treated as being operative (and any previous rule as inoperative) if no appeals have been lodged in relation to the rule.

If a rule in the Proposed District Plan has been appealed, the corresponding rule in the Operative District Plan will continue to have legal effect until the appeal is resolved and therefore both rules are relevant in assessing any resource consent that is affected by an appeal. When considering the weighting between the Proposed and Operative District Plans, the relevance of the issues at appeal will need to be considered in this assessment.

I have assessed the proposal and have identified that the relevant rules / objectives and policies in the Proposed District Plan (Appeals Version) are subject to appeal, therefore some consideration will need to be made of the relevant rules / objectives and policies in the Operative District Plan.

- Appellant Whitianga Waterways has appealed the Structure Plan area to request relief in the form of a different activity status for subdivision in the Structure Plan area.

It is apparent from the relief sought that the provisions are unlikely to be changed in such a way that the proposal would be in conflict with the relevant rules and assessment criteria in the Proposed District Plan. As discussed further in this report, I am satisfied that the proposal would be consistent with the standards in both District Plans and therefore no weighting exercise is required.

2.1 Special Purpose Provisions and Overlays

Operative District Plan	Proposed District Plan
Whitianga Waterways Structure Plan	Whitianga Waterways Structure Plan
Housing Zone Extra Density (Dark Purple)	

2.2 Zoning

Operative District Plan	Proposed District Plan
Housing Zone (light purple)	Residential Zone

Recreational Passive (Yellow)	
Open Space (Orange)	

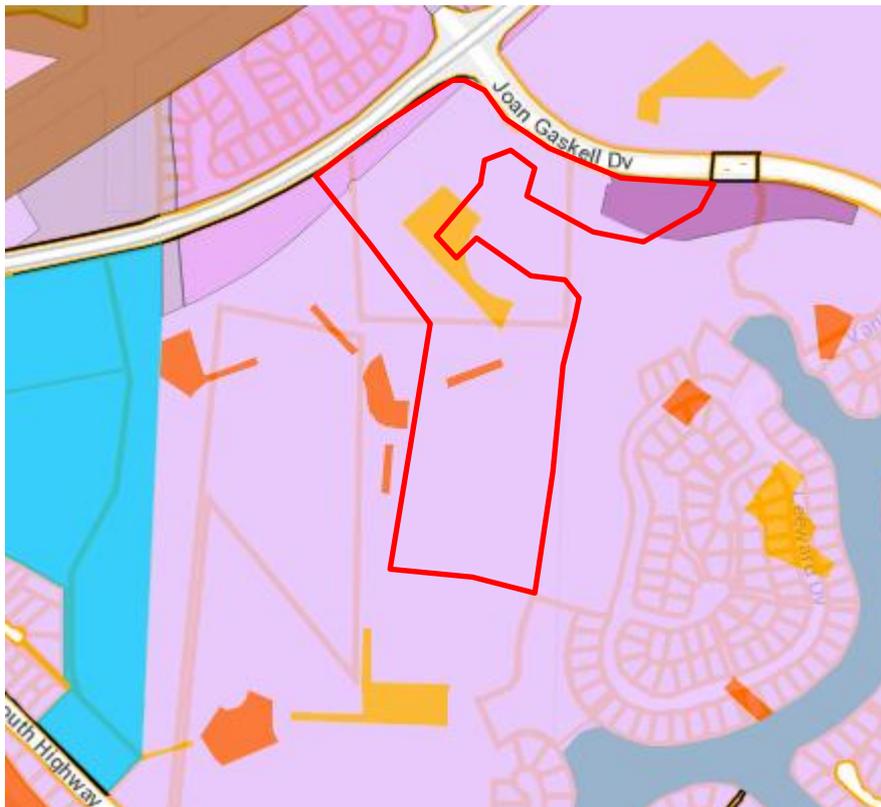


Figure 1 The operative plan zoning with the approximate area for subdivision included in Stage 10 shown in Red.



Figure 2 the Proposed District Plan Zoning and Structure Plan Area

2.3 Designations, Limitations and Interests

The site is not affected by any designations or limited by any interests registered against the Computer Freehold Register (Certificate of Title). Consent notices listed on the title can be complied with and will not need any variations.

2.4 Reasons for Consent

Resource consent is required under the Resource Management Act 1991 (the Act) for the following reasons:

Operative District Plan

Rule 711.1 allows as a controlled activity subdivisions that comply with the minimum site areas, frontage and shape factors as listed under Rule 712.

Rule 6.4 allows for subdivision as a controlled activity of the Recreation (Passive) zone provided it meets the rules under section 701.1.4. The proposal meets these rules.

Section 344.5.4(a)(iv) requires Structure Plan subdivision in Housing (OAPA) as restricted discretionary based on compliance with standards.

The proposal complies with the above rules and is a restricted discretionary activity under the Operative District Plan.

Proposed District Plan

Subdivision creating one or more additional lots in a Residential Area which meets the standards in Tables 2 and 3 (Section 38.5, Rule 7) is assessed as a Restricted Discretionary Activity. The proposal meets the standards

Under rule 38.2.2 Earthworks associated with a subdivision are required to be assessed with the same activity status as the subdivision. The earthworks are a restricted discretionary activity.

2.5 Activity Status

The application shall be assessed as a **RESTRICTED DISCRETIONARY ACTIVITY**.

Section 95A and 95B Report Determining Notification of an Application

3.0 Assessment of Environmental Effects

Section 95A(2)(a) of the Act requires an assessment of the adverse effects of the activity on the environment. An application which is considered to have adverse effects that are more than minor on the environment is required to be publicly notified.

In determining whether an application will have effects that are more than minor Section 95D requires Council to disregard any adverse effect that does not relate to a matter for which a rule restricts discretion and also disregard any effect on a person, protected customary rights group or customary marine title group who has given written approval to the application.

Character and Amenity

The proposed subdivision proposes a range of residential lot sizes from 600m² to 1298m². All allotments will meet the minimum lot sizes anticipated for the Whitianga Waterways development. The roading layout has been designed to avoid the creation of rear residential lots, this increases open space and onsite amenity for the owners and occupiers of the proposed residential lots. An updated master plan has been provided showing the western island in its entirety and demonstrates that the proposed subdivision is in keeping with the intention of the Structure Plan within the Proposed District Plan and the provisions of the residential zone.

The sites for commercial use are large enough to contain a range of commercial activities and associated infrastructure such as parking areas. The anticipated open space, amenity and character associated with the Whitianga Waterways development and the Residential Zone will be achieved through a series of design features that include a mixture of lot sizes, ground levels that are terraced within the inner island to give visual interest and a greater perception of open space. Reserves and footpath linkages are provided to increase public open space and improve walkability. Road corridors are designed to incorporate low impact design. Landscaping of the road reserves will be carried out in consultation with TCDC to ensure amenity levels are maintained. The subdivision has been designed to ensure that character and amenity effects will be minor on the environment.

Servicing

The engineering report accompanying the application provides an accurate description of the proposed servicing techniques and will not be repeated here. Council's Development Engineer Mr Jeff Hopping has reviewed the proposal and confirms that they are satisfied with the proposed infrastructure design for wastewater, stormwater and water supply. The wastewater system is a pressurised system that will require some infrastructure (individual household pumps) to be installed at the time of building consent should consent be granted. The servicing can be effectively managed to ensure that all lots are adequately serviced and there are unlikely to be any adverse environmental effects that are more than minor as a result of the proposal.

Roading and Access

The general road layout proposed is in accordance with the indicative roading layout and hierarchy provided for within the Structure Plan. The design of the roads and legal widths will comply with the TCDC code of practice. The applicant proposes to either construct a temporary road or construct the permanent bridge to access the proposed residential lots of the subdivision. If the temporary road is constructed this will be done to a sealed standard and maintained by Whitianga Waterways with an easement in favour of TCDC to allow the public access over the temporary road. As the road will be intended for temporary use, a time limit will be placed on the consent (should it be granted) requiring the permanent bridge to be constructed after 12 months of use from the temporary road or alternatively the temporary road be made up to full public standard and vested in Council as the permanent road.

The Bridge and its foundations/erosion control infrastructure will vest in Council as an asset. The bridge itself is relatively small and is more akin to a very large culvert. A strata easement (an easement with three dimensions) in favour of Whitianga waterways will be created to allow for the passage of very small boats and management of the sea and air space beneath the bridge such as dredging activities from time to time. It is considered that on the basis of the above, the environmental effects on roading and access are likely to be minor.

Earthworks

Earthworks have already been undertaken on the site, appropriate erosion and sediment control measures were implemented to avoid any sediment from leaving the site in an uncontrolled manner. The earthworks undertaken have been designed to ensure finished ground levels for the residential sites are above the proposed road levels this provides visual interest for the development and ensures that finished floor levels will be free from inundation. Geotechnical testing can be carried out to ensure that the lots to be created are stable for the purpose the lots are zoned for. The environmental effects of earthworks will likely be minor.

Reserves

The Structure Plan identifies a linkage from west to east through the middle of the proposed western island. The intention of the linkage was to provide open space and amenity value to the residents within the inner lots that do not have direct canal access, the linkages provide quick access to the canal frontages and improves walkability within the western island. The application proposes to utilise a widened road corridor to provide linkages within the road reserve to meet the reserve intentions of the Structure Plan. The design will allow for a segregated footpath within the widened road reserve to increase amenity of the pedestrian experience and provide widened view shafts and open space from the inner lots to the canal frontage. Although the design is not solely vested as reserve in accordance with the Structure Plan I am of the opinion that the intended outcomes of the indicative reserves shown on the Structure Plan are achieved through the design proposed. The applicant proposes to create a recreation reserve at the head of the canal within stage 10B with a small public beach. This will be visible from Joan Gaskell Drive, the main gateway into Whitianga. Due to the location of this reserve directly at the gateway the reserve will serve both the island residents and the general public. Council's reserves team have not raised any issues with the size of this reserve or its usability for the general public. The environmental effects will be no more than minor.

Natural Hazards and Coastal Inundation

To ensure that the effects of coastal inundation and sea level rise have been adequately addressed in the design of the proposed subdivision, Council requested an updated report to

that originally provided in 1998 to address current predicted sea level rise and risk from coastal inundation. The report titled: Whitianga Waterways: Review of flood levels for Stage 10 Development prepared by Tonkin & Taylor shows that the proposed finished ground level of 13.15 is sufficient to avoid the effects of coastal inundation. It is noted that the canal front properties will have approximately 9.5 metres of land on the canal frontage that will be below this finished ground level and therefore will be subject to the effects of inundation. Consideration was given to a condition requiring that a no build covenant be shown on the land transfer plan and a consent notice placed on the titles of these lots to ensure that no buildings are located within the area subject to hazard. However, after discussion with the Applicant about the draft conditions, it was agreed that the minimum floor level consent notice conditions, and the 8m canal front yard standard in the District Plan, provides for sufficient mitigation of the coastal inundation hazard.

The remainder of the lots have sufficient area to facilitate the development of either residential dwellings or in the case of Lots 553, 554 and 555 for use for commercial retail development or visitor accommodation. The proposed bridge that will be the only access on and off the western island is set well above RL13.1 and access can be maintained. Although some of the roads proposed are below the levels of inundation these are within the internal road network and the Lots that located between the roads and the canal frontages provide a bund that will avoid any flooding of these roads. It is my view that effects of coastal inundation have been adequately mitigated to a no more than minor effect within the proposed subdivision provided that no buildings are permitted within the canal frontage allotments on ground levels below RL13.1.

Conclusion

Having considered the information submitted with the application and visited the site it is my opinion that any adverse effects on the environment arising from the subdivision proposal would be minor as the matters over which Council restricts discretion, can successfully avoid, remedy, or mitigate any adverse effects that arise from the activity.

I am also satisfied that there are no special circumstances that warrant public notification of this application.

4.0 Decision

That the application **is not publicly notified** in accordance with section 95A of the Resource Management Act 1991, because in my opinion the adverse effects on the environment are not, or not likely to be more than minor and there are no special circumstances.

The Council has, under Section 34A of the Resource Management Act 1991, delegated to the Reporting Officer its functions and powers under the Resource Management Act 1991 in relation to the notification of applications.

5.0 Limited Notification Assessment - Section 95B

If public notification of the application is not required section 95B of the Act requires Council to decide if there are any persons, protected customary rights group or customary marine title group that are affected by the activity.

5.1 Adversely Affected Persons

I have carefully examined the proposal and visited the site and consider that the effects on all persons and parties are less than minor because:

- The proposed density of the subdivision is anticipated
- Appropriate erosion and sediment control measures have been adopted to ensure that there will be no temporary effect on any owner or occupier of neighbouring properties as a result of dust or sediment leaving the site.
- There are no known archaeological sites or areas of significance to local Iwi within the vicinity of the site and conditions of consent for archaeological discovery can be placed on the consent should it be granted.
- The land being subdivided is separated from owners and occupiers of existing residential sites to the northwest by the balance land, Stage 10A (13735m²) and State Highway 25 to such an extent that the effects of the earthworks and the subdivision will be less than minor.

6.0 Recommendation

That the application **be non-notified** in accordance with section 95E(1) of the Resource Management Act 1991 because in my opinion there are no persons or groups that are adversely affected by the proposed activity.

The Council has, under Section 34A of the Resource Management Act 1991, delegated to the Reporting Officer its functions and powers under the Resource Management Act 1991 in relation to the notification of applications.

Report Prepared by:



Karl Baldwin
Consultant Planner
KTB Planning Consultants Ltd

7.0 Decision

The Council has, under Section 34A of the Resource Management Act 1991, delegated to the Reporting Officer its functions and powers under the Resource Management Act 1991 in relation to the notification of applications.

Reviewed and accepted by:



.....
Lachlan McHaffie
Senior Planner
PLANNING GROUP

Dated this 25th day of August 2017.

Section 104 and 104C and 106 Decision Report for a Non-Notified Resource Consent Application

7.0 Consideration of the application

Section 104 states the matters Council must have and must not have regarded when considering the application and are relevant in relation to determining conditions of consent.

7.1 Actual and Potential Effects

Section 104(1)(a) of the Act requires Council to have regard to any actual and potential effects of the proposed activity on the environment that relate to a matter for which a rule in the District Plan restricts discretion. The effects regarding this proposal have been addressed in the section 95 report. It is considered that the effects of the proposal are acceptable as the subdivision has been designed in accordance with the engineering standards, the density requirements of the zone, the Structure Plan layout and designed to avoid the effects of natural hazards. Considering this it is my view that the that the actual and potential effects of the proposed subdivision are also acceptable under section 104 of the RMA and the will not be repeated here. The following positive effects have been identified:

- The subdivision will provide additional reserve land for members of the public to access canal frontage.
- The subdivision will provide additional housing options for the community of Whitianga.
- The subdivision will promote economic development within the construction industry to form the infrastructure for subdivision and construct the houses and commercial buildings, hotel that will occupy the lots.

7.2 National Environmental Standards, National and Regional Policy Statements and Plans, Other Regulations

Subject to Part 2 and in accordance with section 104(1)(b) of the Act, Council must have regard to any relevant provisions of policy statements and plans.

National Environmental Standards (NES)

There is no National Environmental Standard relevant to the proposed development. The applicant has provided a PSI that shows the site is not a HAIL site for the purpose of the Contaminated Land NES.

National Policy Statement

There is no operative National Policy Statement relevant to the proposed development.

New Zealand Coastal Policy Statement

The proposal is consistent with the New Zealand Coastal Policy Statement.

The Hauraki Gulf Marine Park Act 2000 (HGMPA) is to be treated as a Coastal Policy Statement within the Thames-Coromandel District. The proposal does not conflict with the matters specified within sections 7 and 8 of the HGMPA.

Although there is some debate as to whether the proposal is within the Coastal environment as identified under the Proposed District Plan and defined through the NZCPS. I consider it appropriate to assess that it is, given the unique circumstances in which the canal system is

created. It is recognised that the once the canal systems are flooded the canals form part of the coastal system and are subject to tidal influences, coastal inundation and sea level rise. Although it is recognised that the coastal environment which is created is one that is highly modified and manmade with little to no natural coastal character value. The applicant has provided a report to address the effects of these coastal processes on the subdivisions and infrastructure proposed as part of this subdivision. The report titled: Whitianga Waterways: Review of flood levels for Stage 10 Development shows that the proposed finished ground level of 13.15 is sufficient to avoid the effects of coastal inundation and takes into account the most up to date sea level rise figures and calculates to 100 year design. The proposal is consistent with NZCPS.

Waikato Regional Policy Statement

I consider the proposal to be in accordance with the objectives and policies of the Operative Regional Policy Statement.

The proposed subdivision is within a recognised growth area and has been zoned to cater for residential growth at a density that is provided for and anticipated in the regional policy statement. The design of the subdivision appropriately deals with stormwater treatment and provides infrastructure for wastewater in accordance with the requirements of the Waikato Regional Policy Statement.

Review of flood levels for Stage 10 Development shows that the proposed finished ground level of 13.15 is sufficient to avoid the effects of coastal inundation. It is noted that the canal front properties will have approximately 9.5 metres of land on the canal frontage that will be below this finished ground level and therefore will be subject to the effects of inundation. A "building restriction" covenant can be shown on the land transfer plan and a consent notice placed on the titles of these lots to ensure that no buildings are located within the area subject to hazard. The remaining area of the lots have sufficient area to facilitate the development of either residential dwellings or in the case of Lots 553, 554 and 555 for use for commercial retail development or visitor accommodation outside the areas subject to inundation. The proposed bridge that will be the only access on and off the western island is set well above RL13.1 and access can be maintained throughout the subdivision during times of storm surge. Although some of the roads proposed are below the levels of inundation these are within the internal road network and the Lots that are located between the roads and the canal frontages provide a bund that will avoid any flooding of these roads. It is my view that effects of coastal inundation have been adequately mitigated to a no more than minor effect within the proposed subdivision provided that no buildings are permitted within the canal frontage allotments on ground levels below RL13.1.

Waikato Regional Plan

It is noted that the earthworks associated with the site are covered by an existing bulk earthworks consent with a suite of conditions that require the careful management of the site to ensure that dust is adequately controlled and no sediment enters then environment in an uncontrolled manner.

Other Regulations

There are no regulations I consider relevant to the proposed development.

7.3 Thames-Coromandel District Plan

Subject to Part 2 and in accordance with section 104(1)(b) of the Act it is my opinion that the following District Plan provisions are relevant to this application:

Operative District Plan

The proposal is consistent with the assessment criteria and objectives and policies of the operative district plan for the following reasons:

- The density and design of the subdivision is in accordance with the indicative layout proposed through the Structure Plan and rules for the zone.
- Reserves have been adequately provided to link the inner lots to the canal frontage through a series of footpaths and visual open space corridors through roading and reserves.
- The lots proposed that will facilitate commercial development are small enough to ensure they will not affect the vitality of the town centre, while large enough to cater for all infrastructure associated with a commercial development, e.g. onsite parking spaces and landscaping.

Proposed District Plan

Restricted Discretionary Activity Assessment Criteria

The assessment criteria have been adequately addressed in the AEE of this report and will not be readdressed here. It is my view that the proposal meets the relevant assessment criteria of the Proposed District Plan listed under 38.7, Table 3 and Table 5. The proposal also meets the appealed assessment criteria under the Proposed District Plan Rule 1.1. Table 1.

Section 16 - Subdivision

The proposal meets the Objectives and Policies listed under section 16.3 as the subdivision is proposed to be of a density and scale provided for under the district plan, it will be constructed with all infrastructure designed and undertaken in accordance with the Code of Practice standards. Public access will be provided and created to the canal system through provision of reserves within the subdivision. The proposal is consistent with all relevant objectives and policies under Section 13 of the Proposed District Plan.

Section 23 - Residential Area

The proposal meets the objectives and policies listed under section 23 of the Proposed District Plan as the application provides a range of lot sizes that will facilitate different housing choices and as discussed elsewhere in this report, meets the density requirements of the Plan.

Section 27 Whitianga Waterways Structure Plan

Objectives and Policies - 27.5.4

Objective 1, Policy 1a and 1b – As discussed in the assessment of effects the proposed subdivision create a neighbourhood with high amenity value and residential-marine character through:

- The provision of reserves fronting the canals,
- Pedestrian linkages from the inner island to the canal frontage,
- Terraced finished ground levels to provide a perception of open space within the inner island,
- Wide road corridors with low impact design stormwater systems.

- A variety of residential lot sizes and lots of sizes to facilitate some small scale commercial or hotel development.

Objective 2 – Policies 2a, 2b,2c,2d – The roading hierarchy has been appropriately designed to meet the needs of the subdivision while continue to ensure on-going safety of road users. Joan Gaskell Drive will continue to be the primary access to Whitianga and through the Structure Plan area. Cul-de-sacs are avoided to increase efficiency in trips and improve walkability and connections throughout the subdivision.

Objective 3 and associated policies – A network of functional open space is provided throughout the Structure Plan area. The reserves proposed have been assessed by the Council’s Reserves Manager who has confirmed he is satisfied with their functionality to provide access to the canal frontage and recreation reserve at the head of the canals in accordance with Policy 3b.

Objective 4 and Policy 4a

An accidental discovery advice note can be placed on the subdivision should consent be granted requiring protocols are established and followed, the subdivision is consistent with this objective and policy.

Objective 5 and Policy 5a

The proposal will be fully reticulated with wastewater, stormwater, water supply, roading, electricity and telephone in accordance with the Code of Practice. The proposal is consistent with this Objective and Policy.

Objective 8 and Policies 8a and 8b

The subdivision facilitates the development of the commercial development opportunities envisaged in the Whitianga Waterways Structure Plan by providing Lots 553-556 of varying sizes ranging from 3993m² to 13735m² for commercial development and 20,234m² for a visitor accommodation development (Lot 555). It is my view that these lots are appropriately sized to provide a smaller neighbourhood scale shopping area that will service the nearby neighbourhoods and provide appropriate amenities to this growing residential area, while not being so large in area that the lots will affected the viability of the existing town centre of Whitianga. The proposal is consistent with these Objectives and Policies.

7.4 Section 106

As discussed in the sections above the canal front lots will be subject to inundation where the ground level rises in a gentle gradient away from the canal walls over 9.5 metres. I am satisfied that conditions of consent can mitigate the effect of inundation on these lots by ensuring that no building is constructed within areas less than WWD 13.15m. The applicant’s engineer has confirmed that any inundation will have near zero velocity and the risk of scouring is minimal.

Consideration was given to the imposition of a consent notice condition on the canal frontage lots stating that if any erosion or scouring occurs because of coastal inundation, any remedial works required will be the responsibility of the Whitianga Waterways Management company. This was discussed with the Applicant and Council staff as part of discussions regarding draft conditions. It was determined that any major scour, that may undermine the integrity of the canal walls, would be a responsibility of the WW Management Company as part of their canal wall consents. However, minor scour would be the landowner’s responsibility. It was determined that a condition of consent would not be required for this

It was concluded that the land and structures on the land, will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

Any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.

Sufficient provision has been made for legal and physical access to each allotment created by the subdivision.

Conditions of consent can ensure that the effects referred to above are avoided remedied or mitigated.

7.5 Other Matters

Subject to Part 2 and in accordance with section 104(1)(c) of the Act the Council must have regard to any other matter it considers relevant.

There are no other matters that are considered relevant to this proposal.

7.6 Part 2 of the RMA

Having regard to the above assessment it is concluded that the proposal is consistent with the principles (sections 6-8) of the Resource Management Act 1991. Overall the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA being sustainable management of natural and physical resources.

7.7 Conclusion

The above assessment has concluded that any actual and potential effects of the proposal are acceptable and the proposal is consistent with relevant objectives and policies of the operative and proposed planning documents as well as consistent with the, New Zealand Coastal Policy Statement, Waikato Regional Policy Statement and all other matters. The proposed activity meets the purpose and principles of Part 2 of the Act and therefore subject to the conditions listed within the decision to be served under section 113 the proposal can **be granted** under both the Operative District Plan and Proposed District Planning documents. As a recommendation has been made to grant consent under both the Operative and Proposed Plan, a weighting exercise is not necessary.

It is also my opinion that the application should be granted pursuant to section 106 of the Act.

8.0 Reasons for Decision and Conditions

The following is a summary of the reasons for the decision;

1. I am satisfied that the activity is in accordance with the restricted discretionary activity matters in the Operative and Proposed District Plans as the proposal meets the density rules and lot sizes anticipated for the zone, as well as meeting the intention of the Structure Plans in terms of road and reserve functionality.
2. The application is consistent with the objectives and policies and all other relevant matters listed under both the Operative and Proposed District Plan through the provision of visual connections through to the canal frontages from the inner lots,

wide roading corridors, terraced finished ground levels to create an open space feel, the reduction of rear lots.

3. The subdivision facilitates the development of the commercial development opportunities envisaged in the Whitianga Waterways Structure Plan by providing Lots 553-556 of varying sizes ranging from 3993m² to 13,735m² for commercial development and 20,234m² for a visitor accommodation development (Lot 555). It is my view that these lots are appropriately sized to provide a smaller neighbourhood scale shopping area that will service the nearby neighbourhoods and provide appropriate amenities to this growing residential area, while not being so large in area that they will affected the viability of the existing town centre of Whitianga.
3. All infrastructure has been designed in accordance with the Code of Practice with an allowance for climate change as required by the Regional Policy Statement, District Plan and NZ Coastal policy statement.
4. The proposal is consistent with all higher order planning documents, in this case being the NZ Coastal Policy statement and the Waikato Regional Policy Statement.
5. I am satisfied that conditions of consent can mitigate the effect of inundation on canal front lots by ensuring that no building is constructed within areas less than WWD13.15m ground level. The applicant's engineer has confirmed that any inundation will have near zero velocity and the risk of scouring is minimal.
6. No persons were deemed to be adversely affected by the proposal.

9.0 Recommendation

That the application be **granted** pursuant to sections 104C and 106 of the Resource Management Act 1991, subject to conditions.

The Council has, under Section 34A of the Resource Management Act 1991, delegated to the Reporting Officer its functions and powers to make a determination on applications.

Report Prepared by:



.....
Karl Baldwin
Consultant Planner
KTB Planning Consultants Ltd

10.0 Decision

The Council has, under Section 34A of the Resource Management Act 1991, delegated to the Reporting Officer its functions and powers to make a determination on applications.

Reviewed and accepted by:



.....
Lachlan McHaffie
Senior Planner
PLANNING GROUP

Dated this 25th day of August 2017.