



Office Use Only Application Number:

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 Form 9)

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):

- Land Use
- Fast Track Land Use*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) Objection to conditions (Section 357)

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes / **No**

4. Applicant Details:

Name/s: Stephen Purvis

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: (or alternative method of service under section 352 of the Act)



5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Reyburn & Bryant ATTN: Louis Le Grange

Electronic Address for Service (E-mail): thomas@reyburnandbryant.co.nz

Phone Numbers: Work: 094383563 Home: _____

Postal Address: PO Box 191, Whangarei
(or alternative method of service under section 352 of the Act)

Post Code: 0140

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

6. 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: Ngarua Faming Limited

Property Address/
Location _____

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: _____

114 Russek Road, Hukerenui

Legal Description: Lot 4 2220642-RMASUB Val Number: _____

Certificate of Title: N/A titles have yet to be issued, underlying title reference is 981613
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.**

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Undertake a three-lot subdivision of the subject site located at 114 Russek Road, Hukerenui.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification

Yes/**No**

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

- Building Consent (BC ref # if known) Regional Council Consent (ref # if known)
- National Environmental Standard consent Other (please specify)

11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

- Subdividing land Changing the use of a piece of land
- Disturbing, removing or sampling soil Removing or replacing a fuel storage system

12. 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.

Please attach your AEE to this application.

13. 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 all names in full) Same as applicant

Email: _____


Postal Address: _____


_____ Post Code: _____

Phone Numbers: Work: _____ Home: _____ Fax: _____

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 guaranteeing to pay all the above costs in my/our personal capacity.

Name:  (please print)

Signature:  (signature of bill payer – **mandatory**) Date: 15/11/2023

14. 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.fndc.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.

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

Name  (please print)

Signature  (signature)

Date: 15/11/2023

(A signature is not required if the application is 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)
- 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.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Subdivision consent application

STEPHEN PURVIS

114 Russek Road, Hukerenui

A topographic map with contour lines and a grid, rendered in light gray on a dark background, occupies the bottom half of the page.

**reyburn
& bryant**

PLANNERS • SURVEYORS

Subdivision consent application

STEPHEN PURVIS

114 Russek Road, Hukerenui

Report prepared for: Stephen Purvis
Author: Louis Le Grange, Planner
Reviewed by: Thomas Keogh, Senior Planner
Consent authority: Far North District Council
Report reference: 17786
Report status: Final
Date: November 2023

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FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Far North District Council,
Private Bag 752,
Kaikohe 0440

1. **Stephen Purvis** applies for resource consent to undertake a three-lot subdivision of the subject site.
2. The location of the proposed activity is 114 Russek Road, Hukerenui.
3. Ngarua Farming Limited owns the site.
4. There are no other activities to which this application relates.
5. No resource consents are needed for the proposed activity not being applied for as part of this application.
6. We attach an assessment of the effects on the environment:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) Includes such detail as corresponds with the scale and significance of the activity's environmental effects.
7. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
8. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
9. No other information is required to be included in the district or regional plan(s) or regulations.



15 November 2023

Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangārei

Telephone:

(09) 438 3563

Email:

louis@reyburnandbryant.co.nz

Contact person:

Louis Le Grange

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1. Subdivision scheme plan
2. Records of title and memorials

ABBREVIATIONS

AEE	Assessment of Environmental Effects
EES	Environmental Engineering Standards
FNDC	Far North District Council
FNDC	Far North District Plan
FNDC	Far North District Plan
FNDC	Far North Proposed District Plan
NES-SC	National Environmental Standard – Soil Contamination
PNAP	Protected Natural Areas Programme
RFHZ	River Flood Hazard Zone
RMA	Resource Management Act, 1991
SH1	State-Highway 1

1. INTRODUCTION

1.1 Report basis

This report has been prepared for Stephen Purvis to support an application to undertake a three-lot subdivision of the subject site located at 114 Russek Road, Hukerenui.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule.

The report also includes an analysis of the relevant provisions of the district, regional and national planning documents pertinent to the assessment and decision-making required under s104 of the RMA.

1.2 Context – the Far North Proposed District Plan

The Far North District Council (FNDC) are currently progressing the Far North Proposed District Plan (FNPDP) through the relevant statutory process under the First Schedule of the RMA.

The PFNDP has been notified, and the further submission period closed in September 2023. The plan remains subject to commissioner recommendations, Council decisions, and appeals.

Given its limited progress through the relevant statutory process, most of the rules in the PFNDP do not have legal effect. However, several chapters contain rules that have immediate legal effect in accordance with s86B(3) of the RMA. The proposed subdivision does not require consent under any of the operative rules. The inoperative rules under which the proposal would require consent are identified, and an assessment in the context of the relevant objectives and policies is provided in section 6.2 of this report.

A weighting assessment between the operative and proposed plans is provided in section 6.3 of this report. It is concluded that more weight should be applied to the Operative Far North District Plan (OFNDP).

1.3 Proposal context and summary

This application seeks resource consent to undertake a three-lot subdivision, as shown on the scheme plan attached in **Appendix 1**.

The FNDC recently approved a subdivision application on the subject site. The resource consent is referenced as 2220642-RMASUB. This application seeks a further subdivision of the balance area (Lot 4 2220642-RMASUB) that will be created following the completion of this subdivision.

2220642-RMASUB is yet to be completed and hence, no new titles have been issued. Therefore, a condition of consent is proposed as part of this application requiring that the underlying subdivision is completed prior to this subdivision being implemented. This will alleviate any perceived issues with the subdivision of a site that is yet to be created.

The site is zoned 'Rural Production' (RPZ) and is identified as being partially flood-susceptible under the OFNDP. A portion of the site is also subject to the 'Protected Natural Area Programme' (PNAP).

While the proposal complies with the minimum net site area requirements for a restricted discretionary activity (12ha), the proposed access requirements do not comply with Rule 13.7.3.1 of the OFNP. The proposal therefore, requires resource consent as a **discretionary activity** under Rule 13.9 of the OFDNP.

1.4 Property details

Applicant	Stephen Purvis
Landowners	Ngarua Farming Limited
Site Location	114 Russek Road, Hukerenui
Legal descriptions	Lot 4 2220642-RMASUB
Record of title	N/A – titles have yet to be issued. The underlying title reference is 981613
Site area	68.4595 ha (area following completion of 2220642-RMASUB)
Operative District Plan	Far North District Plan
Zone	Rural Production Zone
Notations	Flood Susceptible (partial)
Proposed District Plan	Far North Proposed District Plan
Zone	Rural Production Zone
Notations	River Flood Hazard Zone (10 and 100 years) - part

Table 1: Property details.

1.5 Relevant title memorials

The only memorial registered on the underlying title (RT 981613) is consent notice 12035485.4. This consent notice restricts the removal of indigenous vegetation within the PNAP area identified on the site. This consent notice

condition is anticipated to fall onto the titles of the lots created by this subdivision.

2220642-RMASUB will also facilitate the registration of 7 new consent notice conditions on the title for the subject site. The wording of the conditions is outlined below.

- In conjunction with the construction of any dwelling, the consent holder is to provide a formed single-width entrance to the Lot which complies with the Council's Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004. Where required, an adequately sized culvert (minimum diameter 300mm) is to be installed under each new crossing with grouted rock headwalls on both ends. Note that a Traffic Management Plan (TMP) will need to be approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.
- In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. An alternative means of compliance with this standard will require written approval from Fire and Emergency New Zealand.
- In conjunction with any building on the Lot, the lot owner shall submit for the approval of Council a report prepared by a suitably qualified chartered professional engineer, detailing the onsite retention and flow attenuation of stormwater from the site such that the flow is limited to the predevelopment level for rainfall events up to those with a 2% AEP.
- At the time of lodging an application for building consent for any building on the Lot, which requires a wastewater treatment & 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 reference the wastewater disposal report titled: Stormwater Assessment Report, prepared by RS Eng, referenced job no: 18039 and dated 3 March 2022, and submitted with RC2220642-RMASUB. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the

treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

- Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the Lot. The lot owner is responsible for the provision of a power supply to operate the onsite aerobic wastewater treatment plant and any other device which requires electrical power to operate.
- All buildings will require foundations specifically designed by a Chartered Professional Engineer with design parameters specified by a suitably qualified Geotechnical engineer, in accordance with the recommendations made within the Subdivision Assessment by RS Eng Ltd, refer 18039, dt 3 March 2022. The foundation design details shall be submitted in conjunction with the Building Consent application.
- The site is identified as being within a Kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

Some of these conditions will not be relevant to the lots proposed as part of this application. It is therefore requested that FNDC include a resolution pursuant to s221(3) of the RMA, allowing this consent notice to be cancelled. New consent notice conditions are proposed as part of this application specific to the proposed lots.

RT 981613, consent notice 12035485.4, and 2220642-RMASUB are attached in **Appendix 2.**

1.6 Other approvals required

Cancellation of consent notice (s221(3)(4(a))

As outlined above, some of the consent notice conditions that will be registered on the subject site as part of 2220642-RMASUB will not be relevant to all the proposed lots. It is therefore proposed that the consent notice is cancelled. New consent notice conditions that are specific to the proposed lots are proposed.

1.7 Processing request

Before deciding on this consent, please forward the draft conditions for review and comment.

1.8 Statutory context

Section 104B of the RMA sets out specific requirements for the determination of discretionary activities.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering an application for resource consent.

104 Consideration of applications

(1) When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of—*

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

This report focuses on the relevant matters in s104(1) and 104B, and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The relevant provisions of the OFNDP and FNPDP (s104(1)(b)(vi)).
- The relevant provisions of the NES-SC (s104(1)(b)(i)).

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 The site

Location

The subject site is located on the southern side and extends beyond the termination point of Russek Road, Hukerenui. A location map is provided in **Figure 1** below:



Figure 1: Location (Source: FNDP GIS maps)

Built development

The subject site is vacant.

Access

The site is accessed from Russek Road via an existing farm crossing.

Topography

The site has a varying topography, although a general slope falls down towards a stream that defines the southwestern property boundary.

Vegetation and ground cover

The subject site is primarily in pasture with pockets of native bush¹ and the Ngaruawahine stream running along the site's western boundary. There is also riparian vegetation along the edge of the stream noted above.

Soil composition

The Land Use Capabilities (LUC) database identifies the site as containing Class 4 and 6 soils. An extract from the soil classification maps pertaining to the site is provided in **Figure 2** below.

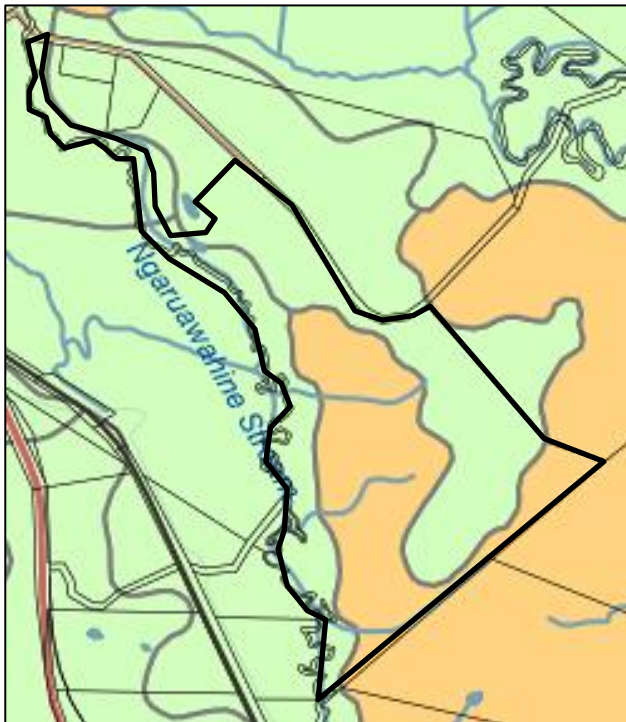


Figure 2: NZLRI soil classification map (Source: LRIS Portal)

2.2 The surrounding environment

The surrounding environment displays a generally rural character. This is facilitated by a range of large land holdings utilised for productive rural activities. The productive nature of the land use activities has also resulted in a general lack of significant vegetation, with large areas cleared to facilitate the agricultural use of the land.

While there is also a relatively low density of residential development, a range of rural residential lots are scattered throughout the surrounding area. These also contribute to the amenity and character values.

¹ Subject to PNAP protection areas.

3. THE PROPOSAL

3.1 General

The proposal is to undertake a three-lot subdivision on the subject site, creating three relatively large rural lots sized between 19 ha and 26 ha.

The proposed lot configuration is shown on the scheme plan and is summarised as follows:

Lot number	Area	Comments
Lot 1	20.1636ha (19.1675ha)	Vacant rural Lot
Lot 2	21.34856ha (21.1709ha)	Vacant rural Lot
Lot 3	26.9474ha	Vacant rural Lot

Table 2: Proposed allotment configuration

The areas shown above are approximate and are subject to the final survey.

3.2 Building sites

Lots 1-3 contain multiple suitable building sites that are not subject to any resource areas identified by KDC planning maps or the hazards identified on the KDC GIS. As such, the site contains various areas suitable to accommodate the construction of a residential unit.

3.3 Water supply

There is no reticulated water supply near the proposed subdivision.

There are no dwellings on the subject site. Any future dwellings on the proposed lots will utilise water tanks for potable water supply. A consent notice condition is also proposed, requiring that a suitable firefighting water supply is provided when the sites are developed.

3.4 Wastewater and stormwater management

There are no reticulated waste and stormwater connections available near the site. Wastewater and stormwater will be managed onsite per KDC ESS 2011 standards at the building consent stage.

3.5 Access arrangements

It is proposed to construct a new vehicle crossing from Russek Road to provide access to proposed lots 1-3. The vehicle crossing will facilitate access to two right-of-way easements. The easements are shown as A and B on the subdivision scheme plan. Easement A will be over Lot 1 in favour of lots 2 and 3, and easement B will be over Lot 2 in favour of Lot 3.

The two rights of way will be created over an existing internal accessway. Given the high standard of the existing accessway, no changes are proposed as part of this application. Specifically, it is proposed to retain the existing surfacing of the accessway. The softer rock currently utilised is suitable for this rural environment as it allows cattle to walk across the accessway. If the accessway were re-surfaced, this would facilitate damage to the hooves of the cattle.

Acknowledging that the rights of way will not comply with some of the requirements from the OFNDP, it is proposed to register a consent notice condition on the title of each of the proposed lots that alert future owners to this fact. This will ensure that they are explicitly aware of the standard of the accessway and that Council do not receive any complaints.

3.6 Electricity and telecommunications

Given that each of the proposed lots will form a large rural block, it is not proposed to provide electricity connections as part of the proposed subdivision. The future landowners will be able to establish a connection in consultation with Top Energy if they require it. A consent notice condition can be registered to this effect.

3.7 Consent notice cancellation

As section 1.5 of this report outlines, 2220642-RMASUB requires the registration of several consent notice conditions. Some of those conditions will not be relevant to all the proposed lots. It is therefore requested that the consent be cancelled, noting that it is proposed that a condition require that 2220642-RMASUB is completed prior to the proposed subdivision proceeding. The following specific conditions are proposed to replace those being cancelled.

1. Upon construction of any habitable dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of a tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting

Water Supply Code of Practice SNZ PAS 4509. An alternative means of compliance with this standard will require written approval from Fire and Emergency New Zealand.

2. At the time of lodging an application for building consent for any building on the Lot which requires a wastewater treatment & 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 wastewater treatment method for the proposed development, an identified effluent disposal area, and a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.
3. Electricity supply is not a condition of this consent, and power has not been reticulated to the boundary of the Lot. The lot owner is responsible for providing a power supply to operate the onsite aerobic wastewater treatment plant and any other device that requires electrical power to operate.
4. All buildings will require foundations specifically designed by a Chartered Professional Engineer with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.
5. The site is identified as being within a Kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

4. RULE ASSESSMENT AND ACTIVITY STATUS

4.1 Operative Far North District Plan

Zoning and overlays

The site is located in the Rural Production Zone and is partially identified as flood susceptible under the OFNDP.

Rule assessment and activity status

- Rule 13.9' Discretionary (subdivision) activities' – **discretionary activity**. While the proposal complies with the minimum lot size of 12ha required for a restricted discretionary activity, the access arrangements do not comply with Rule 13.7.3.1. This is because it is proposed to retain the existing formation, meaning there will not be passing bays as required by Rule 15.1.6C.1.3 of the ODFNP.

4.2 Far North Proposed District Plan

Zoning and overlays

The site is located in the RPZ, while portions are identified as being subject to the River Flood Hazard Zone (10 and 100-year) overlays under the FNPDP.

There are no planning maps available with respect to the FNPDP.

Rule assessment and activity status

The proposal does not require resource consent under any of the operative rules from the FNPDP. The proposal, therefore, does not have an activity status under the FNPDP. An assessment of the proposal in the context of the inoperative rules is provided in section 6.2 of this report.

4.3 NES – Soil Contamination (NES-SC)

Based on the applicant's knowledge of the subject land, an analysis of aerial photography, and a review of the NRC 'selected land use sites' database, there is no evidence to suggest that the site has ever accommodated activity on the Hazardous Activities and Industries List (HAIL). Accordingly, the NES-SC is irrelevant to this application.

The FNDC HAIL site map is shown in **Figure 4** below. This is based on the NRC 'selected land use sites' database.



Figure 3: FNDP HAIL sites map (Source: FNDP GIS Maps)

4.4 Overall activity status

The subdivision is a **discretionary activity** under the OFNDP.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Existing environment

Section 104(1)(a) of the RMA requires considering the proposed activity's actual and potential effects on the receiving environment. The existing environment is described in section 2 of this report.

5.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan permits an activity with that effect. This is commonly referred to as the permitted baseline.

Under the OFNDP, the RPZ permits the construction of one residential unit per 12ha of net site area.

The subject site will have a total area of 68.4595ha after completing 2220642-RMASUB. The applicant could, therefore, construct a total of five residential units on the subject site as a permitted activity under the OFNDP.

This establishes the permitted baseline with respect to residential development on the subject site.

5.3 Rural character and amenity values

The proposed subdivision will maintain the amenity and character values associated with the site and surrounding environment. In this regard:

- Proposed lots 1-3 will be large rural lots. They are in complete alignment with both the productive rural intent of the OFNDP and the pattern of development associated with the surrounding environment.
- Less permitted residential units will be allowed on the subject site after the subdivision, which would decrease development rights from 5 to 4.

The above ensures that the associated adverse effects on the rural character and amenity values will be less than minor.

5.4 Landscape and natural values

The proposed subdivision will not facilitate the removal of any vegetation or facilitate any impacts on waterways. Furthermore, the proposal acknowledges the presence of the PNAP areas, with existing consent notice 12035485.4 requiring that no vegetation be removed from this area. The consent notice will pass down onto the new titles, ensuring the restriction applies to the

proposed lots where relevant. This will ensure that the natural values associated with the PNAP areas are maintained as part of the subdivision.

Regarding the above, any adverse effects on the landscape and natural values associated with the site and surrounding environment will be less than minor.

5.5 Rural production values

The proposal will create three large titles with areas between 19ha and 26ha. This will ensure that the titles can continue to be used for a variety of productive purposes in accordance with the intentions of the OFNDP.

Given the size, each title will only be able to accommodate one or two residential units as a permitted activity (a total of four residential units). This is less than the five residential units that could be constructed on the subject site as a permitted activity, as section 5.2 of this report outlines. Reducing the number of residential units that could be constructed as a permitted activity will reduce the potential adverse effects on rural production values.

Therefore, any adverse effects of the proposal on rural production values will be less than minor.

5.6 Access arrangements

It is proposed to construct a complying vehicle crossing as part of the subdivision works. This will ensure that safe and efficient access will be provided from Russek Road, noting that there are no other users beyond the subject site.

While the rights of way will not comply with some of the relevant requirements from the OFNDP, the existing formation is sufficient to facilitate safe and efficient access to the three proposed allotments. The easement width is proposed at 12m, ensuring sufficient room to facilitate the passing of vehicles and any widening should the future owners require.

Retaining the existing formation will also facilitate positive effects on cattle well-being, with the softer rock being suitable for cattle walking across it.

The proposed consent notice will also ensure that future owners are aware that the rights of way have not been constructed to comply with the relevant FNDC requirements.

Concerning the above, any adverse effects associated with the proposed access arrangements will be less than minor.

5.7 Servicing arrangements

Any future dwellings on proposed lots 1-3 will be provided with onsite servicing at the BC stage. Large areas of land are located outside of any natural hazards on each of the proposed lots that are suitable to accommodate these arrangements. Therefore, the servicing effects of the proposed subdivision on the existing environment will be less than minor.

5.8 Overall effects conclusion

Overall, any adverse effects associated with the proposed subdivision will be avoided, remedied or mitigated to be less than minor relative to the existing environment and permitted baseline.

6. PLANNING ASSESSMENT

6.1 The Operative Far North District Plan

Context

The objectives and policies relevant to this application are contained in Chapter 13, 'Subdivision', Chapter 15 'Transportation' and Chapter 8 'Rural Environment'.

The relevant objectives and policies are identified, and an assessment is provided below.

Assessment

Managing effects on productive rural values

Objective 8.3.2 *To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.*

Objective 8.3.6 *To avoid actual and potential conflicts between land use activities in the rural environment.*

Objective 8.6.3.1 *To promote the sustainable management of natural and physical resources in the Rural Production Zone.*

Objective 8.6.3.2 *To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.*

Objective 8.6.3.6 *To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.*

Objective 13.3.1 *To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.*

Objective 13.3.2 *To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*

Policy 8.4.2 *That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.*

Policy 8.6.4.1 *That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.*

Policy 8.6.4.7 *That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.*

Policy 8.6.4.9 *That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.*

The proposal aligns with these objectives and policies for the following reasons.

- The proposed subdivision will maintain the productive rural values associated with the subject land by rationalising the land-holding arrangement that will continue to be utilised for productive purposes.
- The three proposed lots will all mostly comply with the minimum lot size requirements, except proposed Lot 1, which would be just under 20ha in size.
- The life-supporting capacity of the soil will be maintained by retaining the productive rural land within three large areas, which will continue to be farmed by the applicant. It is noted that the entire site has a LUC of 4 and 6 and is not regarded as being highly versatile.

Amenity, character, landscape, and natural values

Objective 8.6.3.3 *To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*

Policy 8.4.4 *That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.*

Policy 8.6.4.4 *That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*

Policy 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.*

Policy 13.4.13 *Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition*

subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.*
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.*

The proposal is consistent with these objectives and policies for the following reasons.

- There are no known cultural or heritage features located within the surrounding environment that the proposal would adversely impact.
- The subdivision proposal will allow for sizeable rural lots and reduce development rights relative to the existing environment.
- As there will be no increase in development rights, there will be no reverse sensitivity or cumulative effects from the proposal.

Servicing

Objective 13.3.2 *To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*

Objective 13.3.5 *To ensure that all new subdivisions provide a reticulated water supply and/or onsite water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.*

Objective 13.3.8 *To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.*

Policy 8.4.3 *That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while*

protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.

Policy 13.4.5 *That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.*

Policy 13.4.8 *That the provision of water storage be taken into account in the design of any subdivision.*

The proposal is consistent with these objectives and policies, as the onsite servicing arrangements will be established at the building consent stage. Given the practicable size of the lots, they are assumed to have sufficient space to manage onsite services. This detail will be finalised at the building consent stage.

Safe and efficient access arrangements

Objective 15.1.3.1 *To minimise the adverse effects of traffic on the natural and physical environment.*

Objective 15.1.3.4 *To ensure that appropriate and efficient provision is made for loading and access for activities.*

Policy 15.1.4.6 *That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.*

It is proposed to construct a complying vehicle crossing to service the proposed lots. This will ensure safe and efficient access to and from the proposed lots.

While no changes are proposed to the formation of the right of way, the existing formation is sufficient to accommodate the traffic anticipated to be generated by the proposed subdivision. Retaining the existing formation will also facilitate positive effects in terms of stock well-being, with the existing surface being suitable for cattle to cross.

Conclusion

Regarding the above, the proposal is consistent with the objectives and policies of the OFNDP.

6.2 The Far North Proposed District Plan

Context

As section 1.2 of this report outlines, most of the FNPDP rules do not have legal effect. Notwithstanding this, the relevant rules under which the proposal

would require consent are identified, and an assessment against the relevant objectives and policies is provided below. None of the rules have a legal effect.

Relevant rules

- SUB-R3' Subdivision to create a new allotment' – **non-complying activity**.
The proposal does not comply with the minimum lot sizes outlined for the RPZ.
- SUB-R11' subdivision of a site within flood hazard areas' – **restricted discretionary activity**. *Portions of the site are identified as flood susceptible.*

Overall activity status

The subdivision would be a non-complying activity under the FNPDP. However, none of the relevant rules have legal effect.

Assessment – objectives and policies

Given the rules identified above, the objectives and policies most relevant to this application are contained in the 'Subdivision' chapter of the FNPDP. The relevant objectives and policies are identified, and an assessment provided in the context of the proposed subdivision is provided below.

Subdivision chapter

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.*

There are several objectives and policies from the subdivision chapter of the FNPDP that are of some relevance to the proposed subdivision. However, SUB-P8 is of particular relevance.

SUB-P8 requires that rural residential subdivision in the RPZ is avoided unless it protects a Significant Natural Area (SNA) in accordance with the environmental benefit requirements and will not result in the loss of versatile soils for primary production activities.

In this instance, the subdivision will result in the protection of the areas of vegetation located on the site that form part of the PNAP area. No consideration has been given to whether these would meet the criteria for a SNA. However, the protection of these areas means that some support can be drawn for the Subdivision from SUB-P8, noting that the soils at the site have a

LUC classification of 4 and 6 and, therefore, do not meet the definition for versatile soils under the FNPDP.

While no objectives or policies in the subdivision chapter relate to flooding, it is noted that the proposal will avoid adverse flooding effects.

While some support can be drawn for the subdivision from the objectives and policies in the subdivision chapter, ultimately, the subdivision would be contrary unless it progressed in accordance with the environmental benefit provisions.

Conclusion

Unless progressed in accordance with environmental benefit provisions, the proposed subdivision would be contrary to the objectives and policies of the FNPDP.

6.3 Weighting assessment – Operative and Proposed Far North District Plan

Section 1.2 of this report outlines that the FNPDP has been notified and that the further submission period closed in September 2023. FNDC received several submissions and further submissions on various aspects of the plan.

Given the range of submissions and further submissions received and that the FNPDP is in the very early stages of the plan change process, there is considerable scope for the relevant rules and associated objectives and policies to change. For these reasons, considerably more weight should be applied to the provisions of the OFNDP when considering the proposal under s104 of the RMA – very limited weight should be applied to the FNPDP.

6.4 Part 2 assessment – (RMA)

An assessment of Part 2 matters is not required unless there are issues of invalidity, incomplete coverage, or uncertainty in the planning provisions. In this case, there is no invalidity, incomplete coverage, or uncertainty among the various documents. In that regard, no application assessment is required under Part 2. However, for completeness, the activity accords with the purpose of the RMA for the following reasons:

1. The proposal will maintain the existing amenity, character, landscape and natural values associated with the subject sites and surrounding environment.

2. The proposal will maintain the productive capacity of the subject land, and the subdivision will not occur on highly productive land as defined under the NPS-HPL or versatile soils as defined under the FNPDP.
3. The proposal will not increase the risk of natural hazards.
4. There are no adverse effects on human health associated with the proposal.

The proposal does not offend any matters of national importance, i.e., Sections 6, 7 or 8 of the RMA.

7. NOTIFICATION

Pursuant to sections 95A and 95B of the RMA, Section 5 of this report concludes that any adverse effects associated with the proposal will be less than minor. Furthermore, no particular circumstances are associated with the application, the applicant has not requested notification, and no rule or national environmental standard requires notification of this application. Consequentially, public notification is not necessary.

The assessment of environmental effects in Section 5 of this report confirms that no parties are considered adversely affected by the proposal. Consequentially, limited notification is not necessary.

Given the aforementioned, the proposal can proceed on a **non-notified basis**.

8. CONCLUSION

This application seeks resource consent to undertake a three-lot subdivision of Lot 4 2220642-RMASUB. The proposal requires resource consent for a **discretionary activity** under the OFNDP. None of the operative rules in the FNPDP are relevant to the subdivision.

As per section 5 of this report, any adverse effects associated with the proposed subdivision will be avoided, remedied or mitigated to be **less than minor** relative to the existing environment and permitted baseline. Appropriate regard has therefore been given to s104(1)(a) of the RMA.

Section 6 of this report considers the proposal in the context of the relevant objectives and policies from the OFNDP: the objectives and policies from chapter 8, 'Rural', chapter 15 'Transportation' and chapter 13 'Subdivision'. On balance, the proposal aligns with the policy framework of the OFNDP. Section 6 also provides an assessment in the context of the FNPDP. While some support can be drawn, the subdivision is contrary to the objectives and policies given that it has not progressed in accordance with the environmental benefit rule. Accordingly, appropriate regard has been given to s104(1)(b)(vi).

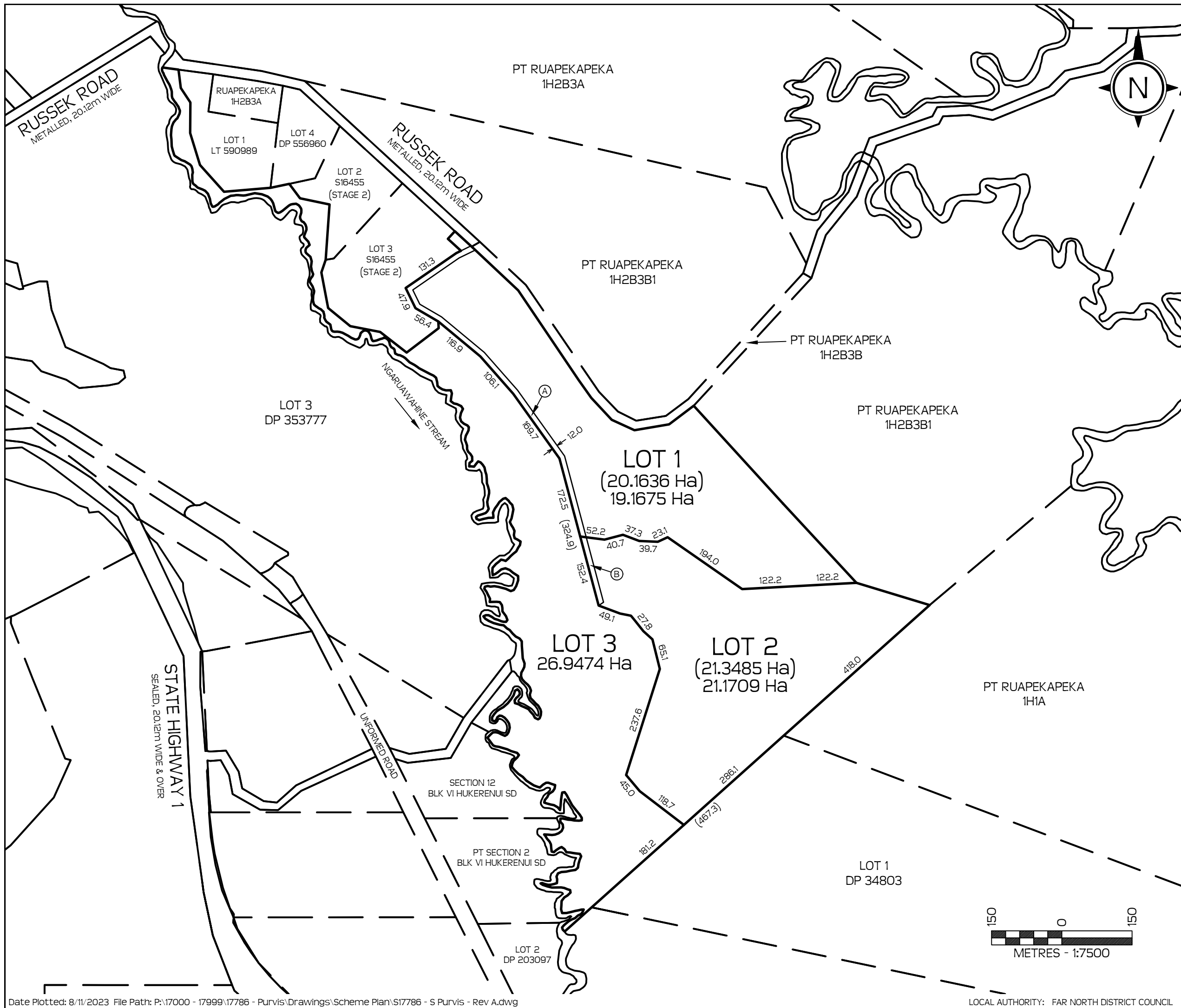
Section 4.2 of this report confirms that the NES-SC is irrelevant to the proposed subdivision. Appropriate regard has therefore been given to s104(1)(b)(i) of the RMA.

Section 6.3 also details how the proposal is consistent with the purpose and principles of the RMA.

Concerning all of the relevant matters in s104(1) and s104B of the RMA, the proposal can be approved subject to appropriate conditions of consent.

APPENDIX 1

SCHEME PLAN



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
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 - BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

PROPOSED EASEMENT SCHEDULE			
PURPOSE	SHOWN	BURDENED (SERV.TENE.)	BENEFITTED (DOM.TENE.)
RIGHT OF WAY	A	LOT 1 HEREON	LOT 2 & 3 HEREON
	B	LOT 2 HEREON	LOT 3 HEREON

TOTAL AREA: 68.4595 Ha
 COMPRISED IN: RT LOT 4 S16455
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 8m FROM ALL SITE BOUNDARIES.

REV	DATE	DESCRIPTION
A	10.10.23	FIRST ISSUE - TK/CC

REF. DATA:

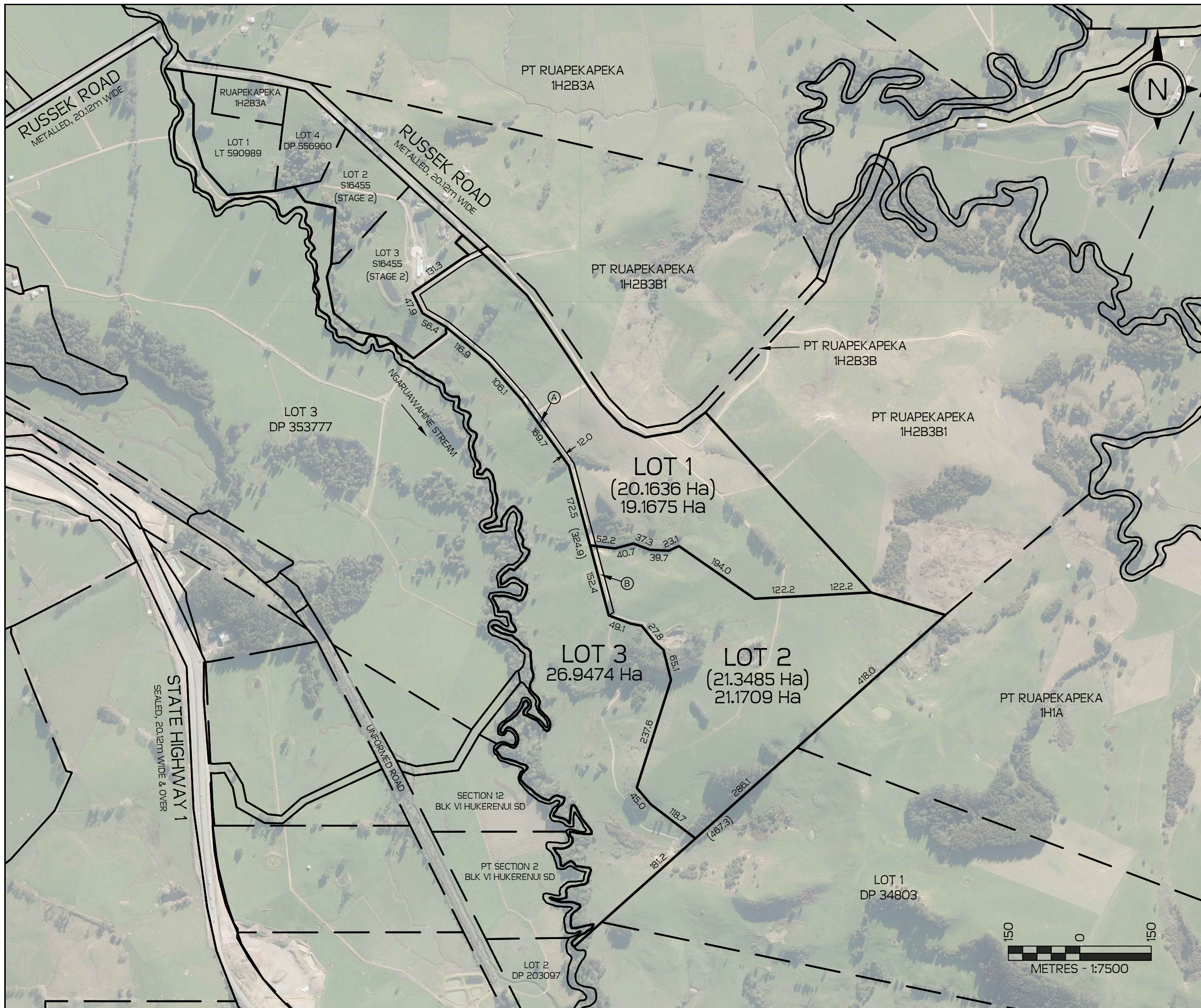
reyburn & bryant

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 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT

STEPHEN PURVIS
 114 RUSSEK ROAD
 HUKERENUI

TITLE			
PROPOSED SUBDIVISION OF LOT 4 2220642-RMASUB			
DATE	OCTOBER 2023	SCALE	1:7500 @A3
NO.	S17786	SHEET	1/1 Rev. A



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PROPOSED EASEMENT SCHEDULE			
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RIGHT OF WAY	A	LOT 1 HEREON	LOT 2 & 3 HEREON
	B	LOT 2 HEREON	LOT 3 HEREON

TOTAL AREA: 68.4595 Ha
 COMPRISED IN: RT LOT 4 S16455
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 8m FROM ALL SITE BOUNDARIES.

REV	DATE	DESCRIPTION
A	10.10.23	FIRST ISSUE - TK/CC

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CLIENT

STEPHEN PURVIS
 114 RUSSEK ROAD
 HUKERENUI

TITLE

**PROPOSED SUBDIVISION
 OF LOT 4 2220642-RMASUB**

DATE	OCTOBER 2023	SCALE	1:7500 @A3
NO.	S17786	SHEET	1/1 Rev. A

APPENDIX 2

TITLES AND ASSOCIATED MEMORIALS



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

Resource Consent Number: 2220642-RMASUB

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

Stephen Purvis

The activity to which this decision relates:

Activity A: Staged Subdivision to create three additional allotments in the Rural Production zone.

Activity B: The subdivision has road frontage to a road which breaches the Frontage to Existing Road rule in the Rural Production zone.

Subject Site Details

Address: 144 Russek Road, Towai 0182
Legal Description: Lot 5 DP 556960
Record of Title reference: 981613

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

Stage 1 – Lot 1 and 100

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Reyburn & Bryant, referenced Stage 1 - Proposed Subdivision of Lot 5 DP 55690 S16455, dated December 2022, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The survey plan submitted for approval pursuant to Section 223 of the Act.
3. 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) The lot owner is responsible for maintaining sight line distances of at least 95m either side of the vehicle crossing, by way of vegetation trimming, of which shall be conducted regularly.

[Lot 1]

- (ii) In conjunction with the construction of any dwelling, the consent holder is to provide a formed single-width entrance to the lot which complies with the Council's Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004. Where required, an adequately sized culvert (minimum diameter 300mm) is to be installed under each new crossing with grouted rock headwalls on both ends. Note that a Traffic Management Plan (TMP) will need to be approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.

[Lot 1]

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. An alternative means of compliance with this standard will require written approval from Fire and Emergency New Zealand.

[Lot 1]

- (iv) In conjunction with any building on the Lot, the lot owner shall submit for the approval of Council a report prepared by a suitably qualified chartered professional engineer, detailing the on-site retention and flow attenuation of stormwater from the site such that the flow is limited to the predevelopment level for rainfall events up to those with a 2% AEP.

[Lot 1]

- (v) At the time of lodging an application for building consent for any building on the lot, which requires a wastewater treatment & 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 reference the wastewater disposal report titled: Stormwater Assessment Report, prepared by RS Eng, referenced job no: 18039 and dated 3 March 2022, and submitted with RC2220642-RMASUB. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

[Lots 1]

- (vi) Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. The lot owner is responsible for the provision of a power supply to operate the on-site aerobic wastewater treatment plant and any other device which requires electrical power to operate.

[Lot 1]

- (vii) All buildings will require foundations specifically designed by a Chartered Professional Engineer with design parameters specified by a

suitably qualified Geotechnical engineer, in accordance with the recommendations made within the Subdivision Assessment by RS Eng Ltd, refer 18039, dt 3 March 2022. The foundation design details shall be submitted in conjunction with the Building Consent application.

[Lot 1]

- (viii) The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

[Lot 1]

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

Stage 2 – Lots 2 – 4

4. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Reyburn & Bryant, referenced Stage 2 - Proposed Subdivision of Lot 5 DP 55690 S16455, dated December 2022, and attached to this consent with the Council's "Approved Stamp" affixed to them.
5. The survey plan submitted for approval pursuant to Section 223 of the Act.
6. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that the existing effluent disposal fields associated with the existing dwellings on Lot 3 are contained within the respective allotment boundaries.
7. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (b) A single passing bay shall be constructed on Russek Road between Lot 2 and Lot 3 in accordance with FNDC Engineering Standards 2009 and NZS4404:2010. The passing bay shall be at least 15m in length and a minimum useable width of at least 5.5m.
 - (c) Upon completion of the works specified in condition 7(b) above, provide certification of the work from a Chartered Professional Engineer or appropriately qualified Independent Qualified Person that all work has been completed in accordance with the FNDC Engineering Standards and NZS4404:2010 (PS3) for the approval of FNDC Council.
 - (d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- (i) In conjunction with the construction of any dwelling, the consent holder is to provide a formed single-width entrance to the lot which complies with the Council's Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004. Where required, an adequately sized culvert (minimum diameter 300mm) is to be installed under each new crossing with grouted rock headwalls on both ends. Note that a Traffic Management Plan (TMP) will need to be approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.

[Lots 2 & 4]

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. An alternative means of compliance with this standard will require written approval from Fire and Emergency New Zealand.

[Lots 2 & 4]

- (iii) In conjunction with any building on the Lot, the lot owner shall submit for the approval of Council a report prepared by a suitably qualified chartered professional engineer, detailing the on-site retention and flow attenuation of stormwater from the site such that the flow is limited to the predevelopment level for rainfall events up to those with a 2% AEP.

[Lots 2 & 4]

- (iv) At the time of lodging an application for building consent for any building on the lot, which requires a wastewater treatment & 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 reference the wastewater disposal report titled: Stormwater Assessment Report, prepared by RS Eng, referenced job no: 18039 and dated 3 March 2022, and submitted with RC2220642-RMASUB. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

[Lots 2 & 4]

- (v) Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. The lot owner is responsible for the provision of a power supply to operate the on-site aerobic wastewater treatment plant and any other device which requires electrical power to operate.

[Lots 2 & 4]

- (vi) All buildings will require foundations specifically designed by a Chartered Professional Engineer with design parameters specified by a suitably qualified Geotechnical engineer, in accordance with the

recommendations made within the Subdivision Assessment by RS Eng Ltd, refer 18039, dt 3 March 2022. The foundation design details shall be submitted in conjunction with the Building Consent application.

[Lots 2 & 4]

- (vii) The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

[Lots 2, 3 & 4]

Advice Notes

1. The consent holder is advised, that at s223 survey, should the north-western strip of Lot 4 located between the Ngaruawahine Stream and Lots 1, 2 and 3 inadvertently become an independent Lot/s, this subdivision RC2220642 will require reassessment and approval.
2. The consent holder is advised that evidence will be required that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.
3. 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.
4. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).
5. Erosion and sediment control measures in accordance with Auckland Council GD05 requirements are to be implemented prior to any earthworks and construction activities commencing within the approved allotments to ensure compliance with rule EW-R13 – Erosion and Sediment Control of the Draft District Plan. Alternatively, you may obtain resource consent where compliance cannot be achieved.

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. District Plan Rules Affected:

Adverse effects will be minor:

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

The subdivision will create three smaller rural allotments with a large balance farming allotment, which is similar to the surrounding environment. All lots can provide onsite services for water, stormwater, and wastewater. Each allotment will provide independent access which will be upgraded to Council's engineering standards at the time of built development.

Objectives and policies of the District Plan:

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

- a) The objectives and policies of the Rural Environment (Chapter 8 sections 8.3 and 8.4)
- b) The objectives and policies of the Rural Production Zone (Chapter 8.6 section 8.6.3, and 8.6.4)
- c) The objectives and policies of Subdivision (Chapter 13 section 13.3, and 13.4)

The proposal is not contrary to the relevant objectives and policies of the District Plan.

Proposed Far North District Plan

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

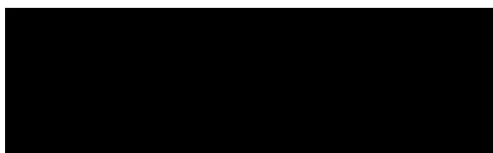
As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018
 - b) Proposed Northland Regional Plan 2022
 - c) Operative Far North District Plan 2009,
 - d) Proposed Far North District Plan 2022
4. In accordance with an assessment under s104(1)(c) of the RMA there are no other matters considered relevant to the application.
5. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

6. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
7. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

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



Pat Killalea, Principal Planner

Date: 20th March 2023

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.

View Instrument Details



Instrument No 12035485.4
Status Registered
Date & Time Lodged 28 May 2021 12:05
Lodged By Merry, Rebecca
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
981612	North Auckland
981613	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Rebecca Merry as Territorial Authority Representative on 28/05/2021 12:05 PM

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



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Te Kaunihara o Tai Tokerau Ki Te Raki

*The top place where talent
comes to be, work and grow.*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC2200478

Being the subdivision of Ruapekapeka 1H2B3B2
North Auckland Registry

PURSUANT to section 221 and for the purpose of section 224 (c) (ii) of the Resource Management Act 1991, this consent notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that the condition described in the schedule below is to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and is to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 4 and 5 DP 556960

- (i) Current and future landowners are advised that there is a 'Protected Natural Area Programme' site located on this property. The site is referenced by the Department of Conservation as Q06/007 and is shown on the attached plan prepared by Reyburn and Bryant, being the 'Plan showing protected natural area Q06/007', dated February 2021 and submitted to satisfy condition 2(b) of RC2200478.

Further, current and future owners shall ensure that no indigenous vegetation is to be removed from the area identified and marked on the above plan.

SIGNED:



Mr Patrick John Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at **KERIKERI** this 4th day of March 2021



