COUNCIL PROPERTY FILE

File 3

34C Ripiro Drive, Baylys Beach

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Pocklington

REAL ESTATE

TA Approvals

Territorial Authority	Kaipara District Council TA Certification Division	**TA Reference**	RM050277
Survey Number	LT 385495	**Survey Purpose**	Standard Unit Plan
Surveyor Reference	10113	**Land District**	North Auckland
Surveyor	Bryce Rodney Woodward		
Surveyor Firm	Reyburn & Bryant 1999 Ltd		
Dataset Description	Units on Lot 7 DP 316035 and Easement over Lot 8 DP 316035		

TA Certificates

Pursuant to Section 224(c) Resource Management Act 1991 I hereby certify that some of the conditions of the subdivision consent have been complied with to the satisfaction of the Kaipara District Council and that a consent notice has been issued in respect of those conditions that have not been complied with. Dated this 21st day of September 2007. ☑

Signature

Signed by Dina Tetzner, Authorised Officer, on 21/09/2007 11:14 AM

Receipt Information

Transaction Receipt Number	2922492
Signing Certificate (Distinguished Name)	Tetzner, Dina
Signing Certificate (Serial Number)	1019487388
Signature Date	21/09/2007

***** End of Report *****

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KAIPARA DISTRICT

Kaipara te Oranganui - Two Oceans Two Harbours

KAIPARA DISTRICT COUNCIL

Resource Management Act 1991 Sections 93 and 94

Notification Decision on Resource Consent Application

Description of Application

Applicant	*Impact Developments Ltd*
Proposal	*Land use consent to develop 3 residential units on residential zoned land, to be serviced by on-site wastewater treatment and disposal.*
Location	*Ripiro Drive, Baylys Beach.*
Legal Description	*Lot 7, DP 316035*
Site Area	*1,859 m^2*
KDC References	*RM 040255*

Processing Details

Date Received	*22nd September 2004*	Date of Report	*11th November 2004*
Section 92 Request(s)	*Nil.*	Assets Department and Building Inspector Comments	*On-site wastewater disposal and stormwater disposal issues to be addressed.*
Reporting Planner	*Venessa Anich*	Date of Site Inspection	*30th September 2004*

Planning Requirements

Map	Zone	Planning Notation(s)	Category of Application
31	*Residential*	*Nil.*	*Discretionary Activity under Rule 3.5.4(9) Multiunit dwellings containing two or more household units on a site not served by a reticulated wastewater system.*

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1 Status of the Activity

1.1 Multiunit Dwellings Not Served by a Reticulated Wastewater System

Rule 3.5.4 (9) provides for multiunit dwellings containing two or more household units on a site not served by a reticulated wastewater system as a discretionary activity in the residential zone. The application has been submitted as a Discretionary Activity under this rule.

1.2 Compliance with Environmental Standards

Rule 13.2.7 provides for activities made discretionary by their failure to comply with zone environmental standards as a restricted discretionary activity under the Kaipara District Plan.

In this case, the area of non-compliance relates to Unit Three of the proposed 3 residential unit development, which encroaches into its 1.5 m side yard located in the north west corner of the subject site.

1.3 Summary of Plan Requirements

The overall conclusion is that the land use application must be considered by the Kaipara District Council as a Discretionary Activity.

2 Relevant Statutory Provisions

Sections 93 and 94 of the Resource Management Act 1991 (as amended by the Resource Management Amendment Act 2003) set out the framework for making notification decisions in respect to applications for resource consent.

3 Section 94C Considerations

3.1 Section 94C(1) (Request for Notification)

The applicant has not requested that the application be publicly notified.

3.2 Section 94C(2) (Special Circumstances)

Section 94C(2) provides that where special circumstances are considered to exist, the Council may choose to publicly notify the application.

In respect to the issue of "special circumstances", the following comments are made:

- This is not a case where the proposed multi unit residential development is out of the ordinary because it does not fall within the general policy framework of the District Plan. The nature of the proposed land use is fully anticipated by the District Plan.

3.2.1 Conclusion on Special Circumstances

Having assessed the application, the conclusion reached is that there are no special circumstances that would require public notification of the application pursuant to Section 94C(2).

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4 Section 93 Considerations

4.1 Section 93(1)(a) (Controlled Activity Non – Notification)

The application is not for a controlled activity. Accordingly the Kaipara District Council may notify the application under Section 93(2).

4.1.1 Section 94D(1) (Controlled Activity Rules)

The application is not for a Controlled Activity.

4.2 Section 93(1)(b) (Adverse Effects Assessment)

4.2.1 Section 94D(2) (Restricted Discretionary Activity Rules)

The application is not for a Restricted Discretionary Activity.

4.2.2 Matters of Restricted Discretion (Section 94A(b))

The application is not for a Restricted Discretionary Activity.

4.2.3 Assessment

The adverse environmental effects of the proposed multi unit residential development are assessed in the following table.

Matter	Comment	Degree of Effects
General		
Relationship to Environmental Standards – Side yard infringement	*The proposal complies with all relevant environmental standards except the side yard requirement. This has been assessed below under the Side Yard Infringement.*	
Earthworks and Site Development Works	*While earthworks and site development works will be required to implement the proposed development, the associated effects on the environment are not considered to be significant.*	*Less than Minor.*
Protection of Historic and Natural Features	*There are no known historic or natural features on the site requiring protection.*	*Less than minor*
Natural Hazard Mitigation	*There are no known natural hazards on the subject site that require mitigation.*	*Less than minor.*
Access and Traffic Management	*The proposed multi unit development will gain access via an approximately 70 m long pan-handle off Ripiro Drive. Ripiro Drive is a 50 km/hr zone at this point. The access point onto Ripiro Drive affords adequate sight distances in both directions.*	*No more than Minor*

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Matter	Comment	Degree of Effects
	There will be no significant impact on the safety and efficiency of adjacent roads from the additional traffic generated by the proposed development.	
Parking and Loading	*Each unit will have garaging for 2 vehicles. Visitor and boat and trailer parking is proposed along the eastern boundary, which is also proposed to be effluent disposal field B.* *The impact of the vehicle movements on the amenities of adjacent sites is significant due to the volume of traffic generated by 3 residential units on the site, but in the overall context of the area is assessed to be no more than minor.*	*No more than minor*
Hours of Operation	*N/a.*	
Utility Services	*Water supply is available via the existing community reticulated scheme.* *Power and telephone services are available from Ripiro Drive.* *Stormwater is proposed to be piped off site across the adjoining property (Lot 8 DP 316035).* *Wastewater is proposed to be treated and disposed of on-site. The proposed system has been designed by appropriately qualified engineers and is assessed to be as adequate. Disposal fields A and B are located under the driveway and under the vehicle turning area. The reserve field is proposed to be located under the swimming pool.*	*No more than minor*
Design and Appearance of Buildings	*The 3 residential units are proposed to be two-storey and semi detached, in a staggered fashion. The site contains no existing vegetation to screen or enhance the development. While the drawings submitted with the application include indicative, token plantings, no landscaping planting scheme has been proposed by the applicant to screen or enhance the development. A screen wall is shown on the drawings around the western corner of the site. The design and appearance of the 3 units will to an extent dominate the surrounding environment rather than blend in.*	*Minor*
Provision for Reserves	*Reserves contribution applicable to the additional dwellings.*	*Less than minor*

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Matter	Comment	Degree of Effects
Protection of Skylines and Views	*The subject site is located on the crest of a hill with views down over residential Baylys Beach and the coastal environment beyond. The second storey of the residential units (combined length of approximately 40 m) will be visible on the skyline behind Baylys Beach.*	*Minor*
Residential Dwelling Containing Two or More Household Units on a Site		
Private Open Space	*The applicant has proposed to provide outdoor living spaces primarily on the upper level decks of the 3 residential units. The decks have direct access to the main living areas of each dwelling unit, are unobstructed by access or parking spaces, and are screened from adjacent units. Open space is also available on the ground level around each of the 3 dwelling units.*	*Minor*
Aural and Visual privacy	*The 3 dwelling units are semi-detached in a staggered fashion. The applicant has not provided details on whether sound reducing walls between adjoining units are proposed.* *Separation distance between windows and openings of adjoining units is assessed to be adequate between Units 2 and 3 but inadequate between Units 1 and 2. The eating area and northern end of the deck of Unit 1 does not have adequate separation distance between the eating and cooking area for Unit 2. This could be remedied with screening along a portion of the deck of Unit 1.* *Separation distance between the units and the site boundaries is adequate except for the north east corner of Unit 3. This is addressed below under Side Yard Infringement.*	*Minor*
Side Yard Infringement		
The amenities of adjacent sites, and possible loss of privacy, noise or visual intrusion from the proposed activity.	*The north-east corner of Unit 3 is proposed to be located within 1 m of the side boundary with Lot 6 DP 316035. The applicant contends that the effects of this encroachment is minor since Lot 6 is a large lot (4,228 m^2), and the encroachment is affecting the south west corner of Lot 6. However, the identified building platform on Lot 6 (due to a protected flood path) is located in the western corner of the lot.*	*Minor*

Matter	Comment	Degree of Effects
The physical limitations on development arising from the size, shape or topography of the site, the location of existing buildings or services, the location of any historic or natural feature which is to be protected which make it impracticable or undesirable to meet the specified environmental standards.	*The building platform on the subject site does not contain any physical limitations, as it is a regular shape, of adequate size and is roughly flat in topography. There are no existing buildings on the site. The existing easement is outside of the building platform. The site contains no historic or natural features to be protected. The site does not present any limitations for the proposed development to meet the specified environmental standard.*	*Less than minor.*
The environmental effects related to compliance with the standards and whether alternative building designs or layouts or methods of earthworks and vegetation clearance, provide a better means of avoiding or mitigating environmental effects.	*The north east corner of Unit 3 is 0.5 m closer to the boundary that allowed under the environmental standards for the residential zone. While this is can be considered a minor infringement, the high level of development proposed for the site (3 two-storey units) compounds the environmental effects of the side yard infringement. Alternate building design and layouts are available for this development that would provide a means of avoiding or mitigating the effects of the infringement.*	*Minor*
The liability of the site to erosion and other forms of natural hazard.	*The site does not appear to contain any natural hazards or be liable to erosion.*	*Less than minor.*

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4.2.4 Permitted Baseline Assessment (Section 94A(a))

Having assessed the actual and potential environmental effects of the proposed development, it is now necessary to compare them with the environmental effects of activities within the permitted baseline. It is only effects that are other or further than those of activities within the permitted baseline to which the Council must have regard in deciding the application.

A permitted baseline comparison can be made with the following "non-fanciful" permitted activities:

- One residential dwelling on the site complying with the environmental standards for permitted activities with gardens and grazing, and hypothetical activities of recreational, and pastoral activities, possibly with accessory buildings.

The adverse effects on the environment of these activities are:

- Visual effects.
- Effects on residential character and amenity values.
- Effects relating to earthworks and site development works, traffic, stormwater and noise.

In terms of a comparison between the environmental effects of the proposal with those of the baseline activities, the following is noted:

- The significant comparison is between the permitted baseline of one dwelling and the proposed development, which introduces 3 two-storey residential units with significantly greater traffic and visual effects than could reasonably be expected for a single residential dwelling.

In conclusion, it is assessed that there would be adverse effects on the environment of allowing the development that would exceed the permitted baseline. They are the effects to which the Council may have regard in assessing the actual and potential effects on the environment of the proposed development.

4.2.5 Conclusion on Assessment of Adverse Effects

Having regard to the above assessment, the conclusion reached is that the adverse effects of the development will be no more than minor.

4.2.6 Assessment of Affected Persons

Having regard to the assessment of environmental effects in Section 4.2.3, the persons considered to be potentially adversely affected by the land use are assessed in the following table:

Name	Legal Description of Affected Property	Address of Affected Property	Affected by:	Degree of Effects
N and P Sinclair	Lot 6 DP 316035	Ripiro Road	*Residential Amenity*	*More than de minimus*
Clare Firth and David Weight	Lot 1 DP 203294	3 Moeatoa Lane	*Residential Amenity,*	*More than de minimus*

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Name	Legal Description of Affected Property	Address of Affected Property	Affected by:	Degree of Effects
			Traffic	
Moeatua Developments Limited	Lot 8 DP 316035	36-42 Ripiro Road	*Residential Amenity, Traffic*	*More than de minimus*
G and J Ewenson C Jackson Trustee Limited	Lot 15 DP 97828	34 Ripiro Road	*Traffic*	*More than de minimus*
JA and RJ Mayall	Lot 2 DP 203294	5 Moeatoa Lane	*Residential Amenity*	*More than de minimus*

Having regard to the assessment of affected persons above, all of the above persons are considered to be adversely affected by the proposal.

4.3 Section 94(2) (Approvals Received)

No written approvals have been received. The applicant has advised that he does not wish to seek the written approval of affected persons.

The conclusion reached is that the Kaipara District Council is required to serve notice of the application under subsection 94(1) on affected persons, since no persons who have been assessed to be adversely affected by the subdivision have given their written approval to the subdivision.

5 Recommendation/Decision

1. That the application be processed without public notification, but with service of notice of the application on affected persons, pursuant to Sections 93 and 94 of the Resource Management Act 1991, because:

   a) The proposal is a Discretionary Activity, and

   b) The Kaipara District Council is satisfied that the adverse effects of the proposal will be no more than minor, and

   c) The persons who have been assessed to be adversely affected by the proposal have not given their written approval to the activity, and

   d) No special circumstances exist that would require public notification of the application.

2. That the following persons be served with notice of the application:

Name	Legal Description of Affected Property
N and P Sinclair	Lot 6 DP 316035

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Name	Legal Description of Affected Property
Clare Firth and David Weight	Lot 1 DP 203294
Moeatua Developments Limited	Lot 8 DP 316035
G and J Ewenson C Jackson Trustee Limited	Lot 15 DP 97828
JA and RJ Mayall	Lot 2 DP 203294

Reporting Planner

Venessa Anich ..... Date

DWK Team Leader

Peter Waldron ..... Date

Recommendation Confirmed as Decision

Resource Consents Officer

Sandra King ..... 23/11/04 Date

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Resource Management Act 1991 Section 88

Assessment of Discretionary Activity Application

For Land Use Consent

To be Considered under Delegated Authority

Description of Application

Applicant	*Impact Developments Ltd*
Proposal	*To develop 3 residential units on residential zoned land, serviced by on-site wastewater treatment and disposal.* *Side Yard infringement by Unit Three.*
Location	*Ripiro Drive, Baylys Beach.*
Legal Description	*Lot 7 DP 316035*
Site Area	*1,859m²*
KDC References	*RM 040255*

Processing Details

Date Received	*22nd September 2004*	Date of Report	*10th March 2005*
Section 92 Request(s)	*8th October 2004*	Assets Department and Building Inspector Comments	*On-site wastewater disposal and stormwater disposal issues to be addressed.*
Reporting Planner	*Venessa Anich*	Date of Site Inspection	*30th September 2004*

Planning Requirements

Map	Zone	Planning Notation(s)	Category of Application
31	*Residential*	*Nil.*	*Discretionary Activity under Rule 3.5.4(9) Multiunit dwellings containing two or more household units on a site not served by a reticulated wastewater system.* *Restricted Discretionary Activity under Environmental Standard 3.5.5(1)(a) and Rule 13.2.7.*

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External Distribution

	Date Sent	Date Received	Comments
Northland Regional Council.	*22nd September 2004*	*Nil.*	
Iwi	*22nd September 2004*	*Nil.*	

Notification

A decision was made to process this application with service of notice of the application on affected parties. The notification period commenced on 17th January 2005 and closed on 15th February 2005.

Five parties were served notice of the application.

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1 Introduction

1.1 The Proposal

The proposal is to establish three semi detached, two-storey residential units on a 1,859m^2 residential allotment. Communal on-site wastewater treatment and disposal is proposed to service the development. The northern corner of Unit Three encroaches into the 1.5m side yard.

1.2 The Site

The subject site gains access off Ripiro Drive via an approximately 70m long pan-handle driveway. The site is flat, grassed, and currently empty of any structures. The site is surrounded by residential zoned land, with properties to the west, east and south already developed, while land to the north is currently empty. The site affords generous views of the Tasman Sea.

1.3 Status of the Activity

1.3.1 Multiunit Dwellings

Rule 3.5.4 (9) provides for multiunit dwellings containing two or more household units on a site not served by a reticulated wastewater system as a discretionary activity in the residential zone. The application has been submitted as a Discretionary Activity under this rule.

1.3.2 Compliance with Environmental Standards

Rule 13.2.7 provides for activities made discretionary by their failure to comply with zone environmental standards as a restricted discretionary activity under the Kaipara District Plan.

In this case, the area of non-compliance relates to Unit Three of the proposed 3 residential unit development, which encroaches into its 1.5 m side yard located in the northwest corner of the subject site.

1.3.3 Summary of Plan Requirements

The overall conclusion is that the land use application must be considered by the Kaipara District Council as a Discretionary Activity.

1.4 Relevant Statutory Provisions

Sections 104 and 104B of the Resource Management Act 1991 (as amended by the Resource Management Amendment Act 2003) set out the framework for assessing applications for a Discretionary Activity.

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2 Section 104 Assessment

2.1 Assessment of Irrelevant Matters

2.1.1 Trade Competition

With regards to Section 104(3)(a), there is no issue of trade competition in this case.

2.1.2 Written Approvals

Relevant to Section 104(3)(b), no persons have given their written approval to the proposed activity.

2.2 Assessment of Relevant Matters

2.2.1 Assessment of Actual and Potential Effects on the Environment

2.2.1.1 Adverse Effects

The adverse environmental effects of the proposed multi unit residential development are assessed in the following table.

Matter	Comment
General	
Relationship to Environmental Standards – Side yard infringement	*The proposal complies with all relevant environmental standards except the side yard requirement. This has been assessed below under the Side Yard Infringement.*
Earthworks and Site Development Works	*While earthworks and site development works will be required to implement the proposed development, the associated effects on the environment are not considered to be significant.*
Protection of Historic and Natural Features	*There are no known historic or natural features on the site requiring protection.*
Natural Hazard Mitigation	*There are no known natural hazards on the subject site that require mitigation.*
Access and Traffic Management	*The proposed multi unit development will gain access via an approximately 70 m long pan-handle off Ripiro Drive. Ripiro Drive is a 50 km/hr zone at this point.* *The access point onto Ripiro Drive affords adequate sight distances in both directions.* *There will be no significant impact on the safety and efficiency of adjacent roads from the additional traffic generated by the proposed development.*
Parking and Loading	*Each unit will have garaging for 2 vehicles. Visitor and boat and trailer parking is proposed along the eastern boundary, which is also proposed to be effluent disposal field B.*
Hours of Operation	*N/a.*

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Matter	Comment
Utility Services	*Water supply is available via the existing community reticulated scheme. Power and telephone services are available from Ripiro Drive. Stormwater is proposed to be piped off site across the adjoining property (Lot 8 DP 316035). Wastewater is proposed to be treated and disposed of on-site. The proposed system has been designed by appropriately qualified engineers and is assessed to be as adequate. Disposal fields A and B are located under the driveway and under the vehicle turning area. The reserve field is proposed to be located under the swimming pool. Location of the reserve area beneath the swimming pool will necessitate construction of the reserve disposal system prior to construction of the swimming pool. It is therefore considered appropriate to require through the conditions of consent the construction of the reserve disposal area and the swimming pool to appropriate design standards.*
Design and Appearance of Buildings	*The 3 residential units are proposed to be two-storey and semi detached, in a staggered fashion. The site contains no existing vegetation to screen or enhance the development. While the drawings submitted with the application include indicative, token plantings, no landscaping planting scheme has been proposed by the applicant to screen or enhance the development. A screen wall is shown on the drawings around the western corner of the site. The design and appearance of the 3 units will to an extent dominate the surrounding environment rather than blend in. It is assessed that this effect can be mitigated through conditions of consent requiring appropriate landscaping of the site.*
Provision for Reserves	*Reserves contribution applicable to the additional dwellings.*
Protection of Skylines and Views	*The subject site is located on the crest of a hill with views down over residential Baylys Beach and the coastal environment beyond. The second storey of the residential units (combined length of approximately 40 m) will be visible on the skyline behind Baylys Beach. In the overall context of the surrounding environment, this effect is assessed to be of low significance.*
Private Open Space	*The applicant has proposed to provide outdoor living spaces primarily on the upper level decks of the 3 residential units. The decks have direct access to the main living areas of each dwelling unit, are unobstructed by access or parking spaces, and are screened from adjacent units. Open space is also available on the ground level around each of the 3 dwelling units.*

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Matter	Comment
Aural and Visual privacy	*The 3 dwelling units are semi-detached in a staggered fashion. The applicant has not provided details on whether sound reducing walls between adjoining units are proposed.* *Separation distance between windows and openings of adjoining units is assessed to be adequate although with respect to Units 1 and 2 could be easily improved by screening of the end of the Unit 1 deck. It is not considered necessary to require this as a condition of consent.* *Separation distance between the units and the site boundaries is adequate except for the north east corner of Unit 3. This is addressed below under Side Yard Infringement.*
Side Yard Infringement	
The amenities of adjacent sites, and possible loss of privacy, noise or visual intrusion from the proposed activity.	*The north-east corner of Unit 3 is proposed to be located within 1 m of the side boundary with Lot 6 DP 316035. The applicant contends that the effects of this encroachment is minor since Lot 6 is a large lot (4,228 m^2), and the encroachment is affecting the south west corner of Lot 6. However, the identified building platform on Lot 6 (due to a protected flood path) is located in the western corner of the lot.* *This is accepted.*
The physical limitations on development arising from the size, shape or topography of the site, the location of existing buildings or services, the location of any historic or natural feature which is to be protected which make it impracticable or undesirable to meet the specified environmental standards.	*The building platform on the subject site does not contain any physical limitations, as it is a regular shape, of adequate size and is roughly flat in topography. There are no existing buildings on the site. The existing easement is outside of the building platform. The site contains no historic or natural features to be protected. The site does not present any limitations for the proposed development to meet the specified environmental standard.*

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Matter	Comment
The environmental effects related to compliance with the standards and whether alternatives provide a better means of avoiding or mitigating environmental effects.	*The north east corner of Unit 3 is 0.5 m closer to the boundary that allowed under the environmental standards for the residential zone. While this is can be considered a minor infringement, the high level of development proposed for the site (3 two-storey units) compounds the environmental effects of the side yard infringement. Alternate building design and layouts are available for this development that would provide a means of avoiding or mitigating the effects of the infringement. It is noted however that notice of the application was served on all affected persons and no submissions were received.*
The liability of the site to erosion and other forms of natural hazard.	*The site does not appear to contain any natural hazards or be liable to erosion.*

2.2.1.2 Permitted Baseline Assessment

In terms of a permitted baseline comparison, the following permitted activities are of relevance to the consideration of this application:

- One residential dwelling on any residential lot complying with the zone environmental standards.
- Accessory buildings.
- Home occupations.
- Homestay accommodation.

A comparison of the permitted development associated with the existing situation compared to the permitted development following the subdivision is as follows:

Current Permitted Development	Proposal
One residential dwelling and accessory buildings with associated traffic movements, stormwater discharges.	*Three semi-detached residential dwellings and accessory buildings with associated traffic movements, noise and wastewater and stormwater discharges.*

In conclusion, it is assessed that there would be potential effects on the environment of allowing the subdivision that would exceed the permitted baseline.

2.2.1.3 Positive Effects

Relevant to Section 104(1)(a), it is assessed that the proposal will result in the following positive effects:

- The proposal will enhance to a minor degree the opportunities to live in the Baylys Beach community and be near Ripiro Beach and the West Coast.

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2.2.1.4 Conclusion of Assessment of Actual and Potential Effects

Having regard to the above assessment, the conclusions reached on the actual and potential effects on the environment of the proposed land use are that:

- The adverse effects of the proposed land use with respect to design and appearance of the development, on protection of skyline and views, on amenities of adjacent sites and loss of privacy, noise and visual intrusion from the proposed activity are considered to be significant effects but to a moderate degree when mitigated through conditions of consent.
- In all other respects the adverse actual and potential effects of the land use are assessed to be of no significance.
- The proposed land use will result in positive effects to the extent that it will enhance to a minor degree the opportunities to live in the Baylys Beach community and near Ripiro Beach and the West Coast.

2.2.2 Assessment of Policy Documents - Section 104(1)(b) – Kaipara District Plan

2.2.2.1 Objectives and Policies

Assessment – Policy Themes

From the relevant passages in the plan the following main policy themes in respect of residential land use can be identified:

- Concentration of urban development at strategic locations, leaving the coastal environment to be retained largely in its natural state.
- Concentrate residential development within and adjacent to existing settlements.
- Control on the number and size of dwelling units built on lots when they are reliant on septic tanks and other similar forms of wastewater disposal.
- Maintenance of the low density, open space character of settlements through controls on site coverage, density, and the height and location of buildings for amenity and privacy reasons.
- Providing for multi-unit developments as controlled activities on sites served by reticulated wastewater systems, and discretionary activities on other sites so that servicing requirements can be assessed.

By making 'multi-unit dwellings containing two or more household units on a site not served by a reticulated wastewater system' a discretionary activity, the Council must have intended that each such proposal deserved individual consideration by reference to the items in Section 104(1) (including the objectives and policies of the plan, the land use assessment criteria) and the purpose of the Act. Consent might be granted or refused.

Assessment – Evaluation against Policy Themes

In respect of whether the proposed land use would be contrary to the Policy Themes described above the following comments are made:

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- Subject to the imposition of appropriate conditions of consent to mitigate the adverse effects of the proposal, the relatively low density, open space character of this residential settlement would not be compromised.
- Subject to the imposition of appropriate conditions of consent to mitigate the adverse effects of the proposal, the land use will not compromise the residential amenities and privacy of the surrounding area.
- This urban development will not affect the natural state of the coastal environment, and is located within the existing settlement of Baylys Beach.
- The proposed wastewater treatment and disposal system will adequately serviced the three units without adversely affecting the surrounding environment.

2.2.2.2 *Integrity of the Plan and Precedent*

The application must be considered by the Kaipara District Council as a Discretionary Activity and as such the issue of precedent effect is not relevant.

2.2.2.3 *Integrity of the Plan and Public Confidence in its Consistent Administration*

The application must be considered by the Kaipara District Council as a Discretionary Activity and as such the issue of the consistent administration of the District Plan is not relevant.

2.2.2.4 *Objectives and Policies for Reserves Contributions*

Objectives and Policies of the District Plan relevant to the consideration of this application in terms of reserve contributions are set out in Chapter 11.4.2(4).

Rule 11.6.1 sets out the General Requirements for Reserve Contributions as Conditions of Land Use or Subdivision Consent.

Rule 11.6.4 sets out the Maximum Amount of Reserve Contributions in Cash.

Section 11.6.6 sets out the matters to be considered when assessing reserve contributions. An assessment of the application against those matters is set out in the following table:

Matter to be Considered	Discussion
The proximity of the land to existing reserves and public open space areas and standard of facilities on such reserves and open space areas.	*The application site is located in close proximity to public reserves associated with active recreation available within the Baylys Beach community.*
The nature of any important archaeological sites, historic or natural features on the land and the appropriateness of them being formally set aside as part of a reserve or public open space.	*There are no important archaeological sites, historic or natural features that warrant incorporation in a reserve or similar.*

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Matter to be Considered	Discussion
The extent to which any archaeological historic or natural features are to be protected by way of covenants or other similar instruments and be made available for public use and enjoyment.	*The land use incorporates no protection for natural features.*
The nature of any landscaping and planting programmes proposed as part of the development or subdivision.	*No landscaping was proposed as part of the development.*
The extent to which any land area set aside would effectively complement or provide linkage to other reserves including esplanade reserves in the immediate vicinity.	*No linkages are apparent.*
The nature of any previous reserve contributions made in respect of the land in excess of the maximum amounts specified in Sections 11.6.3, 11.6.4 and 11.6.6.	*No previous contributions.*

Based on policies of the District Plan, the typical condition for residential development is that a cash contribution in lieu of reserves be paid based on 0.5% of the assessed value of each additional dwelling unit, such value to be determined by a registered valuer.

Having regard to the above considerations it is concluded that a reasonable requirement is that the full cash contribution in lieu of reserves should be paid based on 0.5 % of two of the three proposed dwelling units.

2.2.2.5 *Objectives and Policies for Financial Contributions for Road Upgrading*

Section 11.3.6 of the District plan sets a threshold of a 10% increase in existing traffic volumes, above which road upgrading contributions are able to be assessed in detail under Section 9.8.1.

In this case, the proposed subdivision will not add new traffic movements to Ripiro Drive that will exceed 10% of the present average annual daily traffic (AADT).

The conclusion reached therefore is that a road upgrading contribution is not applicable.

2.2.2.6 *General Assessment Criteria*

The application has been previously assessed against the General Assessment Criteria of Sections 13.2.5, 13.2.6(8) and 13.2.7 and other relevant headings under the Assessment of Environmental Effects (Refer Notification Report).

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2.2.2.7 Conclusion of Assessment of Objectives and Policies

Having regard to the above assessment, it has been concluded that with the inclusion of mitigation measures conditioned as part of the consent, the proposed land use does not raise any significant conflicts with the relevant policies and objectives of the Kaipara District Plan.

2.2.3 Assessment of Policy Documents - Section 104(1)(b) – Other Policy Documents

2.2.3.1 National Policy Statement

There is no National Policy Statement of relevance to the consideration of this application.

2.2.3.2 New Zealand Coastal Policy Statement

The proposal does not raise any significant conflicts with the New Zealand Coastal Policy Statement.

2.2.3.3 Regional Policy Statement for Northland

There is no Regional Policy Statement of relevance to the consideration of this application.

2.2.3.4 Regional Plans

There are no Regional Plans of relevance to the consideration of this application.

2.2.4 Assessment Against the Other Matters - Section 104(1)(c)

2.2.4.1 Approved Resource Consents

In this case there are no issues arising from implemented resource consents, effects arising from existing use rights, or the existence of unimplemented resource consents.

2.2.4.2 Statutory Acknowledgements

There are no statutory acknowledgements within the meaning of an Act specified in Schedule 11 in relation to the subject site.

2.2.4.3 Other Matters

There are no other matters that are relevant and reasonably necessary to determine the application.

2.2.5 Assessment Against Part II Matters - Section 104(1)

2.2.5.1 Section 5

With respect to Section 5(2)(a), it is likely and foreseeable that future generations will continue to wish to enjoy the amenity values of the residential areas of the District. This proposal could go some way toward meeting those needs by providing an opportunity to live in the residential environment of Baylys Beach, close to Ripiro Beach and the West Coast.

The matter that needs to be determined however, is whether or not this proposal would compromise the very features and qualities of the environment that make the area so valuable in the first place. It is concluded in this regard that this proposal would not compromise the residential amenity of this residential environment to such an extent that the reasonably foreseeable needs of future generations would not be met.

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With respect to Section 5(2)(c), it is concluded that the proposed land use will have adverse effects on the environment that should be avoided.

2.2.5.2 Section 7(b)

It is considered that this proposal - if approved - would maintain the residential amenity values of the area, values that the District Plan seeks to protect. It therefore can be said that the proposal will provide an efficient use of the land.

2.2.5.3 Section 7(c)

In respect to Section 7(c), the pleasantness, coherence and harmony of the existing residential area will be maintained should the proposal be approved.

2.3 Consideration of Submissions

No submissions were received to this application.

2.4 Section 104B Assessment

The assessment of this application has had regard to all the matters under s 104(1), and those which were assessed to be of particular relevance were the actual and potential effects on the environment of allowing the activity and the relevant objectives, policies, rules of the Kaipara District Plan. The assessment has also considered Part II of the Act, to which s 104 is subject, and given these factors appropriate weighting.

Consideration of those matters leads to the conclusion that the application deserves a grant of consent. In summary, the reasons for this conclusion are as follows:

1. Subject to the imposition of appropriate mitigation conditions, no significant adverse effects on the environment will result from a grant of consent of the proposed activity.
2. Subject to the imposition of appropriate mitigation conditions, the application does not raise any significant conflicts with the relevant Objectives and Policies of the District Plan.
3. The proposal does not offend Sections 5, 7(b) or 7(c) of Part II of the Act.

3 Conclusion

Based on the above assessment it is concluded that having had regard to the matters in s 104 of the Act and in light of the provisions of Part II of the Act, it is appropriate to grant consent to the proposed land use.

Having regard to Section 104B, the recommended decision includes conditions under section 108 that are considered necessary for mitigation purposes and to ensure that the development proceeds in an orderly and sustainable manner.

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Reporting Planner

Venessa Anich ..... Date .....

Senior Engineer

Peter Waldron ..... Date .....

DWK Team Leader

Phillipa Campbell ..... Date .....

DKing 21/3/05

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KAIPARA DISTRICT

Kaipara te Oranganui · Two Oceans Two Harbours

KAIPARA DISTRICT COUNCIL

In the Matter of:	*The Resource Management Act 1991*
And	
In the Matter of:	*An application under Section 88 of the Resource Management Act 1991 made by Impact Developments Ltd.*
File Reference:	*RM 040255*

Decision on Resource Consent Application

Pursuant to Section 104 and 104B of the Resource Management Act 1991, the Kaipara District Council grants consent to the application by Impact Developments Ltd to establish three residential units with on-site wastewater treatment and disposal on Lot 7 DP 316035, located at Ripiro Drive, Baylys Beach.

This resource consent has been granted for the following reasons and subject to compliance with the conditions set out below.

Reasons for Decision

Pursuant to Section 113 of the Act, the reasons for this decision are:

1. *The proposed land use is a Discretionary Activity under the District Plan and satisfies the requirements of Sections 104 and 104B of the Act.*
2. *Subject to the imposition of appropriate conditions to mitigate adverse effects, the proposal is consistent with the objectives and policies of the District Plan.*
3. *The conditions of consent will ensure that the adverse effects of the land use are avoided, remedied, and/or mitigated.*
4. *The application does not offend Part II of the Act.*

Conditions of Consent

Pursuant to Section 108 of the Act, this consent is subject to the following conditions:

1) *The following conditions shall be complied with prior to occupation of any of the residential dwelling units.*
   a) *The development shall proceed generally in accordance with the plans and information submitted with the application and subsequent responses to requests for further information except as amended by the specific requirements set out in the following conditions.*
   b) *The consent holder shall provide evidence to the satisfaction of Council that legal rights exist for the construction of the stormwater pipeline across Lot 8 DP 316035 and for the subsequent discharge of stormwater from the site through this pipeline.*

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c) *The wastewater treatment and disposal system to serve the facility, including Disposal Fields 'A' and 'B' and the identified reserve area – Disposal Field 'C' shall be constructed in accordance with the report and drawings by Studio Marotta received by the Kaipara District Council on 26 October 2004.*

d) *The proposed swimming pool shall be the subject of specific engineering design with particular emphasis on crack control and leakage, taking into account the location of reserve Disposal Field 'C'. In order to satisfy this condition, a Producer Statement – Design shall be provided to Council certifying that the swimming pool has been designed taking into account the location of reserve effluent Disposal Field 'C' and that neither the reserve disposal field nor the swimming pool will be adversely affected by the other.*

e) *The vehicle crossing to Ripiro Drive shall be formed to comply with drawing KDC/ A4/S28 of the Kaipara District Council Draft Engineering Code of Practice for Land Subdivision and Development Year 2000 and of appropriate width.. Any necessary permit procedures shall be complied with.*

f) *The driveway shall be formed to comply with Appendix 9J of the District Plan (2 to 3 household equivalent standard, 3.0 m wide sealed or concrete carriageway).*

g) *A plan for amenity and screen planting, together with an ongoing monitoring and maintenance programme for this landscaping for a three-year period, shall be prepared and submitted to the Council for approval. The purpose of the landscaping plan shall be to soften the overall effect of the development and protect residential amenity values of the surrounding area. The landscaping plan shall specifically target the following areas:*

- *Northwestern, northeastern and southeastern boundaries of the site.*
- *Effluent disposal area along the driveway.*

h) *All landscaping works described in the approved landscape plan submitted to Council in accordance with Condition 1(d) shall be carried out to the satisfaction of the Council.*

i) *A cash contribution in lieu of reserves shall be paid, based on 0.5 % of the assessed value of two of the three residential units. Valuation shall be by a registered valuer at the applicant's expense.*

At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than 3 months old.

2) *The following conditions shall be complied with on an ongoing basis.*

a) *All landscaping works undertaken in accordance with Condition 1(e) shall be maintained in accordance with the maintenance programme and to the satisfaction of the Council for a period of at least three years after the date of completion of planting.*

b) *Any swimming pool constructed on the site shall be constructed strictly in accordance with the design submitted in accordance with Condition 1(d) unless a revised specific design and associated producer statement to that required under Condition 1(d) is submitted for an alternative design.*

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KAIPARA DISTRICT

Advice Notes

1. *The consent holder shall pay all charges set by the Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The consent holder will be advised of the charges as they fall.*
2. *Any discharge of treated wastewater to land from the three residential units must either meet the permitted activity criteria of Section 15 of the Regional Water and Soil Plan for Northland, or a resource consent must be gained for the discharge.*

Monitoring

All conditions of this consent will require monitoring by Council. There will be a Council charge for this monitoring.

Signed: 21/3/05

Resource Consents Officer

Kaipara District Council

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.

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1. ONE Reg.
2. File

RIPIRO @ BAYLYS

RECEIVED
27 OCT 2004
Kaipara District Council

R C 040255

STORMWATER :

Stormwater disposal from 3 apartment buildings & vehicle area, from calculations by Studio Marotta, 21/10/04.

Proposal is to install a new 150mm dia upvc stormwater line parallel to existing 100mm dia upvc line across Lot 8 to connect to exist 300mm dia stormwater system.

Connect stormwater from buildings and associated hard surfaces thru new cesspit to both exist 100 dia and new 150 dia line, refer enclosed plan.

Sorry left out of latest information my bad

Sent to DWK
28 OCT 2004

RM040255

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Reg Vmon.
1. DWK
2. File

RECEIVED
16539
26 OCT 2004
Kaipara District Council

RIPIRO @ BAYLYS

The proposal requiring Resource Consent is to construct three residential units – partially joined with relevant and required sound proofing and fireproofing, on a residential zoned section on Baylys Coast Road at Baylys Beach.

The proposal requires Resource Consent as;

1 – reticulated wastewater system is not available. An Engineer designed effluent treatment system will be included at Building Consent stage which will serve all three units.

2 – the proposal for three units as shown on the drawings, meets all building envelope requirements for Residential Zone land, except that Unit Three, located in the north-west corner of the site, encroaches thru the 3m plus 45 degree building restriction line to a minor extent. The effect that this encroachment will have on the neighbouring Lot 6, which is of 4228sqm in size, will be absolutely minimal, being to the southwest of that particular lot, and that Lot 6 is of such a large size.
Note that all other height to boundary requirements are satisfied and that the proposal is well under the maximum allowable height and all coverage ratios are satisfied.

Outdoor living spaces are primarily on the upper level decks to take advantage of the coastal views afforded. It is proposed to construct a shared ownership swimming pool with associated paving, landscaped gardens and lawns to further complement the outdoor living requirements. A privacy screen wall and safety fence will be constructed to enclose the pool area.

On site vehicle parking is provided for six vehicles by way of enclosed garages, two per unit. Further visitor parking is provided adjacent to the eastern boundary.
Service court areas are provided adjacent to each unit to accommodate a clothesline.
An exposed aggregate concrete entry drive from Baylys Coast Road to all units with associated vehicle turning areas is provided for.

Sent to DWK
27 OCT 2004

040255

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EFFLUENT DISPOSAL CALCULATIONS AND SYSTEM DESIGN

Project Number: **04209**
Sheet: **1**

Client: **Martin Design, Wright Apartments**
Date: **22/10/04**

STUDIO MAROTTA
ENGINEERING CONSULTANTS
Commercial
Industrial
Residential

SITE LOCATION: **Ripiro Road, Baylys Beach** **Lot 7 DP 316035**

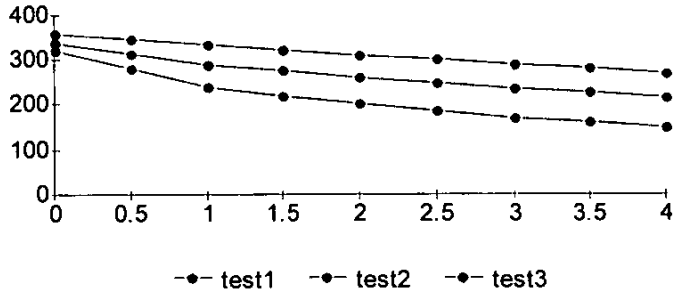
TOPOGRAPHY: **Flat and Sloping ground**

SOIL TYPE: **Red Sand**

DESIGN PARAMETERS

DEPTH WATER TABLE	**> 0.6 m**	LOT SIZE	**1,850**	sq.m
WATER SUPPLY	**Town water**			
No of BEDROOMS	**3 X 3 apartments**	No of PEOPLE	**15**	L/P/D
DAILY DISCHARGE	**2700** Litres	WATER USE PER DAY	**180**	L/P

Percolation Test Results



SOIL CATEGORY **2** LOADING RATE = **30** mm/day

AREA REQUIRED FOR DISPOSAL **90** sq.m

EFFLUENT TREATMENT **CleanStream Textile Recirculation System**

DISTRIBUTION METHODOLOGY IN DRAINFIELD **Distribution pipes and RAAM dripline in trenches**

Phone/Fax: (09) 430 8623
Mobile: 021 156 9064
Email: marotta@igrin.co.nz
Address: 33 Norfolk Street, Whangarei

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Calculation Sheet

Project Number: **04209** Project Name: **Ripiro Apartments, Baylys Beach**

Sheet: **1** Date: **21/10/04**

STORMWATER

ROOF AREA = (INCLUDING DECKS) = 309 m^2 ⇒ RUNOFF COEFFICIENT = 0.9

PAVED AREA = 410 m^2 ⇒ " " " = 0.85

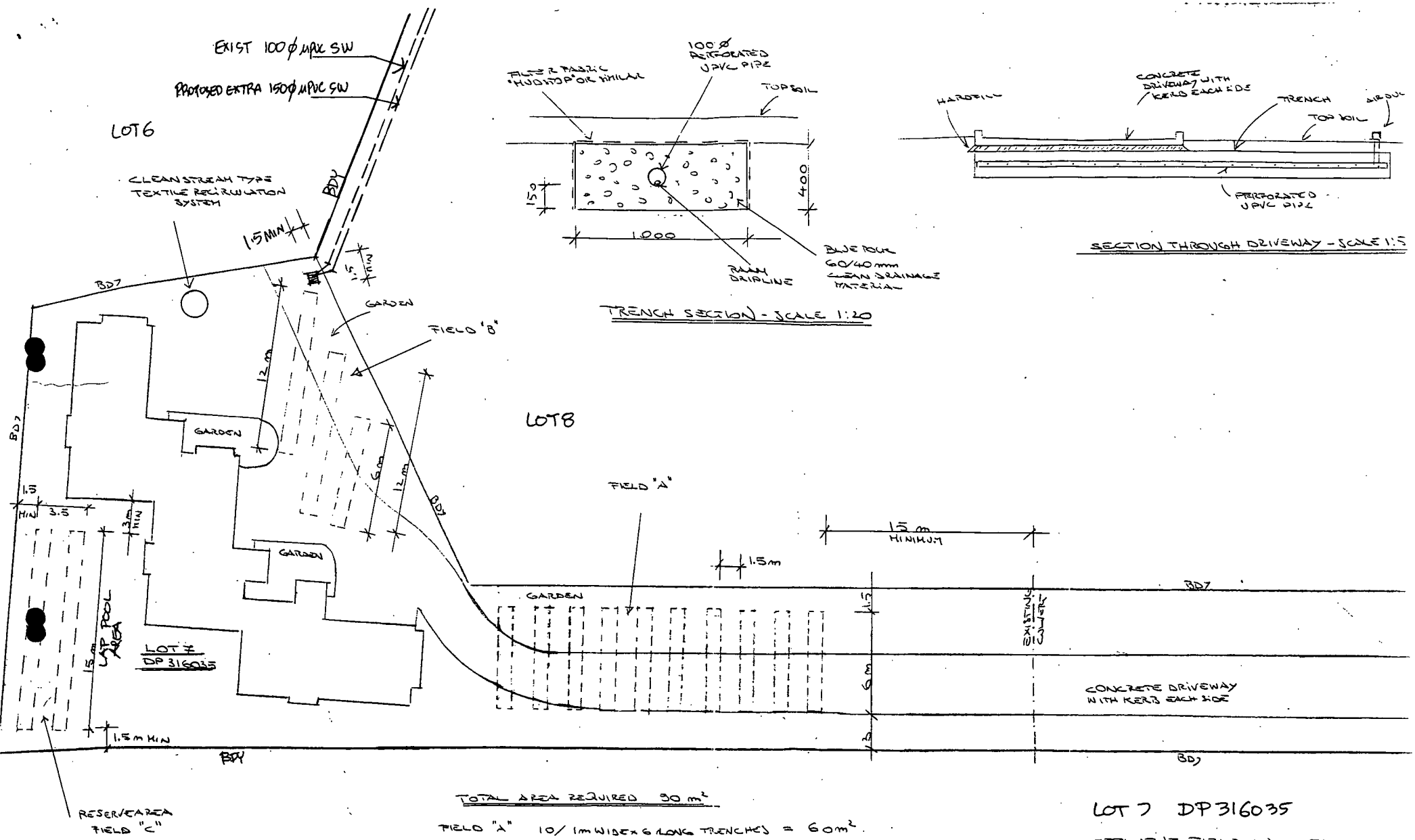
$Q_c = C I A_c / 360$ ⇒ I = 85 REFER BC RAGE 45

$= \frac{(0.9 \times 309 + 410 \times 0.85)}{10000 \times 360} \times 85 = 0.015\ m^3/h$

STORMWATER PIPE GRADIENT = $\frac{1500}{65000} = \frac{1}{43}$

→ 150 NOMINAL PIPE DIAMETER (UPVC)

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TRENCH SECTION - SCALE 1:20

SECTION THROUGH DRIVEWAY - SCALE 1:5

TOTAL AREA REQUIRED 90 m²

FIELD "A" 10/ 1m WIDE x 6 LONG TRENCHES = 60m²

FIELD "B" 2/ 1m WIDE x 12 m LONG TRENCHES PLUS 1m WIDE x 6 m LONG TRENCH = 30 m²

TOT = 90 m²

RESERVE AREA 0.3 x 90 = 27 m²

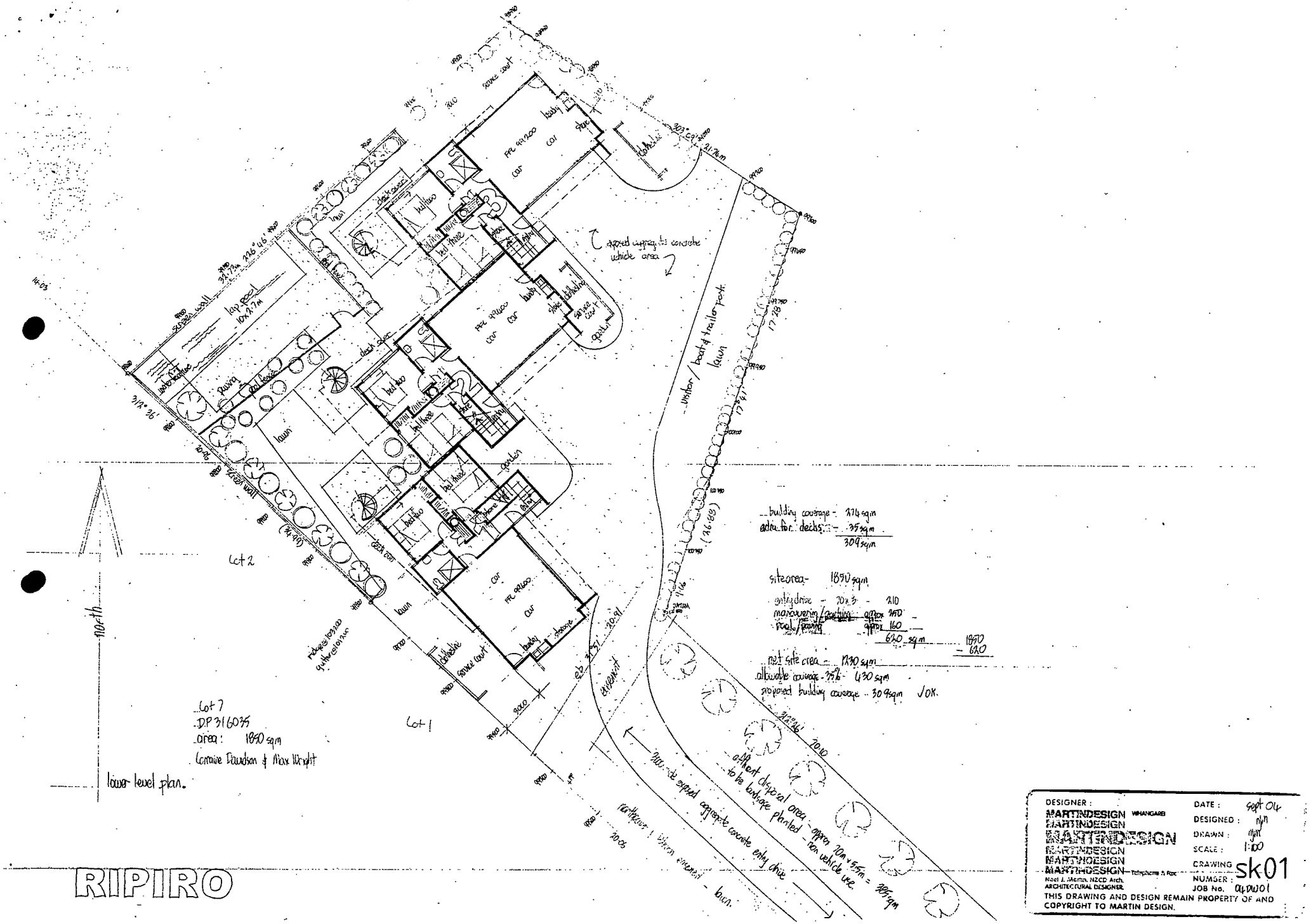
FIELD "C" 2/ 1m WIDE x 15 m LONG TRENCHES = 30m²

LOT 7 DP 316035

EFFLUENT FIELD LAYOUT

SCALE 1:250

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DESIGNER : MARTINDESIGN WHANGAREI	DATE : sept 04
MARTINDESIGN	DESIGNED : nyn
MARTINDESIGN	DRAWN : nyn
MARTINDESIGN	SCALE : 1:100
MARTINDESIGN	CRAWING NUMBER : sk01
MARTINDESIGN Telephone & Fax:	JOB No. 04W01
Noel J. Martin, NZCD Arch. ARCHITECTURAL DESIGNER.	

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north

3
upper level - 72 sqm
lower level - 92 sqm
total floor - 164 sqm
deck - 28 sqm

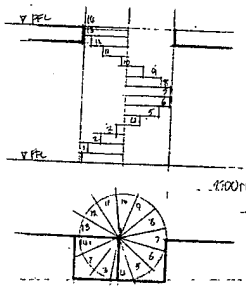
2
upper level - 71 sqm
lower level - 91 sqm
total floor - 162 sqm
deck - 29 sqm

1 -
upper level - 72 sqm
lower level - 92 sqm
total floor - 164 sqm
deck - 25 sqm

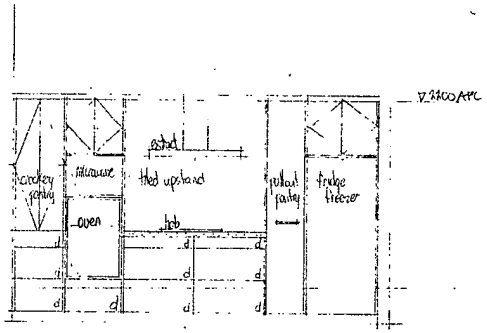
upper level plan.

480 sqm total

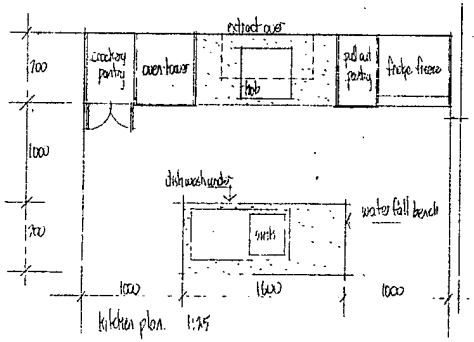
RIPIRO



1100 rise. 16 risers 193 rise
19 treads 27.7°



elevation 1:25



kitchen plan. 1:25

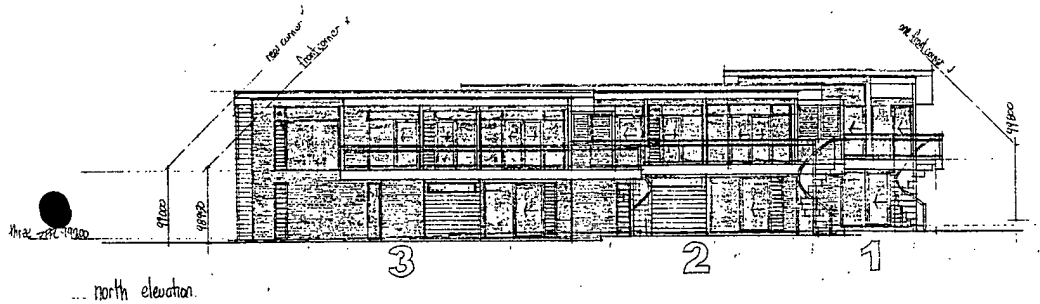
DESIGNER :
MARTINDESIGN WHANGAREI
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MARTINDESIGN
MARTINDESIGN
Noel J. Martin. NZCD Arch.
ARCHITECTURAL DESIGNER.
Telephone & fax

DATE : sept 06
DESIGNED : gm
DRAWN : gm
SCALE : 1:100
DRAWING NUMBER : sk 02
JOB No : 06DW01

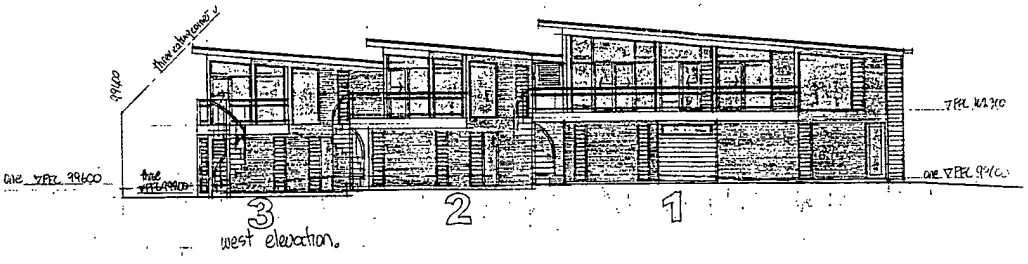
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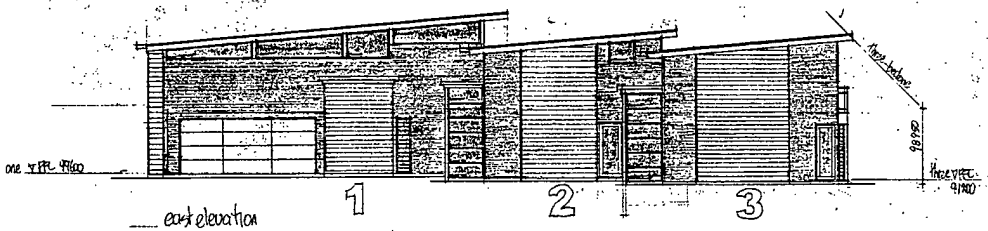




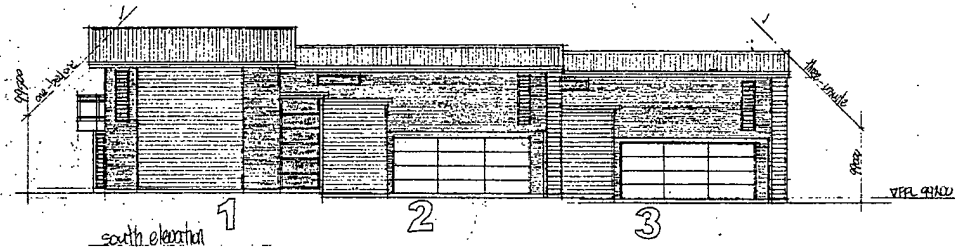
north elevation.



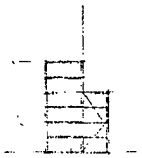
west elevation.



east elevation



south elevation



entry door

RIPIRO

DESIGNER :
MARTINDESIGN WHANGAREI
Noel J. Martin, NZCD Arch.
ARCHITECTURAL DESIGNER.
Telephone & Fax.

DATE : sept 04
DESIGNED : NJM
DRAWN : NJM
SCALE : 1:100
DRAWING NUMBER : sk 3
JOB No. 04DW01

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