

Brian Fife

85 Rainbow Falls Road, Kerikeri

APPLICATION FOR A CHANGE OF CONSENT CONDITIONS TO RC2230017-RMACOM PURSUANT TO s127 OF RMA

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

The applicant seeks a change of consent condition of RC2230017-RMACOM issued, on 18th May 2023 for a subdivision in the Rural Living Zone creating two lots. A copy of RC2230017-RMACOM is attached in *Appendix 2*.

The application for a variation is a minor variation, only seeking a right of way easement for access into proposed Lot 1 over proposed Lot 2. The change does not alter number or size of lots.

An amended/updated scheme plan, showing the new right of way and services easement, is attached in *Appendix 1*.

1.2 Scope of this Report

This assessment and report accompanies the application for a minor change to conditions (s127) made by our clients, and is provided in accordance with that section of the Act and other relevant sections. An application under s127 of the Act is regarded as a **discretionary** activity.

2.0 PROPERTY DETAILS

Location: 85 Rainbow Falls Road, Kerikeri

Legal Description: Lot 1 DP 378052

Certificate of Title: 313027

Copies of Certificate's of Title are attached in Appendix 3.

3.0 SITE DESCRIPTION

The site remains as described in the original application.

4.0 THE PROPOSAL IN DETAIL

The consent holder seeks to add an easement into the consent that was consented originally.

Condition 1 to be changed to reflect the attached updated plans;

Condition 2 c to be added:

All easements in the memorandum to be duly granted or reserved.

All other conditions can remain the same as written in RC 2230017-RMACOM.

5.0 STATUTORY REQUIREMENTS

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **discretionary** activity application.

Sections 88 to 121 of the Act apply, and the following planners report and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act.

6.0 s104 CONSIDERATIONS

S104 of the Act requires a consent authority to consider any actual and potential effects on the environment resulting from the change; and any relevant provisions of

- (i) A national environmental standard;
- (ii) Other regulations;
- (iii) A National Policy statement;
- (iv) A NZ Coastal Policy Statement;
- (v) A Regional Policy Statement;
- (vi) A plan or proposed plan.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS (S127 REQUEST)

When considering the effects under a s127 application, it is only the effects of the changes being sought that need be assessed and considered. As such, this assessment of environmental effects does not re-visit or repeat that provided for the processing of RC2230017-RMACOM. The change only relates to an additional right of way being needed, and has no effects on the environment or any party.

Access:

Easement A is being added to create easier access into proposed Lot 1. Whilst the access itself could be accommodated entirely within Lot 1, the associated swale drain could not achieve the necessary 1 metre separation from boundary and therefore it is necessary to provide for easement over Lot 2.

8.0 STATUTORY ASSESSMENT

7.1 District Plan Objectives and Policies

There have been no changes to the District Plan's Rural Living Zone objectives and policies since the original consent was issued.

As such, there is no need to re-assess the proposal against the District Plan's objectives and policies.

In regards to the Proposed District Plan nothing is relevant to this application.

7.2 Part 2 Matters

The original proposal was considered to be consistent with Part 2 of the Act. There have been no changes to the Act.

7.3 National Policy Statements

The National Policy Statement Indigenous Biodiversity and National Environmental Standards Freshwater Management have been enacted since the original application was prepared. Neither National Policy Statements are relevant.

7.4 National Environmental Standards

There are no national environmental standards relevant to the proposal or that have come into effect since the original consent.

9.0 CONSULTATION

Under Section 127(4) of the Act:

(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

(a) made a submission on the original application; and

(b) may be affected by the change or cancellation.

Written Approvals were required as part of the original application. The proposed changes are believed to have no adverse effect on any adjacent land owner.

10.0 CONCLUSION

It is considered the effects of the changes on the wider environment are less than minor. The proposal remains consistent with the relevant objectives and policies of the District Plan and the Regional Policy Statement, and Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to change conditions to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the s.127 application on a non notified basis.



19.03.24

Signed:

Dated:

Karen Yerkovich

Thomson Survey Ltd

10.0 LIST OF APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	RC2230017-RMACOM
Appendix 3	Record of Title

Appendix 1

Scheme Plan(s)

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, WATER SUPPLY & DRAINAGE	(A)	LOT 2 HEREON	LOT 1 HEREON

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
 AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAILS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised in: 313027
 Total Area: 51.15m²
 Zoning: Rural Living
 Resource features: NIL

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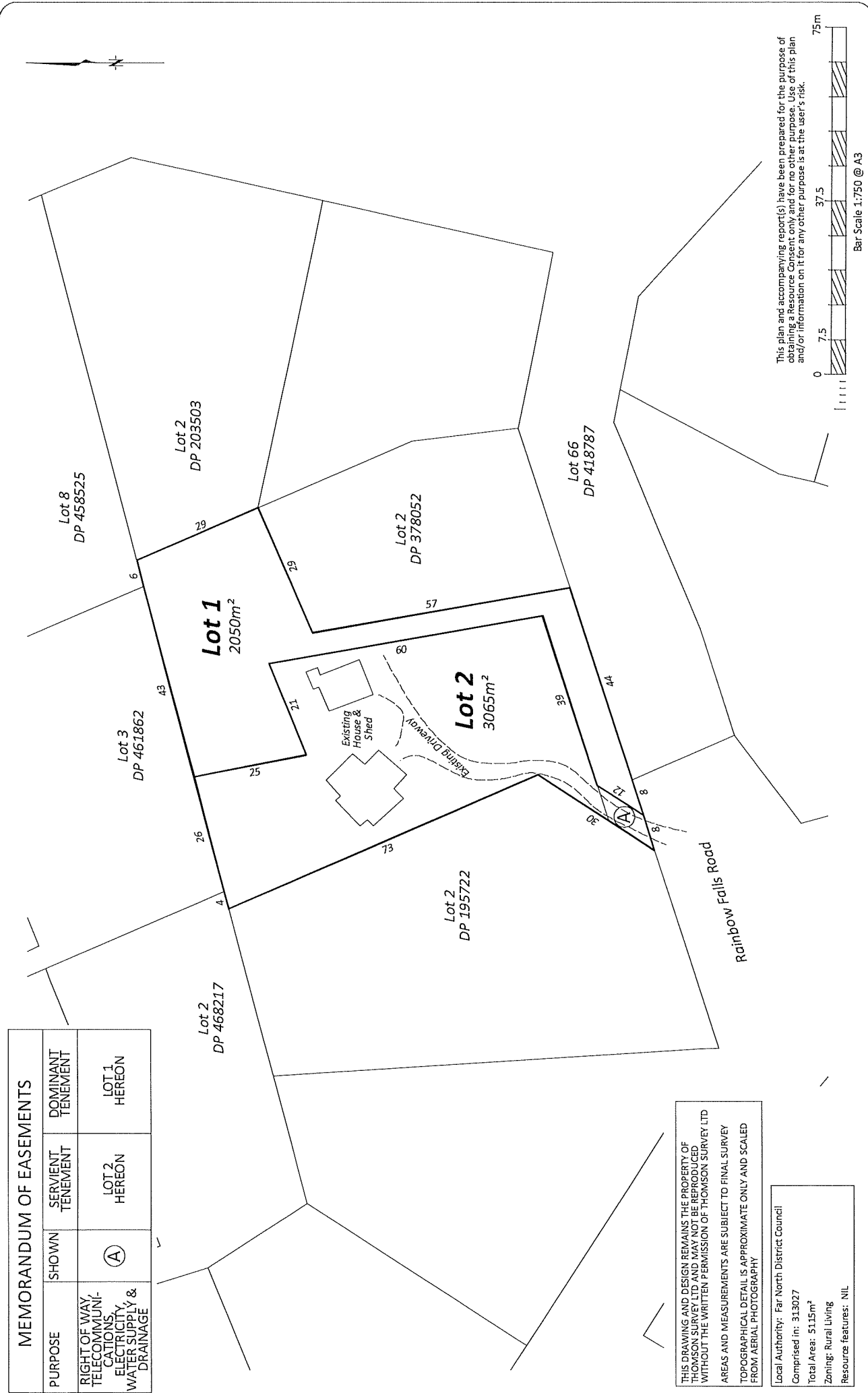
**PROPOSED SUBDIVISION OF
 LOT 1 DP 378052**
 85 RAINBOW FALLS ROAD, KERIKERI

PREPARED FOR: B. FIFE

Name	Date	SCALE	ORIGINAL SHEET SIZE
Survey			
Design			
Drawn	KY 18.02.22	1:750	A3
Approved			
Rev	KY 15.03.24		

10231 Scheme 20240315 Variation

Supervisor's Ref. No: 10231
 Sheet: 1 of 1

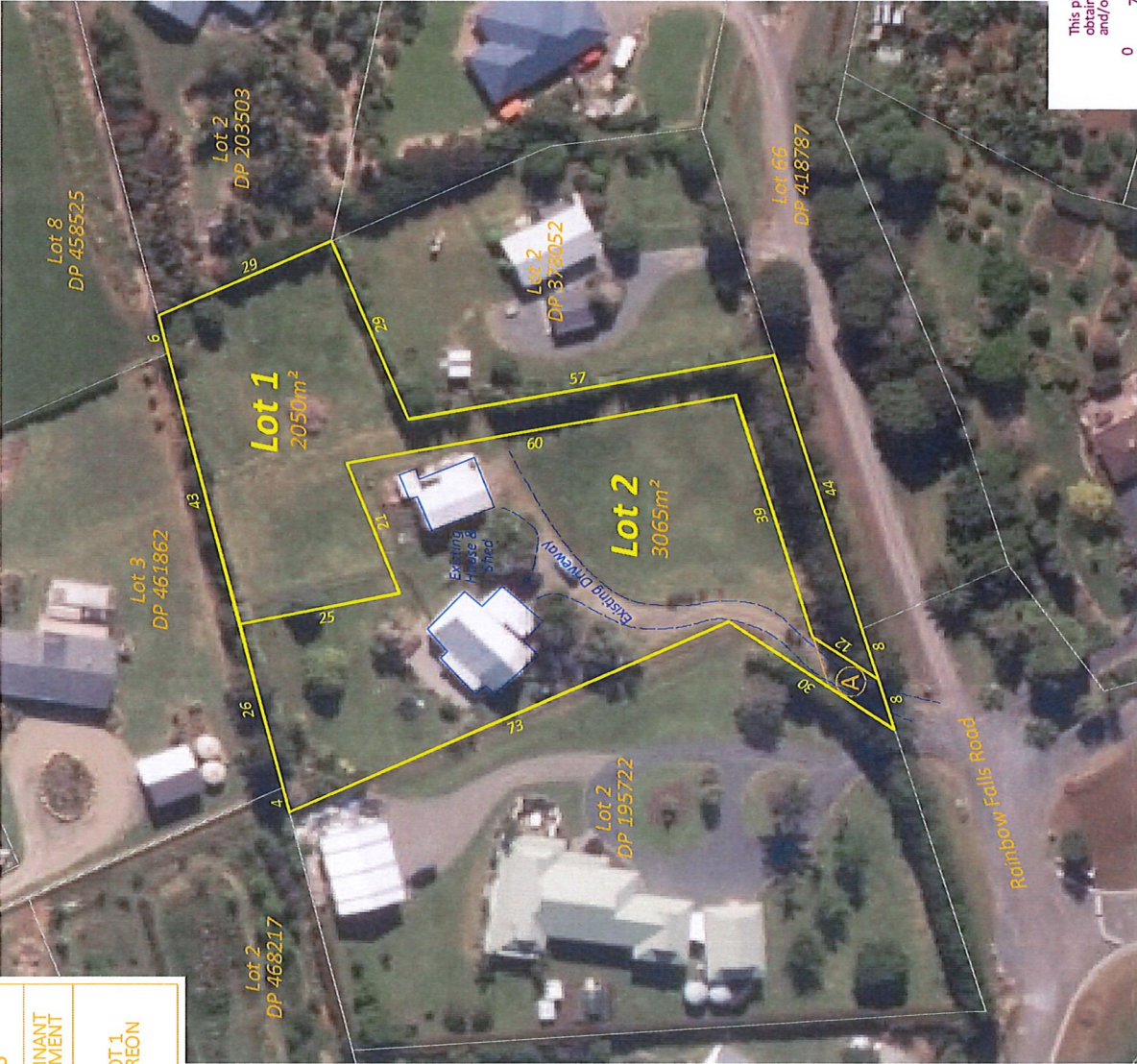


This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

Bar Scale 1:750 @ A3

MEMORANDUM OF EASEMENTS

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 Sheet 1 of 1

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AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised in: 313027
 Total Area: 5115m²
 Zoning: Rural Living
 Resource features: NIL

Appendix 2

RC 2230017-RMACOM

**DECISION ON COMBINED RESOURCE CONSENT APPLICATION
UNDER THE RESOURCE MANAGEMENT ACT 1991**

Decision

Pursuant to section 34(1) and sections 104, 104B, 104D, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use and subdivision resource consent for a non-complying activity, subject to the conditions listed below, to:

Council Reference: 2230017-RMACOM
Applicant: Brian William Fife and Anne Elizabeth Fife
Property Address: 85 Rainbow Falls Road, Kerikeri 0295
Legal Description: Lot 1 DP 378052

The activities to which this decision relates are listed below:

Activity A – Subdivision:

Subdivision of a 5114m² site into 2 lots of 3065m² and 2050m² in the Rural Living Zone as a non-complying activity

Activity B – Land Use:

Land use consent for breaching Storm water Management, Building Coverage and transportation rules.

Subdivision Conditions

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

1. The activity shall be carried out in accordance with the approved plans prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 378052, dated 18/02/2022, and attached to this consent with the Council's "Approved Stamp" affixed to them.

Section 223

2. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - a. Provide evidence of the ability of the access strip to accommodate the tracking curve of a heavy rigid vehicle and the required stormwater swale drains totally within the Lot 1 boundary.
 - b. ensure the survey is consistent with the plan approved in Condition 1 of this consent referenced RC 2230017 RMACOM.

Section 224(c) compliance conditions

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

- a. Provide a double width entrance for Proposed Lots 1 & 2. The existing vehicle crossing is to be constructed to FNDC/S/6 and 6B standards (Double Width Crossing) and is to be sealed or concreted back for a minimum distance of 5 metres from the existing seal edge.

Where required, an adequately sized culvert (minimum diameter 300mm) is to be installed under each crossing with grouted rock headwalls on both ends. Sight distances at the crossing locations are to comply with the requirements of the FNDC Engineering Standards. A vehicle crossing permit and approved TMP/CAR application are to be obtained for the new crossing prior to any upgrade works commencing. Insert conditions from engineer and those relevant for proposal

- b. Provide evidence that electricity and telecommunications connections have been provided to the boundary of Lot 1 to the satisfaction of the respective service providers

4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

- a. Any building erected on the lot shall have foundations specifically designed by a suitably qualified chartered professional engineer which takes into account the nature of identified soil expansivity and foundation recommendations outlined in the Wilton Joubert Site Suitability Report titled Site Suitability Report (Geotechnical, Stormwater, Wastewater and Access) referenced 116382 dated 20/12/22. The details of design shall be submitted in conjunction with the Building Consent application.

[Lot 1]

- b. In conjunction with the construction of any building, 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 pre development level for rainfall events up to those with a 1% AEP. The report shall specifically address all impervious surfaces including driveways from the established vehicle crossing and reference the report accompanying the application prepared by Wilton Joubert titled Site Suitability Report (Geotechnical, Stormwater, Wastewater and Access) referenced 116382 dated 20/12/22.

[Lot 1]

- c. Retrofit the existing stormwater tank with a flow attenuated outlet to achieve hydraulic neutrality for the 10% AEP storm event. The consent holder is to also install a proprietary leaf guards, or other adequate protection measures in the roof gutters and the tanks inlet as outlined in the reference the report accompanying the application prepared by Wilton Joubert titled Site Suitability Report (Geotechnical, Stormwater, Wastewater and Access) referenced 116382 dated 20/12/22.

[Lot 2]

- d. In conjunction with the construction of any residential dwelling, the consent holder shall submit to Council a TP58 report. The report shall be prepared by a chartered professional engineer or approved TP58 report writer, taking into account the recommendations provided within the Wilton Joubert titled Site Suitability Report (Geotechnical, Stormwater, Wastewater and Access) referenced 116382 dated 20/12/22 Wilton Joubert Site Suitability Report. The report shall identify the type of wastewater treatment required for each lot, a suitable area necessary for effluent disposal plus a 30% reserve disposal area, all contained within the lot boundaries.

[Lot 1]

- e. In conjunction with the construction of any building requiring a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tanks or other approved means and are to be positioned so that it is safely accessible for this purpose within the Lot. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509:2008. Alternative firefighting water supplies are to be specifically approved by an authorized representative of Fire and Emergency NZ.

[Lot 1]

Subdivision Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

General

2. 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).
3. The consent holder is to submit a Traffic Management Plan (TMP) and obtain approval from Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded. Application for TMP and CAR are made via <https://www.fndc.govt.nz/Our-Services/Transport/Roads/Road-closures-and-restrictions>
4. 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.

Land Use Conditions

1. The activity shall be carried out in accordance with the approved plans prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 378052, dated 18/02/2022, and attached to this consent with the Council's "Approved Stamp" affixed to them.

Land Use Advice Notes

Lapsing of Consent

1. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
 - a) *The consent is given effect to; or*
 - b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

General Advice Notes

Right of Objection

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

Archaeological Sites

2. *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.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a non-complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in Section 104 D are of particular relevance.

Section 104D Gateway Test 104D Particular restrictions for non-complying activities:

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

In regard to the above, it is considered that, whilst a non-complying subdivision, it is nonetheless a subdivision that will achieve a sustainable result and efficient use of the land.

Subject to conditions of consent, the overall adverse effects on the wider environment will be no more than minor. In addition, it is considered that the proposal is more consistent than not with the objectives and policies of the District Plan. It is concluded, therefore, that the proposal can meet at least one of the 104D threshold tests.

2. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - The creation of a 2050m² lot in an area already predominantly residential in character, to be consistent with **Objective 3.6 Economic activities – reverse sensitivity and sterilisation**. In fill development such as that proposed has positive effects in that a future lot owner can utilise existing infrastructure already in place to support the area.
 - The proposal allows for people to provide for their economic and social wellbeing. The creation and availability of an additional residential property, close to town, road, cycling and pedestrian networks; provides an attractive option for all family types, from retired couples through to young families. I believe it is essential to provide existing and future residents in the community a choice of lifestyle / residential living options throughout the District.
3. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
4. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Northland Regional Policy Statement 2016,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 14 - 23 of the Assessment of Environmental Effects submitted with the application. In particular the following assessments are copied from the AEE and summarised below:

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies of the Operative District Plan because of the following:

Subdivision Chapter

Subdivision Objectives & Policies

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

This is an enabling objective. The Rural Living Zone is a transition zone designed to provide a transition from rural land use to urban, predominantly located adjacent to existing urban areas. The Rainbow Falls area is now predominantly residential in nature. The "transition" is all but complete. The creation of another lot in this location provides for the social and economic wellbeing of people and communities. Significant adverse effects on the natural and physical environment can be avoided, remedied or mitigated. The proposed subdivision promotes sustainable management and is an efficient use and development of the land. In providing for residential use in the circumstances outlined above, I do not believe the proposal to be contrary to Objective 13.3.1.

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.

The Assessment of Environmental Effects, and supporting reports, conclude that the proposed subdivision is appropriate for the site and that any actual or potential adverse effects can be avoided, remedied or mitigated.

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. By proposing development on land that is none of these things, the proposal is consistent with these objectives as the proposal will not create any adverse effects on the values and character outlined in the two objectives.

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

The proposal includes provision for a future lot to provide for its own on-site water storage for potable use. Firefighting water supply can also be accommodated on the lot. Stormwater Management has been addressed in supporting reports and can be designed to ensure no off site adverse effects.

13.3.6 To encourage innovative development and integrated management of effects between

subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

This objective is likely intended to encourage Management Plan applications and does not have a lot of relevance to this proposal.

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for. And related Policy

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

The site is not known to contain any sites of cultural significance to Maori, or wahi tapu. The site does not include or adjoin any waterbody. The Site Suitability Report supporting the application confirms the additional lot can accommodate an onsite wastewater treatment and disposal system in compliance with Regional Plan requirements and with no off-site adverse effects. Stormwater management can also be provided for. 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.

13.3.8 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.

Top Energy has confirmed that electricity can be provided.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

A future lot owner will have sufficient scope without the site to include energy efficiencies within their individual home designs, via active means such as solar panels, or passive design strategies such as sky lights and orientation. The subdivision adjoins a Council road and is close to the Kerikeri township and high network.

Objective 13.3.11 is not discussed further as there is no National Grid on or near the subject site.

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.

The values outlined above, along with existing uses, have been discussed earlier in this report. I believe regard has been had to items (a) through (g) in the design of the subdivision.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties. And

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.

Access to the site is off an existing public road (sealed). It is proposed to create a separate crossing for the new Lot 1. Subdivision site works can occur with minimal vegetation removal and appropriate sediment and erosion control measures will be put in place for any earthworks during site works.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

The site is not subject to any hazard.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

It is envisaged that internal to the site, utility services will be underground.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

The site is not known to contain any of the natural and physical resources listed in 13.4.6.

Policy 13.4.7 is not discussed as this relates to carparking associated with non residential activities (not relevant) or esplanade areas, none of which are required or considered necessary.

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

This is discussed earlier. Each lot can provide for on-site water storage.

Policies 13.4.9 and 13.4.10 are not discussed further. The former relates to bonus development donor and recipient areas, which are not contemplated in this proposal; whilst the latter only applies to subdivision in the Conservation Zone.

13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

The application is not lodged as a Management Plan application.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regard 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.

(a) The proposal would create one additional dwelling within an area with an existing "residential" character, in a manner that has little or no impact on natural character, indigenous vegetation, landforms, rivers, streams or wetlands.

(b) The site is not in the coastal environment. The proposed additional lot's building site is internalised and screened from view from most directions;

(c) The site is not coastal, nor does it adjoin any stream or river. No public access is therefore required;

- (d) The proposal is not believed to negatively impact on the relationship of Maori with their culture;
- (e) There are no existing significant habitat or areas of significant indigenous vegetation;
- (f) There are no identified heritage values; and
- (g) An acceptable stormwater management design forms part of the application. The site is not subject to hazard.

I consider the proposal to be consistent with Policy 13.4.13.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The subdivision has had regard to the underlying zone's objectives and policies.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following: (a) development of energy efficient buildings and structures; (b) reduced travel distances and private car usage; (c) encouragement of pedestrian and cycle use; (d) access to alternative transport facilities; (e) domestic or community renewable electricity generation and renewable energy use

The additional lot can readily provide for a house site with good access to sunlight and the ability to utilise energy efficiency measures. The site is close to transport networks.

Policy 13.4.16 is not considered relevant as it only relates to the National Grid.

In summary, I believe the proposal to be consistent with the above Objectives and Policies.

Rural Living Zone Objectives and Policies

Objectives:

8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.

8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment. I believe the proposed subdivision to be capable of providing for development that will be in keeping with, and compatible with, the character and amenity of the area. The lot sizes proposed will not have adverse effects on the rural and natural environment, primarily because the application site is no longer in a 'rural' environment in terms of surrounding landuses, and because of the built up nature of the area, there is little natural environment remaining.

Policies

8.7.4.1 That a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.

8.7.4.2 That the Rural Living Zone be applied to areas where existing subdivision patterns have led to a semi-urban character but where more intensive subdivision would result in adverse effects on the rural and natural environment.

See above comments under Objectives.

8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for onsite effluent disposal.

The proposed vacant lot retains sufficient land associated with a future household to provide outdoor space and sufficient land for onsite effluent disposal.

8.7.4.4 That no limits be placed on the types of housing and forms of accommodation in the Rural Living Zone, in recognition of the diverse needs of the community.

The proposal includes a limit of the size of building to be within the additional lot, but no restriction on type of form of building. This is consistent with this policy.

8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.

A dwelling can be constructed on the vacant lot with adequate access to sunlight and daylight.

8.7.4.8 That the scale and intensity of activities other than a single residential unit be commensurate with that which could be expected of a single residential unit.

8.7.4.9 That activities with effects on amenity values greater than a single residential unit could be expected to have, be controlled so as to avoid, remedy or mitigate those adverse effects on adjacent activities.

The proposal does not contemplate any use for the vacant lot other than a single residential unit.

8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites.

Owners of adjacent sites have provided Written Approvals. The nature of the site is such that I do not believe a dwelling on Lot 1 will adverse impact on the level of privacy for inhabitants of buildings on adjoining sites.

In summary, I believe the proposal to be more consistent than not with the Rural Living Zone objectives and policies.

Proposed Far North District Plan 2022

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

Rural Production

Objectives: *RPROZ-01, RPROZ-02, RPROZ-03, RPROZ-04*

Policies: *RPROZ-P5, RPROZ-P6, RPROZ-P7*

To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment. I believe the proposed subdivision to be capable of providing for development that will be in keeping with, and compatible with, the character and amenity of the area. The lot sizes proposed will not have adverse effects on the rural and natural environment, primarily because the application site is no longer in a 'rural' environment in terms of surrounding landuses, and because of the built up nature of the area, there is little natural environment remaining.

Subdivision

Objectives: *SUB-01, SUB-02, SUB-3;*

Policies: *SUB-P3, SUB-P6, SUB-P11*

The subdivision has been designed in a way that is consistent with the zoning and with the character of the surrounding environment.

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

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

5. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application.
6. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
7. 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.
8. 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.

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

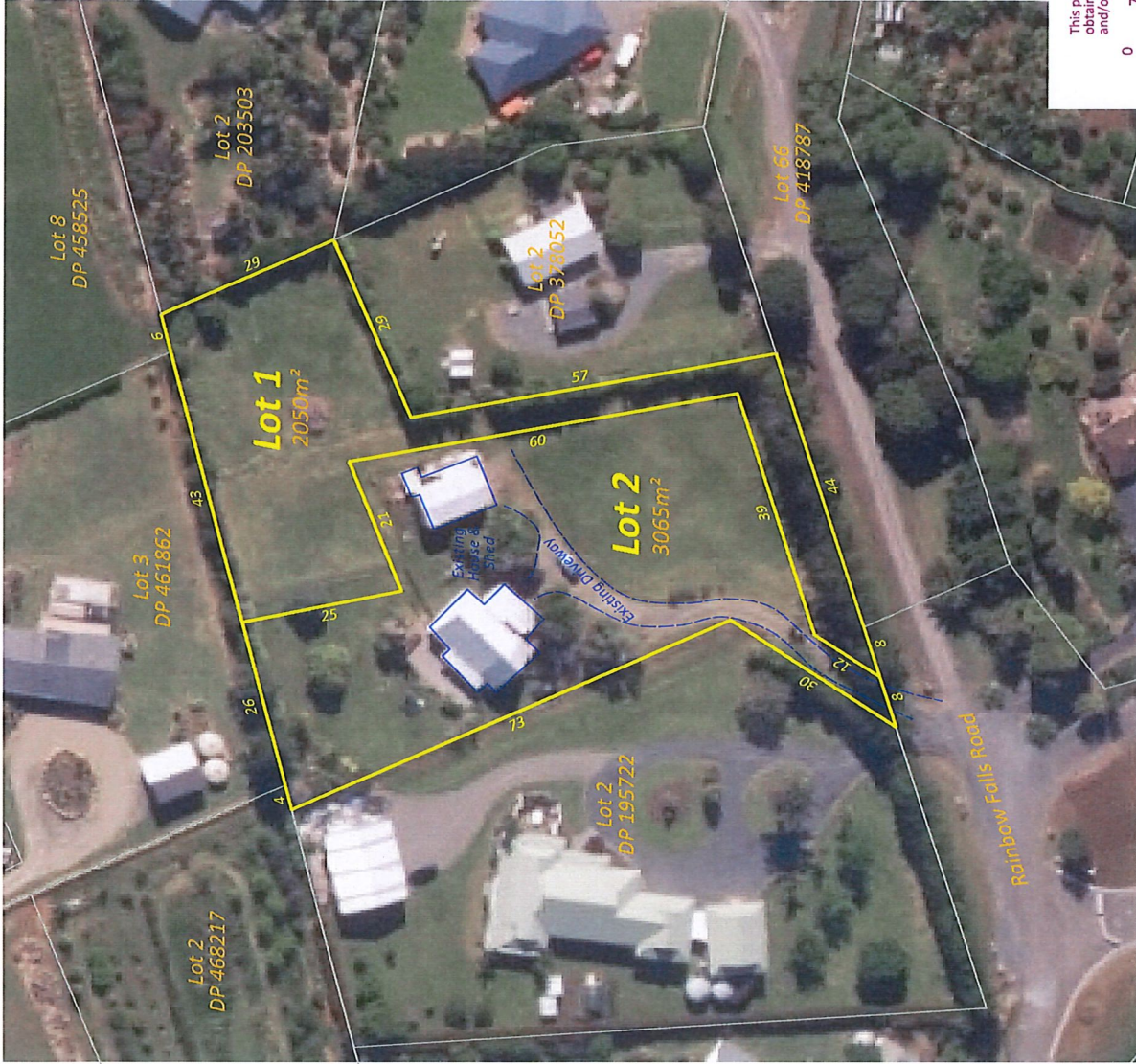
Approval

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



Simeon Mclean
Team Leader Resource Consents

Date: 18 May 2023



This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD. AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY. TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY.

Local Authority: Far North District Council
 Comprised in: 313027
 Total Area: 5115m²
 Zoning: Rural Living
 Resource features: NIL

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 Ph: (09) 4077360
 www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF
 LOT 1 DP 378052
 85 RAINBOW FALLS ROAD, KERIKERI**

PREPARED FOR: B. FIFE

Survey	Name	Date	ORIGINAL
Design			SCALE
Drawn	KY	18.02.22	1:750
Approved			A3
Rev			
102317.Scheme.lcd			

Surveyors Ref. No: 10231
 Sheet 1 of 1


Appendix 3

Record of Title



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




R. W. Munn
Registrar-General
of Land

Identifier 313027
Land Registration District North Auckland
Date Issued 12 February 2007

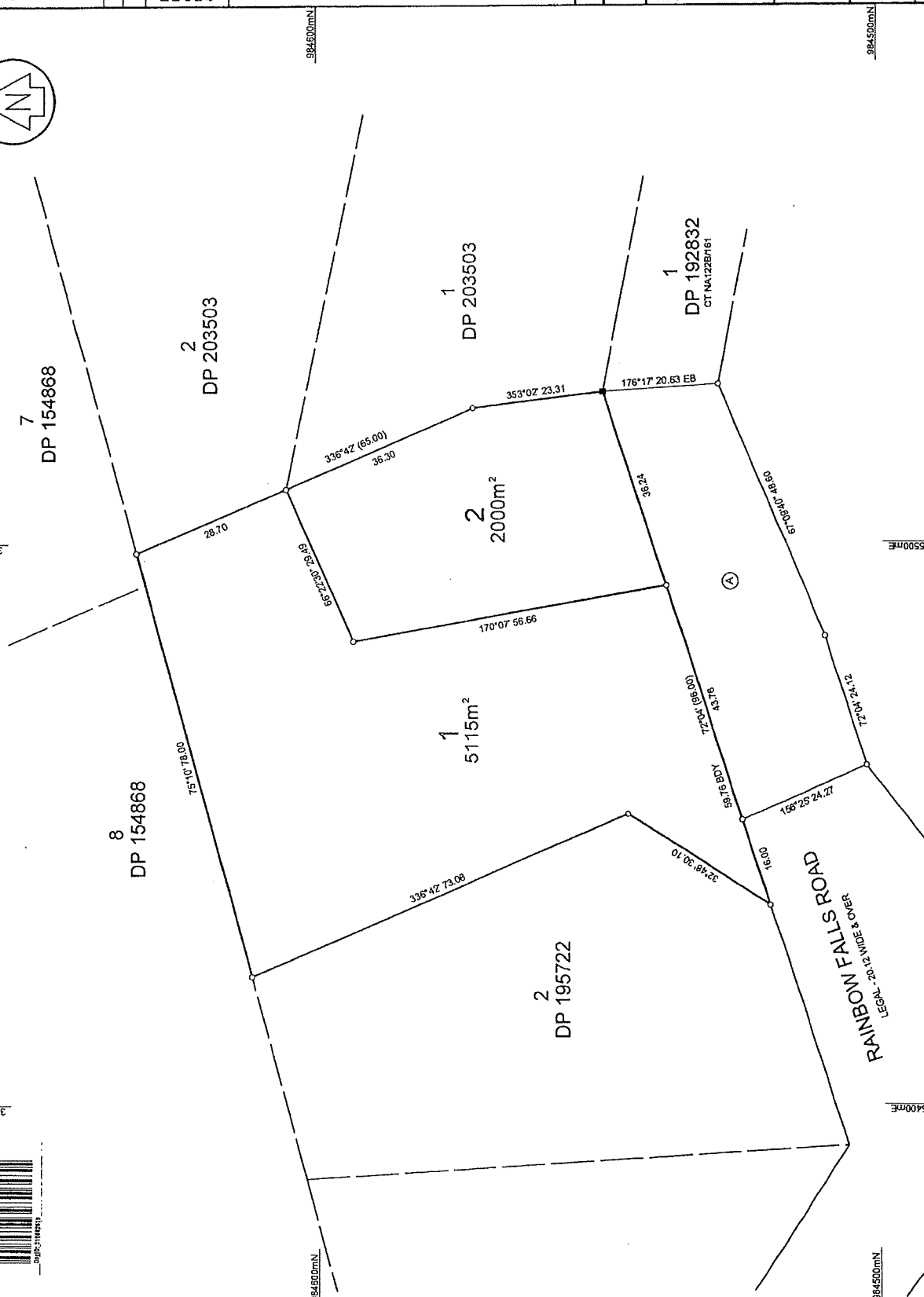
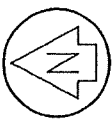
Prior References
NA126A/887

Estate Fee Simple
Area 5115 square metres more or less
Legal Description Lot 1 Deposited Plan 378052

Registered Owners
Brian William Fife and Anne Elizabeth Fife

Interests

10631023.2 Mortgage to ASB Bank Limited - 23.11.2016 at 4:08 pm



Approvals
 I hereby certify that this plan was approved by the Far North District Council pursuant to Section 223 of the Resource Management Act 1991 on the 11th day of October 2006. The easements shown on this plan are shown in the Memorandum endorsed hereon.

Authorised Officer: [Redacted] RC 2061085

MEMORANDUM OF EASEMENT

Purpose	Shown	Dominal Easement
Right of Way, Right of convey easements, telecommunications & water	(A)	Lot 1 hereon DP 192832

Right of Way, Right of convey easements, telecommunications & water

Lot 1 hereon DP 192832

Lot 1 hereon DP 192832

Lot 2 hereon DP 192832

New CT Allocations:
 Lot 1 - 3/3 0-2-7
 Lot 2 - 2/3 0-2-8

Class of survey: I

Total Area 7115m²

Comprised in NA126A/887 (All) & NA122B/161 (EO)

I, Robert John Donaldson of Kerikeri, being a person entitled to practise as a licensed cadastral surveyor, certify that—
 a) I understand the law of New Zealand and the provisions of the Cadastral Survey Act 2002 and the Surveyors-General's Rules for the Surveyors-General's Office;
 b) I have surveyed the land shown on this plan in accordance with the provisions of the Cadastral Survey Act 2002 and the Surveyors-General's Rules for the Surveyors-General's Office;
 c) I have surveyed the land shown on this plan in accordance with the provisions of the Cadastral Survey Act 2002 and the Surveyors-General's Rules for the Surveyors-General's Office;

Field Book P. [Redacted] p.
 Reference Plans

Examined Correct

Approved as to Survey by Land Information

New Zealand on 31/10/2006

Deposited by Land Information New Zealand on 12/10/2006

File Received 4 OCT 2006 DP 378052

Instructions

LAND DISTRICT NORTH AUCKLAND

Lots 1 & 2 being a subdivision of Lot 1 DP 198395 & Easement over Lot 1 DP 192832

TERRITORIAL AUTHORITY Far North District
 Surveyed by R. J. Donaldson & Associates
 Scale 1:500 Date August 2006 Ref. 4884