

RUSSELL PROTECTION SOCIETY (INC)

P O Box 154
Russell, Bay of Islands

**SUBMISSION TO RESOURCE CONSENT
SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE
MANAGEMENT ACT**

TO: FAR NORTH DISTRICT COUNCIL, Private Bag 752, KAIKOHE. 0400
Attention: MA McDonald

Name: Russell Protection Society Inc

Address: PO Box 154, Russell, Bay of Islands

Contact Details:

- 1 The Society opposes the application of David Laing Smythe to subdivide Lot 1 DP 326016 and Lots 2 and 3 DP 340149 to create 6 sites. (RC-2060525-RMASUB)
- 2 The particular part of the application that the Society opposes is the application in its entirety.
- 3 The reasons for this submission are:
 - The proposed sites are intrinsically unsuitable for more intensive urban subdivision because of a number of factors relating to access, topography, stormwater and sewerage, erosion and sedimentation, visual impacts and proximity to the coastal marine environment.
 - The proposed property access relies on the use of a Council paper road, however this access was initially formed without the necessary Council approvals and seriously fails to meet Council's standards for road formation, alignment and especially grade. On that basis the road is fundamentally unsuitable to cater for an increased level of subdivision and development. There have already been several accidents on this steep road, causing damage to neighbouring properties. This may raise issues of Council liability if such sub-standard public roading is given approval. More particularly, this access fails clause 12.8.2.1 of the District Plan because it does not satisfy Rule 14.1.6.1.2 (Transportation) and thus the proposal is a non-complying and not a controlled activity as suggested. It is therefore important to note that the application must satisfy all of the relevant subdivision policies and rules laid out in Chapter 12 of Council's District Plan.
 - For instance, clause 12.1.3 specifies that no subdivision shall result in development that will have a significant effect on the natural environment. More particularly, clause 12.4.5 provides that access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or

- mitigate any adverse effects on neighbouring property, public roads, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation, where appropriate. Further, clause 12.4.1 requires that the allotment sizes and dimensions, and distribution of allotments created through the subdivision process be determined with regard to the possible potential effects including cumulative effects, of the uses of those allotments, and the effects, including cumulative effects of subdivision on (a) natural character, particularly of the coastal environment; (b) and on ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; (g) existing land uses.
- The engineering report that is appended to the application is seriously deficient in a number of respects. It is noted that the report is based upon a single site inspection carried out in February, the driest month of the year. This report categorically states that the properties have no evidence of slips, whereas it is known that several large slips have in fact occurred on these sites. In one slip the existing water tanks were undermined and a retaining wall had to be built to stabilise the area. Another slip occurred in the centre of the valley and the existing pattern of vegetation clearly indicates where this occurred. Further, the report indicated that there was no evidence of previous flooding, whereas the Council will be aware that the properties below had flooded on a regular basis until some of the land owners installed their own drainage works, including an earthen dam (not noted in the report) and pipes laid below ground. These works have not been inspected by the applicant's consultants and it is unknown whether these conform to Council requirements. The land is in some cases steeper than the suggested 30 degrees and would be unstable if the existing vegetation is removed or earthworks occur. The natural drainage has been modified by the above mentioned works and therefore it is quite inappropriate to suggest, as the report does, that the increased stormwater flow from the newly created allotments and subsequent houses, drives, hard standing and cleared areas can simply be discharged to the "overland flow path", which does not now exist. Since the report advises against the use of soak holes because of the potentially steep and unstable land, the legal requirement will be for all stormwater to be piped to a proper Council stormwater facility. If there are no stormwater easements available on adjoining properties in order to facilitate this, then the applicant will be limited to a level of subdivision that can provide for on-site disposal of the stormwater generated on each site.
 - It is important at this point to note s106 of the Resource Management Act 1991 (RMA), which requires that the consent authority shall not grant a subdivision consent if it considers either – (a) Any land of which a consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, subsidence, slippage, or inundation from any source; or (b) Any subsequent use that is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, subsidence, slippage, or inundation from any source.
 - The extent to which the proposed sites are unsuitable for further intensive subdivision is highlighted by the proposal to use a pumping station to lift sewage up a steep rise to the Council sewerage main. Pumping stations,

especially private ones, are known to fail on occasion and it would not be prudent in this instance to rely on such a device because any malfunction would allow sewage to flow directly on to neighbouring properties and thence into the sea. The marine environment of Long Beach is heavily used for recreational activity and therefore such a risk is unwarranted.

- It is also important at this stage to note the NZ Coastal Policy Statement and s 6(a) & (b) of the RMA, which caution against inappropriate subdivision in the coastal environment and requires protection of outstanding landscapes. The land in question is steep and the required access drives, building platforms and hard standing areas will require substantial volumes of earthworks in order to establish these. Given the proximity of the site to the coastal marine area, and notwithstanding any standard mitigation measures that may be applied, it is inevitable that significant quantities of fine clay material will be washed down into the intertidal area, thereby polluting the beach and diminishing its natural and recreational value. Equally important, given the steep topography, a substantial number of retaining walls will be required to stabilise slopes that are benched to accommodate the access drives and building platforms. These retaining walls can be more intrusive on the landscape than buildings and will substantially alter the character of Long Beach. The built environment of these sites will predominate over its current natural coastal environment, particularly since the concrete drives and the many retaining walls required will create a discordant linear distraction in an otherwise soft landscape.
- In summary, it should be noted that the applicant has already received consent for a three site subdivision, which is more in keeping with the environmental and physical constraints of the site and the access provided. It would be inappropriate to provide for further, more intensive subdivision in this instance because of the cumulative effects this would have on adjoining properties and the fragile coastal marine environment of Long Beach. There do not appear to be any practicable measures that will serve to avoid, remedy or mitigate these adverse effects on neighbouring property, public roads, and the natural and physical resources of the site. On that basis the proposal will have more than minor effects on the environment and it fails to meet the tests set out in sections 104 and 105 of the RMA.

4 The decision the Society wishes the Far North District Council to make is to decline the application at this stage.

5 The Society wishes to be heard at any hearing on the above application.

6 We have sent a copy of this submission to the applicant.

Signed _____ Date _____

Address for Service: As Above