



**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN**

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

**Resource Consent Number: 2220087-RMASUB**

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

**Mike Vegar**

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

**To create one additional Lot in the Rural Production Zone by way of Subdivision.**

**Subject Site Details**

Address: 542 Duddy Road, Omanaia 0473

Legal Description: PT LOT 3 DP 77435 - SUBJ TO ROW

Record of Title reference: CT-51694

**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 Thomson Survey, referenced PROPOSED SUBDIVISION OF PT LOT 3 DP 77435, dated 30.06.21, 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) Area 'G' to be subject to a bush protection covenant.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) Submit plans and details of all works for the approval of Far North District Council. Such works are to be designed in accordance with Far North District Council: Engineering Standards & Guidelines 2004 – Revised 2009 and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative.

Plans are to include but are not limited to:

- i. Design details of the construction of upgrading the existing Vehicle Crossing to proposed Lots in accordance with Council's Engineering Standard Drawings FNDC / S / 6, FNDC / S / 6B, section 3.3.7.1 and NZS 4404:2004.
- ii. Design details of the construction of the ROW access to proposed Lots 1 and 2 in accordance with Council's Engineering Standards Appendix 3B-1. Design is to detail stormwater systems including ROW drainage and structures.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) The consent holder shall provide suitable evidence by way of as-built plans and/or producer statement from a Suitably Qualified Engineer an Independent Qualified Person (IQP) or FNDC Development Engineer or authorised representative, to illustrate that the Vehicle Access and ROW have been completed in accordance with the approved engineering standards, to the satisfaction of the Council.
- (b) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all accesses and services are located within the appropriate easement boundaries to the satisfaction of the Council's Development Engineer or delegated representative.
- (c) 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 location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent.

Note: The selection of building sites is to note the recommendations of the Site Development Report by PK Engineering, dated Apr 2022. In the event that alternative sites are requested Council to require a suitably qualified and experienced engineer's report to be lodged.

**[Lots 1 and 2]**

- (ii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the consent holder shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 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 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. The System design should be developed from the recommendations from the Site Development Report prepared by PK Engineering (ref 21-133).

For on-site wastewater disposal system:

The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

**[Lots 1 and 2]**

- (iii) 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.

**[Lots 1 and 2]**

- (iv) In conjunction with the construction of any building on Lots the consent holder shall design and install stormwater attenuation. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 1% AEP plus allowance for climate change. The details of the on-site retention storage and flow attenuation shall be prepared by a Chartered Professional Engineer or suitably qualified person to the satisfaction of Councils' Development Engineer or delegated representative and submitted with the Building Consent application.

**[Lots 1 and 2]**

- (v) Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

**[Lots 1 and 2]**

- (vi) No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

**[Lots 1 and 2]**

- (vii) The owner shall preserve the indigenous trees and bush now on the allotment as indicated on the survey plan, as area G and shall not without the prior written consent of the Council and then only in strict

compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

**[Lot 1]**

### **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 (on both Lots 1 and 2), 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 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.
4. There are areas of Wetlands in proximity to the subject site. The consent holder and future Lot owners shall be aware of this and are advised that further consent from 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.
5. The Consent Holder shall be aware that there is an encumbrance held on the Record of Title which is required to be considered and adhered to when any development is being undertaken.

### **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 matters are:
  - a) Allotments and Dimensions,
  - b) Natural and Other Hazards,
  - c) Water Supply,
  - d) Stormwater Disposal,
  - e) Wastewater Disposal,
  - f) Energy and Telecommunication Supply,
  - g) Easements,

- h) Property Access,
- i) Earthworks,
- j) Preservation and Enhancement of Heritage Resources (including cultural), Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes.

3. District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	The subdivision is to create one additional Lot with both Lots being greater than 12ha in size.

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, 13.4.6, 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 Proposed Far North District Plan 2022,
  - c) National Environmental Standards (Freshwater Regulations 2022)

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

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

7. 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.

8. 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: 7<sup>th</sup> September 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.