



Far North  
District Council

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN**

**DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

**Resource Consent Number: 2300349-RMASUB**

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

Gaman Daji

**The activity to which this decision relates:**

**Activity A: To create three additional allotments in two stages as a Discretionary subdivision in the Coastal Residential Zone.**

**Activity B: To breach the Sunlight and Frontage to Existing Roads rule of the District Plan as a Discretionary Activity.**

**Subject Site Details**

Address: 265 Hokianga Harbour Drive, Omapere, 0473

Legal Description: Lot 2 DP 38734

Certificate of Title reference: NA-38A/1352

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

**Activity A:**

**Stage 1 (creation of Lots 1 and 2)**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 2 DP 38734 STAGE 1, dated 06.04.22, 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) An easement over areas required to appropriately control and direct overland flows entering the property at the south-eastern boundary of Lot 1 and currently travelling down the southern boundary of Lots 1 – 4, to the State Highway as identified in the “Flooding Assessment” from RS Engineering, ref:17745, date 17 August 2022. The overland flow path may either continue to be aligned along the southern boundary of Lots 1 – 4 or the flow may be diverted towards the Omapere Stream at some point, subject to the new flow path being designed by a Chartered Professional Engineer experienced in hydraulics, who is able to provide written confirmation that the alignment, shape and width is appropriate to control overland flow.
  - (c) Confirmation that the stormwater discharge from the existing dwelling on Lot 1 is located entirely within Lot 1 or an easement over the piped discharge where this is outside of Lot 1.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) Upon completion of the construction of the bridge across the Omapere Stream, as per the design from Ace Consultants Ltd, Job No. B16, Drawings G01 to DG05, Rev A and dated 8/04/22, provide certification from the Chartered Professional Engineer who supervised the construction of the bridge that it has been completed in accordance with the design.
  - (b) Provide a formed and metalled double width entrance crossing to the bridge over the Omapere Stream from Waihuka Road, which complies with the Council’s Engineering Standard FNDC/S/6, 6B and section 3.3.7.1 of the Engineering Standards and NZS4404:2004.
  - (c) Provide a formed and metalled access on ROW easements A and B to a 5m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard full 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. Discharges from drains and culverts shall be conveyed to rock surfaced areas to dissipate flow.
  - (d) Provide evidence from an Independently Qualified Person or other suitably qualified person that a separate metered connection to Council’s reticulated water supply system has been provided for Lot1, in accordance with the requirements of Council’s Engineering Standards and Guidelines.
  - (e) Ensure that the existing vehicle crossing (crossing place 110) shall be upgraded in accordance with the NZ Transport Agency’s Diagram C Standard as outlined in the Planning Policy Manual (2007) and to satisfaction of the NZ Transport Agency Network Manager.
  - (f) Provide to Council confirmation that NZ Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new crossing place (CP) notices against those new titles, under Section 91 of the Government Roadings Powers Act 1989.
  - (g) 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) The Lot is identified as being within proximity to a kiwi present zone and Protected Natural Areas. 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.

**[All Lots]**

- (ii) The Lot owner shall not permit or cause to permit the erection of any structure or change the ground levels within the overland flow path identified on the survey plan in accordance with condition 2(b), that would restrict or divert the flow within the flow path.

**[All Lots]**

- (iii) The approval of this consent does not imply that the bridge included in ROW 'A' and 'B' which provides access to Lots 1 and 2 is approved by Council for any particular loading. The Lot owner will need to seek the advice of a Chartered Professional Engineer as to the bridges loading capacity prior to loads in excess of those of a light vehicle being contemplated to be imposed on the bridge. The Consent Holder and future Lot owners are advised that Council has no responsibility for the bridge within ROW 'A' and 'B' which provide access to Lots 1 and 2.

**[Lots 1 and 2]**

#### **Stage 2 (creation of Lots 2, 3 and 4)**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 2 DP 38734 STAGE 2, dated 06.04.22, 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.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Provide evidence from an Independently Qualified Person or other suitably qualified person that a separate 100mm sewered connection to the boundary of the proposed new Lots 2 and 4, in compliance with Council's Engineering Standards and Guidelines.
  - (b) Provide evidence from an Independently Qualified Person or other suitably qualified person that proposed new Lots 2 and 4 have separate metered connections to Council's reticulated water supply system in accordance with the requirements of Council's Engineering Standards and Guidelines.
  - (c) Provide evidence from an Independently Qualified Person or other suitably qualified person that a separate metered connection to Council's reticulated

water supply system has been provided for Lot 3, in accordance with the requirements of Council's Engineering Standards and Guidelines.

- (d) Provide a formed and metalled access on ROW easements F and C to a 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. Discharges from drains and culverts shall be conveyed to rock surfaced areas to dissipate the flow. Provide turning radius suitable for a small rigid vehicle, as per Appendix 3E Page 3 of the District Plan, at the right-angle corners in the Right of Way, at entry from the road where the Right of Way F turns hard right and at the intersection of the Right of Way F and C. In order to avoid the distraction of lights of vehicles travelling north on Right of Way F, for the traffic travelling south on the Highway, provide either dense planting or a close boarded fence to a minimum height of 1.2m along the road boundary of easement F.
- (e) Provide written confirmation from the telecommunications and power utility services operators that their services have been provided to the boundary of Lots 2 and 4, in accordance with the requirements of Councils Engineering Standards and Guidelines.
- (f) 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) At the time of lodging a building consent, the Lot owner is to provide a report from a Chartered Professional Engineer with recognised competence in relevant geotechnical and structural matters, which addresses the Site's investigation undertaken, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction.

**[Lots 2 and 4]**
  - (ii) The Lot contains areas which are identified by Council as likely to be susceptible wherein there is a potential risk to life, property and the environment due to natural hazard processes. A "Flooding Assessment" from RS Eng, ref:17745 and dated 17 August 2022 has been provided with the Resource Consent application 2300349-RMASUB, and this identifies ground and floor levels clear of flooding on the Lot. Any application for Building Consent on the Lot shall be accompanied by a report from a Chartered Professional Engineer's which sets suitable ground levels and habitable floor levels with a freeboard above the 1 in 100-year flood event plus an allowance for climate change.

**[Lots 2 and 4]**

#### **Activity B:**

No conditions have been imposed.

#### **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 koiwi (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.

2. The consent holder and future Lot owners are advised that any future development and any earthworks undertaken as a result of the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.
3. The Lots are in proximity to a freshwater source/stream and the consent holder and future Lot owners are therefore advised that further consent from the Far North District Council as well as the Northland Regional Council may be required prior to development under the District Plan and/or the National Environmental Standard for Freshwater Regulations 2020.
4. The consent holder shall provide evidence that a Traffic Management Plan (TMP) has been approved by Councils Corridor Access Engineer and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.
5. Works within the State Highway boundaries will require the approval of the NZ Transport Agency pursuant to Section 51 of the Government Roadway Powers Act 1989 via Corridor Access Request (CAR). Design and then construction details will need to be submitted by your contractor onto the NZ Transport Agency for approval. Please contact NZTA's Network Operations Contractors to discuss this approval at [NetworkAccess@asm@nzta.govt.nz](mailto:NetworkAccess@asm@nzta.govt.nz).
6. The consent holder is advised that a formal legal agreement (in the form of a License to Occupy or other) should be made with Council with respect to the planned encroachment on the Council Road Reserve by way of a bridge to form access to the site. The Consent Holder is therefore advised that no works shall be undertaken within Council's Reserve prior to a formal agreement being finalised between themselves and Council.

### **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 Controlled resource consent as such under s104A Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are:
  - a) Allotment size and dimensions,
  - b) Access,
  - c) Natural and Other Hazards,
  - d) Water Supply,
  - e) Stormwater Disposal,
  - f) Sanitary Sewage Disposal,

- g) Energy and Telecommunications Supply
- h) Easements for any purpose,
- i) Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes,
- j) Access to Reserves and Waterways.

3. District Plan Rules Affected:

<u>13.7.2.1: Minimum Lot Sizes</u>	All the proposed lots can comply with the minimum lot size for a Controlled Activity in the Coastal Residential Zone as the site has access to waste water and reticulation and all the lots are larger than 800m <sup>2</sup> .
15.1.6C.1.1 (b) and (c) FRONTAGE TO EXISTING ROADS	Waihuka Road does not meet Council's standards.
10.8.5.2.4 SUNLIGHT	The internal boundaries created as a result of the subdivision will create a breach of the sunlight rule due to the existing dwelling on proposed Lot 3.

Adverse effects will be less than minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Objectives and policies of the District Plan:

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

- a) Objectives: 13.3.5, 13.3.8.
- b) Policies: 13.4.2, 13.4.3, 13.4.8.

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 RMA the proposal is consistent with the relevant statutory documents.
- a) The Far North District Plan 2009,
  - b) The Far North Proposed District Plan 2022,
  - c) National Environmental Standards Freshwater Regulations 2020

No other non – statutory documents were considered relevant in making this decision.

5. No other matters were considered in relevant in making this decision.

6. Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

### **Approval**

This resource consent has been prepared by Hannah Kane, Intermediate Resource Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



**Pat Killalea, Principal Planner**

**Date: 25<sup>th</sup> November 2022**

### **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 Resource Management Act 1991) 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 Resource Management Act 1991, 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 Resource Management Act 1991.