



FAR NORTH DISTRICT COUNCIL

Te Kaunihera o Tai Tokerau Ki Te Raki

DECISION ON SUBDIVISION CONSENT APPLICATION
UNDER THE RESOURCE MANAGEMENT ACT 1991

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Decision

Pursuant to section 34(1) and sections 104, 104A, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Controlled Activity subject to the conditions listed below, to:

Council Reference:	2230099 RMASUB
Applicant:	Don Seager
Property Address:	30 Waihuka Road, Omapere 0473
Legal Description:	LOT 1 DP 182990, SEC 1 SO 68920 BLK VII HOKIANGA SD
Description of Application:	To undertake the separation of parcels of land held together in one record of title under Sec345 (2) of the Local Government Act 1974

Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of separation prepared by Nigel Ross Surveyor, dated January 2022 and attached to this decision with the Council's "Approved Plan" stamp affixed to it.

General compliance conditions

2. Prior to the release of a certificate pursuant to s345(2) of the Local Government Act 1974, the consent holder shall:
 - a. Provide evidence that a separate 100mm sewerage connection has been provided to the boundary of Section 1, in compliance with Council's Engineering Standards and Guidelines [Section 1].
 - b. Provide evidence the new vehicle crossing to proposed lot (Sec 1) from Waihuka Rd is constructed to FNDC/S/6 and 6B standards. Where required, an adequately sized culvert (minimum diameter 300mm) is to be installed

under each crossing with grouted rock headwalls on both ends. Sight distances at the crossing locations are to comply with the requirements of the FNDC Engineering Standards. The existing Council sewer line, rodding eye and manhole within the Waihuka Road are to be located, marked and adequately protected prior to crossing works commencing. Repairs to any damage to the Council sewer infrastructure caused during construction works shall be the responsibility of the consent holder [Section 1].

- c. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the new allotment [Section 1].
- d. Provide a signed easement instrument in favour of Council which applies to the area occupied by the existing stormwater easement on Lot 1 DP 192990 and which provides for Council staff and contractors to access the adjoining esplanade reserve (Lot 12, DP 138969) for maintenance and weed and pest control purposes. Provide a solicitor's undertaking to register the easement.
- 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 consent holder:
 - i. In conjunction with any future development on proposed Lot (SEC 1), the Lot owner shall submit a stormwater management report that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. The report shall reference the recommendations of the Geologix Consulting Engineers "Site Suitability Engineering Report (Revision 01)" dated June 2022 and submitted with the application [Section 1].
 - ii. All habitable buildings or Importance level 2 and greater structures (as defined in AS/NZS 1170) to be located outside the 10% and 1% AEP floodplain area or require foundations specifically designed by a Chartered Professional Engineer recommending foundation requirements and finished floor levels with the required freeboard above, a 100-year ARI Flood event [Section 1].
 - iii. Stormwater runoff from new buildings and impermeable surface areas on proposed Lot (SEC 1) shall be restricted to that of pre-development levels for a 10% AEP storm event plus an allowance for climate change. Alternatively, stormwater runoff from the Lots can be discharged directly to ground via engineered soakage devices with prior Council approval. Overland/secondary flowpaths that can accommodate the 1% AEP storm event shall also be provided on the proposed Lots and are to be unobstructed by new buildings, other structures or landscaping [Section 1].
 - iv. A water collection system with sufficient supply for firefighting purposes is to be provided by way of tanks or other approved means and are to



be positioned so that it is safely accessible for this purpose within the Lot. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509:2008. Alternative firefighting water supplies are to be specifically approved by an authorized representative of Fire and Emergency NZ [Section 1].

Please note: If it is not possible to register the conditions as consent notices then they are to be registered as restrictive covenants

Advice Note:

1. A vehicle crossing permit and approved TMP/CAR application are to be obtained for the new crossing prior to any upgrade works commencing
2. As the subdivided allotment and its record of title NA121C/547 are subject to Section 345(2) Local Government Act 1974, Council's consent is required to separate parcels of land included in one title in accordance with section 345(2A) Local Government Act 1974".

Lapsing of Consent

3. 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;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - b) 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.

Right of Objection

4. 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.

Archaeological Sites

5. 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.

General Advice Notes –

6. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Controlled resource consent as such under section 104A the Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are found in section 13 of the Operative District Plan.
2. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as the proposal will also result in positive effects, including providing additional housing capacity in an area subject to housing shortages.
3. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
4. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Northland Regional Policy Statement 2016,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan.

For this resource consent application the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

5. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application OR the following other matters are relevant:
Consider any iwi management plan, bylaw, other legislation that is relevant to the proposal.



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6. Based on the assessment above the activity will be consistent with Part 2 of the Act.

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

7. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Trish Routley Consultant Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.

Approval

This decision has been prepared by Trish Routley (PlanningNZ), Consultant Planner and is granted under delegated authority from the Far North District Council by:

NAME: PAT KILLALEA

TITLE: PRINCIPAL PLANNER

Date: 20th December 2022

