



FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (Subdivision)**

Resource Consent Number: 2200253-RMASUB

Pursuant to section 104C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Zhann Tracey The activity to which this decision relates: **Proposed subdivision to create 4 additional lots.**

Subject Site Details

Address: Lot 2, Newton Road, Omapere 0473
Legal Description: LOT 2 DP 184528 BLK VII HOKIANGA SD-SUBJ TO & INT
Certificate of Title reference: NA-115B/198

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

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 2 DP 184528", dated 29.10.20 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) All areas of native vegetation to be protected (Areas AA, AB, AC, AD, AE marked on the approved plan) as "areas to be subject to bush protection covenant"
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) The consent holder shall submit plans & details of all works on the right of way upgrading for the approval of Council prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004. The plans shall show the following detail:

- i. The upgrading of the existing track within the proposed right of way serving Lots 1, 2 & 4 to Council Standards. The plans to show the diversion of the access to the north of the slip in accordance with the recommendations of the report from LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020. The plans shall also show the sediment control measures intended to be installed and maintained during the earthworks.
4. The consent holder must, before the survey plan of subdivision is approved under section 223 of the Act, provide three alternative names for the private way to be constructed over the proposed right of way for the approval of the Council. In giving its approval, the Council will require to be satisfied that the road name is relevant to the history of the area, character of the locality or is otherwise appropriate.
5. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) The Consent Holder shall ensure that the following works are constructed in accordance with the Councils Engineering Standards and Guidelines 2004 and to the approved plans, to the approval of the Council's Resource Consents Engineer-
 - (i) Construct a turning circle, to Council Standards, to a metal standard at the end of Newton Road to mitigate the effects of the additional traffic generated on the road by way of the subdivision.
 - (b) Provide a formed double width entrance, to a metal standard, to the right of way which complies with the Councils Engineering Standard FNDC/S/6, 6B/C/D, and section 3.3.7.1 of the Engineering standards and NZS4404:2004.
 - (c) Provide formed and metalled access on ROW easements A,B,C,D,G,R,S,T,K,U,V,W,O,X and Y, The width of the carriageway shall be as per the requirements of Appendix 3B-1 of the Far North District Plan as specified below. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. Concentrated stormwater runoff is to be discharged in such a manner that there is no erosion.

Right of Way Carriageway Width Requirements:

 - 5-8 lots served, 5 metre carriageway width
 - 3-4 lots served, 3 metre carriageway width with passing bays to comply with Rule 15.1.6.1.2 of the District Plan.
 - 2 lots served, 3 metre carriageway width
 - (d) Prior to earthworks commencing, install erosion and sediment control measures in accordance with Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region [GD05]. The measures shall be maintained and cleaned out as necessary until non erodible cover has been established.
 - (e) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment.

The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- i. In conjunction with the application for building consent for the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit an onsite wastewater report prepared by a Chartered Professional Engineer or a council approved Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. Reserve Disposal Areas for the disposal of treated effluent shall remain free of built development and available for its designated purpose. [Lot 1 & Lots 3-5]
- ii. In conjunction with the lodging of a building consent application for the construction of any building, the applicant shall provide a design for stormwater management, prepared by a suitably qualified and experienced practitioner, which addresses stormwater management, and provides suitable mitigation measures to reduce flows from development. [Lot 1 & Lots 3-5]
- iii. All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer who is familiar with expansive soils in the region. The design shall reference the Subdivision Suitability Report by LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020). The foundation design details shall be submitted in conjunction with the Building Consent application. [Lot 1 & Lots 3-5]
- iv. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. [Lot 1 & Lots 3-5]
- v. Prior to undertaking any significant earthworks or clearance of vegetation on the areas noted as "NRC Erosion Prone Area" marked in blue within lots 3,4 and 5 on approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 2 DP 184528", dated 28.04.20, the owner should assess the need for a land use consent from the Northland Regional Council and/or an earthworks permit under that FNDC General Bylaws and/or an earthworks resource consent from the Far North District Council. [Lots 3-5]
- vi. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. [Lot 1 & Lots 3-5]
- vii. The land owners and occupiers of Lot 2, 3, 4 and 5 must not cut, damage, fell, wilfully injure or destroy the vegetation (including roots) within the areas shown as covenant area endorsed as AA, AB, AC, AE, on the survey plan or execute work in the vicinity of the trees (including a prohibition on excavation, construction or storage of material or debris) without the prior consent in writing from the Council.

The lot owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 2-5]

- viii. The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. [Lots 1-5]

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes kiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matter are:
 - a) The matters listed in 13.7.3.
 - b) The matters listed in 13.8.1(i) and 13.8.1(ii).
3. In accordance with an assessment under s104(1)(b) of the Act the proposal is consistent with the relevant statutory documents.

Adverse Effects:

- a) The proposed subdivision maintains the density of development in the wider area and is compatible with the land use of the receiving environment;
- b) The rural character and current lifestyle use of the area will not change as a result of the subdivision;
- c) All lots are able to be adequately serviced with less than minor effects on the environment;
- d) The proposal will not result in any adverse social, economic or cultural effects;
- e) The proposed allotments allow for 30x30m building envelopes. Any development will be compliant with bulk and location requirements of the District Plan.

Objectives and policies of the District Plan

The following objectives and policies of the District Plan have been considered:

- a. *Objective 8.6.3.1- To promote the sustainable management of natural and physical resources in the Rural Production Zone.*
- b. *Objective 8.6.3.2- To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.*
- c. *Objective 8.6.3.3- To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*
- d. *Objective 8.6.3.4- To promote the protection of significant natural values of the Rural Production Zone.*
- e. *Objective 8.6.3.6- To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.*
- f. *Objective 8.6.3.7- To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.*
- g. *Policy 8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.*
- h. *Policy 8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*
- i. *Policy 8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.*

The proposal is not contrary to the relevant objectives and policies of the District Plan

4. In accordance with an assessment under s104(1)(b) of the Act the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018
 - b) Regional plans (including proposed)
 - c) National Environmental Standards (Air/ NESCS/ Forestry)
5. As a Restricted Discretionary activity, no other matters can be considered under s104(1)(c).
6. Overall, the proposal is considered to have adequately considered the relevant statutory documents and to be consistent with the overall sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Consultant Planner and is granted under delegated authority (pursuant to section 34A of the Act) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 17th November 2020

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing of Consent

Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.