



# Far North District Council

**LIM Fax : 09 401 2137**

Date Logged: 16-Feb-2017  
OUR REF: LIM 2017/1014  
YOUR REF:  
Receipt No 4590953

Private Bag 752, Memorial Ave  
Kaikohe 0440, New Zealand  
Freephone: 0800 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: ask.us@fndc.govt.nz  
Website: www.fndc.govt.nz

01-Mar-2017

*Te Kaunihera o Tai Tokerau Ki Te Raki*

Nadine Stuckey  
1231A East Coast Road  
RD4  
Albany 0794

Email : pelsler2@hotmail.com

Maps & documents in mail

## LAND INFORMATION MEMORANDUM - N<sup>o</sup>. 2017/1014 Pursuant to Local Government Official Information and Meetings Act 1987 (Section 44A)

The following information is provided **to the Applicant** in respect of the property described as:

### SEC 57 RAWENE SUBS

**Valuation Roll N<sup>o</sup>. 00611-27101 Prop ID N<sup>o</sup>. 3337343**  
**and located at 13 Cochrane Street, Rawene 0443**

#### 1. Special Features or Characteristics

Refers to 1991 NZ Land Resource Inventory Worksheet – Land Use Capability Unit 4e6, indicating rolling to strongly rolling land with weakly to strongly leached and weakly podzolised yellow-brown earths overlying argillites.

a)	Potential Erosion	Moderate – may be severe when cultivated
b)	Avulsion	Nil
c)	Falling Debris	Nil
d)	Subsidence	Moderate potential
e)	Slippage	Moderate potential
f)	Alluvion	Nil
g)	Inundation	Nil
h)	Hazardous Contaminants	None known
i)	Any other	-

**Note:** The information is generic to the area and may not be site-specific.



## 2. Disclosure of Rates for the Purposes of a Land Information Memorandum

The Local Government Official Information and Meetings Act requires that Council provide information relating to any rates owing in relation to the land covered by the LIM.

This disclosure document sets out the rate position as at the date shown below. It should be noted that this figure must not be taken as a settlement figure for the payment of outstanding rates as at the time of settlement of any purchase of the property concerned.

It remains the responsibility of the vendor and purchaser to determine the final rates figure on the settlement date and ensure that this is paid in accordance with the requirements of the Local Government (Rating) Act 2002.

<b>Valuation Number:</b>	<b>00611-27101</b>
Rate Account No:	2433343
Rates Levied for the Current Year: \$	2,131.11
Date of Disclosure:	17-Feb-2017

### 2016 Rating Valuation Details

Land Value	\$	96,000
Improved	\$	0
Capital	\$	96,000
Rating Valuation Area		0.4856Ha

## 3. Consents

### a) Resource Consents

18-Jun-2001	2010550-RMASUB	Revised decision on RC 2010550
07-Mar-2001	2010550-RMASUB	To subdivide Sec 52 & 57 suburbs of Rawene into six allotments

### b) Certificates -

### c) Notices (documents relating to the above Consents are attached)

### d) Orders -

### e) Licences -

### f) Requisitions -

**Note:** Council reserves the right to serve requisitions whenever found necessary.

## 4. Building Consents, Permits & Code Compliance Certificates (CCC)

Description	Date of Issue	Number	Type of Structure
Nil on file			

### Comments: -

Memo attached - "Information Regarding Buildings where Council Holds no Record of Consents".

Domestic Smoke Alarms Guidance Notes attached.

### Any known outstanding issues:

None known

### Are there any unauthorised building works known to Council?

None known

### Note 1:

The Building Act 2004 was implemented from 31 March 2005 and replaced the Building Act 1991. All applications for building consents are now processed under this Act. Code Compliance Certificates do not apply to building permits that were issued prior to the Building Act 1991.

**Note 2:**

Where a Code Compliance Certificate (a "CCC") has not issued, reasons could be that the owner has not requested a final inspection, or that there is further work required to meet compliance.

**Note 3:**

The Far North District Council does not copy building plans for Land Information Memoranda. Site and drainage plans are included if on file.

**5. Development Contributions**

Information attached.

**6. Utilities**

- |    |                              |              |
|----|------------------------------|--------------|
| a) | <u>Drinking Water Supply</u> | Not known    |
| b) | <u>Stormwater</u>            | Not Serviced |
| c) | <u>Sewer</u>                 | Serviceable  |

**7. Land Uses:**

Far North District Plan

Land zoned as **Coastal Residential** under the Far North District Plan.  
(Please refer to attached zone rules for Land Use and Subdivision activities).

**Note 1:**

It is suggested that any queries you may have regarding any aspects of the Far North District Plan be referred to the Council's Planning Department.

**8. Notices under Other Acts Notified by any Statutory Organisation:**

Nothing on file.

**9. Notices by any Network Utility Operator**

Nothing on file.

**10. Road Legalisation Issues**

No known issues.

**11. Other Information**

A Recorded Archaeological site is identified as being within the vicinity (accurate to 100m) of this property. Further information should be sought from the New Zealand Historic Places Trust prior to any future development.

See information attached re: Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.



T WINDELBORN  
INFORMATION MANAGEMENT UNIT

**Note for Applicants:**

The above information represents the information held by the Far North District Council in respect of any of the categories of information listed. Where the Council has advised 'not known' in respect of any category it is the responsibility of the applicant to undertake any other enquiries. No further comment concerning this property can be made without an inspection by a Council Officer. Such inspection will be carried out if you desire and a charge will be made for this service on a cost basis.

The information in this Memorandum is provided for the use of the applicant alone and is not to be relied on by any third party. The Council assumes no responsibility to any person other than the applicant.

Where information has been supplied to Council by a third party it cannot guarantee the accuracy of that information and it is supplied on the understanding that no liability shall arise or be accepted by the Council for any error contained therein.

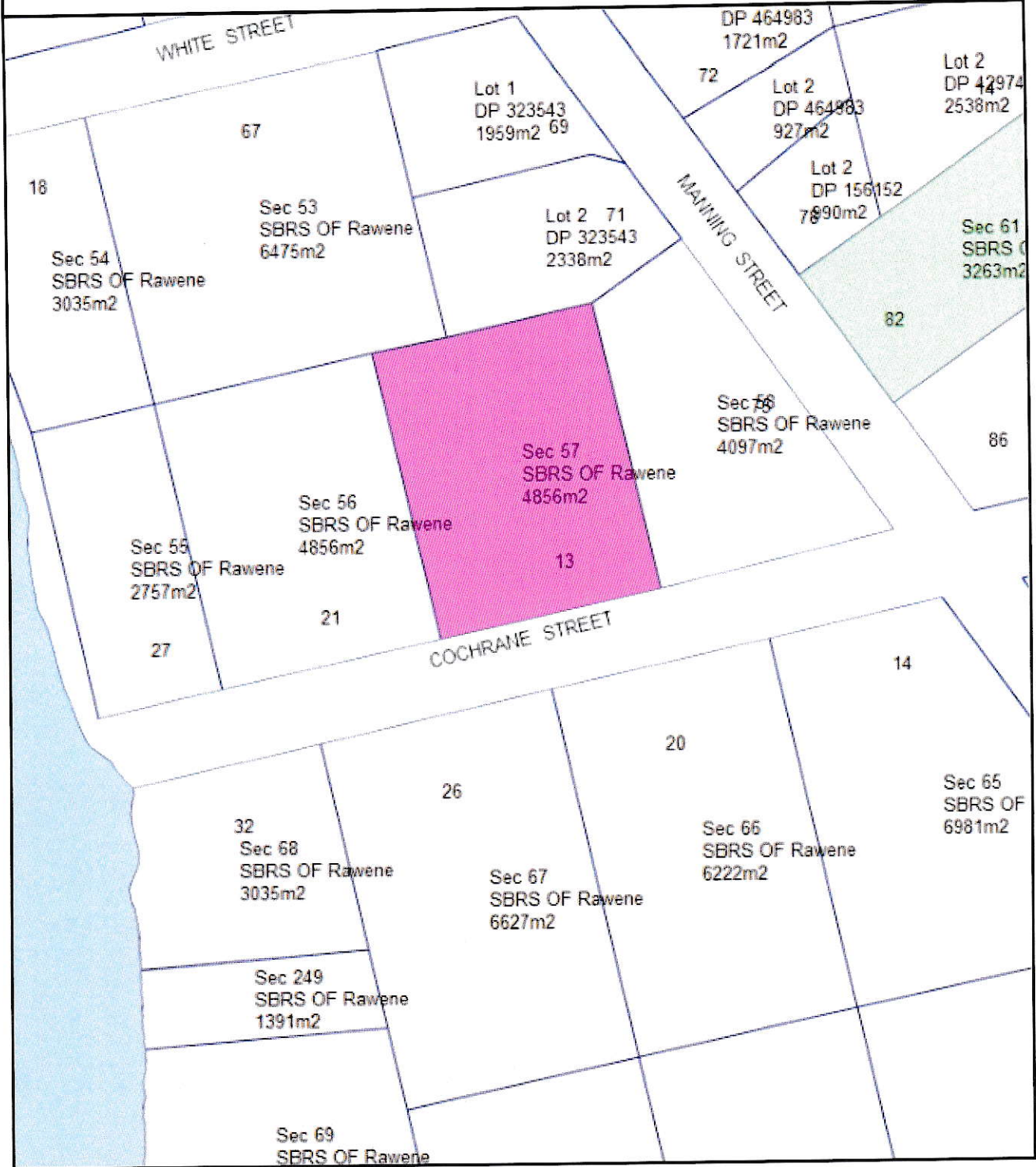
Val: 00611-27101



Far North District Council



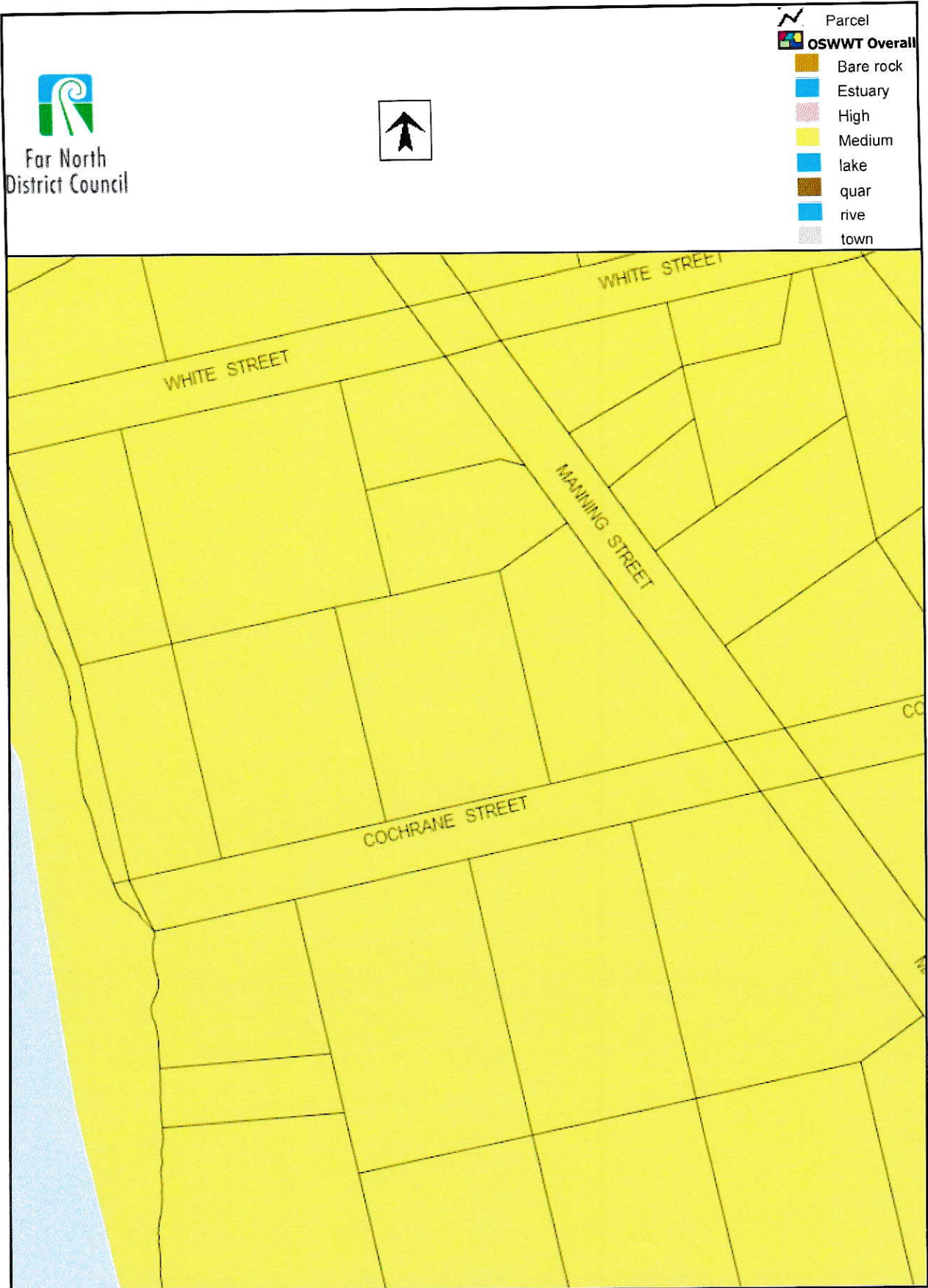
- Road Number
- LEGAL
- linz\_reserves
- PARCEL



This map has been provided in good faith and for information purposes only. The Far North District Council is not liable for any errors or omissions. Any persons considering purchasing property are advised to have all boundaries confirmed by a licensed Cadastral Surveyor.

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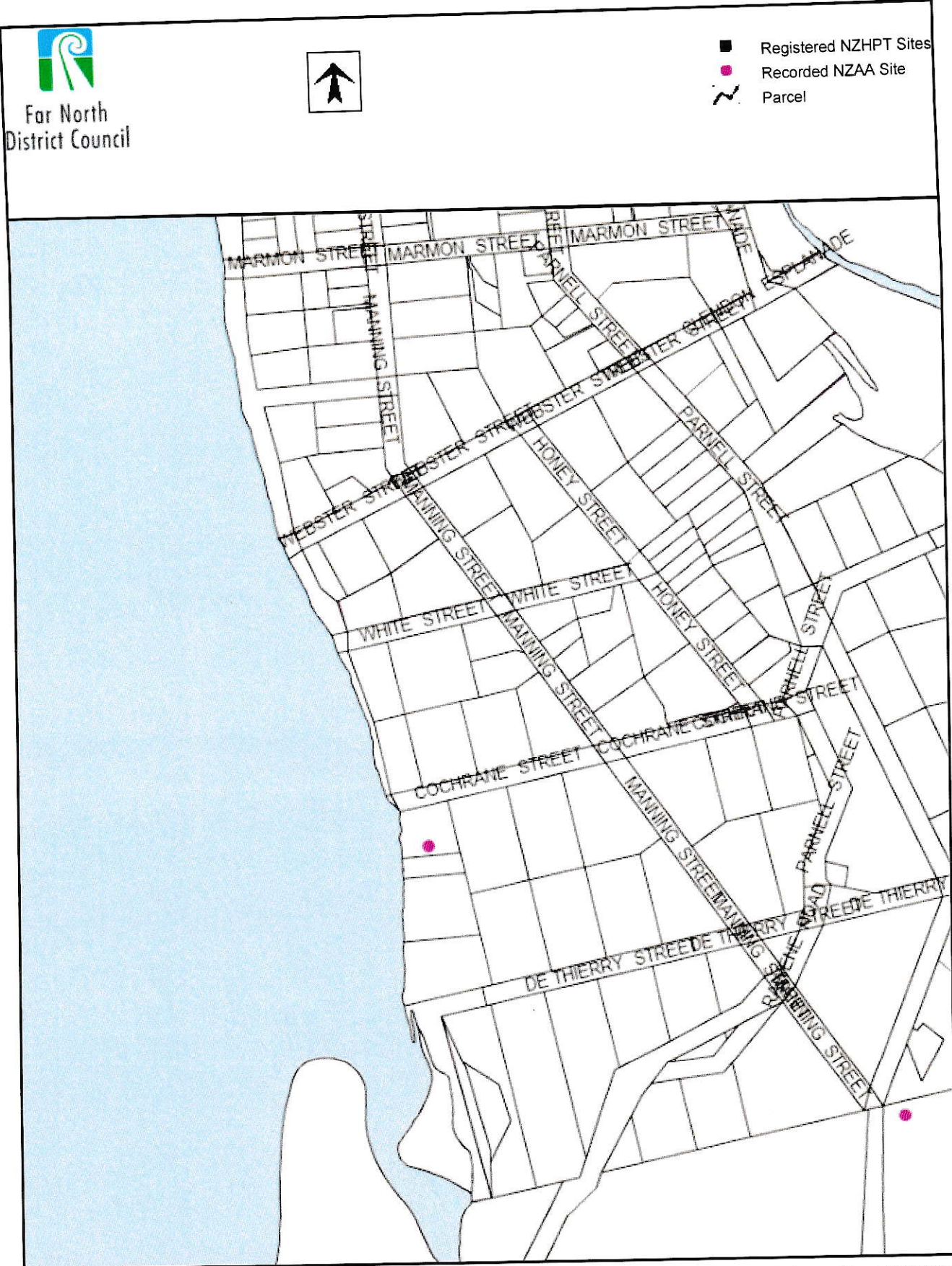
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NRC Limitations for On-Site Waste Water Treatment with High Risk of Leaching or Surface Ponding or Runoff.

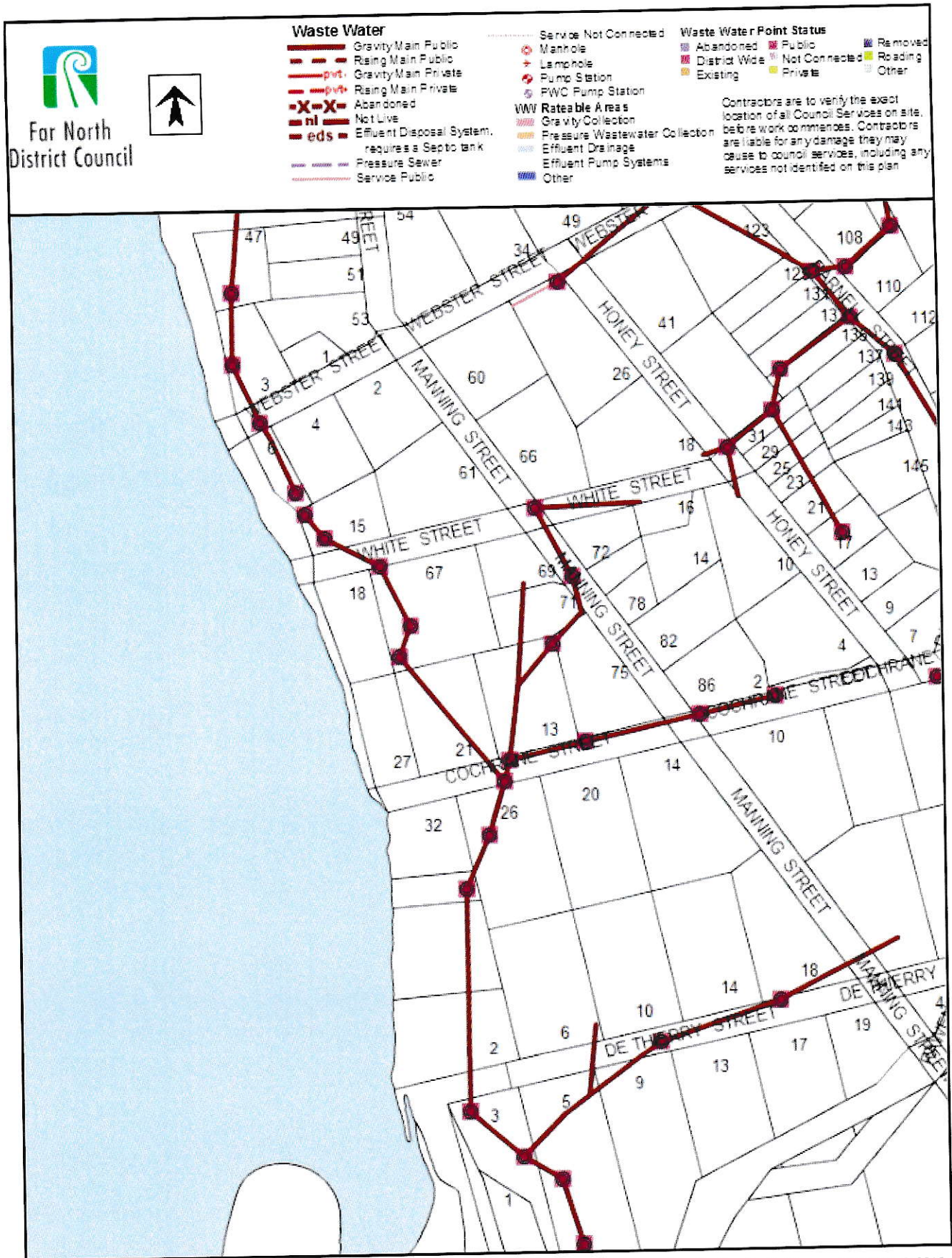
NOTES Northland Regional Council. Guidelines for determining limitations of land on-site wastewater discharge in Northland.



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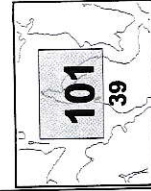
**SEE MAP  
HP3**

NZ47



- Zone**
- Conservation
  - Coastal Residential
  - Commercial
  - Lakes and Rivers
  - Recreational Activities
  - Rural Production
  - Road
  - Coastal Marine
  - Designations
  - Maritime Exemption Area
  - Cemetery
  - Historic Site
  - Heritage Precinct

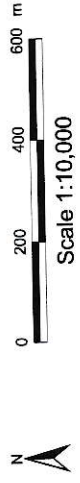
Note:-  
Roads carry the same zoning as the  
lands they serve. If the zoning between  
zones follows a road, the zone boundary  
is located on the centreline of the formed  
road, or where unformed, the centreline  
of the legal road



**Map Index  
Map 101  
RAWENE**

**DISCLAIMER**

Considerable care has been taken to avoid errors and omissions, and the latest information available has been used. However, the Council cannot accept any responsibility for such errors and omissions.



**Far North District Plan - Zone Maps**



## 10.8 COASTAL RESIDENTIAL ZONE

### CONTEXT

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The creation of this zone recognises the need and demand which exists for residential development on the coast. It also recognises that development can have adverse effects on the coastal environment. These effects are managed both through the areal extent of the zone and the rules which it contains.

The Coastal Residential Zone provides for the most intensive development of all the zones in the coastal environment. It is applied in areas where an urban residential style and scale of development exists now. It enables the further development of these areas in a way which retains, as far as possible, the natural character of the coastal environment.

The Coastal Residential Zone is similar to the Residential Zone but has slightly different environmental standards reflecting the character of the small coastal settlements to which it is applied.

### 10.8.1 ISSUES

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These issues supplement those set out in *Section 10.1*.

- 10.8.1.1 Small coastal settlements provide for the well-being of people and communities but can affect the natural character of the coastal environment.
- 10.8.1.2 There is pressure for the expansion of coastal settlements. Further subdivision, use and development of these settlements can have adverse effects on the natural character of the coastal environment.

### 10.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

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These outcomes supplement those set out in *Section 10.2*.

- 10.8.2.1 A Coastal Residential Zone in which urban settlements are designed and located in a way that provides for the welfare of people, and preserves the natural character of the coastal environment.
- 10.8.2.2 A Coastal Residential Zone in which subdivision, use and development is appropriately located in relation to the need to preserve the natural character of the coastal environment.

### 10.8.3 OBJECTIVES

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These objectives supplement those set out in *Section 10.3*.

- 10.8.3.1 To enable the development of residential activity in and around existing coastal settlements.
- 10.8.3.2 To protect the coastline from inappropriate subdivision, use and development.
- 10.8.3.3 To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible.

### 10.8.4 POLICIES

---

These policies supplement those set out in *Section 10.4*.

- 10.8.4.1 That standards in the zone enable a range of housing types and forms of accommodation to be provided, recognising the diverse needs of the community and the coastal location of the zone.
- 10.8.4.2 Non-residential activities within the Coastal Residential Zone shall be designed, built, and located so that any effects that are more than minor on the existing character of the residential environment or the scale and intensity of residential activities, are avoided, remedied or mitigated.
- 10.8.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space and sewage disposal.
- 10.8.4.4 That the portion of a site covered in buildings and other impermeable surfaces be limited to enable open space and landscaping around buildings and avoid or mitigate the effects of stormwater runoff on receiving environments
- 10.8.4.5 That provision be made for ensuring sites have adequate access to sunlight and daylight.

#### 10.8.5.1.3 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:

- 2 persons per 800m<sup>2</sup> (sewered)
- 2 persons per 3,000m<sup>2</sup> (unsewered)

Provided that:

- (a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and
- (b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and
- (c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period to time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

**Exemptions:** The foregoing limits shall not apply to activities of a limited duration required by normal farming and forestry practice, such as harvesting, provided that the activity shall comply with the requirements of s16 of the Act.

#### 10.8.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

#### 10.8.5.1.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**) except that:

- (a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in **Chapter 3 – Definitions**); and
- (b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

#### 10.8.5.1.6 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 50% or 1,000m<sup>2</sup>, whichever is the lesser.

#### 10.8.5.1.7 SETBACK FROM BOUNDARIES

- (a) the minimum building setback from road boundaries shall be 3m; and
- (b) the minimum setback from any boundary apart from a road boundary is 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and
- (c) not less than 50% of that part of the site between the road boundary and a parallel line 2m therefrom shall be landscaped.

Attention is also drawn to the setback from **Lakes, Rivers, Wetlands and the Coastline** provisions in **Chapter 12.7**.

**Note:** Rules in **Chapter 12.4 Natural Hazards** control the location of buildings in the Coastal Hazard Areas.

**Note:** This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in **Chapter 12.7 – Lakes Rivers Wetlands and the Coastline** still apply to below ground components of wastewater treatment systems.

2200 to 0700 hours      45 dBA L<sub>10</sub> and  
   70 dBA L<sub>max</sub>

**Noise Measurement and Assessment:**

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

**Construction Noise:**

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

**10.8.5.1.15 HELICOPTER LANDING AREA**

Helicopter landing areas are not permitted.

**10.8.5.1.16 BUILDING COVERAGE**

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% or 900m<sup>2</sup>, whichever is the lesser, of the gross site area.

**10.8.5.2 RESTRICTED DISCRETIONARY ACTIVITIES**

An activity is a restricted discretionary activity in the Coastal Residential Zone if:

- (a) it does not comply with any one of the following **Rules 10.8.5.1.2 Residential Intensity; 10.8.5.1.3 Scale of Activities; 10.8.5.1.4 Building Height; 10.8.5.1.5 Sunlight; 10.8.5.1.6 Stormwater Management; 10.8.5.1.7 Setback from Boundaries; 10.8.5.1.10 Traffic Intensity;** and **10.8.5.1.14 Noise** as set out above; but
- (b) it complies with all of the other rules for permitted activities under **Rules 10.8.5.1;** and
- (c) it complies with **Rules 10.8.5.2.1 Residential Intensity; 10.8.5.2.2 Scale of Activities; 10.8.5.2.3 Building Height; 10.8.5.2.4 Sunlight; 10.8.5.2.5 Traffic Intensity; 10.8.5.2.6 Setback from Boundaries; 10.8.5.2.7 Noise** and **10.8.5.2.8 Stormwater Management** below; and
- (d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in **Part 3 of the Plan - District Wide Provisions.**

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

**10.8.5.2.1 RESIDENTIAL INTENSITY**

Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 600m<sup>2</sup>

Unsewered sites: 2,000m<sup>2</sup>

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted, controlled or restricted discretionary activities are complied with.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the character and appearance of building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area;

#### 10.8.5.2.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

#### 10.8.5.2.4 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**) for a length not exceeding 25% of the relevant boundary.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the location and proximity of adjacent residential units, and the outdoor space used by those units;
- (c) the ability to mitigate any adverse effects of loss of sunlight.

#### 10.8.5.2.5 TRAFFIC INTENSITY

The Traffic Intensity Factor for a site in this zone is 40 daily one way movements. The Traffic Intensity Factor shall be determined by reference to **Appendix 3A in Part 4**.

This rule only applies when establishing a new activity on a site. It does not apply to existing activities, however, the Traffic Intensity Factor for the existing uses (apart from those exempted below) on site need to be taken into account when assessing new activities in order to address cumulative effects.

**Exemptions:** A single residential unit, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt from this rule.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (a) the time of day when the extra vehicle movements will occur;
- (b) the distance between the location where the vehicle movements take place and any adjacent properties;
- (c) the width and capability of any street to be able to cope safely with the extra vehicle movements;
- (d) the location of any footpaths and the volume of pedestrian traffic on them;
- (e) the sight distances associated with the vehicle access onto the street;
- (f) the existing volume of traffic on the streets affected;
- (g) any existing congestion or safety problems on the streets affected;
- (h) with respect to effects in local neighbourhoods, the ability to mitigate any adverse effects through the design of the access, or the screening of vehicle movements, or limiting the times when vehicle movements occur;
- (i) with respect to the effects on through traffic on arterial roads with more than 1000 vehicle movements per day, the extent to which Council's "*Engineering Standards and Guidelines*" (2004) are met.

#### 10.8.5.2.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of **Rule 10.8.5.1.7 Setback from Boundaries** the matters to which the Council will restrict its discretion are:

- (a) the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

**10.8.5.3.1 BUILDING COVERAGE**

Any new building or alteration/addition to an existing building is a discretionary activity if the total Building Coverage of a site does not exceed 55% of the gross site area.

**10.8.5.3.2 HELICOPTER LANDING AREA**

Any helicopter landing area.

## 13 SUBDIVISION

### CONTEXT

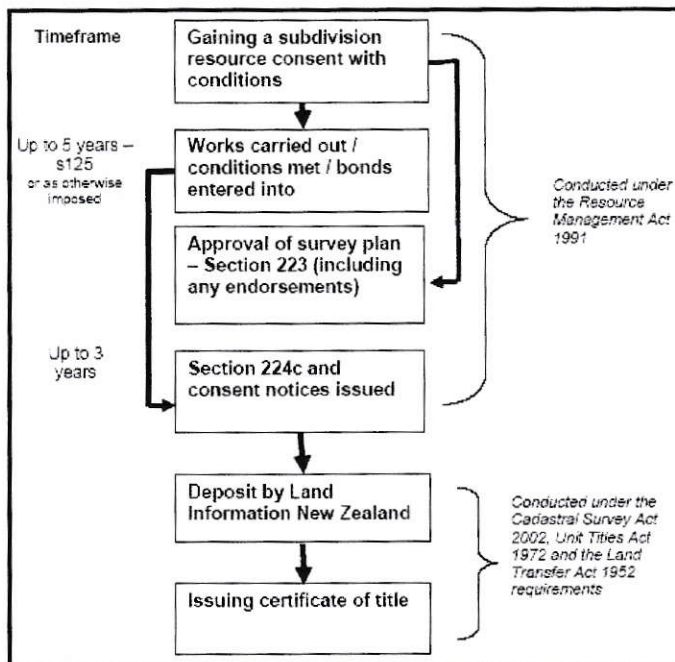
The Far North District Council is responsible for issuing two types of resource consents – land use consents and subdivision consents. In many cases both types of consents must be obtained before a development can proceed. Consents may also be needed from the Northland Regional Council. This chapter deals with subdivision.

Subdivision is essentially a process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Land subdivision creates separate and saleable certificates of title, which can define an existing interest in land (including buildings) and impose limitations on landowners or occupiers for how the land can be used or developed, through conditions and consent notices imposed under sections 108, 220 and 221 of the Resource Management Act 1991. Subdivision also provides the opportunity for Council to require land to be vested, and reserve and other financial contributions to be taken to provide necessary infrastructure.

Figure 1 below shows the subdivision process. [Ministry for the Environment Quality Planning website]

Note that Council does not have control of the whole process.

**FIGURE 1: PROCESS OF SUBDIVISION**



Land subdivision under the RMA includes:

- the creation of separate fee-simple allotments with new certificates of title (freehold);
- the lease of land or buildings or both for 35 years or longer (leasehold);
- the creation of a unit title, company lease, or cross-lease.

**Freehold subdivisions** occur where new allotments (usually referred to as lots) are created under the Land Transfer Act and ownership is held in an estate in fee simple. Fee simple means that the ownership of the land and the buildings on it is held solely by those persons listed on the certificate of title. Freehold is the most common form of subdivision. The boundaries are pegged by licensed cadastral surveyors and a 'guaranteed' title is issued.

**Leasehold subdivisions:** land or buildings or both that are leased for a period exceeding 35 years is defined in the RMA as a subdivision. A leasehold estate is most commonly defined as an estate or interest in land held for a fixed term of years. **Cross-lease subdivisions** (occasionally called composite leasehold and share titles) occur where buildings or dwellings are leased. The cross-lease plan shows the dwellings as 'flats' and is often called a 'flats-plan'. The term 'cross-lease' is used to describe the method whereby the purchaser of a dwelling / flat obtains a lease of that dwelling, generally for a term of 999 years, together with an undivided share in the

- 13.1.7 The subdivision of land can result in development that has an adverse effect on the sustainable functioning of infrastructure, particularly roads.

**Note:** Attention is also drawn to the provisions of **Section 12.9**. This section includes an Issue, Objective and Policy with respect to potential reverse sensitivity effects arising from subdivision, use and development adjacent to consented or existing lawfully established renewable energy projects, including associated transmission activities.

## 13.2 ENVIRONMENTAL OUTCOMES EXPECTED

- 13.2.1 A subdivision pattern that is consistent with:
- (a) existing land uses;
  - (b) the preservation of the natural character of the coastal environment and the restoration or enhancement of areas which may have been compromised by past land management practices;
  - (c) the protection, restoration and/or enhancement of outstanding natural features and landscapes;
  - (d) the protection, restoration and/or enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (e) the maintenance and enhancement of public access to and along the coast and lakes and rivers;
  - (f) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
  - (g) the type of management of natural and physical resources that is provided for in the **Environmental Provisions** (refer to **Part 2**) and elsewhere in the **District Wide Provisions** (refer to **Part 3**) of this Plan;
  - (h) the retention of heritage values of heritage resources (as listed in **Appendices 1D, 1E, 1F and 1G**) through conservation of its immediate context.
- 13.2.2 Sufficient water storage is provided to meet the present and likely future needs of the Community.
- 13.2.3 Subdivisions, land use and development which respond in a sustainable way to the site specific environmental conditions, values and enhancement opportunities, through the use of management plans.
- 13.2.4 A sufficient and secure energy supply is available to meet the present and likely future needs of the District.

## 13.3 OBJECTIVES

- 13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.
- 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.
- 13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.
- 13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.
- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.
- 13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.
- 13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.
- 13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.



- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
  - (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
  - (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer **Chapter 2** and in particular **Section 2.5** and Council's "*Tangata Whenua Values and Perspectives*" (2004));
  - (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
  - (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.
  - (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.
- 13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of **Part 3** of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.
- 13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:
- (a) development of energy efficient buildings and structures;
  - (b) reduced travel distances and private car usage;
  - (c) encouragement of pedestrian and cycle use;
  - (d) access to alternative transport facilities;
  - (e) domestic or community renewable electricity generation and renewable energy use.

## 13.5 METHODS

### DISTRICT PLAN METHODS

- 13.5.1 Rules in **Chapter 13** of the Plan impose controls on most forms of subdivision activity.
- 13.5.2 **Chapter 13** provides an alternative to the standard rules, through the implementation of a management plan for subdivision in the Rural Production, General Coastal, Coastal Living, South Kerikeri Inlet and Waimate North Zones.
- 13.5.3 Financial contributions in respect of subdivision are set out in **Chapter 14**.
- 13.5.4 Matters of National Importance specified in s6 of the Act are addressed in various sections of the District Plan, including the following sections in particular:
- (a) preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins is provided for in **Chapter 10** and in **Section 12.7**;
  - (b) protection and enhancement of outstanding natural features and landscapes is provided for in **Section 12.1** and by the restriction on subdivision in the Recreational Activities and Conservation Zones;
  - (c) the protection of significant indigenous vegetation and significant habitats of indigenous fauna is addressed in **Section 12.2**;
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is provided for in **Chapter 10**, **Section 12.7** and **Chapter 14**;
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga are provided for throughout the District Plan but attention is drawn in particular to **Chapter 2**; and
  - (f) the protection of historic heritage is addressed in **Chapter 12.5**.
- The objectives and policies relating to each of the above (where relevant) and those of the applicable zone will be taken into account in assessing applications for subdivision, including applications made under **Rule 13.9.2**.
- 13.5.5 Structure Plans are included as an alternative means of providing for subdivision on a comprehensive basis (**Section 13.12**).

Act 1974, the Resource Management (National Environmental Standard for Air Quality) Regulations 2004, the Resource Management (National Environmental Standard for sources of Human Drinking water) Regulations 2007, the Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2008, the Resource Management (National Environmental Standard for Electricity Transmission) Regulations 2010, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and any relevant Regional Plan for Northland.

#### **13.6.5 LEGAL ROAD FRONTAGE**

All new allotments shall be provided with frontage to a legal road, or to a road to be vested on the application, except where access by a private road or right of way is included, and approved, within the subdivision consent application or where prior consent pursuant to s348 of the Local Government Act 1974 has been obtained

#### **13.6.6 BONDS**

The Council may require bonds as a condition of a subdivision consent. The bond is repaid on the completion of some specified work or action. The purpose of a bond is to provide an incentive to resource consent holders to give effect to the conditions of consent. A bond also gives the Council the ability to arrange for the work or action required to be carried out even if the resource consent holder does not.

#### **13.6.7 CONSENT NOTICES**

Where there is any on-going condition of a subdivision consent, a consent notice pursuant to s221 of the Act shall be registered against the Certificate of Title to the allotment to which the condition applies. Examples of the matters that may be included in a consent notice could be any encumbrances on the Title and any provision for the protection of transmission lines.

#### **13.6.8 SUBDIVISION CONSENT BEFORE WORK COMMENCES**

Except where prior consent has been obtained to excavate or fill land pursuant to rules under **Section 12.3**, or consent to vegetation clearance has been obtained pursuant to rules under **Sections 12.1** or **12.2**, and/or relevant consents have been obtained from the Regional Council, no work, other than investigatory work, involving the disturbance of the land or clearance of vegetation shall be undertaken until a subdivision consent has been obtained.

When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent. Alternatively, an applicant may apply to add a land use consent application to the subdivision consent application, for any excavation/filling work and/or vegetation clearance. This does not exempt a consent holder from also obtaining any relevant resource consent or approvals from the Regional Council or the New Zealand Historic Places Trust for earthworks, vegetation clearance or disturbance of an archaeological site.

#### **13.6.9 ASSESSING RESOURCE CONSENTS**

Where the rules specify that the Council shall consider certain matters in regard to granting consent or imposing conditions, in the case of controlled subdivision activities, the application will only be assessed in terms of possible conditions, and would only be declined pursuant to s106 of the Act (natural hazards and access).

#### **13.6.10 JOINT APPLICATIONS**

Any application arising from non-compliance with zone standards caused by the proposed subdivision shall be considered jointly with the subdivision consent.

#### **13.6.11 JOINT HEARINGS**

Where a subdivision activity also requires a resource consent from Northland Regional Council and both the Regional and District Council consents are subject to public notification, the Council will promote that the applications be heard jointly.

## 13.7.2 ALLOTMENT SIZES, DIMENSIONS AND OTHER STANDARDS

### 13.7.2.1 MINIMUM AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

Every allotment to be created by a subdivision shall comply either with the conditions of a resource consent or with the minimum standards specified as follows in Table 13.7.2.1, and shall comply with all other relevant zone rules, except as provided for in **Rules 13.7.2.4, 13.7.2.5, 13.7.2.6 and 13.7.2.7** below.

**TABLE 13.7.2.1: MINIMUM LOT SIZES**

#### (i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 20ha.</p> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p> <p><b>Note 3:</b> Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.</p>	<p>1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone;</p> <p>2. The minimum lot size is 12ha; or</p> <p>3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;</p> <p>5. Rules under clauses 3 and 4 provide two alternative options for the creation of a specified number of small lots from sites existing at 28 April 2000. Where an application under one of these clauses takes up only part of the total allowance, a subsequent application to take up the remainder of that particular allowance may be considered by Council, notwithstanding that the subsequent application involves a lot which no longer meets the existing at 28 April 2000 criterion.</p> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p>	<p>1. The minimum lot size is 4ha; or</p> <p>2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>3. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.</p> <p>4. Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p> <p><b>Note 1:</b> There is no restriction on the number of 4ha lots in a subdivision (clause 1).</p> <p><b>Note 2:</b> The effect of the rule under clause 2 is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a non-complying activity unless the lots are part of a Management Plan application.</p>

## (vi) COMMERCIAL ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 250m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewered lots, provided that servicing of the lot (including car parking, loading etc), can be achieved.

## (vii) INDUSTRIAL ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 500m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewered sites, provided that servicing of the site (including car parking, loading etc), can be achieved.

## (viii) GENERAL COASTAL ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
Subdivision is not a controlled activity in this zone.	The minimum lot size is 20ha. <b>Note 1:</b> There is no restriction on the number of 20ha lots in a subdivision. <b>Note 2:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and Rule 13.7.2.5).	A subdivision in terms of via a management plan as per Rule 13.9.2 may be approved.

## (ix) COASTAL LIVING ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 4ha (with provision for stormwater and wastewater disposal as a necessary part of the application). <b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and Rule 13.7.2.5). <b>Note 2:</b> Subdivision within 100m of the boundary of a Mineral Zone is a restricted discretionary activity.	1. The minimum lot size is 8,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application). 2. Subdivision that complies with the Controlled Activity Standard, but is within 100m of the boundary of the Minerals Zone.	1. The minimum lot size is 5,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application); or 2. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved.

**(xvi) HORTICULTURAL PROCESSING ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Minimum lot size of 4,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ).		Minimum lot size of 2,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ); or for any other activity.

**(xvii) CONSERVATION ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

**(xviii) ORONGO BAY SPECIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 1,000m <sup>2</sup> (sewered) provided the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) provided that the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.

**(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES, AS SHOWN ON THE RESOURCE MAPS - REFER ALSO TO RULE 13.7.2.5**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
<p>The minimum lot size is 20ha except in the General Coastal Zone.</p> <p><b>Note:</b> This standard applies to any part of a lot that is included in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in Appendices 1A and 1B and as shown on the Resource Maps.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (Appendix 1A) or Outstanding Landscape Feature (Appendix 1B) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the Puerua Heritage Precinct).</p>	The minimum lot size is 20ha in the General Coastal Zone.	<p>1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per <b>Rule 13.9.2</b>;</p> <p>2. For all other zones, the minimum lot size for a discretionary activity in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in <b>Appendices 1A and 1B</b> and as shown on the Resource Maps is the same as the discretionary standard that applies to the zone in which the site is located.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (<b>Appendix 1A</b>) or Outstanding Landscape Feature (<b>Appendix 1B</b>) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the <b>Puerua Heritage Precinct</b>).</p>

**13.7.2.2 ALLOTMENT DIMENSIONS**

Any allotment created in terms of these rules must be able to accommodate a square building envelope of the minimum dimensions specified below; which does not encroach into the permitted activity boundary setbacks for the relevant zones:

Zone	Minimum Dimension
Residential, Coastal Residential, Russell Township	14m x 14m
Rural Production, Minerals, General Coastal, Coastal Living, South Kerikeri Inlet, Rural Living, Waimate North, Point Veronica and Carrington Estate	30m x 30m

Any allotment created in terms of these rules shall comprise one contiguous parcel of land, except that in the case of land subdivided under the Unit Titles Act 2010, the principal unit and any accessory units shall be deemed to be a contiguous area if they are contained within the same site.

**13.7.2.3 AMALGAMATION OF LAND IN A RURAL ZONE WITH LAND IN AN URBAN OR COASTAL ZONE**

Notwithstanding the provisions of **Rule 13.7.2.1** and **Table 13.7.2.1**, an allotment in a rural zone may be amalgamated into one certificate of title with an adjoining (contiguous) allotment in any urban or coastal zone, but only where that part of the title in the urban or coastal zone meets all the requirements for a separate controlled activity allotment in that zone, as set out in **Table 13.7.2.1** and **Rule 13.7.2.2**, except that in the General Coastal Zone such subdivision will be assessed as a restricted-discretionary activity.

**13.7.2.4 LOTS DIVIDED BY ZONE BOUNDARIES**

Where an allotment is shown on the **Zone Maps** as having two or more zones applicable, a subdivision along a zone boundary shall be a controlled (subdivision) activity, provided that the resulting lot complies with the minimum controlled activity lot size applicable in that zone except in the General Coastal Zone where subdivision will be assessed as a restricted-discretionary activity and provided that any subdivision of a lot divided by a boundary between the Minerals Zone and any other zone is a restricted discretionary activity (refer to **Rule 13.7.2.1** and **Table 13.7.2.1**).

**13.7.2.5 SITES DIVIDED BY AN OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURE OR OUTSTANDING NATURAL FEATURE**

The subdivision rules relating to the size of allotments in areas covered by an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as shown on the Resource Maps, take precedence over the comparable rules for zones.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, for those parts of the site not covered by the landscape or feature, rules relating to allotment size for the particular zone apply as if the legal boundary of the site was located along the boundary of the landscape or feature.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, minimum lot sizes for that part of the site within the landscape or feature is specified within **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, and the area within the landscape or feature is smaller than the lot sizes provided for in **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**, the whole of the site must be taken as Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature and **Rule 13.7.2.1(xix)** applies over the entire site.

**13.7.2.6 ACCESS, UTILITIES, ROADS, RESERVES**

Notwithstanding the standards for minimum net area, there shall be no minimum allotment areas in any zone for allotments created for access, utilities, roads and reserves. Within areas covered by a structure plan, appropriate provision shall be made for access, utilities, roads and reserves in terms of those structure plans.

A consent notice may be registered on the Certificate of Title, pursuant to **Rule 13.6.7**, in respect of any lot occupied by a utility, requiring enforcement of a condition that, in the event of the utility

- (b) where no reticulated water supply is available, the ability to provide an individual water supply on the respective allotment.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.3** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;
- (ii) adequacy of water supplies, and access for fire fighting purposes;
- (iii) the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.

#### 13.7.3.4 STORMWATER DISPOSAL

- (a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).
- (b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.
- (c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.
- (d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.
- (d) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "*Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual*" Auckland Regional Council (2003).

In considering a controlled (subdivision) activity application under **Rule 13.7.3.4** the Council will restrict the exercise of its control to the following matters:

- (i) control of water-borne contaminants, litter and sediments;
- (ii) the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);
- (iii) the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles;
- (iv) the location, scale and construction of stormwater infrastructure;
- (v) measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area.
- (vi) The extent to which all existing natural watercourses, overland flow paths, ponding and water storage areas are altered;
- (vii) consistency with the Council's "*Engineering Standards and Guidelines*" (2004).

#### 13.7.3.5 SANITARY SEWAGE DISPOSAL

- (a) Where an allotment is situated within a duly gazetted district or drainage area of a lawfully established reticulated sewerage scheme, or within an area to be serviced by a private reticulated sewerage scheme for which Northland Regional Council has issued a consent, each new allotment shall be provided with a piped outfall connected to that scheme and shall be laid at least 600mm into the net area of the allotment.
- (b) Where connection is not available, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewage within the net area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose or activity for which sewerage is not necessary (such as a transformer).

**Note:** There are many ways in which preservation/protection can be achieved, and the appropriate means will vary according to the circumstance. In some cases physical means (e.g. fencing) may be appropriate. In other cases, a legal means will be preferred instead of (or as well as) physical means.

Council encourages permanent protection by:

- (i) a reserve or covenant under the Reserves Act;
- (ii) a Maori reservation under s338 and s340 of Te Ture Whenua Maori (Maori Land) Act;
- (iii) a conservation covenant with the Department of Conservation or the Council;
- (iv) an open space covenant with the Queen Elizabeth II National Trust;
- (v) a heritage covenant with the New Zealand Historic Places Trust.

The Act also provides for a consent notice under s221 in accordance with **Rule 13.6.7**.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.9** the Council will restrict the exercise of its control to the preservation of significant indigenous vegetation and fauna habitats, heritage resources and landscape.

Where an application is made under this provision, the following shall be included as affected parties in terms of s93 and s94 of the Act:

- for an Historic Site, Building or Object, or archaeological site, the New Zealand Historic Places Trust and the Department of Conservation;
- for a Site of Cultural Significance to Maori, the tangata whenua for whom the site has significance;
- for an area of significant indigenous vegetation or significant habitat of indigenous fauna, the Department of Conservation.

#### 13.7.3.10 ACCESS TO RESERVES AND WATERWAYS

Where appropriate and relevant, public access shall be provided in proposed subdivisions, to public reserves, waterways and esplanade reserves.

The Council may decide, on application, that public access to reserves or public areas may be provided in lieu of, or partially in lieu of, any reserves or financial contribution that is required in respect of the subdivision.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.10** the Council will restrict the exercise of its control to the provision of easements or registration of an instrument for the purpose of public access and the provision of public works and utility services.

#### 13.7.3.11 LAND USE COMPATIBILITY

Subdivision shall avoid, remedy or mitigate any adverse effects of incompatible land uses (reverse sensitivity). In considering a controlled subdivision activity under **Rule 13.7.3.11** the Council will restrict the exercise of its control to the following matters:

- (i) the degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

#### 13.7.3.12 PROXIMITY TO AIRPORTS

Where applications for subdivision consent relate to land that is situated within 500m of the nearest boundary of land that is used for an airport, the airport operator will be considered by the Council to be an affected party. The written approval of the airport operator to the proposed subdivision must be obtained by the applicant. Where this approval cannot be obtained, the Council will consider the application as a discretionary activity application.

### 13.8 RESTRICTED DISCRETIONARY ACTIVITIES

#### 13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

Subdivision is a restricted discretionary activity where:

- (a) the minimum lot size is 12ha; or alternatively
- (b) a maximum of 3 lots in any subdivision, provided that the minimum size of any lot is 4,000m<sup>2</sup> and there is at least one lot in the subdivision with a minimum lot size of 4ha, and provided



- (ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;
- (iii) the effect on adjoining activities.

#### 13.8.4 SUBDIVISION IN THE GENERAL COASTAL ZONE

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the General Coastal Zone to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the matters listed in **13.7.3**;
- (g) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (h) whether the effects of earthworks and the provision of services to the subdivision will have an adverse visual effect on the environment and whether these effects can be avoided, remedied or mitigated;
- (i) the maintenance and enhancement of public access to and along the coastal marine area and other water bodies. Refer also to rules in **Chapters 12.7 and 14**.

#### 13.8.5 SUBDIVISION IN THE COASTAL LIVING AND SOUTH KERIKERI INLET ZONES

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the Coastal Living and South Kerikeri Inlet Zones to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the mitigation of fire hazards for health and safety of residents;
- (g) the matters listed in **13.7.3**;
- (h) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (i) whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

Applications for restricted discretionary activities within the South Kerikeri Inlet Zone will be treated as limited notification applications requiring notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

### 13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES

Subdivision is a discretionary activity where:

- (a) it does not comply with one or more of the standards for controlled or restricted-discretionary (subdivision) activities set out in rules under **13.7** and **13.8**, but
- (b) it complies with the rules under **13.9.1**, **13.9.2** or **13.9.3**;
- (c) it is located in the Pouerua Heritage Precinct.

Applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity, it will be a non-complying (subdivision) activity.

- Assessment of the Far North District held by the Council that provides further information on landscape values and characteristics of the District;
- (viii) areas of indigenous vegetation and habitats of indigenous fauna with identification of any such areas which are significant as defined in **Method 12.2.5.6**, and any notable or heritage trees;
  - (ix) archaeological sites, historic heritage resources or sites of significance to Maori;
  - (x) relevant information regarding adjoining properties;
  - (xi) the location and purpose of any public reserve land in the vicinity of the site;
  - (xii) any known areas in the vicinity which are being actively managed for pest control or protected or enhanced for conservation benefit;
  - (xiii) the District Plan zoning of surrounding land, including any relevant structure plan, Long Term Council Community Plan proposal(s) or other document identified in s74.
  - (xiv) the presence of any transmission lines or network utility within, or in the vicinity of, the site.

**(c) Proposed Management Measures**

- (i) measures to protect, manage and enhance indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins, including appropriate means of controlling dogs, cats, rats<sup>1</sup>, mustelids and other animal pests and the means of controlling pest plants;
- (ii) measures to maintain open space in order to retain coastal and/or rural character;
- (iii) measures to protect the life-supporting capacity of soils;
- (iv) measures to protect sites of significance to Maori on the property;
- (v) measures for the ongoing control and management of stormwater and effluent disposal;
- (vi) measures to promote and achieve integrated catchment management;
- (vii) measures to control the placement and visual appearance of dwellings and ancillary buildings such as garages and water tanks;
- (viii) any other measures to internalise adverse effects including measures to avoid reverse sensitivity on existing activities or uses.

The Council may require additional information on aspects of the proposal.

**(d) Draft Management Plan**

The proposal must include a Draft Management Plan (to be finalised in accordance with the conditions of consent) setting out, the extent relevant to the proposal:

- (i) the objectives of the proposal;
- (ii) the mechanisms to ensure that the management plan applies to and binds future owners;
- (iii) where restoration planting and/or other natural resource management works are to be undertaken, performance may be secured by a Council bond on the following basis:
  - bonded work is to be completed within 4 years of the subdivision s224(c) certificate issuing;
  - access to bonding will not be available until one year after planting, where there is evidence to Council's satisfaction of the successful initial implementation of an approved management plan;
  - the management plan is to include matters of the following type. Named species appropriate to the location, size at planting, density (for example 7,000 stems/ha), seed source, weed clearance/release, pest control, fertiliser application and, at Council's discretion, a requirement for irrigation should conditions require;
  - legally effective post s224 certificate arrangements are required which secure the retention of re-planted vegetation; establish responsibility for continued execution of the management plan until its objectives (be they tree height, percentage canopy cover or both) and/or term are satisfied (this may require a community owned management structure depending on the number of subsequent owners); and ensure Council access to the land in the event the bond is to be executed.

<sup>1</sup>Kiore are considered a taonga by Ngatiwai Trust Board.

- (f) the degree to which the proposal represents better sustainable management of natural and physical resources of the land and surrounding environment; (and protects the productive potential of the land);
- (g) where the subdivision is all or partly within the coastal environment (and acknowledging that the management plan provisions also apply elsewhere in the District) the degree to which the proposal preserves the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and protects them from inappropriate subdivision, use and development and enhances the natural character of the coastal environment;
- (h) whether landscape, visual and amenity value characteristics of the site are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);
- (i) whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;
- (j) the adequacy of proposals for rehabilitation or re-establishment of areas of indigenous flora, including the extent to which land which is steep or has stability issues or is of low value for food production is set aside for revegetation;
- (k) the extent to which planting proposals utilise indigenous flora appropriate to the locality and the extent to which local genetic stock is used;
- (l) where relevant, measures to provide public access through the property to and along the coastal marine area, lakes and rivers;
- (m) the proposals to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- (n) the adequacy of any areas proposed to be vested as open space reserve(s) using mechanisms identified in **Rule 13.7.3.9 (i – v)**;
- (o) the degree to which the proposal protects life supporting capacity of soils and provides for continued productive use of the land;
- (p) whether the subdivision proposed by the management plan is likely to have more than a minor adverse effect on the options for a future road network to serve the area, or for water supply, sewerage, and stormwater reticulation, or for reserves or community facilities or for any other utility service;
- (q) effects of the subdivision on the use and management of public land in the vicinity of the site;
- (r) the degree to which the proposal avoids natural hazards including fire hazards;
- (s) whether the proposal has the potential to cause reverse sensitivity issues for existing activities or uses;
- (t) the degree to which the application complies with the Other Matters set out in **Rule 13.7.3**;
- (u) the provisions of any structure plan or other management plan on an adjoining property that has been prepared for the locality;
- (v) whether bonds are necessary to assist in achieving the management plan;
- (w) the extent to which information and proposed management measures are provided by suitably qualified persons;
- (x) the extent to which the proposal creates a large balance lot and protects and, if appropriate, restores it;
- (y) the appropriateness of the location of building platforms and the associated building envelopes;
- (z) the extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:
  - (i) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
  - (ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
  - (iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
  - (iv) access to alternative transport facilities;
  - (v) domestic or community renewable electricity generation;
  - (vi) solar street lighting;
- (aa) any other matter which is determined to be relevant to the application;

- (e) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title, pursuant to **Rule 13.6.7**.
- (f) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title, pursuant to **Rule 13.6.7**.
- (g) In relation to contaminated sites, any soil tests establishing suitability, and methods to avoid, mitigate or remedy the effects, including removal to approved disposal points.
- (h) In relation to land filling and excavation operations, the following factors:
  - (i) the effects on surrounding properties in terms of dust nuisance, visual detracting, or the potential height of buildings on filled land;
  - (ii) any adverse impacts on the natural pattern of surface drainage both on and outside the site;
  - (iii) the type of, and placement of, fill material in terms of its potential for contamination of land or water, or potential subsidence;
  - (iv) mitigation, or avoidance, of adverse effects caused by filtration affecting neighbouring properties;
  - (v) remedies necessary during emergencies;
  - (vi) the rules contained in **Section 12.3** relating to filling and excavation of land;
  - (vii) the impact of filling or excavation on heritage values, ecological values, cultural values, surface water quality, and access along waterways;
  - (viii) any beneficial effects in terms of waterway enhancement.

Attention is drawn to Northland Regional Council's natural hazards information and to s106 of the Resource Management Act 1991 which allows a consent authority to refuse subdivision consent in certain circumstances.

### 13.10.3 WATER SUPPLY

- (a) Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with "*Drinking Water Standards of New Zealand*" (1995).
- (b) Whether the provisions of the "*Engineering Standards and Guidelines 2004 – Revised March 2009*" (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.
- (c) Whether the provisions of the Council's "*Engineering Standards and Guidelines*" (2004) - *Revised March 2009* (to be used in conjunction with NZS 4404:2004) have been met in respect of installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service and fire hydrants.
- (d) Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision.
- (e) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units.
- (f) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public water supply utility required to be provided.

### 13.10.4 STORMWATER DISPOSAL

- (a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.
- (b) Whether the application complies with the provisions of the Council's "*Engineering Standards and Guidelines*" (2004) - *Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.
- (d) The degree to which Low Impact Design principles have been used to reduce site permeability and to retain natural permeable areas.

- (h) Whether there is a need for, and the extent of, any development contributions to achieve the above matters.
- (i) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public sewage utility for sanitary disposal purposes required to be provided.
- (j) Whether the subdivision represents the best practical option in respect of the provision that is made for the disposal of sewage and waste water.

#### 13.10.6 ENERGY SUPPLY

- (a) Where the subdivision involves the construction of new roads or formed rights of way, whether an extended reticulation system will be installed (at the subdivider's cost), having regard to the provisions of the Council's *"Engineering Standards and Guidelines 2004 – Revised March 2009"* (to be used in conjunction with NZS 4404:2004). The application for subdivision consent should also indicate how lots are to be reticulated.
- (b) Whether the proposed reticulated system to be installed by the subdivider is adequate for the likely development.
- (c) Where the proposed system will serve other land that is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed and the cost of such provision.  
**Note:** Upgrading or cost sharing will be solely a matter for the network operator.
- (d) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future maintenance, in line with the provisions of the Council's *"Engineering Standards and Guidelines" (2004)- Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (e) Whether there is a need for a local purpose reserve to be set aside as a site for any public utility required to be provided.
- (f) Whether there will be potential adverse effects of the proposed reticulation system on amenity values.
- (g) Whether the subdivision design, location of building platforms and proposed electricity supply has had adequate regard to the future adoption of appropriate renewable energy initiatives and technologies.

#### 13.10.7 TRANSMISSION LINES

Where it is proposed to subdivide land to create new allotments within an area measured 20m of either side of the centre point of an electrical transmission line designed to operate at or above 50 kV, particular regard shall be had to the following matters:

- (a) The extent to which the subdivision design mitigates the effects of the lines through the location of roads and reserves under the route of the line.
- (b) The ability to carry out maintenance and inspection of transmission lines to avoid risk of injury and/or property damage.
- (c) The outcomes of consultation with the affected utility operator.
- (d) The subdivision design, location of building platforms, location of any proposed tree planting, extent and nature of earthworks.
- (e) Compliance with the National Policy Statement on Electricity Transmission and the National Environmental Standards for Electricity Transmission Activities 2008.

#### 13.10.8 TELECOMMUNICATIONS

- (a) Where the subdivision involves construction of new roads or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost), having regard to the Council's *"Engineering Standards and Guidelines 2004 – Revised March 2009"* (to be used in conjunction with NZS 4404:2004) and *"The National Environmental Standard for Telecommunication Facilities 2008"*.
- (b) Where the proposed system will serve other land which is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed, and the cost of such provision.
- (c) Whether the proposed reticulation system will have potential adverse effects on amenity values.

**Note:** Upgrading or cost-sharing will be solely a matter for the network operator.

#### 13.10.9 EASEMENTS FOR ANY PURPOSE

Whether there is a need for an easement for any of the following purposes:

- (g) Whether the subdivision will result in the permanent protection and/or enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes, outstanding landscape features or outstanding natural features.
- (h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grow in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

**Note:** There are many ways in which preservation/protection can be achieved, and the appropriate means will vary according to the circumstance. In some cases physical means (e.g. fencing) may be appropriate. In other cases, a legal means will be preferred instead of (or as well as) physical means. Mechanisms other than a Consent Notice which may be acceptable include:

- (i) a Maori reservation under s338 and s340 of Te Ture Whenua Maori (Maori Land) Act;
- (ii) a conservation covenant with the Department of Conservation or the Council;
- (iii) an open space covenant with the Queen Elizabeth II National Trust;
- (iv) a heritage covenant with the New Zealand Historic Places Trust;
- (v) a reserve under the Reserves Act.

#### **13.10.15 SOIL**

- (a) The extent to which any subdivision will contribute to or affect the ability to safeguard the life supporting capability of soil.
- (b) The degree to which the life supporting capacity of the soil may be adversely affected by the subdivision and the degree to which any soils classified as I, II or III in the NZ Land Resource Inventory Worksheets are adversely affected by the subdivision.

#### **13.10.16 ACCESS TO WATERBODIES**

- (a) Whether the subdivision provides public access to and along the coastal marine area or to and along banks of lakes or rivers, and whether that access is appropriate, given the nature of the land subject to the subdivision application, and the sensitivity of the waterbody to environmental effects resulting from the use of that access by the public.

#### **13.10.17 LAND USE INCOMPATIBILITY**

- (a) The degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

#### **13.10.18 PROXIMITY TO AIRPORTS**

- (a) The degree to which the proposal takes into account reverse sensitivity - adverse effects arising from incompatible land use activities arising from being in proximity to an airport (including, but not limited to, the hours of operation, flight paths, noise, vibration, glare and visual intrusion).

#### **13.10.19 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT**

- (a) The degree to which the proposal takes into account the preservation and/or enhancement of the natural character of the coastal environment.

#### **13.10.20 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE**

The extent to which the application promotes energy efficiency and renewable energy development and use through the following initiatives:

- (a) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
- (b) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
- (c) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
- (d) access to alternative transport facilities;
- (e) domestic or community renewable electricity generation;
- (f) solar street lighting.

RC 2010550

**FAR NORTH DISTRICT COUNCIL**  
**FAR NORTH PROPOSED DISTRICT PLAN**

**AND**

**FAR NORTH TRANSITIONAL DISTRICT PLAN**  
**(Hokianga Section)**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application under the aforesaid Act by  
**N ALLEN**

**APPLICATION**

APPLICATION FOR RESOURCE CONSENT to subdivide Sections 52 and 57 suburbs of Rawene into six (6) allotments of varying sizes ranging from 900 m2 to 3190m2.

The properties, in respect of which the application is made, are situated at Manning Street, Rawene.

Pursuant to Section 114 of the aforesaid Act, the following is the decision:

**DELEGATION**

Under the authority delegated to the Resource Consents Manager of the Far North District Council, the application was considered and determined.

**DECISION**

That pursuant to Sections 105 (1)(a), 108 and 220 of the Resource Management Act 1991, Council grants its consent to N Allen to subdivide two properties at Manning street, Rawene, being more particularly described as Sections 52 and 57 Suburbs of Rawene (CTs 33A/1478 and 33A/1479) (North Auckland Registry), subject to the following conditions:

- 1 THE subdivision shall be carried out in accordance with the approved plan of subdivision: Plan Ref. 4691 dated 26.07.2000 prepared by Surveyors North and attached to this consent.
- 2 THAT prior to approval under Section 223 of the Act, the survey plan shall show:
  - (a) All easements shown on the plan be duly granted or reserved.

- 3 THAT before a certificate is issued pursuant to Section 224 (c) of the Act, the subdividing owner shall
- a) Pay to Council a GST inclusive reserves contribution being the value of 130 m<sup>2</sup> or 7.5% (whichever is the lesser) of the estimated market value of Lots 1, 2, 3, & 5. Such a value is to be obtained by the applicant from a registered valuer, and a copy sent to Council in conjunction with the Section 224 (c) certificate request.
  - b) Provide formed and metalled entrances to Lots 1 and 2 constructed in accordance with the Council standard FNDC/S/6B.
  - c) Provide a formed and metalled double width entrance to Right of Way B & C constructed in accordance with the Council Standard FNDC/S/6B.
  - d) Provide formed and metalled access for the full length of Right of Way B & C with entrances into each of the lots serviced. The access is to be formed to 3.5 m wide and consist of a minimum of 150 mm of compacted hard fill plus a GAP 30 running course. The formation is to include water table drain and culverts as required to direct and control stormwater runoff.
  - e) Provide a separate sewer connection to each lot constructed in accordance with the requirements of Council's Manager for Water and Wastewater.
  - f) Provide evidence that easements for right of way, water supply, telecommunications and electricity have been created in favour of Lots 3, 5 and 6.
  - g) Provide a metered water connection to the boundary of each lot complying with the requirements of Council's Manager for Water and Wastewater.
  - h) Pay a road upgrading contribution of \$ 1000 per additional lot created toward the upgrading of Manning Street.
  - i) Pay a contribution toward the Rawene Sewerage Scheme of \$ 2000 per additional lot connected.
  - j) Pay a water supply upgrading contribution of \$ 180 per additional lot connected.
  - k) Pay a footpath upgrading contribution of \$ 400 per additional lot created.
  - l) Provide evidence that the requirements of Top Energy has been met as per their letter dated 13.02.2001
  - m) Provide evidence that the requirements of Telecom has been met as per their letter dated 01.02.2001
  - n) Secure the condition below by way of a Consent Notice issued under section 221 of the Act, to be registered against each lot on the appropriate new title. The costs of preparing, checking and executing the Notice shall be met by the Trust.

"Any dwelling to be constructed on Lots 1, 2, 3, 5 and 6 will require foundations specifically designed by a registered engineer, the details of which are to be submitted in conjunction with the Building Consent application"

#### **COUNCIL FURTHER RESOLVES**

That pursuant to section 321 (3) (c) of the Local government Act 1974, that it is satisfied that adequate access is provided to Lots 3 & 6 pursuant to easements of right-of-way running with the land and appurtenant to those allotments; and Council resolves on that ground that Sub-section (1) of Section 321 of the Act shall not apply.



## **RIGHT OF OBJECTION**

Section 357 of the Act provides the Right of Objection to the Council within 15 working days from the notice of the decision received in accordance with the Act.

## **REASONS FOR THE DECISION**

Pursuant to Section 113 of the Act the reasons for the decision are:

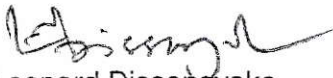
1. There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Section 6, 7, and 8 of the Act, nor with the objectives and policies of the Hokianga Section of the Transitional District Plan and Far North Proposed District Plan.

## **CONSENT ISSUED UNDER DELEGATED AUTHORITY:**



P J Killalea

**MANAGER, RESOURCE CONSENTS**



Leonard Dissanayake

**RESOURCE PLANNER**

Date: 18th June 2001

RC 2010550

Prepared by  
 Surveyors North  
 Barbara Street Kaitiaki  
 Phone 09 4010507

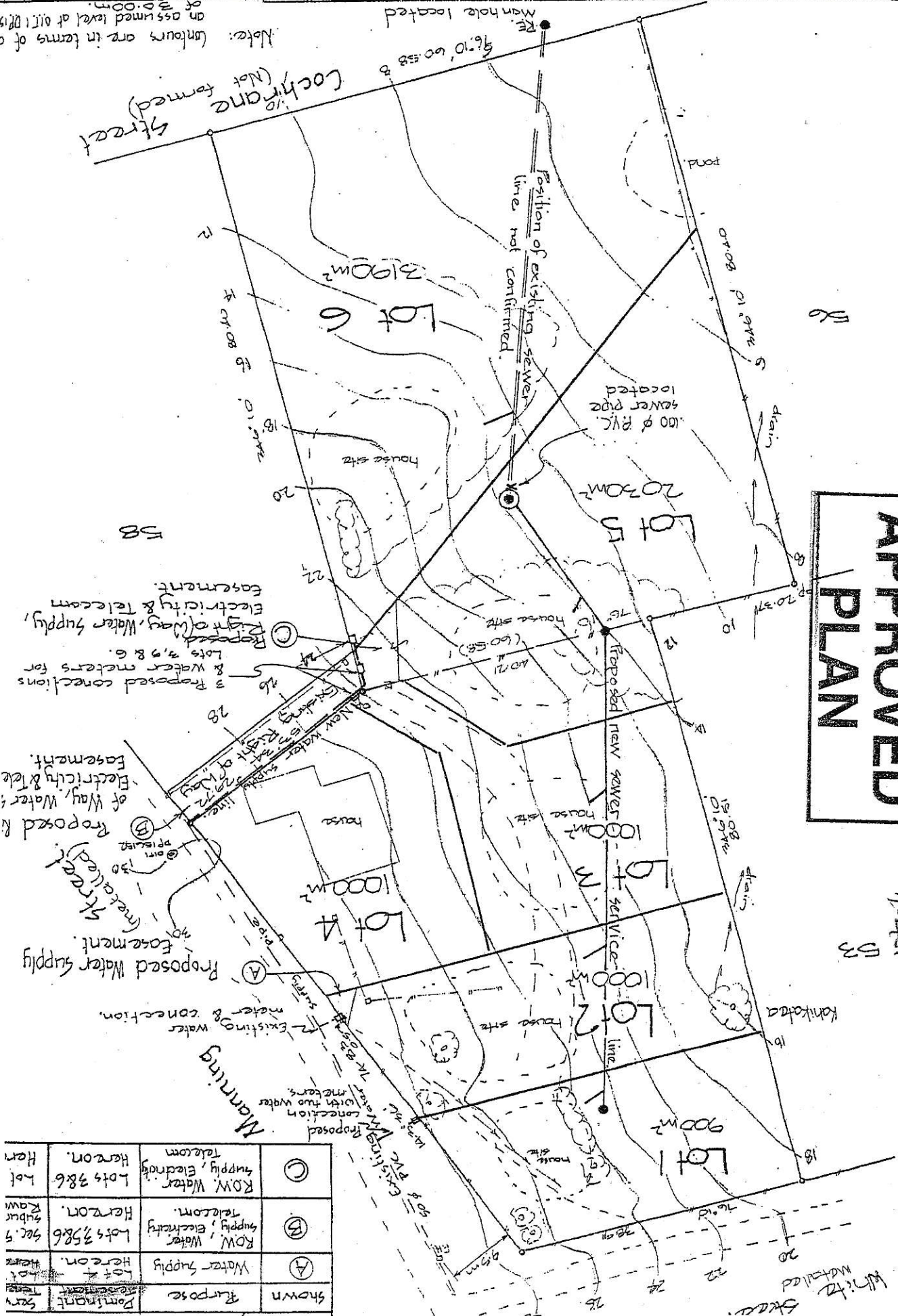
Proposed Subdivision of  
 SACS 52 & 57 Subs of Kaitiaki

Drawn Kaiti	Date 26.7.00	Scale 1:500
Prepared for N. Allen		

# APPROVED PLAN

RC 2010550

27/02/01



Shown	Purpose	Location
(A)	Water supply	Lot 4
(B)	ROW, Water supply, Electricity, Telecom.	Lots 3 & 6
(C)	ROW, Water supply, Electricity, Telecom.	Lots 3 & 6

Note: Unfours are in terms of an assumed level of 01.107.196 of 30.00m

RC 2010550

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH PROPOSED DISTRICT PLAN**

**AND**

**FAR NORTH TRANSITIONAL DISTRICT PLAN**  
**(Hokianga Section)**

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**DECISION**

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  - (a) All easements shown on the plan, including a stormwater easement in favour of Council over the proposed easement B & C, be duly granted or reserved.

- 3 THAT before a certificate is issued pursuant to Section 224 (c) of the Act, the subdividing owner shall
- a) Pay to Council a GST inclusive reserves contribution being the value of 130 m<sup>2</sup> or 7.5% (whichever is the lesser) of the estimated market value of Lots 1, 2, 3, & 5. Such a value is to be obtained by the applicant from a registered valuer, and a copy sent to Council in conjunction with the Section 224 (c) certificate request.
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  - d) Provide formed and metalled access for the full length of Right of Way B & C with entrances into each of the lots serviced. The access is to be formed to 3.5 m wide and consist of a minimum of 150 mm of compacted hard fill plus a GAP 30 running course. The formation is to include water table drain and culverts as required to direct and control stormwater runoff.
  - e) Provide a separate sewer connection to each lot constructed in accordance with the requirements of Council's Manager for Water and Wastewater.
  - f) Provide evidence that the required easements have been created over Section 58 Suburbs of Rawene.
  - g) Provide a metered water connection to the boundary of each lot complying with the requirements of Council's Manager for Water and Wastewater.
  - h) Pay a road upgrading contribution of \$ 1000 per additional lot created toward the upgrading of Manning Street.
  - i) Pay a contribution toward the Rawene Sewerage Scheme of \$ 2000 per additional lot connected.
  - j) Pay a water supply upgrading contribution of \$ 180 per additional lot connected.
  - k) Pay a footpath upgrading contribution of \$ 400 per additional lot created.
  - l) Provide evidence that the requirements of Top Energy has been met as per their letter dated 13.02.2001
  - m) Provide evidence that the requirements of Telecom has been met as per their letter dated 01.02.2001
  - n) Secure the condition below by way of a Consent Notice issued under section 221 of the Act, to be registered against each lot on the appropriate new title. The costs of preparing, checking and executing the Notice shall be met by the Trust.

"Any dwelling on the lot will require foundation specifically designed by a registered engineer, the details of which are to be submitted in conjunction with the Building Consent application"

#### **RIGHT OF OBJECTION**

Section 357 of the Act provides the Right of Objection to the Council within 15 working days from the notice of the decision received in accordance with the Act.

**REASONS FOR THE DECISION**

Pursuant to Section 113 of the Act the reasons for the decision are:

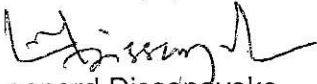
1. There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Section 6, 7, and 8 of the Act, nor with the objectives and policies of the Hokianga Section of the Transitional District Plan and Far North Proposed District Plan.

**CONSENT ISSUED UNDER DELEGATED AUTHORITY:**



P J Killalea

**MANAGER, RESOURCE CONSENTS**



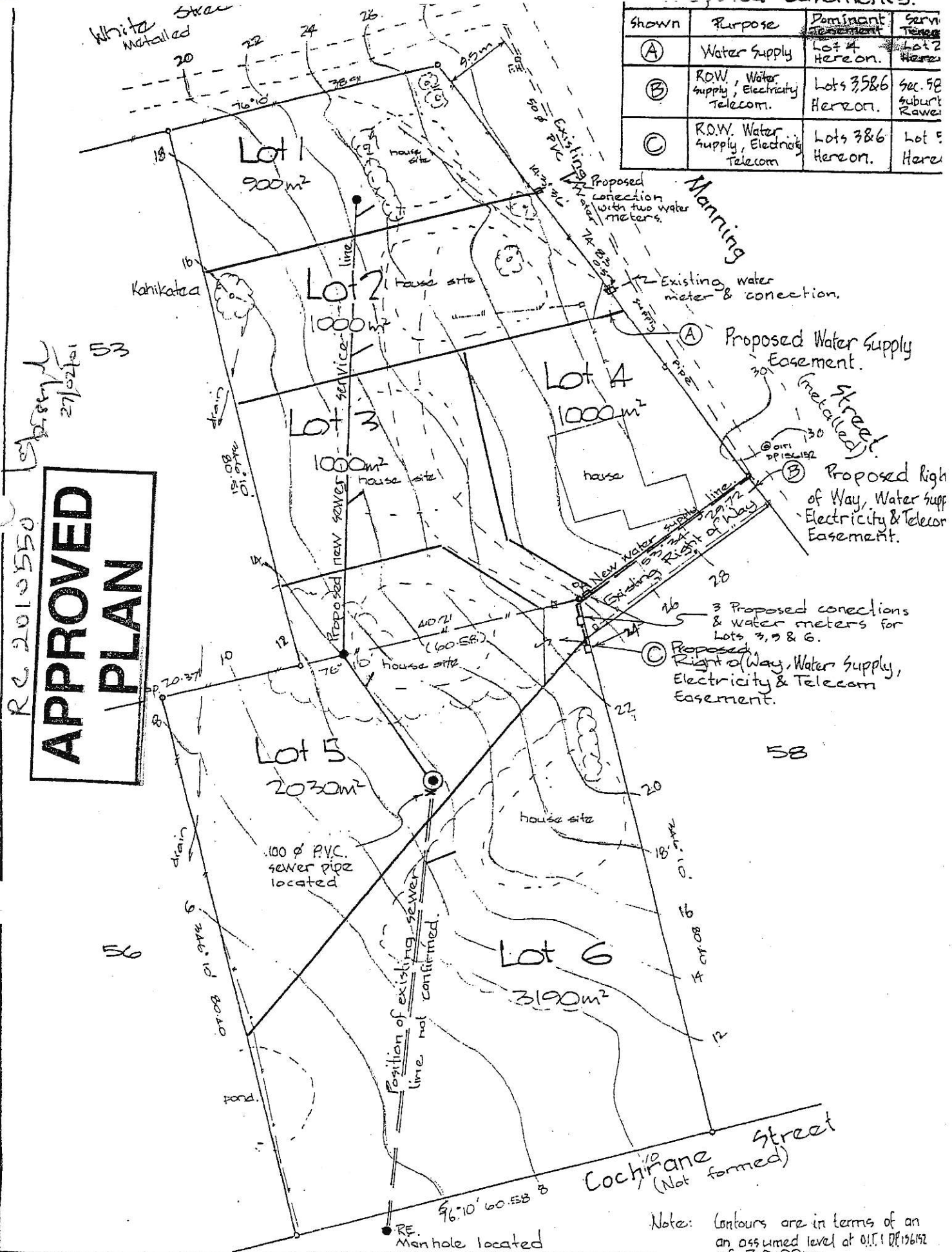
Leonard Dissanayake

**RESOURCE PLANNER**

Date: 7<sup>th</sup> March 2001

RC 2010550

Shown	Purpose	Prominent easement	Servi Tenure
(A)	Water Supply	Lot 4 Hereon.	Lot 2 Hereon
(B)	R.O.W., Water supply, Electricity Telecom.	Lots 3, 5 & 6 Hereon.	Sec. 98 Suburb Rawai
(C)	R.O.W. Water supply, Electricity Telecom.	Lots 3 & 6 Hereon.	Lot 5 Here



**APPROVED PLAN**  
 RC 2010550  
 27/02/01  
 53

Prepared by  
**Surveyors North**  
 Raihara Street Koikote  
 PO Box 449 PH 09 4010507

Proposed Subdivision of  
 Secs 52 & 57 Subs of Rawai

Prepared for	N. Allen			Sheet	1
Drawn	Keith	Date	26.7.00	Scale	1:500
Ref	AGP11				

**All information shown on this plan may not be accurate and is intended as a guide only. Council accepts no responsibility for incomplete information. For New Zealand Councils, users are to verify the exact location of structures and boundaries. Council Services are not liable for any damage or loss of services resulting from any services not identified on this plan.**



LEGEND

Notes Sheet 35/108/1

DESIGNED BY: [Signature]  
 CHECKED BY: [Signature]  
 DRAWN BY: [Signature]  
 DATE: [Date]

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	1.10.00
2	ISSUED FOR CONSTRUCTION	1.10.00
3	ISSUED FOR CONSTRUCTION	1.10.00
4	ISSUED FOR CONSTRUCTION	1.10.00
5	ISSUED FOR CONSTRUCTION	1.10.00

## Development Contribution Information

Property: 13 Cochrane Street, Rawene 0443

Development Contribution implication:

Development Contributions:	PAID	PAYABLE	OUTSTANDING
<b>Roading</b>			
<b>Reserves</b>			
<b>Community Infrastructure</b>			
<b>Water</b>			
<b>Wastewater</b>			
<b>Stormwater</b>			
<b>TOTAL</b>			

**Please note:** The amounts quoted above include GST and are valid provided a Building Consent or Resource consent for the described works is **granted** prior to any change in Council's Development Contribution Policy.

**PAID column:** This represents any development contributions which have been paid previously.

**PAYABLE column:** The development contributions are what would be payable in the event that a single dwelling was to be built on a vacant site. Note: A site that currently has a dwelling will not be liable for contributions unless a second dwelling was to be built.

**OUTSTANDING column:** The development contributions in this column relate to contributions which have been assessed on a Resource Consent (subdivision, land use consent) which are currently payable.

**Commercial or Industrial developments:** development contributions for commercial or Industrial applications will depend on the scale and nature of the development. Please contact Rachel Kake for further assistance.

**Note:** Development Contributions in respect of development consents granted prior to 1 July 2015 remain payable in accordance with the policy applicable at the time that the consent was granted.

**Comments:** Our records show that there currently is no dwelling on site.

From the 1<sup>st</sup> of July 2015, Council has ceased charging Development Contributions. For the term of this Policy Council will not require Development Contributions.

**Completed by:** Rachel Kake

**Date:** 17 February 2017

Ref: LIM-R-2017/1014





## **Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

All landowners need to be aware of the introduction from 1 January 2012 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011.

These regulations provide a national environmental standard for activities on pieces of land where the soil may be contaminated in such a way as to be a risk to human health.

The identified activities are:

- removing or replacing a fuel storage system;
- sampling the soil, disturbing the soil;
- subdividing land; and
- changing the use of the piece of land.

Depending on the level of soil contamination and the proposed remedial action to be taken any of the above activities will be either a permitted activity, a controlled activity, a restricted discretionary activity, or a discretionary activity and may require an application for resource consent.

The land covered by the regulations is land which is being used, or has been used, or more likely than not is being used or has been used for any of the activities or industries, as identified in the current edition of the *Hazardous Activities and Industries List* (HAIL) Ministry for the Environment under the following categories:

**Chemical manufacture, application and bulk storage**  
**Electrical and electronic works, power generation and transmission**  
**Explosives and ordnance production, storage and use**  
**Metal extraction, refining and reprocessing, storage and use**  
**Vehicle refuelling, service and repair**  
**Cemeteries and waste recycling, treatment and disposal**

Council records cannot confirm whether the subject land is, has been or may be a HAIL site and it is recommended that landowners or potential owners make their own enquiries.

*(The full Hazardous Activities and Industries List has been attached for your information)*



## Attachment 1

**THIS LIST IS CURRENT TO DATE OF PUBLICATION OF RESOURCE MANAGEMENT (NATIONAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011 - refer MfE website for the most up to date edition.**

### **Hazardous Activities and Industries List (HAIL) October 2011**

#### **A Chemical manufacture, application and bulk storage**

1. Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application
2. Chemical manufacture, formulation or bulk storage
3. Commercial analytical laboratory sites
4. Corrosives including formulation or bulk storage
5. Dry-cleaning plants including dry-cleaning premises or the bulk storage of dry-cleaning solvents
6. Fertiliser manufacture or bulk storage
7. Gasworks including the manufacture of gas from coal or oil feedstocks
8. Livestock dip or spray race operations
9. Paint manufacture or formulation (excluding retail paint stores)
10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds
11. Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application
12. Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides
13. Petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground
14. Pharmaceutical manufacture including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies or the manufacturing of illicit drugs with the potential for environmental discharges
15. Printing including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops)
16. Skin or wool processing including a tannery or fellmongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products
17. Storage tanks or drums for fuel, chemicals or liquid waste
18. Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside

#### **B Electrical and electronic works, power generation and transmission**

1. Batteries including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores)
2. Electrical transformers including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment
3. Electronics including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices
4. Power stations, substations or switchyards

#### **C Explosives and ordnance production, storage and use**

1. Explosive or ordnance production, maintenance, dismantling, disposal, bulk storage or re-packaging

2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors
3. Training areas set aside exclusively or primarily for the detonation of explosive ammunition

#### **D Metal extraction, refining and reprocessing, storage and use**

1. Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material
2. Foundry operations including the commercial production of metal products by injecting or pouring molten metal into moulds
3. Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds
4. Metalliferous ore processing including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals
5. Engineering workshops with metal fabrication

#### **E Mineral extraction, refining and reprocessing, storage and use**

1. Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition
2. Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
3. Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process
4. Commercial concrete manufacture or commercial cement storage
5. Coal or coke yards
6. Hydrocarbon exploration or production including well sites or flare pits
7. Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings

#### **F Vehicle refuelling, service and repair**

1. Airports including fuel storage, workshops, wash-down areas, or fire practice areas
2. Brake lining manufacturers, repairers or recyclers
3. Engine reconditioning workshops
4. Motor vehicle workshops
5. Port activities including dry docks or marine vessel maintenance facilities
6. Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas
7. Service stations including retail or commercial refuelling facilities
8. Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

#### **G Cemeteries and waste recycling, treatment and disposal**

1. Cemeteries
2. Drum or tank reconditioning or recycling
3. Landfill sites
4. Scrap yards including automotive dismantling, wrecking or scrap metal yards
5. Waste disposal to land (excluding where bio-solids have been used as soil conditioners)
6. Waste recycling or waste or wastewater treatment

**H Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment**

**I Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment**



**INFORMATION REGARDING BUILDINGS  
WHERE COUNCIL HOLDS NO RECORDS OF CONSENTS**

***WHAT IF A LIM SHOWS THAT NO RECORDS ARE HELD BY THE COUNCIL BUT THERE ARE BUILDINGS OR STRUCTURES ON THE PROPERTY?***

Land Information Memoranda (LIM's) identify the information held by the Council concerning any Building Consent or Permit for existing buildings or structures. In some instances however, if there is a building in existence, the Council records may be incomplete. The absence of records for Building Consents or Permits may mean one of the following:

- The building was erected without a Building Consent or Permit
- The original building may have been erected by a Government Department, e.g. Education, Railways, Electricity, and such Permits were kept in their records.
- The Council record was unable to be located.
- Hokianga County Council records prior to November 1987 were lost in a fire which destroyed the Hokianga County Council building.
- Prior to the Building Act 1991, Council was only required to keep documents for not less than ten years (See NSZ1990 Chapter 2). Documents may have discarded after the expiry of that period.

***WHAT IF I BUY A PROPERTY WHICH HAS AN EXISTING BUILDING WITHOUT ANY BUILDING CONSENT OR PERMIT?***

If building work was carried out without a Building Permit prior to the introduction of the Building Act 1991, then there was no authority under that Act, and there is no authority under the Building Act 2004, for Council to retrospectively issue a Building Consent for that work. If this is the situation, Council is generally unlikely to take any action against the current owners of that building unless the building is deemed Dangerous and/or Insanitary pursuant to the Building Act 2004 or the Health Act 1956. This assumes that the buildings comply in all other respects with other statutory requirements.

For post-Building Act 1991 building work, for which Council holds no records, it is likely that the building work was carried out without consent. If so, the property owner and the person that carried out the work may have contravened the Building Act 1991 or the Building Act 2004 and enforcement action may be taken at the Councils discretion. Council may upon a successful application decide to issue a Certificate of Acceptance (COA) where work has been carried out without consent.



Certificates of Acceptance for unconsented building work can only be made if the work was carried out after 1 July 1992 (Introduction of the Building Act 1991).

The value of the COA to the owner or potential purchaser will ultimately depend on the extent to which the building work is able to be inspected.

Council may refuse to issue a Certificate of Acceptance if it is unable to determine compliance with the Building Code.

***CAN I AS AN OWNER, PLACE ANY INFORMATION ON THE FILE TO ACKNOWLEDGE BUILDINGS CONSTRUCTED PRIOR TO 1<sup>ST</sup> JULY 1992?***

For building work carried out before 1st July 1992, a Condition Assessment Report (CAR) may be submitted to the council for inclusion on the relevant property file.

This service is only available for buildings constructed under the former Building Permit system (pre-1992) where final certificates were not issued.

The report should be completed by a Suitably Qualified Professional with appropriate insurance cover such as a Licensed Building Practitioner (LBP), engineer, designer or architect.

The report will need to establish that:

- The work is considered safe (verified by an appropriate trade professional)
- The structure is sanitary (not offensive or likely to be a health risk)
- The structure is not subject to dampness
- The structure has adequate drinking water or sanitary facilities (where applicable).

**Councils Disclaimer:**

The report records the views of the report writer only. The council has not inspected the building. Placing the report on the property file does not constitute a building consent under the Building Act 2004 or alter the legal status of the building work. The council will not be liable for any damage or loss resulting from reliance on the report by the current or any future owner(s).



# Domestic Smoke Alarms Guidance Notes 15 April 2003

## Building Act

Section 44(1)(c) of the Building Act has been amended by adding, after the word “dangers”, the words “(other than a warning system for fire that is entirely within a household unit and serves only that unit)”.

## Building Regulations

Building Code Clause F7 has been amended as follows:

Clause 7.2 of the First Schedule of the principal regulations is amended by adding the words “in an emergency”.

The First Schedule of the principal regulations is amended by revoking clause F7.3, and substituting:

Limits on application: Performance F7.3 does not apply to *Outbuildings* or *Ancillary buildings*, and

### Performance

**F7.3.1** A means of detection and warning must alert people to the emergency in *adequate* time for them to reach a *safe place*.

**F7.3.2** Appropriate means of detection and warning for fire must be provided within each *household unit*.

**F7.3.3** Appropriate means of warning for fire and other emergencies must be provided in *buildings* as necessary to satisfy the other performance requirements of this code.

The above amendments to the Building Regulations come into force on 24 April 2003.

## Approved Document F7 Warning Systems

The above amendments to the Building Act and Building Code enable the Approved Document F7 to require the installation of an automatic smoke detection and alarm system where one is not already required by Table 4.1 of C/AS1. Further it is to obviate the requirement for a compliance schedule where domestic smoke alarms are required under Approved Document F7.

Smoke alarms may be battery powered and are not required to be interconnected. In addition they shall be provided with a hush facility having a minimum duration of 60 seconds.

Smoke alarms shall have a test facility located on the smoke alarm (readily accessible to building occupants).

Smoke alarms shall be listed or approved by a recognized authority as complying with at least one of: UL 217, ULC S531, AS 3786, BS 5446 Part 1.

Smoke alarms shall be located on the escape routes on all levels within the *household unit*. On levels containing the sleeping spaces, the smoke alarms shall be located either:

- a) In every sleeping space, or
- b) Within 3.0 m of every sleeping space door. In this case the smoke alarms must be audible to sleeping occupants on the other side of the closed doors.

Smoke alarms shall be installed on or near the ceiling in accordance with AS 1670.6 and the manufacture's instructions.

Recommended maintenance procedures are:

- a) In-situ annual cleaning with a vacuum cleaner (no disassembly of smoke alarm).
- b) Monthly testing by use of the smoke alarm's test facility.

Note that under the Approved Documents there is no intention that increases in travel distances should be allowed because domestic smoke alarms are installed. Further, alternations under section 38 and change of use under section 46 will trigger the requirement to install domestic smoke alarms.

Approved Document F7 will be available in limited supply on Thursday 17 April 2003. Otherwise it will be generally available from Wednesday 23 April 2003 from:

Victoria University Book Centre  
PO Box 12 337  
Wellington

Phone: 0800 370 370  
Fax: 04 463 5510  
Email: [enquiries@bookcentre.co.nz](mailto:enquiries@bookcentre.co.nz)  
Web: [www.bookcentre.co.nz](http://www.bookcentre.co.nz)