



Our Reference: 10767.1 (FNDC)

3 June 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Re-Approval of previously granted subdivision at Ngawhitu Road,  
Moerewa – John McCaw**

I am pleased to submit application on behalf of John McCaw, for a re-approval of a previously granted subdivision (now lapsed) for the land at Ngawhitu Road, Moerewa, zoned Rural Production. The application is a restricted discretionary activity, creating one additional title.

The application fee of \$2,967 has been paid separately via direct credit.

Regards

Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**

# Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

## 2. Type of Consent being applied for

(more than one circle can be ticked):

- |   |   |
|---|---|
| <input type="radio"/> Land Use  | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision  | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

\* The fast track is for simple land use consents and is restricted to consents with a controlled activity status.

## 3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

## 4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)



## 5. Applicant Details

Name/s:

JOHN & SUSAN MCCAW

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

## 6. Address for Correspondence

*Name and address for service and correspondence (if using an Agent write their details here)*

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

*\* All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

## 7. Details of Property Owner/s and Occupier/s

*Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)*

Name/s:

MARY OWEN

Property Address/  
Location:

PAEKER RD

R-D-1

KAWAKAWA

Postcode

## 8. Application Site Details

*Location and/or property street address of the proposed activity:*

Name/s:

Site Address/  
Location:

Postcode

Legal Description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☒ Yes ☐ No

Is there a dog on the property? ☒ Yes ☐ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

## 9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

## 10. Would you like to request Public Notification?

☐ Yes ☒ No



### 11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

### 12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☐ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☐ Yes ☐ No ☐ Don't know

☐ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

### 13. Assessment of Environmental Effects:

*Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.*

Your AEE is attached to this application ☒ Yes

### 13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☒ Yes ☐ No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No



## 14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

JOHN MCCAW

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

### Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

### Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and all the above costs in my/our personal capacity.

Name: (please write in full)

JOHN MCCAW

Signature:

(signature of bill payer)

Date

31/5/25

MANDATORY

## 15. Important Information:

### Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fnadc.govt.nz](http://www.fnadc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.



### 15. Important information continued...

#### Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

**Name:** (please write in full)

SONNY MCCAW

**Signature:**



**Date**

3/5/25

A signature made by electronic means

#### Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with Iwi and hapū
- ☒ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / Agent / Property Owner / Bill Payer details provided
- ☒ Location of property and description of proposal
- ☒ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☒ Reports from technical experts (if required)
- ☒ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☒ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☐ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

**John McCaw**  
**PROPOSED RE APPROVAL OF SUBDIVISION  
PURSUANT TO  
FNDC OPERATIVE DISTRICT PLAN**  
**Ngawhitu Road, Moerewa**  
**PLANNER'S REPORT &  
ASSESSMENT OF ENVIRONMENTAL EFFECTS**  
**Thomson Survey Ltd  
Kerikeri**

## **1.0 THE PROPOSAL**

The back ground to this application is best explained by the consent history associated with the property (refer section 3.2 later in this report).

RC 2170103-RMASUB was a subdivision consent issued to George and Mary Owen, dated 22<sup>nd</sup> September 2016. A copy of this consent is attached in Appendix 4. It granted consent to the creation of two titles where Lots 3 & 4 would remain amalgamated as one title, and Lot 2 would be separated. The s223 TA Approval for the subdivision was issued 26<sup>th</sup> January 2018 and the s224c TA Approval on 2<sup>nd</sup> March 2018. Both TA Approvals are attached in Appendix 5. The Title Plan was approved as to survey on 5<sup>th</sup> July 2018.

The applicant for this current application is the purchaser of land in Lot 2 of RC 2170103 (Lot 2 LT 512163).

Unfortunately titles did not deposit within 5 years of the s223 TA Approval and therefore RC 2170103 has lapsed. This has resulted in the current title still consisting of Lots 1, 2 and 3 DP 488039 still being intact, and Lot 2 not separated off as provided for by RC 2170103. The applicant is now re-applying to have Lot 2 subdivided off into its own separate title, under the same circumstances and conditions of RC 2170103.

The approved LT 512162 is attached in Appendix 1 and can be utilised as the plan to which the Council's "Approved Plan" stamp can be affixed. A location map is provided in Appendix 2.

The subdivision will result in Lot 2 of 14.84; and Lots 3 & 4 amalgamated with a combined area of 18.36ha.



The subdivision re-approval would still include the original proposed amalgamation condition:

*That Lots 3 & 4 hereon be held in the one Certificate of Title.*

No changes to the existing conditions of consent are being sought, with the exception of updating references to the LT Plan instead of a scheme plan. To assist the Council, these conditions are repeated in section 6 of this planning report.

## **1.2 Scope of this Report**

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks re-approval consent for a restricted discretionary activity subdivision. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

## **2.0 PROPERTY DETAILS**

Location:	Ngawhitu Road, Moerewa - location map in Appendix 2
Legal description:	Lots 2, 3 & 4 DP 488039
Record of Title:	699173 - copy attached in Appendix 3.

## **3.0 SITE DESCRIPTION**

### **3.1 Site Characteristics**

The current applicant, John McCaw, prepared his own application for RC 2170103. This brief site description is based on information in that application.

The property is zoned Rural Production under the Operative District Plan (ODP). This zoning is also proposed in the Proposed District Plan (PDP). No resource features apply under the ODP. The PDP maps the southern and lower portion of Lot 4 DP 488039 to be subject to River Flood Hazard, both the 10 and 100 year ARI event.

The application site is located near the end of Ngawhitu Road, at the intersection with Packer Road, 7kms west of Moerewa. The property consists of grazing land and large areas of bush, as well as scrub (gorse and tobacco weed).

The application site is bounded to the west and east by Maori Purposes zoned land. It is not subject to any Heritage area overlay and does not contain any Site of Significance to Maori or archaeological site.

The property is outside of any high density or kiwi present area. The bush/shrubland within the site is part of the Protected Natural Area P05/047 Ngawhitu Bush.

The application site is a mixture of LUC Class 3 and 6 soils.

### 3.2 Legal Interests on Titles

The title is subject to Consent Notice 10295542.2, registered pursuant to conditions of RC 2150280, and a copy of which forms part of Appendix 3.

### 3.3 Consent History

The property file has no building consent history. The subdivision consent history consists of RC 2170103-RMASUB as referenced earlier in this report and a copy of which is attached in Appendix 4. Also relevant is RC 2150280-RMASUB, issued in April 2015, and which created the application property and separate Lot 1 DP 488039. A copy of RC 2150280 forms part of Appendix 4. This consent is particularly relevant in that, in giving effect to it, the need to vest land to accommodate the physical alignment of Packer Road was required. This has been completed and vested road included on DP 488039.

## 4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

### Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Sections 3 and 5 of this Planning Report for existing activities within the site. The application is for subdivision under the ODP.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	No other consents are required other than that being applied for pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity</i>	Refer to Sections 5 & 7 of this Planning Report.



<p>against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</p> <p>(a) any relevant objectives, policies, or rules in a document; and</p> <p>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</p> <p>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</p>	
<p>(3) An application must also include any of the following that apply:</p>	
<p>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));</p> <p>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));</p> <p>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</p>	<p>Refer sections 3 and 5.</p> <p>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>

#### Clause 4: Additional information required in application for subdivision consent

<p>(4) An application for a subdivision consent must also include information that adequately defines the following:</p>	
<p>(a) the position of all new boundaries;</p> <p>(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;</p> <p>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade</p>	<p>Refer to Scheme Plans in Appendix 1.</p>

<p><i>strips:</i></p> <p><i>(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:</i></p> <p><i>(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:</i></p> <p><i>(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):</i></p> <p><i>(g) the locations and areas of land to be set aside as new roads.</i></p>	
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**Clause 5: Additional information required for application for reclamation – not applicable.**

**Clause 6: Information required in assessment of environmental effects**

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 7 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of—</i> <i>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;</i> <i>and</i> <i>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation</i>	Refer to Section 8 of this planning report. No affected persons are identified.

<i>undertaken, and any response to the views of any person consulted:</i>	
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of effects does not warrant any.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

**Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)**

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The proposed activity will have no more than minor effects on the physical environment and landscape and visual amenity values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6. The proposal will have no more than minor effects on habitat and ecosystems.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6, and above comments
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The subdivision site is not subject to natural hazards and does not involve hazardous installations.



## 5.0 ACTIVITY STATUS

### 5.1 Operative District Plan

The site is zoned Rural Production. Council processed the now lapsed consent (for which we are now seeking a new approval) as a restricted discretionary activity.

**Table 13.7.2.1: Minimum Lot Sizes**

(i) RURAL PRODUCTION 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 size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 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 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; ...	1. The minimum lot size is 4ha; or 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 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

The consented subdivision utilised Option 4 of the above restricted discretionary activity options and made a point of this resulting in residual rights being available for further subdivision. The earlier RC 2150280-RMASUB also utilised Option 4, claiming residual rights.

This current application is a restricted discretionary activity utilising the residual rights established in the earlier consent. It also meets the 12ha restricted discretionary activity minimum lot size.

#### Other Rules:

There are no existing buildings and as such no rules applying to the Rural Production Zone are breached. No rules in Chapter 12 of the ODP are breached. There is no outstanding landscape; heritage resources; or rivers/lakes on the site. No indigenous vegetation clearance is proposed. Excavation / filling will be minimal, if any. Chapter 14 Financial Contribution does not apply. Rules in Chapter 15.1 have been assessed. Crossings were

formed to Council's satisfaction, either through RC 2150280 conditions or RC 2170103 conditions, noting that the s224c TA approval for 2170103 got signed off. There is also a consent notice in regard to the formation of crossings. When assessing RC 2170103 no traffic, parking or access rule breaches were identified.

## 5.2 Proposed District Plan (PDP)

The original consent was granted before the FNDC publicly notified its PDP. Any new application must consider the PDP, both in terms of objectives and policies and in regard to any rules that might have immediate legal effect.

Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out

earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Orongo Bay Zone.

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

## 6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The assessment of environmental effects below includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, as required by Clause 2(3)(c) of Schedule 4 of the Act.

A restricted discretionary activity is described in s87A of the Act, clause (3).

*If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—*

*(a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and*

*(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.*

It is also subject to s104C of the Act:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider **only** those matters over which—*

*(a) A discretion is restricted in national environmental standards or other regulations;*

*(b) It has restricted the exercise of its discretion in its plan or proposed plan; .....*

*(3) ..... if it grants the application, the consent authority may impose conditions under section 108 **only** for those matters over which –*

*(a) A discretion is restricted in national environmental standards or other regulations;*

*(b) It has restricted the exercise of its discretion in its plan or proposed plan.*

The subdivision meets the restricted discretionary number/size of lots specified in Table 13.7.2.1. Far North District Plan lays out in 13.8.1, the matters to which it restricts its discretion in determining whether to grant consent to a restricted discretionary activity, and then lays out the matters to which it will restrict its discretion when considering whether to impose conditions.

### 13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

*..... In considering **whether or not to grant consent** on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:*



- 
- (i) for applications under 13.8.1(a):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under 13.8.1(b) or (c):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
  - effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
  - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
  - the mitigation of fire hazards for health and safety of residents.

In considering **whether or not to impose conditions** on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in 13.7.3;  
(2) the matters listed in (i) and (ii) above

In the case of this application, the application is lodged pursuant to 13.8.1(c) (residual rights), and therefore clause (ii) applies:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;

The property is not within the coastal environment.

- effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;

There is no land administered by DoC within 500m.

- effects on areas of significant indigenous flora and significant habitats of indigenous fauna;

Refer to Section 6.9 in the AEE. The proposal will have no adverse effects on areas of indigenous vegetation. The site is not mapped as either a high density kiwi or kiwi present area.

- the mitigation of fire hazards for health and safety of residents.

Building sites can be establish on both proposed titles well clear of any area of bush/scrubland.

In summary, there are no grounds for the Council to refuse consent.

## 6.1 Allotment Sizes and Dimensions

The lots can easily accommodate 30m x 30m square building envelopes.

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## **6.2 Natural and Other Hazards**

The lower/southern portion of Lot 4 DP 488039, to be amalgamated with Lot 3 DP 488039, is mapped as being subject to river flood hazard. This area can readily be avoided for future development on the lot, with more than half the title area elevated and outside of any flood hazard area. The application site is not mapped as erosion prone. There are no water courses likely to be subject to avulsion or alluvion. The site is not known to be subject to subsidence or rockfall. I am not aware of any unconsolidated fill or contaminated soils. The site is not at risk of sea level rise. Whilst the site has bush cover, both proposed titles have cleared areas that would enable residential dwellings to be constructed, well clear of bush area, therefore reducing the risk of fire risk.

In summary I have not identified any hazard that would preclude the granting of this application. When processing RC 2170103 the Council reached the same conclusion.

## **6.3 Water Supply**

The sites are located outside of Council's reticulated water supply area. Any future residential development will be reliant on water storage from roof catchment. There is an existing consent notice in regard to potable and fire fighting water supply when a habitable dwelling is built.

## **6.4 Energy Supply & Telecommunications**

Power and phone is not a requirement for rural subdivision. There is an existing consent notice in regard to this being the responsibility of future lot owners.

## **6.5 Stormwater Disposal**

The titles resulting from this subdivision are large, both in excess of 12ha. It is proposed to dispose of stormwater to natural channels. This was accepted by the Council when processing RC 2170103 and no stormwater conditions were imposed.

## **6.6 Sanitary Sewage Disposal**

The titles are already subject to a consent notice in regard to on-site wastewater treatment and disposal. A wastewater disposal report by BOI Plumbing and Drainage Ltd (Gerry White) supported RC 2150280 and re-used for 2170103. Council reviewed the report and did not impose any further conditions regarding wastewater over and above the existing consent notice. It is noted that the report suggested that secondary treatment would probably be the preferred treatment level for land on the application site, however, given the size of the titles, and options for future house sites, there is potential for primary treatment to be equally effective. The report contains photos of 'good house sites' for Lots 2-4 inclusive. A copy of the wastewater report is attached in Appendix 6.

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## 6.7 Property Access

The property can be accessed off Ngawhitu Road, or Packer Road. RC 2150280 that provided for the creation of Lot 1 DP 488039 and Lots 2-4 held together, imposed a condition in regard to vesting of road for parts of Packer Road and this has been given effect to. Individual crossings can be formed to the appropriate standard. There is a condition of consent in RC 2170103 regarding crossings, as well as a consent notice requiring application for vehicle crossing permit.

## 6.8 Easements for Any Purpose

No easements exist or are proposed.

## 6.9 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

The site contains no Notable Tree as listed in Appendix 1D. The site contains no Historic Site, Building or Object as listed in Appendix 1E. The site contains no Site of Cultural Significance to Maori as listed in Appendix 1F. The site contains no Outstanding Natural Feature or Outstanding Landscape Feature as listed in Appendices 1A and 1B, nor any archaeological site as listed in Appendix 1G.

The site contains indigenous vegetation, the significance of which has not been verified or assessed. When processing RC 2170103 the Council noted the presence of Protected Natural Area (PNA) on some of the site and included an Advice Note recommending that the Council be contacted prior to any indigenous vegetation clearance to ensure that the requirements of the District Plan are complied with. As stated earlier, the site is outside of any area mapped as kiwi present of high density kiwi.

Central government has shied away from mapping SNA's (Significant Natural Areas), a similar mapping tool to PNA's, and has directed consent authorities not to do so, for now at least. This approach has been acknowledged at PDP hearings relating to indigenous biodiversity. The history of the property, coupled with current central government policy, lead me to the conclusion that it is not necessary to require any mapping or identification of areas for protection on a survey plan. Areas of indigenous vegetation now also have protection by way of rules in the PDP that already have legal effect. Unless proven not to have significance in terms of biodiversity values (by way of an assessment by a suitably qualified person), clearance of indigenous vegetation in the Rural Production Zone is restricted to 100m<sup>2</sup> per site in any one calendar year. If proven not to be significant, that threshold increases to 5000m<sup>2</sup> over 5 years, although I understand that threshold is subject to change through hearings and potential appeal proceedings.

PNA P05/047 is described as fragmented cutover and secondary forest remnants linked to shrubland, with a fair proportion being gorse and tobacco weed. I propose that rather than setting aside areas of bush for permanent protection, it is more reasonable to rely on the

existing protection mechanisms in the District Plans to ensure the maintenance of biodiversity values, along with voluntary efforts by the lot owners. As stated by the applicant for the previous subdivision *"The landowners are the kaitiaki for their own land. They take this role seriously ensuring that the bush, and all that lives in the bush, is conserved for future generations"*.

#### **6.10 Access to waterbodies**

There is no qualifying water body along which, or around which, public access is required to be provided.

#### **6.11 Land use compatibility (reverse sensitivity)**

The creation of titles in excess of 12ha, and then only one additional title, is highly unlikely to result in reverse sensitivity effects of more than minor nature. The area is one of low density development, where homes are set amongst larger holdings. The subdivision maintains that same character. The issue of reverse sensitivity is addressed in more detail in regard to the use of productive land for productive purposes, in Section 7.4 of this report.

#### **6.12 Proximity to Airports**

The site is outside of any identified buffer area associated with any airport.

### **7.0 SUGGESTED CONDITIONS OF CONSENT**

Given that no change is requested from what has been previously consented, the conditions imposed in 2170103 can in large part be re-applied. Some suggested conditions follow:

1. *The subdivision shall be carried out in accordance with the draft LT Plan 512163 prepared by Thomson Survey, referenced Subdivision of Lots 2, 3 & 4 DP 488039 digitally generated on 05/07/2018 and attached to this consent with the Council's "Approved Stamp" affixed to it.*
2. *The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:*
  - (a) The following amalgamation condition [DLR Request .....]  
That Lots 3 & 4 hereon be held in the same Certificate of Title*
3. *Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:*
  - (a) Upgrade the existing vehicle crossings to each lot to provide a crossing which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.*

In issuing the 224c for 2170103, the engineer noted that crossings had already been addressed pursuant to 2150280 and marked the condition off as compliance achieved.



Those were the only conditions imposed, the consent notice conditions from 2150280 carrying over. These include a requirement to obtain a vehicle crossing permit when forming any new vehicle crossing; a requirement for a TP58 in conjunction with any building including a wastewater system; advising the lot owner that power and telecommunications were not a requirement of the subdivision, and a requirement for adequate fire fighting water supply. These all remain on the new titles.

## 7.0 STATUTORY ASSESSMENT

### 7.1 Operative District Plan Objectives and Policies

The relevant objectives and policies in the ODP are those applying to subdivision and to the Rural Production Zone.

#### Subdivision Objectives & Policies

##### *Objectives*

The subdivision is consistent with the purpose of the zone and promotes sustainable management of natural and physical resources (13.3.1). The Assessment of Environmental Effects and supporting report conclude that the proposed subdivision is appropriate for the site and that the subdivision can avoid, remedy or mitigate any potential adverse effects (13.3.2).

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site contains none of the above.

The lots will be required to be self sufficient in terms of on-site water storage and appropriate stormwater management (13.3.5 & 13.4.8). The subdivision adjoins Council roads (13.3.10).

The site itself does not contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have minimal, if any, impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga (13.3.7 and 13.4.11).

##### *Policies*

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;
- (b) ecological values;
- (c) landscape values;
- (d) amenity values;
- (e) cultural values;
- (f) heritage values; and
- (g) existing land uses.

In determining the layout, size and number of lots, the relevant values listed in Policy 13.4.1 have been had regard to.

Access was considered and resolved as part of the original consents, with conditions imposed as required (13.4.2 and 13.4.5). The site is not identified as being subject to any hazard that would prevent the new lots from being developed for residential use (13.4.3).

The site does not contain any heritage resources. The Council did not consider it necessary to identify or protect the areas of indigenous vegetation within the site. There are no areas of outstanding landscape within the site (13.4.6).

S6 matters (National Importance) are addressed later in this report and any relevant matter listed in Policy 13.4.13 has been had regard to. The subdivision has had regard to the underlying zone's objectives and policies (13.4.14).

#### Rural Production Zone Objectives and Policies

The proposed subdivision is considered to promote the sustainable development of natural and physical resources as there will be no major changes over what is already in existence (8.6.3.1).

The proposal enables the efficient use and development of rural land (including existing uses) (8.6.3.2 & 8.6.4.5). The proposed subdivision will not adversely affect the amenity values of the zone as there will be no major changes to the existing land use (8.6.3.3 & 8.6.4.4).

The site contains no outstanding landscape values (8.6.3.4). I do not believe the proposal will generate any significant increased risk of reverse sensitivity issues arising (8.6.3.6 & 8.6.3.7; 8.6.4.7 & 8.6.4.8 & 8.6.4.9) and enables the ongoing utilisation of land for productive use (8.6.3.8 & 8.6.3.9).

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

## **7.2 Proposed District Plan Objectives and Policies**

The original consent was granted prior to the Proposed District Plan (PDP) being publicly notified. Any new application must be assessed against any relevant objectives and policies in the PDP. These include those pertaining to Subdivision and those pertaining to the Rural Production Zone.

### **SUB-O1**

*Subdivision results in the efficient use of land, which:*

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*

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f. manages adverse effects on the environment.

**SUB-O2**

Subdivision provides for the:

- a. Protection of highly productive land; and
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.

**SUB-O3** Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

**SUB-O4**

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;
- b. esplanade where land adjoins the coastal marine area; and
- c. esplanade where land adjoins other qualifying water bodies

I consider the subdivision to achieve the objectives of the relevant zone, and district wide provisions. Local character is not adversely affected; reverse sensitivity issues will not increase and/or can be mitigated; there is no significant risk from natural hazards that would preclude future development on the lots. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site does contain land that meets the written theoretical definition of 'highly productive land'. The protection of such land by way of avoiding its fragmentation through subdivision is not, however, a matter to which the Council restricts its discretion. Potential for reverse sensitivity issues arising is discussed in 7.4 later in this report.

The site contains no ONF's or ONL's, nor any areas of high or outstanding natural character. There are no lakes or rivers, no Sites and Areas of Significance to Maori and no Historic Heritage resources/features within the site. There are areas of indigenous vegetation, however these were not considered necessary to protect as part of the original subdivision (SUB-O2).

The proposal is consistent with SUB-O3 and SUB-O4 does not apply.

**SUB-P1**

Enable boundary adjustments that:

Not relevant – not a boundary adjustment.

**SUB-P2**

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

N/A

**SUB-P3**

Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;
- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

The subdivision results in lots that are consistent with the purpose, characteristics and qualifies of the zone, even if they do not 'comply' with the minimum allotment sizes for the zone. The lots are large, well over the PDP's proposed 8ha discretionary minimum lot size so in that sense, are of a size 'provided for' by the PDP.

In addition the PDP lot sizes have no legal effect and are subject to considerable challenge through submissions, for which hearings are yet to be held. The vacant lots are of a size and shape adequate to contain building platforms and the site has legal and physical access.

**SUB-P4**

Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The subdivision has had regard to all the matters listed, where relevant.

**SUB-P5**

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone....

N/A.

**SUB-P6** Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.

The subdivision is rural with no nearby Council administered or operated infrastructure except for the road.

**SUB- P7**

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No qualifying water body.

**SUB-P8** Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

The subdivision does not create rural lifestyle lots.

**SUB-P9**

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.



The subdivision is not a Management Plan subdivision and does not create lifestyle lots (lots bigger than the lifestyle zone minimum lot sizes suggested in the PDP).

**SUB-P10**

*To protect amenity and character by avoiding the subdivision of minor residential units from Principal residential units where resultant allotments do not comply with minimum allotment size and residential density.*

Not relevant. No minor residential units exist.

**SUB-P11**

*Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application:*

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;*
- b. the location, scale and design of buildings and structures;*
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- d. managing natural hazards;*
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

No consent is required under the PDP so the above policy has little relevance. In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan.

**Objectives****RPROZ-O1**

*The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

**RPROZ-O2**

*The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

**RPROZ-O3**

*Land use and subdivision in the Rural Production zone:*

- a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

**RPROZ-O4**

*The rural character and amenity associated with a rural working environment is maintained.*

The subdivision does little to affect productivity. The site, whilst containing some land that meets the theoretical written definition of highly productive land (in the NPS HPL), is already physically fragmented into three portions because of Ngawhitu and Packer Roads. The land is mostly in scrubland, not pasture. Whilst some of the site is mapped as LUC 3, it is either 3e or 3w, both with substantial limitations for crop growing and best suited for low density grazing at best. This 'productive' use can continue (RPROZ-O1).

The proposal is not a land use application (RPROZ-O2). I do not believe the proposal will result in reverse sensitivity effects arising. The two titles are in excess of 12ha and any future residential use can be internalised, away from property boundaries, and have minimal impact on the continued productive uses on any adjacent sites.

The property is not subject to natural hazard to the extent that the lots will not be able to support future residential use. The lots are to be serviced by on-site infrastructure (RPROZ-O3). The subdivision does not adversely affect the rural character and amenity of the area (RPROZ-O4).

**Policies****RPROZP2**

*Ensure the Rural Production zone provides for activities that require a rural location by:*

- a. enabling primary production activities as the predominant land use;*
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

Primary production activities are enabled, as is a range of compatible activities that might support productive use.

**RPROZP3**

*Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.*

Future residential buildings can be located within the lots such that they will not impact on existing legally established productive uses in the zone or on adjacent sites.

**RPROZP4**

*Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:*

- a. a predominance of primary production activities;*
- b. low density development with generally low site coverage of buildings or structures;*
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment;*
- and*
- d. a diverse range of rural environments, rural character and amenity values throughout the District.*

The proposal maintains rural character and amenity. The subdivision is low density and future built development can easily comply with the zone's impermeable and building coverage permitted thresholds.

**RPROZP5**

Avoid land use that:

N/A. Application is not a land use.

**RPROZP6**

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
  1. the type of farming proposed; and
  2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
- c. provides for rural lifestyle living unless there is an environmental benefit.

I do not believe the subdivision results in the 'loss' of highly productive land for use by farming activities. The Title areas are in excess of 12ha and can continue to support existing land cover (mostly bush and shrubland), which in itself is already limiting highly productive land uses. The lots are large enough to continue to support limited productive use. The subdivision is not rural lifestyle.

**RPROZP7**

Manage land use and subdivision to address the effects of the activity **requiring resource consent**, including (but not limited to) consideration of the following matters where relevant to the application:

- a. whether the proposal will increase production potential in the zone;
- b. whether the activity relies on the productive nature of the soil;
- c. consistency with the scale and character of the rural environment;
- d. location, scale and design of buildings or structures;
- e. for subdivision or non-primary production activities:
  - i. scale and compatibility with rural activities;
  - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
  - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
- f. at zone interfaces:
  - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
  - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
- g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;
- h. the adequacy of roading infrastructure to service the proposed activity;
- i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;
- j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No consent is required under the PDP and the above policy is therefore of limited relevance.

### 7.3 Part 2 Matters

#### 5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

#### 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

The site does not exhibit the features in (a) or (b), and in regard to part (c), the significance of the bush within the site has not been assessed. It is described as cutover secondary growth. There are no qualifying waterbodies forming a boundary and no lot less than 4ha in area (part (d)). I do not believe the proposal is detrimental to the relationship of Maori and their culture and traditions (part (e)). Parts (f) and (g) are not relevant to the proposal. Whilst part of one lot is mapped as subject to flood hazard, this is not a significant risk to the future development of that lot as there is abundant area outside of the flood hazard within which to place built development.



## 7 Other matters

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) kaitiakitanga:*
  - (aa) the ethic of stewardship:*
  - (b) the efficient use and development of natural and physical resources:*
  - (ba) the efficiency of the end use of energy:*
  - (c) the maintenance and enhancement of amenity values:*
  - (d) intrinsic values of ecosystems:*
  - (e) [Repealed]*
  - (f) maintenance and enhancement of the quality of the environment:*
  - (g) any finite characteristics of natural and physical resources:*
  - (h) the protection of the habitat of trout and salmon:*
  - (i) the effects of climate change:*
  - (j) the benefits to be derived from the use and development of renewable energy.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d), (f) and (g). Proposed layout and lot size will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the values of ecosystems. The subdivision does not materially affect the productive capacity of any rural zoned land.

## 8 Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

## 7.4 National Policy Statements and National Environmental Standards

### NES Freshwater

No subdivision site works will impact on any waterbody.

### NPS Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) requires regional councils to map highly productive land within their region. No such mapping has yet been carried out

and in the interim, the NPS outlines what should be 'treated' as highly productive land (clause 3.5(7)):

- land zoned general rural or rural production; and
- LUC 1, 2, or 3 land; but
- Is not identified for future urban development; or
- Subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

In this instance the site is zoned rural production, and contains some LUC 3 land, albeit LUC 3e and w, both with considerable constraints to arable use. Consideration must be given to the NPS HPL. The Council has confirmed that where the application is a restricted discretionary subdivision application, any assessment of the proposal against the NPS HPL can and will be limited to **Reverse Sensitivity Effects**. The Council has no discretion to consider other matters under the NPS HPL.

**Policy 9:** *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

In regard to Policy 9, the proposal creates no additional reverse sensitivity effects. The subdivision creates titles that meet the 12ha minimum lot size and the permitted residential intensity level provided for by the zone – 1 residential unit per 12ha of land.

Adjacent land is either in residential use, bush/scrubland cover, or in grazing. Future residential use on the two titles being created can be internalised within title boundaries and their establishment will not adversely affect on the continued use of those adjacent properties for grazing purposes.

Clause 3.8 of the NPS HPL requires territorial authorities (not individual property owners) to "avoid the subdivision of highly productive land". However, the avoidance of the subdivision of highly productive land is not a matter to which the Council has restricted its discretion in its Operative District Plan and therefore it has no ability to consider the avoidance of subdivision of highly productive land.

Sub part 2(b) states:

*(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:*

*(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*

This part of 3.8 is within the Council's restricted discretion to consider.

Reverse sensitivity issues have been assessed at length elsewhere in this report, and in commentary under Policy 9 above. In my opinion, the proposal will not create any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

In summary I do not believe there will be adverse reverse sensitivity effects as a result of this subdivision and the proposal has had adequate regard to those parts of the NPS HPL that the Council's discretion is restricted to.

#### NES Assessing and Management Contaminants in Soil to Protect Human Health

The applicant confirms that the property has not been, and is not currently being, used for any hazardous activity of industry. As such I do not believe the above NES is relevant.

## **7.5 Regional Policy Statement**

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

### **Objective 3.6 Economic activities – reverse sensitivity and sterilisation**

*The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:*

*(a) Reverse sensitivity for existing:*

*(i) Primary production activities; .....*

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development**.

*Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which: ....*

*(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...*

*(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*

*(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and ...*

Policy 5.1.1 seeks to ensure that subdivision in a primary production zone does not “materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities”. The word “materially” is defined as significantly. The subdivision makes very little difference to the potential for soil-based primary production, given that there is limited potential in the first instance. The proposal does not “materially reduce the potential for soil-based primary production on land with highly versatile soils”.

### **5.1.3 Policy – Avoiding the adverse effects of new use(s) and development**



Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);.....

In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result.

## 8.0 s95A-E ASSESSMENT & CONSULTATION

This application for re-approval does not alter anything from the previously consented subdivision. The same number of titles will result as provided for in the existing consent. Access is unchanged. The original consent addressed the need for consultation and the Council issued the consent under delegated authority on the basis of effects on the wider environment being no more than minor, and there being no affected persons. This has not changed. I believe there is no need to publicly or limited notify the application. I have not identified any new or additional affected persons.

## 9.0 CONCLUSION

The site is considered suitable for the proposed subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent.



Signed  
**Lynley Newport,**  
**Senior Planner**  
**Thomson Survey Ltd**

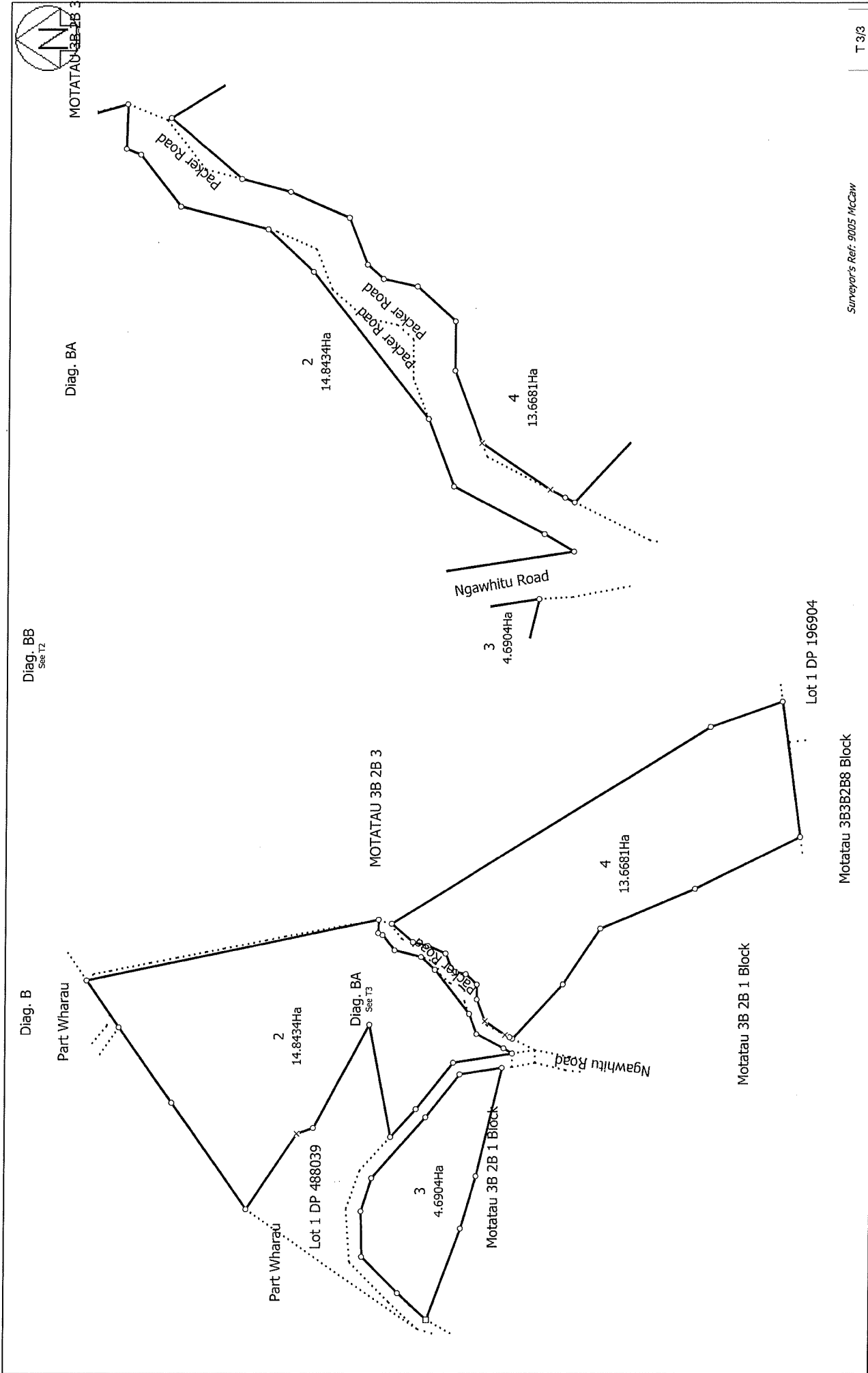
Dated 3<sup>rd</sup> June 2025

## 10.0 LIST OF APPENDICES

- Appendix 1** LT 512162
- Appendix 2** Location Plan
- Appendix 3** Record of Title & Relevant Instruments
- Appendix 4** Historic Consents
- Appendix 5** TA & LINZ Approvals
- Appendix 6** TP 58 (provided for historic consent applications)

# **Appendix 1**

LT 512162

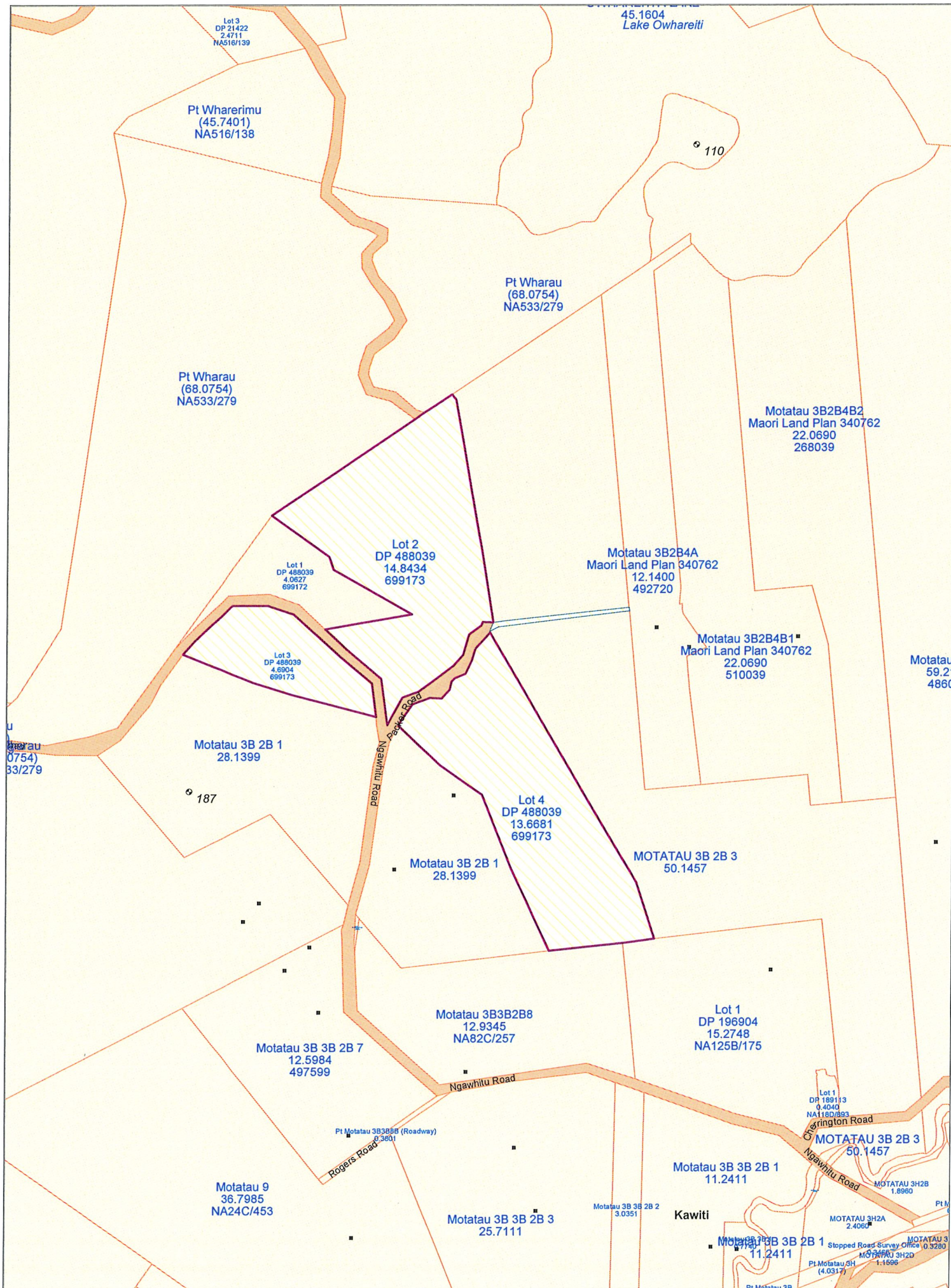


Land District: North Auckland Dataset Type: Parcels without Survey Information <b>Digitally Generated Plan</b> Generated on: 05/07/2018 09:37am Page 4 of 4		Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039		Surveyor: Denis McGregor Thomson Firm: Thomson Survey Limited	Title Plan LT 512163 Approved on: 5/07/2018	
Diag. B See T2		Diag. BA See T3		Surveyor's Ref: 9005 McCaw		T 3/3

## **Appendix 2**

### Location Plan





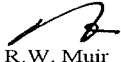
## **Appendix 3**

### Record of Title & Relevant Instruments



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 699173  
**Land Registration District** North Auckland  
**Date Issued** 18 December 2015

**Prior References**  
NA47C/813

---

<b>Estate</b>	Fee Simple
<b>Area</b>	33.2019 hectares more or less
<b>Legal Description</b>	Lot 2-4 Deposited Plan 488039

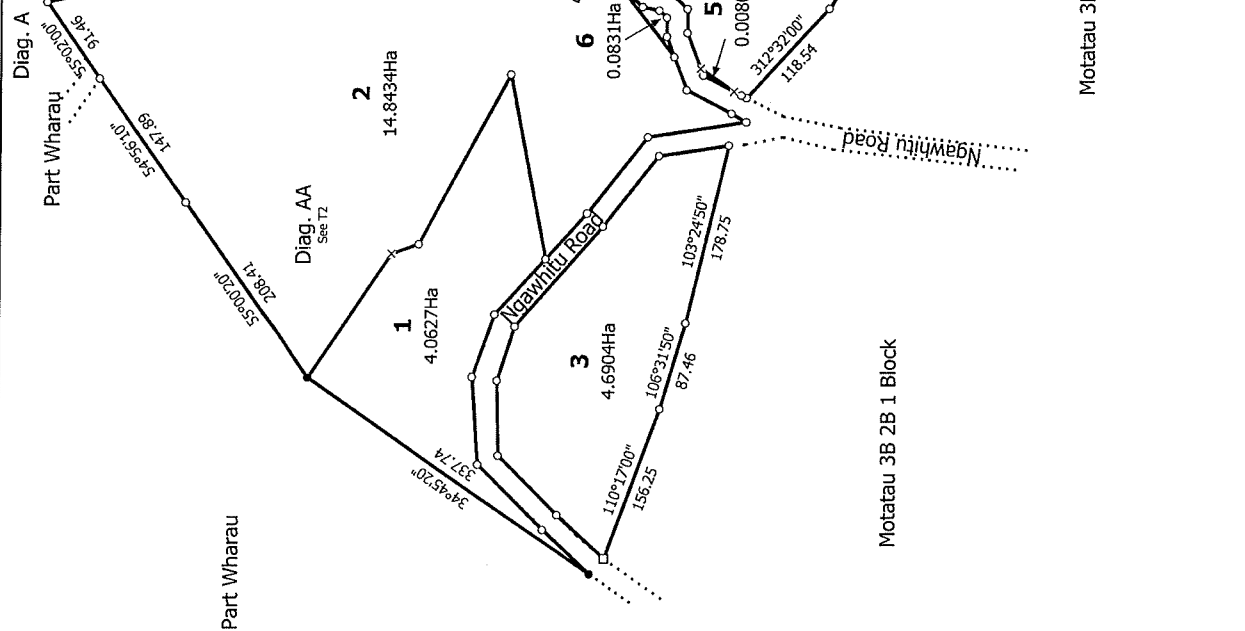
**Registered Owners**  
Hine Mary Elizabeth Owen

---

**Interests**

B812834.1 Mortgage to (now) Westpac New Zealand Limited - 8.4.1988 at 9.08 am  
C910969.1 Variation of Mortgage B812834.1 - 20.10.1995 at 2.34 pm  
D388163.1 Variation of Mortgage B812834.1 - 13.5.1999 at 1.59 pm  
Subject to Section 241(2) Resource Management Act 1991 (affects DP 488039)  
10295542.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.12.2015 at 3:59 pm  
11327489.1 CAVEAT BY JOHN MCCAWE (AFFECTS PART) - 24.12.2018 at 11:37 am





Surveyor's Ref: 8521

Lots 1 - 7 being a Subdivision of Motatau 3B 2B 2 Block

Surveyor: Graeme William Kettle  
Firm: Thomson Survey Limited

Title Plan  
LT 488039

Digitally Generated Plan  
Generated on: 28/09/2015 4:47pm Page 2 of 4



## View Instrument Details

Instrument No.	10295542.2
Status	Registered
Date & Time Lodged	18 Dec 2015 15:59
Lodged By	Jury, Sarah Emily
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



---

Affected Computer Registers	Land District
699173	North Auckland

---

**Annexure Schedule:** Contains 2 Pages.

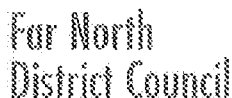
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### Signature

Signed by Sarah Emily Jury as Territorial Authority Representative on 18/12/2015 03:57 PM

\*\*\* End of Report \*\*\*





\*\*\*\*\*

*Journal of Management Inquiry* 18(6)p. 709-724  
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<http://www.sagepub.com/journalsPermissions.nav>

SECTION 221: CONSENT NOTICE

North Auckland Registry

Lots 2, 3 & 4 - DP 488039

- communication services will remain the responsibility of



**Far North  
District Council**

P.O. Box 257, Kaitiaki Ave

Kaitiaki 4040, New Zealand

Telephone 0909 928 127

Fax 0909 928 128

For 0909 928 127

Good education together

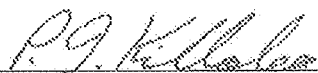
Wāhanga kōwhiriwhiri

*Te Kaitiaki o Te Tokerau Ki Te Kaitiaki*

*He tūāwhiriwhiri  
he tūāwhiriwhiri*

- iv. In conjunction with the construction of a new dwelling, a roof water collection system with minimum tank storage of 45,000 litres shall be provided. The tank(s) shall be positioned so that they are safely accessible for fire-fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

SIGNED:

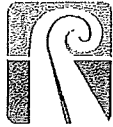
 Mr Patrick John Killalea  
By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 11<sup>th</sup> day of November 2015.



## **Appendix 4**

### Historic Consents



Far North  
District Council

**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2170103-RMASUB**

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

**George and Mary Owen**

**To subdivide Rural Production zone Lots 2,3 and 4 to create one additional lot (Lot 2-14.8434) and amalgamate Lot 3 and 4.**

**Subject Site Details**

Address: Lot 2, Ngawhitu Road, Moerewa 0281  
Legal Description: Lots 2 3 4 DP 488039  
Certificate of Title reference: CT-699173

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

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lots 2,3 and 4 DP 488039, dated 27.03.15, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) The following amalgamation condition (DLR ref request 1394043):  
*"That Lots 3 & 4 hereon be held in the same Certificate of Title"*
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) Ensure that any encroachment of the road onto private property shall be surveyed off and vest in Council, such that the legal road boundary along the road frontage of the subject site is at least 6m from the centreline of the carriageway.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the existing vehicle crossings to each lot to provide a crossing which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.

Note: the Councils vehicle crossing standard requires that the minimum culvert pipe size is a 300mm diameter concrete.

#### Advice Notes

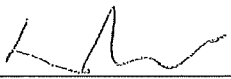
1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The site is within a protected natural area known as P05/047 Nga Whitu Bush. It is recommended that Council is contacted prior to any vegetation clearance to ensure that the requirements of the District Plan are complied with.
3. It is noted that the underlying title is subject to Consent Notice 1029542.2. The conditions of this Consent Notice will automatically carry over onto new titles. The existing Consent Notice contains clauses relating to on site wastewater; power and telecommunications not being available; water supply for fire fighting purposes and vehicle crossings.

#### Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The proposed activity is considered to have adequately taken into account, and be consistent with the Operative Far North District Plan. The assessment criteria contained in Chapter 13.7.3 and 13.8 – Rural Production Subdivision were considered and the adverse effects of the proposed subdivision will be less than minor.
3. Part 2 Matters  
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act, including effects on habitats of indigenous flora and fauna. It is considered that granting this resource consent application achieves the purpose of the Act.
4. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

#### Approval

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

  
\_\_\_\_\_  
**Lynley Newport**  
**Resource Consents Manager**

22nd September 2016  
**Date**



**Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

**Lapsing Of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

# APPROVED PLAN

PLANNER *Law*

RC.2170103 Date 16.09.2016

LEGEND



POTENTIAL BUILD SITE  
RESPECTING BOUNDARY SETBACK &  
20m SETBACK FROM BUSH

NOTE:

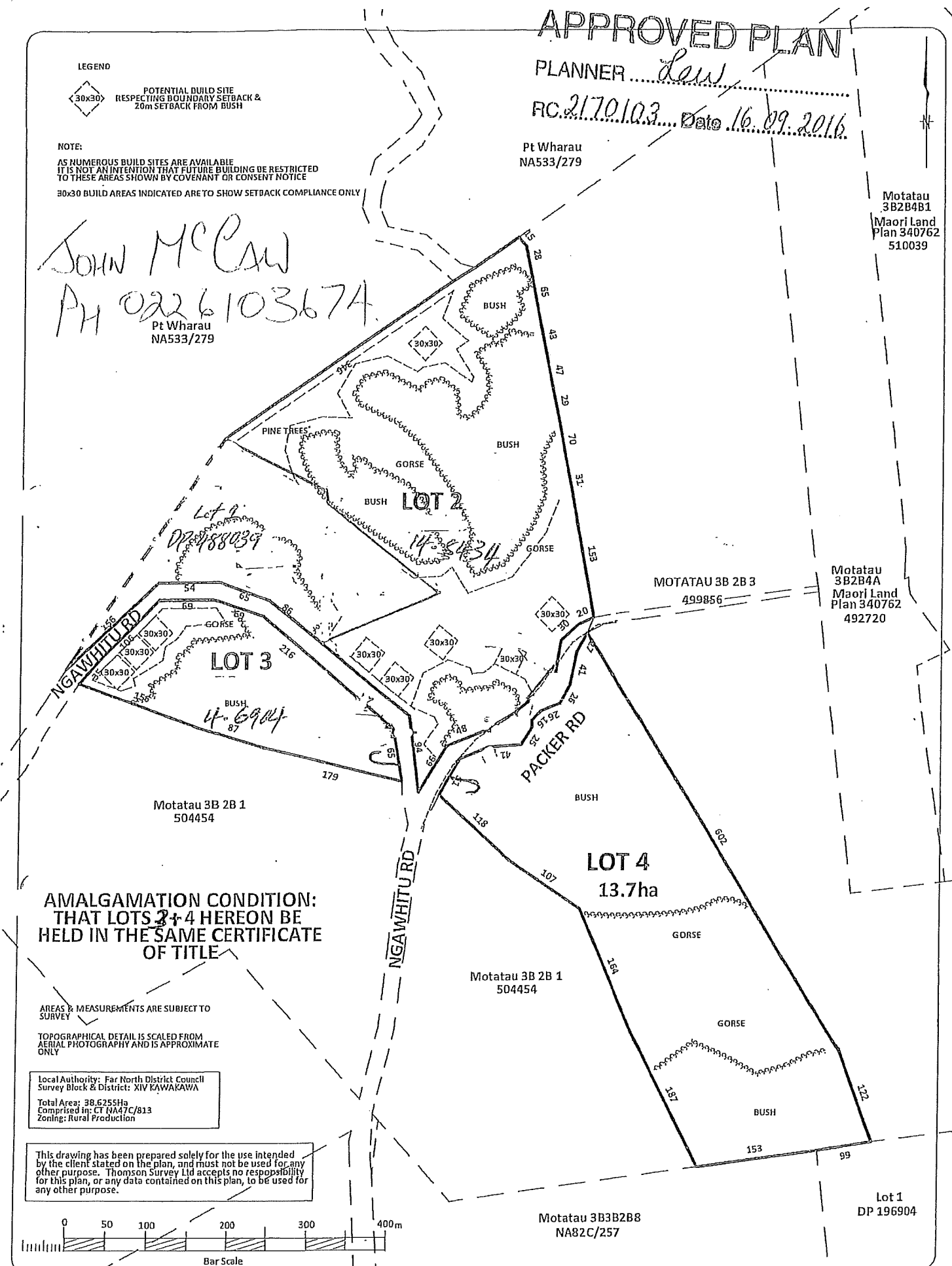
AS NUMEROUS BUILD SITES ARE AVAILABLE  
IT IS NOT AN INTENTION THAT FUTURE BUILDING BE RESTRICTED  
TO THESE AREAS SHOWN BY COVENANT OR CONSENT NOTICE

30x30 BUILD AREAS INDICATED ARE TO SHOW SETBACK COMPLIANCE ONLY

Pt Wharau  
NA533/279

Motatau  
3B2B4B1  
Maori Land  
Plan 340762  
510039

*JOHN MCCAW*  
*PH 0226103674*  
Pt Wharau  
NA533/279



**AMALGAMATION CONDITION:**  
THAT LOTS 3 & 4 HEREON BE  
HELD IN THE SAME CERTIFICATE  
OF TITLE

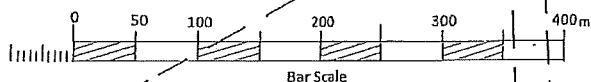
AREAS & MEASUREMENTS ARE SUBJECT TO  
SURVEY

TOPOGRAPHICAL DETAIL IS SCALED FROM  
AERIAL PHOTOGRAPHY AND IS APPROXIMATE  
ONLY

Local Authority: Far North District Council  
Survey Block & District: XIV KAWAKAWA

Total Area: 38.6255Ha  
Comprised in: CT NA47C/813  
Zoning: Rural Production

This drawing has been prepared solely for the use intended  
by the client stated on the plan, and must not be used for any  
other purpose. Thomson Survey Ltd accepts no responsibility  
for this plan, or any data contained on this plan, to be used for  
any other purpose.



**THOMSON  
SURVEY**

315 Kerikeri Rd  
P.O. Box 372 Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360 Fax: (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF

*Lots 2, 3 & 4 DP 488039*

Survey	Name	Date	ORIGINAL	SHEET
Design	TS		SCALE	SIZE
Drawn	TS	05-09-13	1:4000	A3
Approved				
Rev	SL	27.03.15		

Surveyors  
Ref. No:

Series

Sheet of

9005

REVISION: 27.03.2015 INDICATIVE BUILD SITES ADDED



**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2150280-RMASUB**

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

**Akarawa and Hine Owen**

**To subdivide Part Motatau 3B2B2 (NA 47C/813) in the Rural Production zone creating Lot 1 [3.3ha], Lot 2 [15.9ha], Lot 3 [4.59ha] and Lot 4 [13.7ha]. Lots 2, 3 & 4 are to be amalgamated and held in the same CFR.**

**Subject Site Details**

Address: 240 Ngawhitu Road, Moerewa  
Legal Description: MOTATAU 3B2B2 BLKS XIII XIV KAWAKAWA SD  
Certificate of Title reference: NA-47C/813

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

- 1 Except where amended to comply with condition 2(b) of this resource consent the subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd referenced 'Proposed Subdivision of Part Motatau 3B2B2 (Surveyors Ref. No: 8521) dated 05-09-2013 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(iii) of the Resource Management Act 1991;  
  
That Lots 2, 3 and 4 hereon be held in the same certificate of title (request 1284528).
  - (b) Land to be vested in Council as road where the existing formation of Packer Road encroaches into the proposed lots. The land to be vested as road shall be such that the new Packer Road boundaries of the proposed lots are at least 6 metres from the centreline of the existing road carriageway.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) Provide a plan from a licensed cadastral surveyor which confirms that the effluent disposal field and a 100% reserve disposal area are fully contained within the boundaries



of Lot 1 and setback at least 1.5m from the lot boundaries. In the event that the plan provided does not demonstrate compliance, the consent holder shall; provide evidence that a Building Consent has been obtained and relocate all parts of the on-site wastewater treatment and effluent disposal system for Lot 1 (including the 100% reserve disposal area) within the lot boundary.

- (b) Either provide evidence the any existing buildings near the boundary between Lot 1 and Lot 2 comply with the permitted activity rules for setback from boundaries in the District Plan, or provide evidence that a resource consent has been granted giving dispensation for any breach of the setback from boundary rules.
- 4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant
    - i. Prior to constructing any new vehicle crossing to any site the lot owner is to obtain a vehicle crossing permit from Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's Control of Vehicle Crossings Bylaw 2010.

**[Lots 2, 3 & 4]**
    - ii. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

**[Lots 2, 3 & 4]**
    - iii. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

**[Lots 2, 3 & 4]**
    - iv. In conjunction with the construction of a new dwelling, a roof water collection system with minimum tank storage of 45,000 litres shall be provided. The tank(s) shall be positioned so that they are safely accessible for fire-fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

**[Lots 2, 3 & 4]**

## Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The consent holder is advised that the application site, Part Motatau 3B2B2 (NA 47C/813), is within a Protected Natural Area (PNA) P05/47 Ngawhitu Bush located within the Kaikohe Ecological District (refer to Natural Areas of Kaikohe Ecological District – Reconnaissance Survey Report for the Natural Areas Programme, Department of Conservation, 2010). The vegetation is described within the survey report as consisting of *'fragmented cutover and secondary forest remnants often linked by shrubland'*. The fauna is described as containing *'common forest birds and kauri snail (category C threatened species'*. Should the landowner wish to ensure continued protection of the remnant forest it is recommended that a stock proof fence is constructed around the PNA vegetation or that it be protected through a covenant.

Further it is advised that the clearance of Indigenous vegetation is controlled by rules in the Far North District Plan. Prior to any vegetation clearance it is recommended that the landowner consult with Council to ensure that no resource consent is required.

## Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at [www.fndc.govt.nz](http://www.fndc.govt.nz)

## Reasons for the Decision

1. **Description of the Activity:**  
The proposal is to subdivide the application site consisting of 38.6255 hectares into four lots being Lot 1 [3.3ha], Lot 2 [15.9ha], Lot 3 [4.59ha] and Lot 4 [13.7ha]. Lots 2, 3 & 4 are to be amalgamated and held in the same CFR. As a result of the subdivision there will be one additional CFR created.
2. **District Plan Rules Affected:**



The proposed subdivision in the Rural Production zone does not comply with controlled activity rule 13.7.2.1 of the Operative District plan and is a Restricted Discretionary activity in accordance with rule 13.8.1(c) of the Operative District Plan.

**3. Principal Issue[s] in Contention and Main Findings on those Issues:**

Issues

- (a) Effects on indigenous vegetation
- (b) Access

Main Findings

- (a) The site is partially covered by Protected Natural Area (PNA) P05/047 Ngawhitu Bush located within the Kaikohe Ecological District. The vegetation is described as consisting of *'fragmented cutover and secondary forest remnants often linked by shrubland'*. The fauna is described as containing *'common forest birds and kauri snail (category C threatened species)'*. It was determined following consultation with the Department of Conservation that the quality of the bush on the property is of low value, and as no vegetation clearance is proposed by the subdivision it is considered that the PNA status provides adequate protection.
- (b) The existing formation of Packer Road is not wholly contained within the road reserve and small areas of the formation encroach into the application site. Council's Land Title Specialist requires that the existing formation, where it encroaches into the applicant's land is vested in Council as road. A condition of consent (refer to condition 2(b)) has been included to ensure the land to be vested as road is shown on the survey plan submitted for section 223 approval.

**4. Relevant Statutory Provisions:**

**Policy Statements & Plan Provisions:**

- (a) The Operative Far North District Plan

The objectives and policies from Chapter 8.7 'Rural Living Zone' and Chapter 13 'Subdivision' of the Operative Far North District Plan were of particular relevance to the application, in particular objectives 8.6.3.1, 8.6.3.2 and 8.6.3.3 and policies 8.6.4.1, 8.6.4.2, 8.6.4.3, 8.6.4.4, and 8.6.4.5. The objectives and policies seek to allow a wide range of activities to take place within the Rural Production zone, while having regard to the maintenance and enhancement of rural amenity values and ensuring that the potential effects of development are avoided, remedied or mitigated. It is considered that the proposal is not contrary with the objectives and policies of the Operative District Plan.

**Part 2 Matters**

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

**5. Notification and Affected Parties**

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

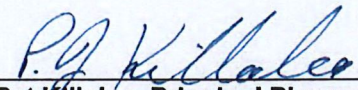
**6. Overall Evaluation**

Overall, subject to the conditions of consent being given effect to, it is considered that the proposed subdivision will have no more than minor effects on the environment. The

subdivision is consistent with the relevant objectives and policies of the District Plan and the sustainable management purpose of the RMA.

**Approval**

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

  
**Pat Killalea, Principal Planner**

24<sup>th</sup> April 2015.  
**Date**

**Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

**Lapsing Of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.



LEGEND



POTENTIAL BUILD SITE  
RESPECTING BOUNDARY SETBACK &  
20m SETBACK FROM BUSH

NOTE:

AS NUMEROUS BUILD SITES ARE AVAILABLE  
IT IS NOT AN INTENTION THAT FUTURE BUILDING BE RESTRICTED TO  
THESE AREAS SHOWN BY COVENANT OR CONSENT NOTICE

30x30 BUILD AREAS INDICATED ARE TO SHOW SETBACK COMPLIANCE ONLY

Appendix 1

Scheme Plan

Pt Wharau  
NA533/279

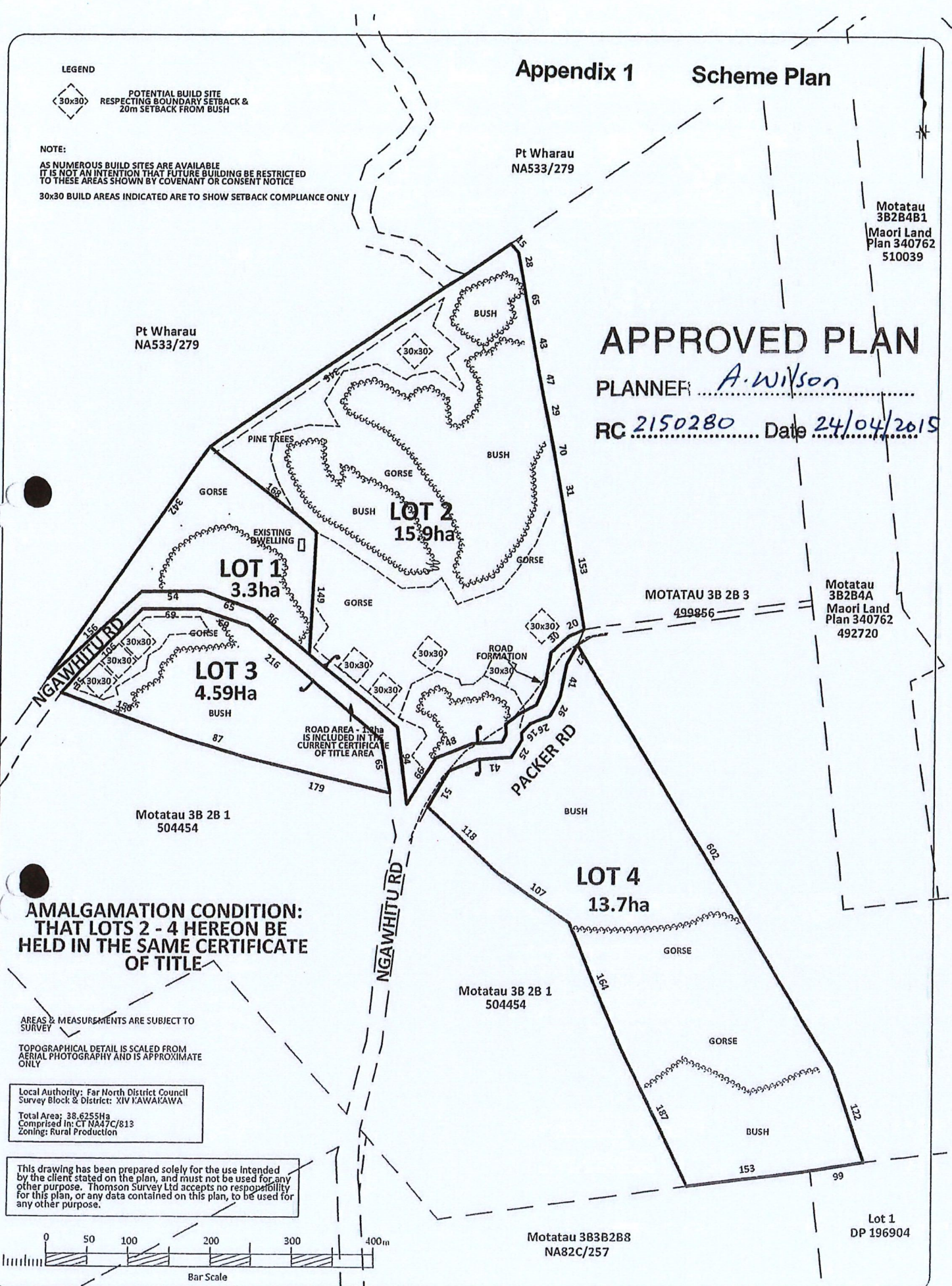
Motatau  
3B2B4B1  
Maori Land  
Plan 340762  
510039

Pt Wharau  
NA533/279

APPROVED PLAN

PLANNER: *A. Wilson*

RC *2150280* Date *24/04/2015*



**AMALGAMATION CONDITION:**  
THAT LOTS 2 - 4 HEREON BE  
HELD IN THE SAME CERTIFICATE  
OF TITLE

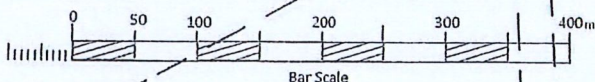
AREAS & MEASUREMENTS ARE SUBJECT TO  
SURVEY

TOPOGRAPHICAL DETAIL IS SCALED FROM  
AERIAL PHOTOGRAPHY AND IS APPROXIMATE  
ONLY

Local Authority: Far North District Council  
Survey Block & District: XIV KAWAKAWA

Total Area: 38.6255ha  
Comprised In: CT NA47C/813  
Zoning: Rural Production

This drawing has been prepared solely for the use intended  
by the client stated on the plan, and must not be used for any  
other purpose. Thomson Survey Ltd accepts no responsibility  
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any other purpose.



**THOMSON**  
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315 Kerikeri Rd  
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Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF  
PART MOTATAU 3B2B2

PREPARED FOR: G & M OWEN

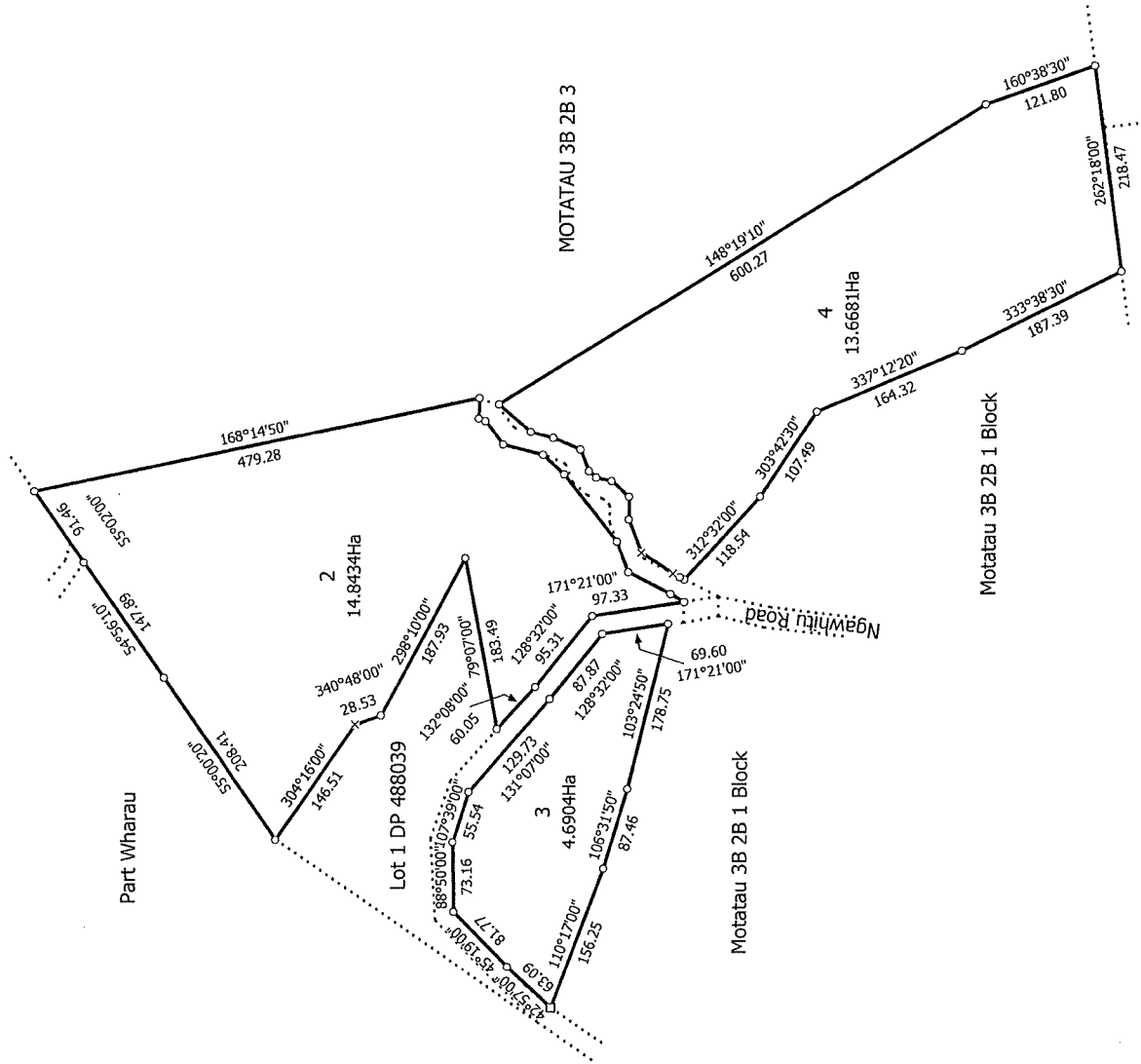
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Design	TS		SCALE SHEET SIZE
Drawn	TS	05-09-13	1:4000 A3
Approved	SL	27.03.15	
Rev	8521 SCHEME 2.lcd		

Surveyors  
Ref. No:  
8521  
Series  
Sheet of

REVISION: 27.03.2015 INDICATIVE BUILD SITES ADDED



Part Wharau Diag. A



T 1/3

Surveyor's Ref: 9005 McCaw

Lot 1 DP 196904

Motatau 3B2B8 Block

Land District: North Auckland  
Dataset Type: Parcels without Survey Information  
**Digitally Generated Plan**  
Generated on: 05/07/2018 09:37am Page 2 of 4

Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Title Plan  
LT 512163  
Approved on: 5/07/2018

## **Appendix 5**

### TA & LINZ Approvals

# TA Approvals

<b>Territorial Authority</b>	Far North District Council TA Certification Division	<b>TA Reference</b>	RC 2170103
<b>Survey Number</b>	LT 512163	<b>Survey Purpose</b>	LT Subdivision
<b>Surveyor Reference</b>	9005 McCaw	<b>Land District</b>	North Auckland
<b>Surveyor</b>	Denis McGregor Thomson		
<b>Surveyor Firm</b>	Thomson Survey Limited		
<b>Dataset Description</b>	Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039		

## TA Certificates

I hereby certify that plan LT 512163 was approved by the Far North District pursuant to section 223 of the Resource Management Act 1991 on the 26th day of January 2018. ☒

The approval of the Council under Section 223 of the Resource Management Act 1991 is subject to the amalgamation condition(s) set out hereon ☒

That Lots 3 & 4 Hereon be held in the same Computer Register. See 1394043 ☒

## Signature

Signed by Patrick John Killalea, Authorised Officer, on 26/01/2018 04:55 PM

## Receipt Information

**Transaction Receipt Number** 11363389  
**Signing Certificate (Distinguished Name)** Killalea, Patrick John  
**Signing Certificate (Serial Number)** 1292560688  
**Signature Date** 26/01/2018

\*\*\* End of Report \*\*\*





# TA Approvals

<b>Territorial Authority</b>	Far North District Council TA Certification Division	<b>TA Reference</b>	RC 2170103
<b>Survey Number</b>	LT 512163	<b>Survey Purpose</b>	LT Subdivision
<b>Surveyor Reference</b>	9005 McCaw	<b>Land District</b>	North Auckland
<b>Surveyor</b>	Denis McGregor Thomson		
<b>Surveyor Firm</b>	Thomson Survey Limited		
<b>Dataset Description</b>	Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039		

## TA Certificates

Pursuant to Section 224(c) Resource Management Act 1991 I hereby certify that all the conditions of the subdivision consent have been complied with to the satisfaction of the Far North District Council TA Certification Division. Dated this 2nd day of March 2018.



## Signature

Signed by Amanda Jane Wilson, Authorised Officer, on 02/03/2018 03:15 PM

## Receipt Information

<b>Transaction Receipt Number</b>	11440739
<b>Signing Certificate (Distinguished Name)</b>	Wilson, Amanda Jane
<b>Signing Certificate (Serial Number)</b>	1292577399
<b>Signature Date</b>	02/03/2018

\*\*\* End of Report \*\*\*



# Title Plan - LT 512163

---

**Survey Number** LT 512163  
**Surveyor Reference** 9005 McCaw  
**Surveyor** Denis McGregor Thomson  
**Survey Firm** Thomson Survey Limited  
**Surveyor Declaration** I Denis McGregor Thomson, being a licensed cadastral surveyor, certify that:  
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and  
(b) the survey was undertaken by me or under my personal direction.  
Declared on 25 Jun 2018 02:34 PM

---

## Survey Details

**Dataset Description** Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039  
**Status** Approved as to Survey  
**Land District** North Auckland  
**Submitted Date** 25/06/2018  
**Survey Class** Class B  
**Survey Approval Date** 05/07/2018  
**Deposit Date**

---

## Territorial Authorities

Far North District

---

## Comprised In

CT 699173

---

## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 2 Deposited Plan 512163	Fee Simple Title	14.8434 Ha	788036
Lot 3 Deposited Plan 512163	Fee Simple Title	4.6904 Ha	788037
Lot 4 Deposited Plan 512163	Fee Simple Title	13.6681 Ha	788037
<b>Total Area</b>		33.2019 Ha	

---



Part Wharau Diag. A

Part Wharau

2  
14.8434Ha

Lot 1 DP 488039

MOTATAU 3B 2B 3

Motatau 3B 2B 1 Block

4  
13.6681Ha

Motatau 3B 2B 1 Block

Motatau 3B 2B 1 Block

Lot 1 DP 488039

Lot 1 DP 196904

Surveyor's Ref: 9005 McCaw

T 1/3

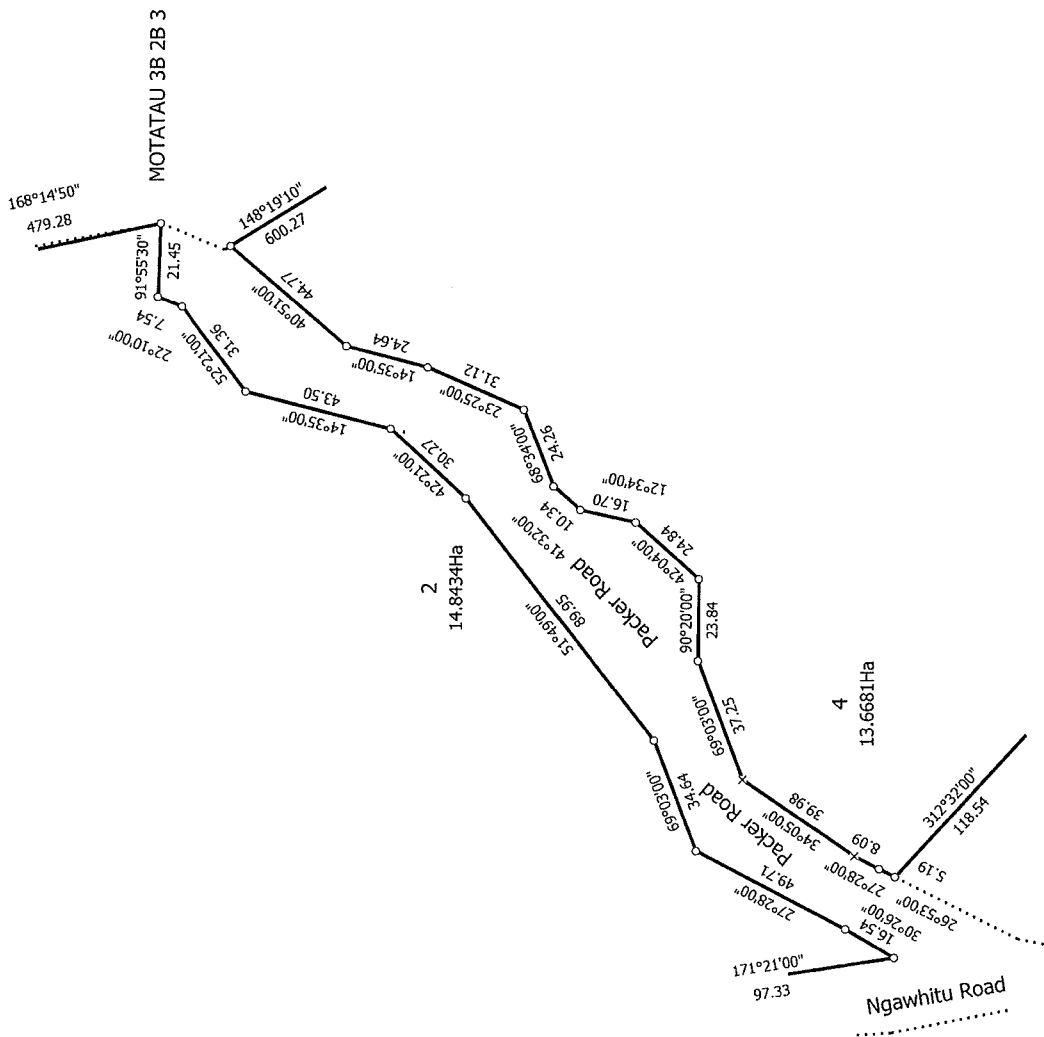
Land District: North Auckland  
Dataset Type: Parcels without Survey Information  
Digitally Generated Plan  
Generated on: 05/07/2018 09:37am Page 2 of 4

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Title Plan  
LT 512163  
Approved on: 5/07/2018



Diag. BB



Surveyor's Ref: 9005 McCaw

T 2/3

Lots 2, 3 & 4 being a Subdivision of Lots 2, 3 & 4 DP 488039

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Title Plan  
LT 512163  
Approved on: 5/07/2018

## **Appendix 6**

TP 58 (provided for historic consent applications)

# **PRODUCER STATEMENT**

## **DESIGN: ON-SITE EFFLUENT DISPOSAL SYSTEMS (TP: 58)**

**APPLICANTS NAME: Mary & George Owens**  
**ADDRESS: part Motatau 3B2B2**

**Consent application for subdivision, & existing & future  
wastewater disposal systems for proposed subdivision of  
part Motatau 3B2B2**

**ISSUED BY GERRY WHITE**  
**BOI PLUMBING & DRAINAGE LTD**  
**REGISTERED DRAINLAYER NO: 14631**  
**6/04/2015**



## **PRODUCER STATEMENT**

### **DESIGN: ON-SITE EFFLUENT DISPOSAL DESIGN SYSTEMS (Tp58)**

TO: F.N.D.C.  
6/04/2015

EXISTING WASTEWATER SYSTEM EVALUATION FOR CONSENT APPLICATION

OWNER: Mary & George Owens

PROPERTY ADDRESS: 240 Ngawhitu Road, Otiria. Moerewa  
PROPERTY I.D: Part Motatau 3B2B2

To whom it may concern,

Our company has conducted a site and soil evaluation at the above property on the 27<sup>th</sup> of March 2015 to evaluate the soil type and available ground percolation for future onsite wastewater disposal systems: and also identify the exact location of the existing dwelling disposal system on proposed Lot one and the condition of this system, including available future reserve area for disposal within the proposed boundary.

The soil type physiographically mapped in this area on soil map NZMS 290 sheet PO4 + PO5, is deemed to be "Aponga Clay Loam" with imperfectly to poorly drained soil types. The existing dwelling on lot one has a standard anaerobic septic tank with an infiltrative deep soakage pit, approximately 20 metres in length.

This system is located close to the proposed Northern boundary but is within the required 1.5 metre set back from this boundary.

There is 100 % reserve area available for future household wastewater disposal, however this may require a retro fit secondary wastewater system upgrade for the existing system if the ground soil type cannot adequately support a standard gravity disposal trench, when a future B/C consent is applied for, when the existing system does eventually fail.

At present the existing wastewater system appears to be adequately disposing of generated household wastewater with no visual sign of any effluent leaching above ground surface.

I have drawn the approximate location of this existing system on the proposed subdivision scheme plan. The balance of remaining land 'amalgamation condition lots 2-3 & 4 real-estate, has plenty of options for future location of buildings as shown on the proposed plan. These sites will most likely require secondary wastewater disposal with final application to ground via trickle dripline irrigation fields.

A full TP58 wastewater design will need to be compiled when future building consent is applied for at which stage the suitable design can be implemented to suit the size and occupancy of the proposed dwelling.

ISSUED BY: GERRY WHITE (approved qualified design professional)  
REGISTERED DRAINLAYER NO: 14631  
DATE: 24/07/2014

TO BE SUPPLIED TO: Far North District Council.

As an independent approved design professional covered by a current policy of Professional indemnity insurance (Design) to a minimum value of \$200,000.00 I BELIEVE ON REASONABLE GROUNDS that subject to:

1. The Site verification of the soil types
2. All proprietary products met the performance requirements.

The proposed design will meet the relevant provisions for the Building code and 8.15 of the Far North District Council Engineering standards.



*G.C. White*

Signature of approved professional

GERRY WHITE BOI PLUMBING & DRAINAGE LTD  
REGISTERED DRAINLAYER (PROFESSIONAL QUALIFICATION)

No: 14631

Address:

Licence number professional Registration number  
482 PUKETOTARA ROAD  
PO BOX 878 KERIKERI  
09-407-8591  
021716681  
office@boidrainage.co.nz

TO PROVIDE: Design an onsite effluent disposal system in accordance with Technical paper 58 and provide a schedule to the owner for the systems maintenance.

THE DESIGN: Has been in accordance with G13(foulwater) G14 (industrial Liquid Waste) B2(durability 15 years) of the Building regulations 1992.

Pt Wharau  
NA533/279

Motatau  
38284B1  
Maori Land  
Plan 340762  
510039

Pt Wharau  
NA533/279

**LOT 2**  
15.9ha

**LOT 1**  
3.3ha

**LOT 3**  
4.59Ha

MOTATAU 38 28 3  
499856

Motatau  
38284A  
Maori Land  
Plan 340762  
492720

Motatau 38 28 1  
504454

**LOT 4**  
13.7ha

Motatau 38 28 1  
504454

Motatau 3838288  
NA82C/257

Lot 1  
DP 196904

**MALGAMATION CONDITION:**  
THAT LOTS 2 - 4 HEREON BE  
HELD IN THE SAME CERTIFICATE  
OF TITLE

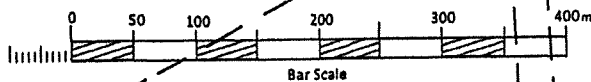
AREAS & MEASUREMENTS ARE SUBJECT TO  
SURVEY

TOPOGRAPHICAL DETAIL IS SCALED FROM  
AERIAL PHOTOGRAPHY AND IS APPROXIMATE  
ONLY

Local Authority: Far North District Council  
Survey Block & District: XIV KAWAKAWA

Total Area: 38,6255Ha  
Comprised in: CT NA47C/813  
Zoning: Rural Production

This drawing has been prepared solely for the use intended  
by the client stated on the plan, and must not be used for any  
other purpose. Thomson Survey Ltd accepts no responsibility  
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Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF  
PART MOTATAU 382B2**

PREPARED FOR: G & M OWEN

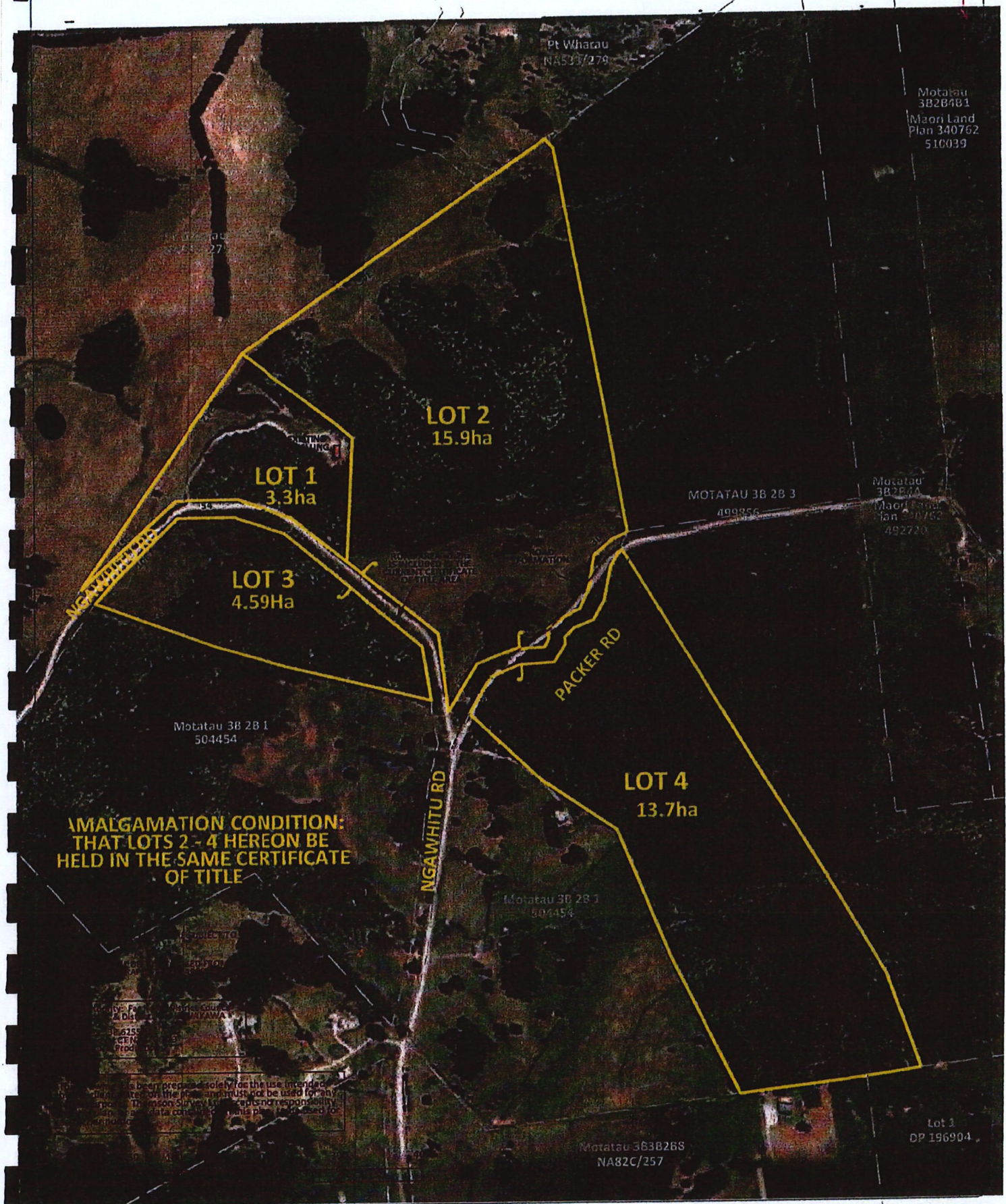
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Design	TS	SHEET
Drawn	TS	05-09-13
Approved		1:4000
Rev		A3
8521 130905 Scheme.lcd		

Surveyors  
Ref. No:  
**8521**

Series  
Sheet of



Appendix 1 page 2



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Ph: (09) 4077360 Fax (09) 4077322

**Registered Land Surveyors, Planners & Land Development Consultants**

**PROPOSED SUBDIVISION OF  
PART MOTATAU 3B2B2**

PREPARED FOR: G & M OWEN

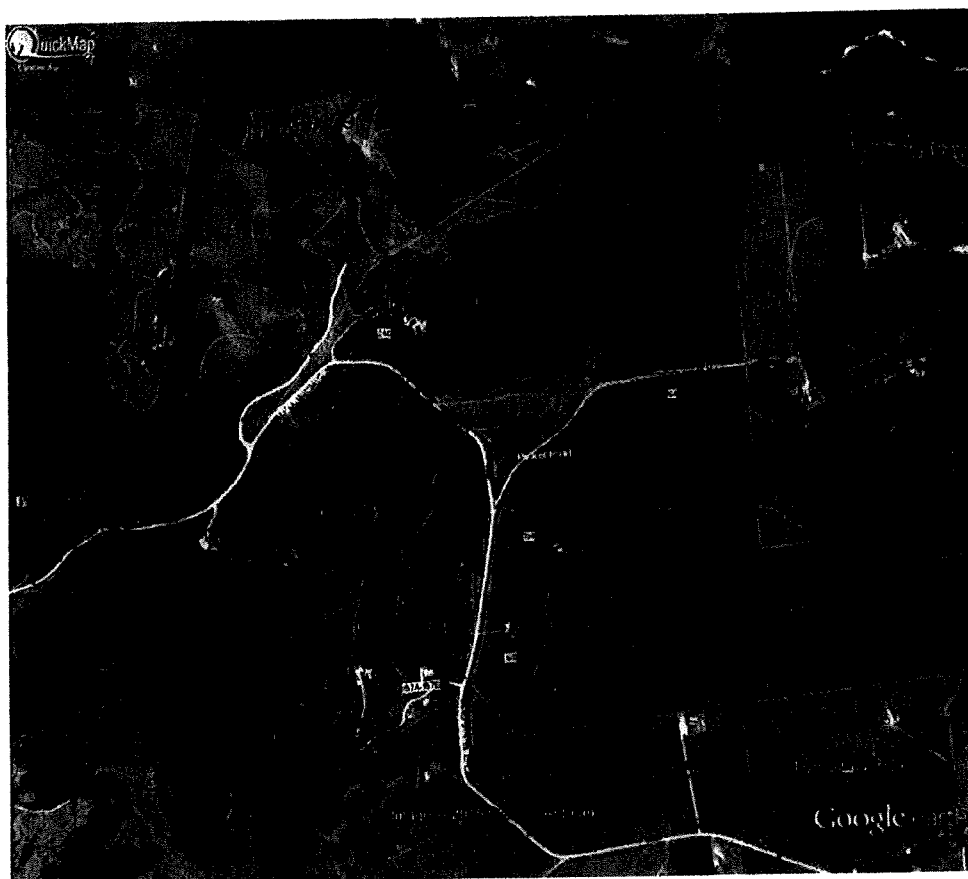
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Survey	TS		SCALE	SHEET SIZE
Design				
Drawn	TS	05-09-13		
Approved				
Rev			1:4000	A3
8521 130905 Scheme Icd				

Surveyors  
Ref. No:

Ref. No:  
8521

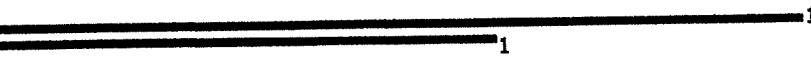
Series  
Sheet of





Google earth

miles  
km



LEGEND

30x30 POTENTIAL BUILD SITE  
RESPECTING BOUNDARY SETBACK &  
20m SETBACK FROM BUSH

NOTE:

AS NUMEROUS BUILD SITES ARE AVAILABLE  
IT IS NOT AN INTENTION THAT FUTURE BUILDING BE RESTRICTED  
TO THESE AREAS SHOWN BY COVENANT OR CONSENT NOTICE  
30x30 BUILD AREAS INDICATED ARE TO SHOW SETBACK COMPLIANCE ONLY

Pt Wharau  
NA533/279

Motatau  
3B2B4B1  
Maori Land  
Plan 340762  
510039

Pt Wharau  
NA533/279

Disposal Trench - Approx Location  
2mtrs Inside Boundary

Septic Tank  
Approx Location

Potential House Sites

LOT 2  
15.9ha

LOT 1  
3.3ha

LOT 3  
4.59Ha

MOTATAU 3B 2B 3  
499856

Motatau  
3B2B4A  
Maori Land  
Plan 340762  
492720

Motatau 3B 2B 1  
504454

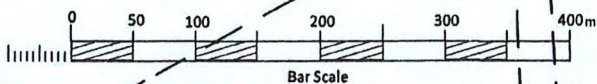
AMALGAMATION CONDITION:  
THAT LOTS 2 - 4 HEREON BE  
HELD IN THE SAME CERTIFICATE  
OF TITLE

AREAS & MEASUREMENTS ARE SUBJECT TO  
SURVEY

TOPOGRAPHICAL DETAIL IS SCALED FROM  
AERIAL PHOTOGRAPHY AND IS APPROXIMATE  
ONLY

Local Authority: Far North District Council  
Survey Block & District: XIV KAWAKAWA  
Total Area: 38.6255Ha  
Comprised In: CT NA4 7C/813  
Zoning: Rural Production

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Motatau 3B 2B 1  
504454

LOT 4  
13.7ha

Motatau 3B3B2B8  
NA82C/257

Lot 1  
DP 196904

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PROPOSED SUBDIVISION OF  
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PREPARED FOR: G & M OWEN

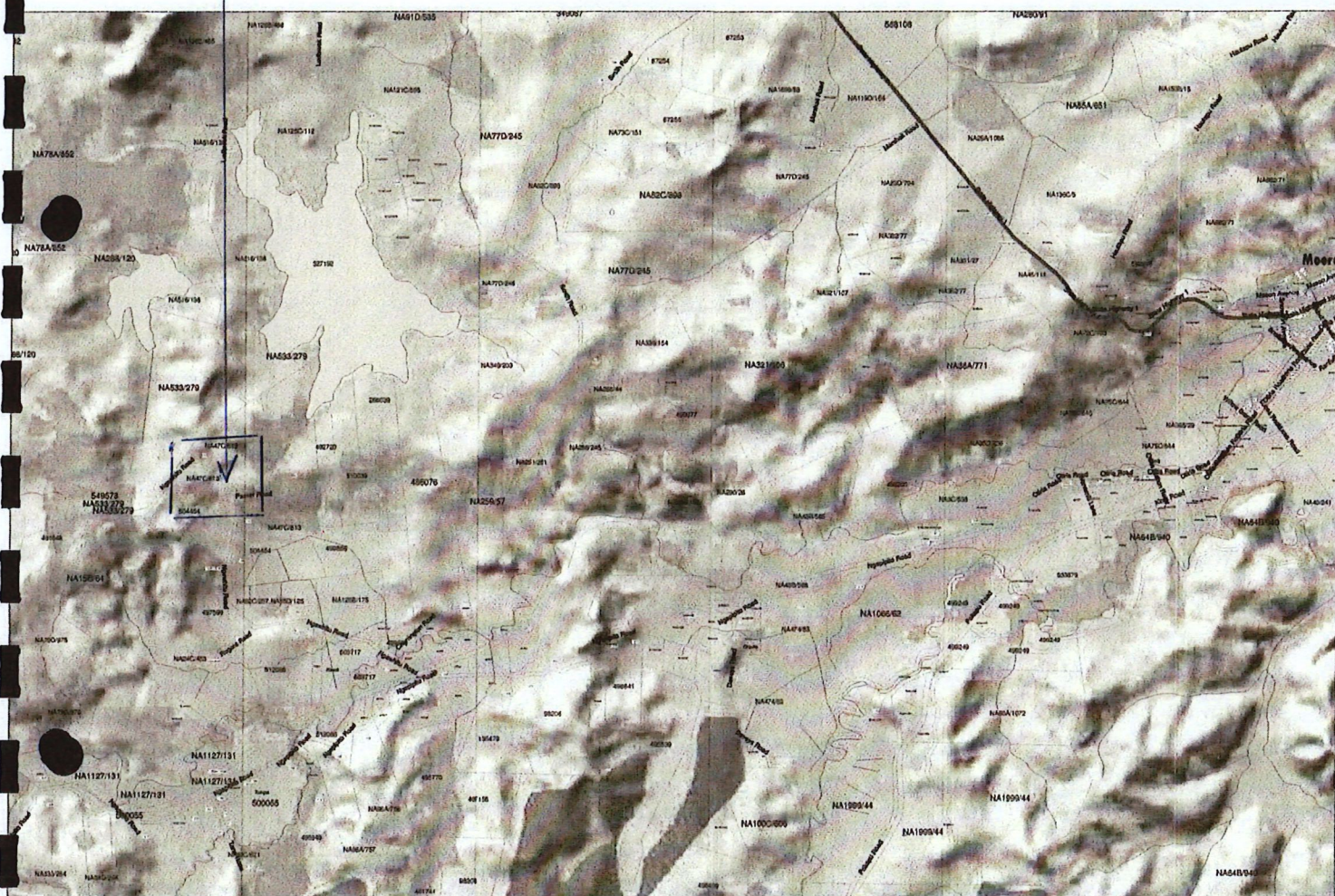
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Drawn	TS	05-09-13
Approved	SL	27.03.15
Rev	SL	27.03.15
8521 SCHEME 2.lcd		
1:4000	A3	SHEET SIZE

Surveyors  
Ref. No:  
**8521**  
Series  
Sheet of

REVISION: 27.03.2015 INDICATIVE BUILD SITES ADDED



## Site Location



**QuickMap**  
Custom Software Ltd

0 250 500 750 1000 1250 1500 1750 2000 2250 2500m

Any person wishing to rely on the information shown on this map must independently verify the information

Scale 1:20000 Topographical and Cadastral map derived from LNZ data. Printed: 27/03/2015 10:31.



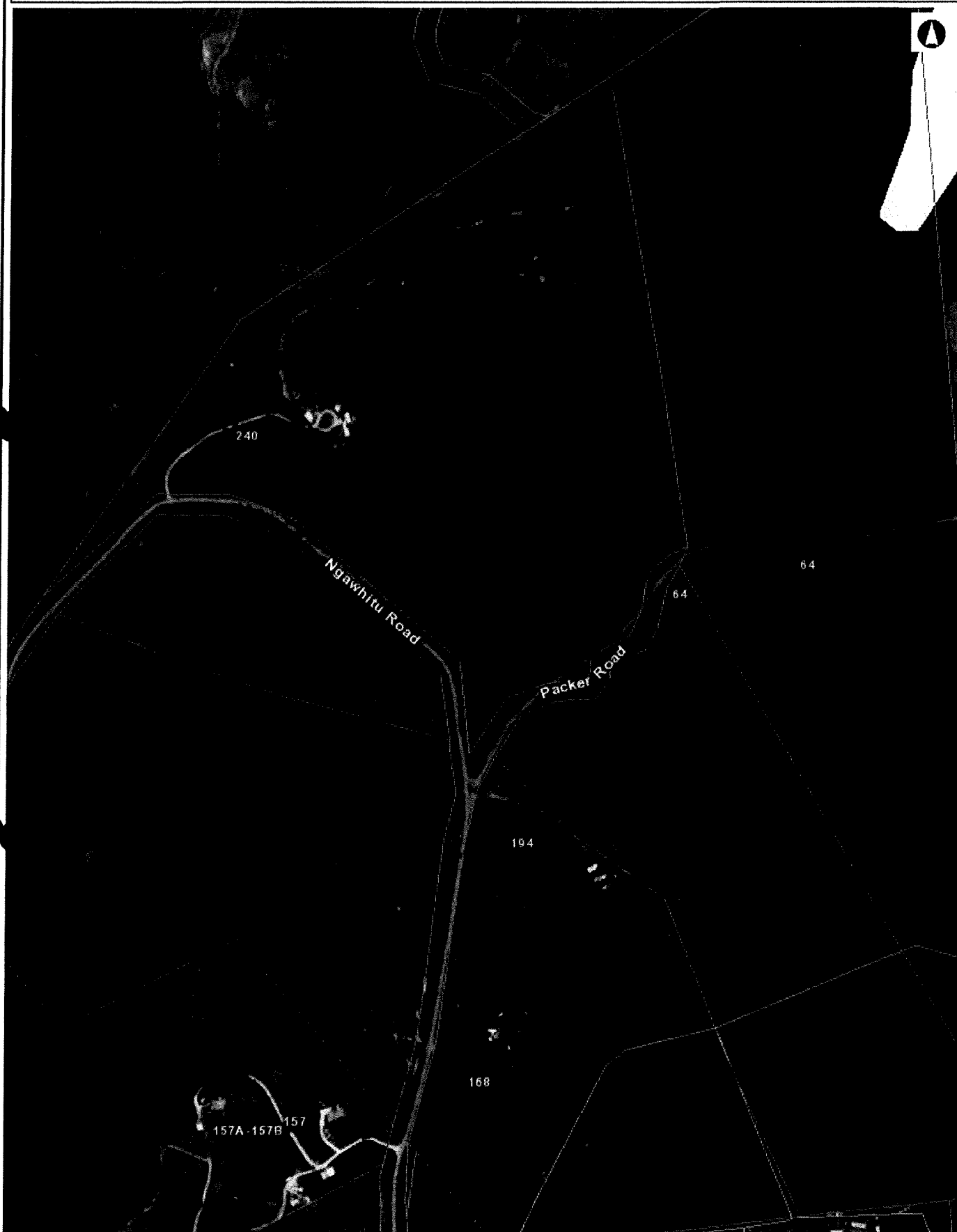
Google earth

feet  
meters



# Owen Far North Maps

Date Printed: 27-March-2015



SCALE 1: 5,000

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Meters

Projection: NZGD\_2000\_New\_Zealand\_Transverse\_Mercator

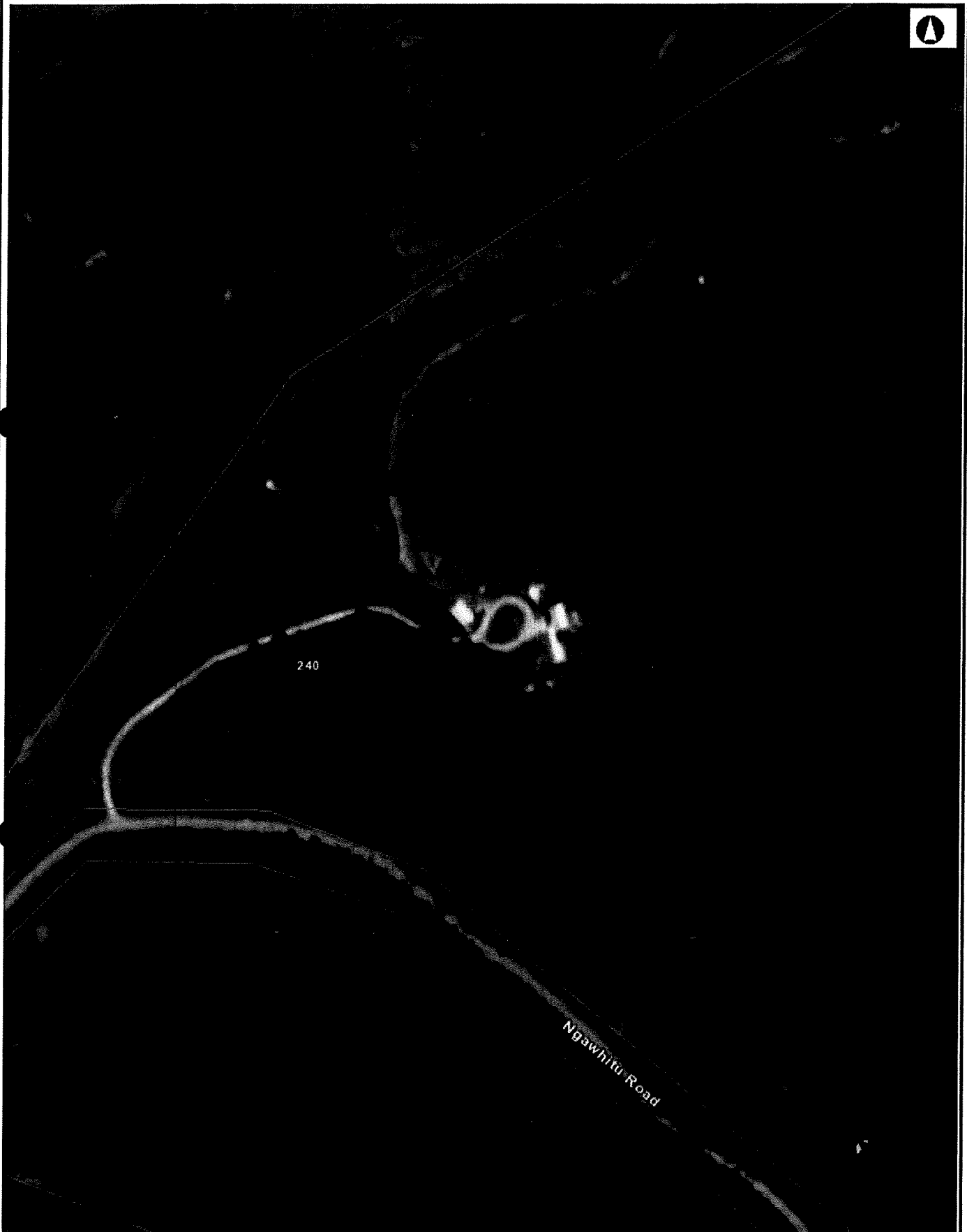
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 **FAR NORTH  
MAPS**



# Property Map

Date Printed: 27-March-2015



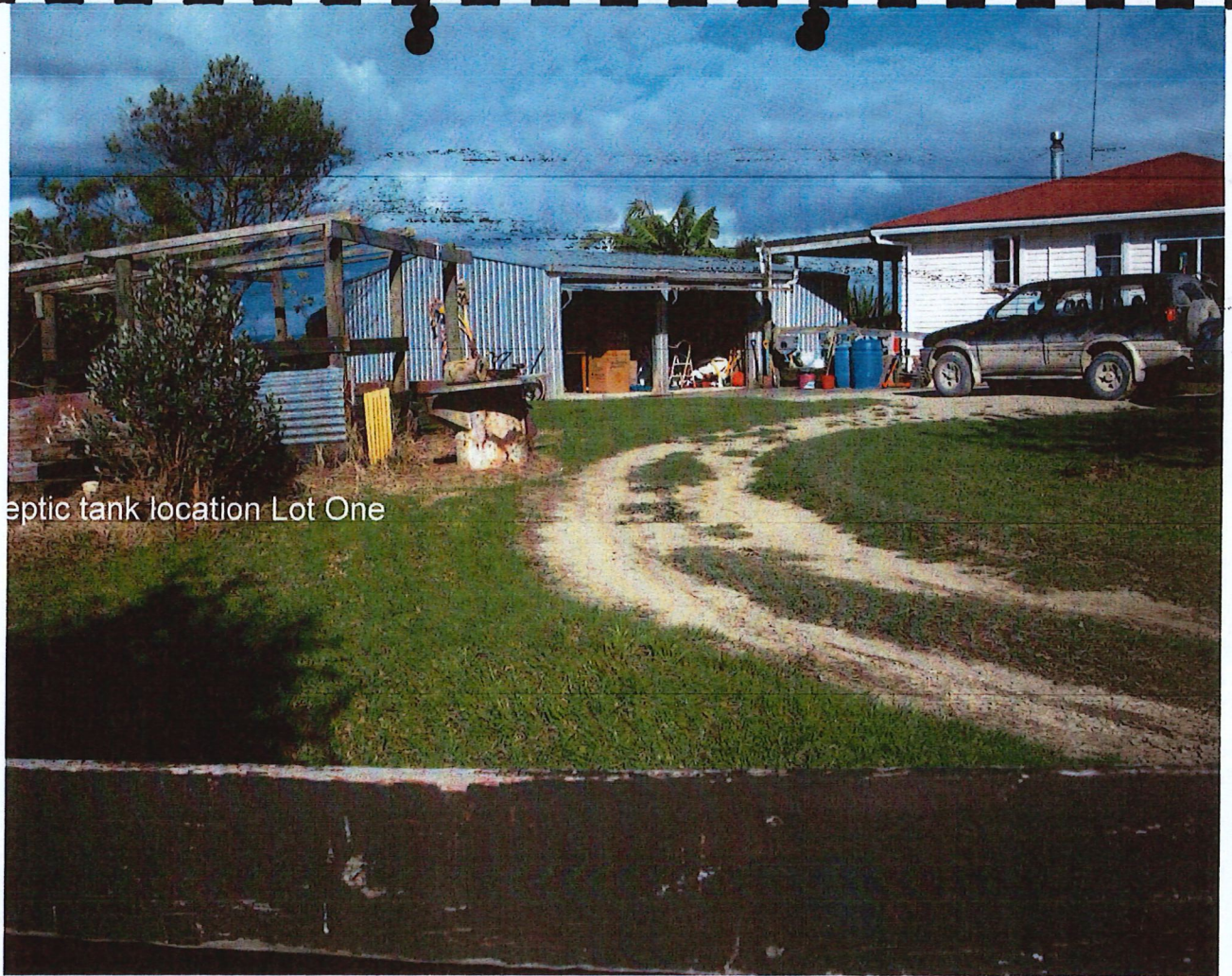
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 **FAR NORTH  
MAPS**



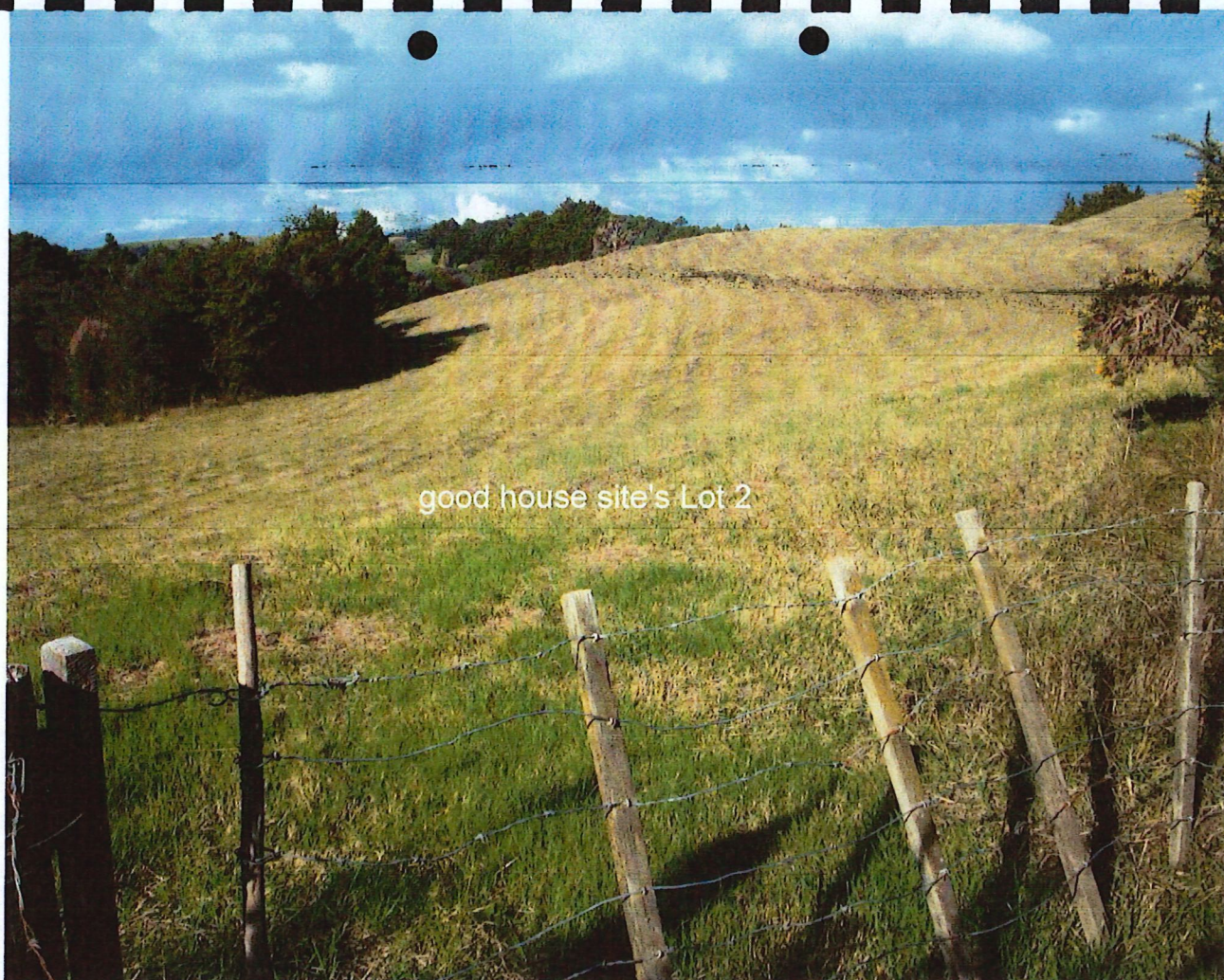
septic tank location Lot One



soakage trench location Lot One







good house site's Lot 2







