

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



*R. W. Muir*  
Registrar-General  
of Land

**Identifier** NA209/87  
**Land Registration District** North Auckland  
**Date Issued** 30 June 1913

**Part-Cancelled**

**Prior References**

NA148/125 WA 1635

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<b>Estate</b>	Fee Simple
<b>Area</b>	12.9044 hectares more or less
<b>Legal Description</b>	Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District and Part Section 22 Block V Omapere Survey District

**Registered Owners**

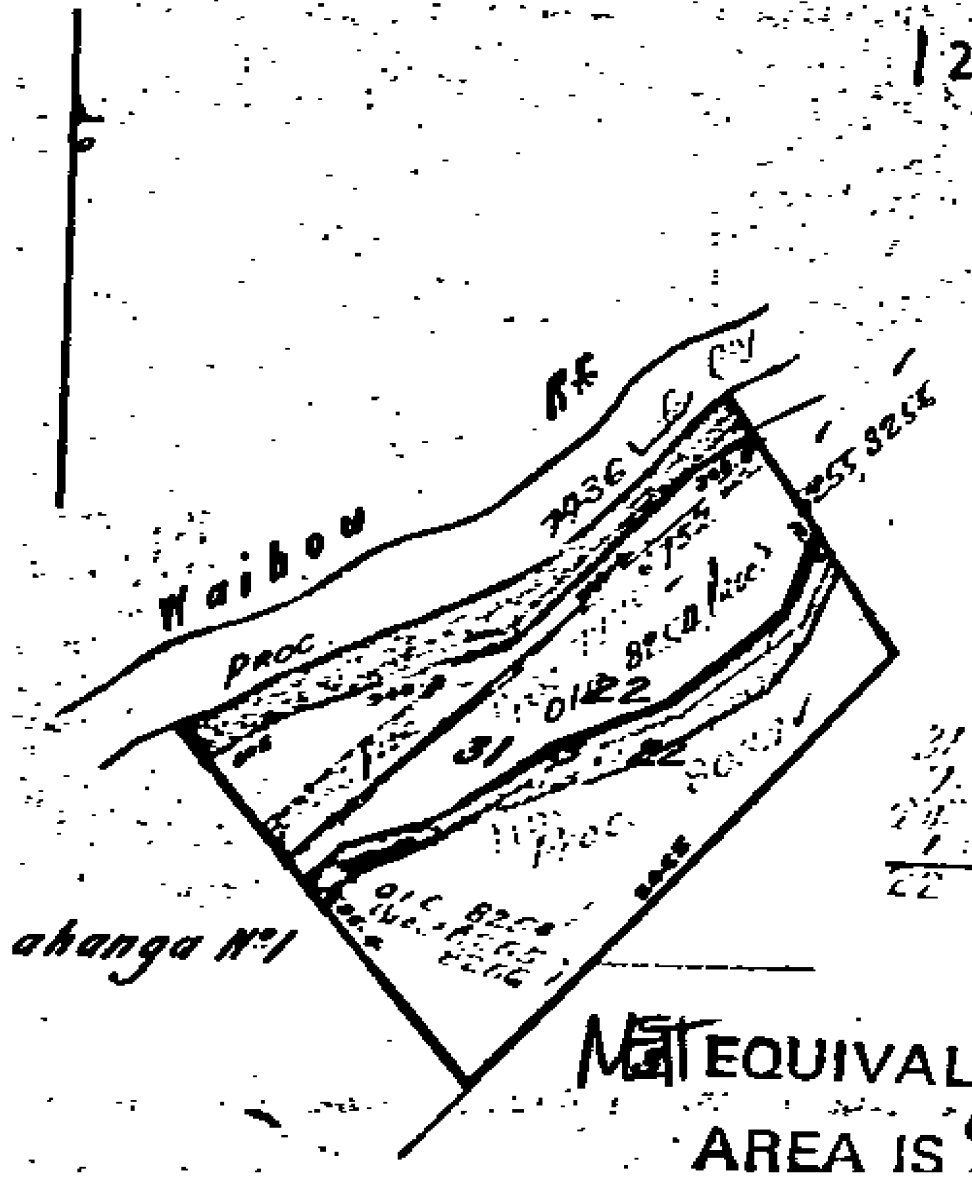
**Interests**

6752 Proclamation defining middle line of Railway - 29.8.1927 at 10.00 am  
7220 Proclamation taking parts of within land for railway and road - 5.6.1929 at 10.00 am  
8034 Proclamation taking part within land for road diversion - 25.9.1931 at 10.00 am  
11773960.3 Mortgage to ANZ Bank New Zealand Limited - 26.6.2020 at 1:44 pm

Image Quality due  
to Condition  
of Original

METRIC AREA IS

12





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA643/6**  
**Land Registration District** **North Auckland**  
**Date Issued** 14 February 1933

**Prior References**

PROC 8255                      PROC 8256                      WA 3298

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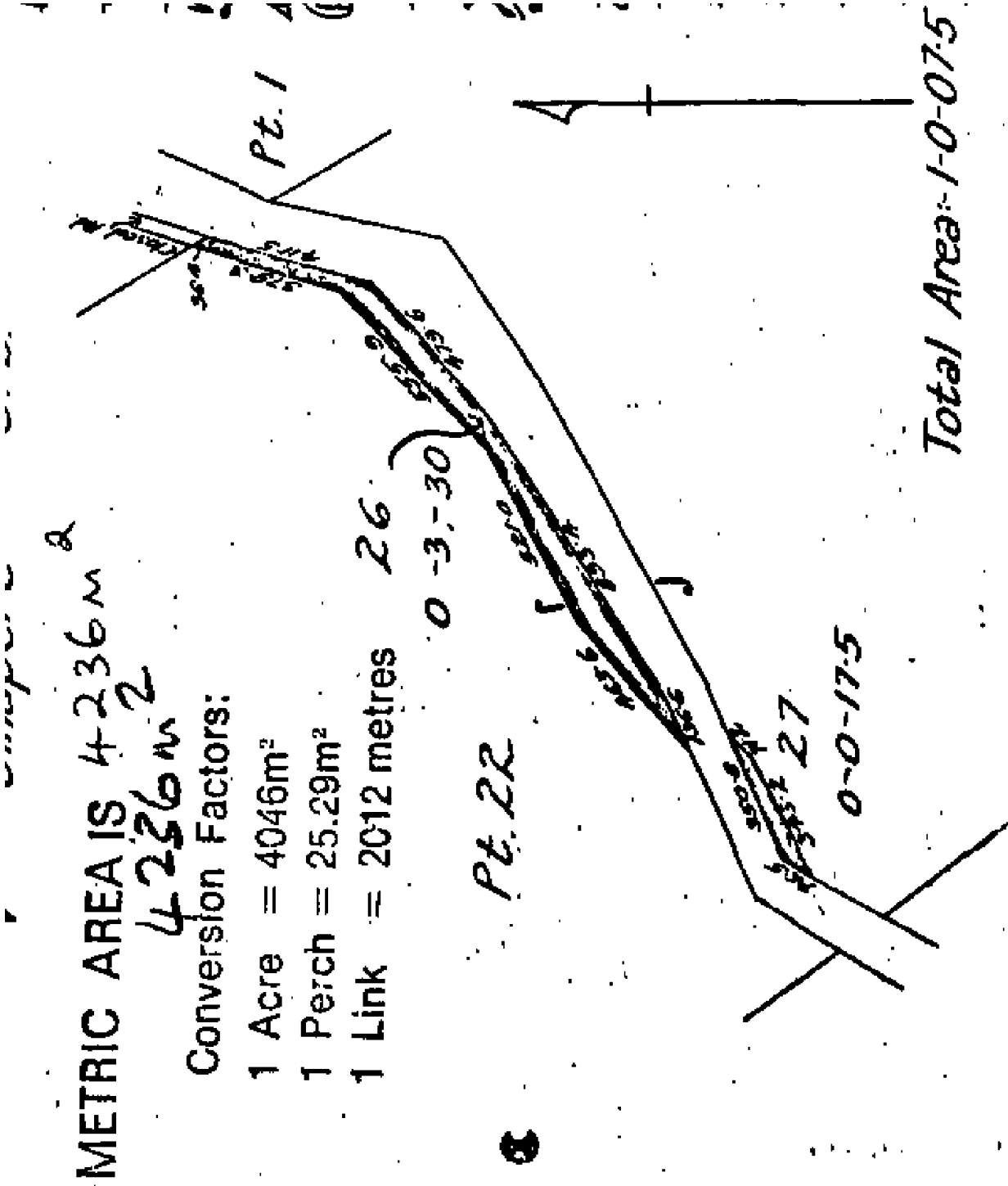
**Estate**                      Fee Simple  
**Area**                      4237 square metres more or less  
**Legal Description**      Section 26-27 Block V Omapere Survey  
   District

**Registered Owners**

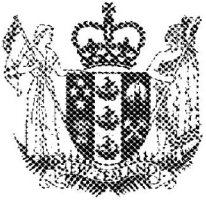


**Interests**

11773960.3 Mortgage to ANZ Bank New Zealand Limited - 26.6.2020 at 1:44 pm







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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA56A/750  
**Land Registration District** North Auckland  
**Date Issued** 07 November 1984

**Prior References**

NA209/87

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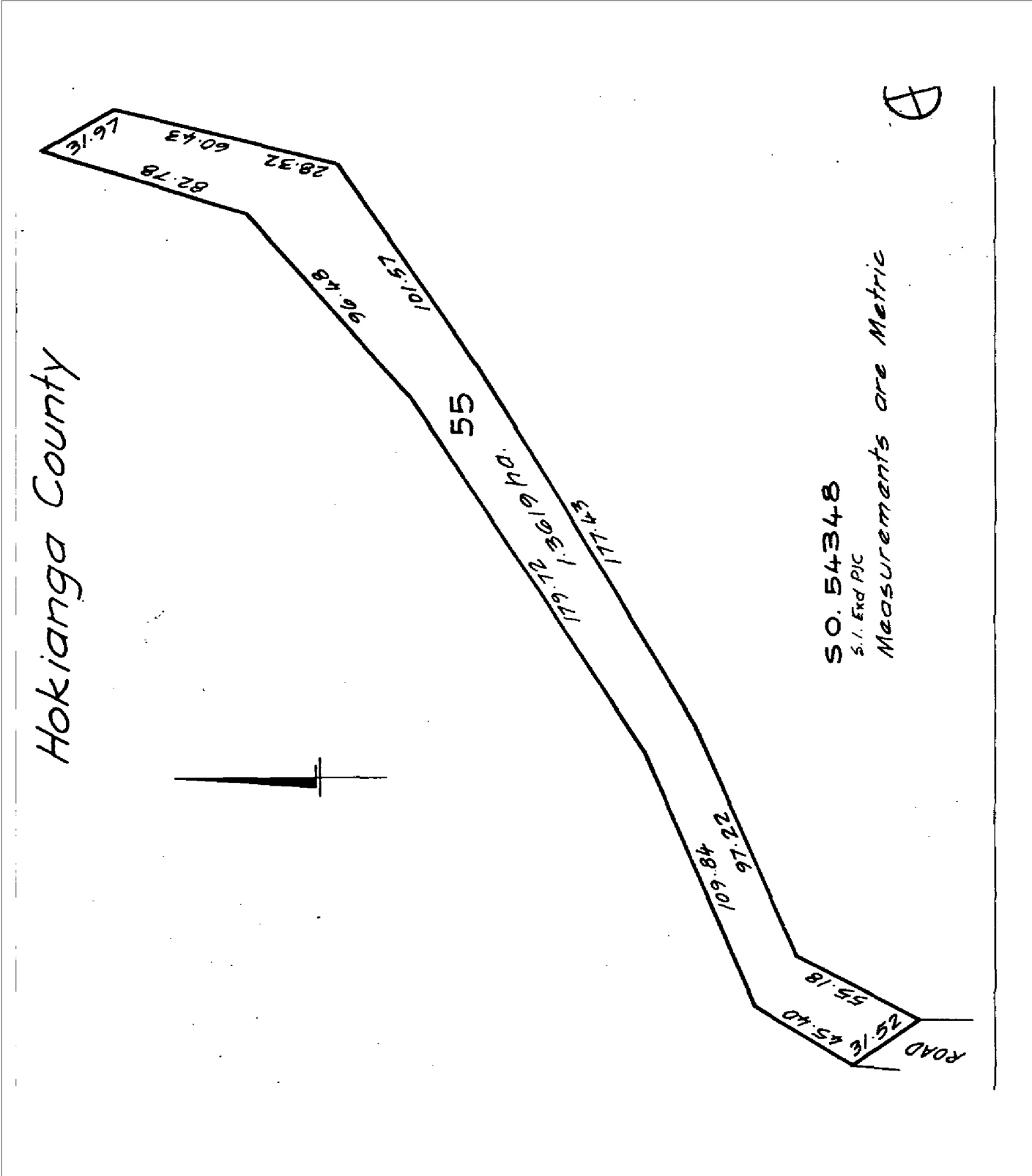
<b>Estate</b>	Fee Simple
<b>Area</b>	1.3619 hectares more or less
<b>Legal Description</b>	Section 55 Block V Omapere Survey District

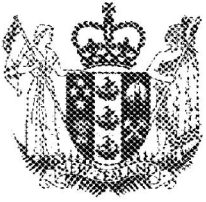
**Registered Owners**

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**Interests**

11773960.3 Mortgage to ANZ Bank New Zealand Limited - 26.6.2020 at 1:44 pm





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA438/55  
**Land Registration District** North Auckland  
**Date Issued** 01 June 1926

**Prior References**

NA123/218

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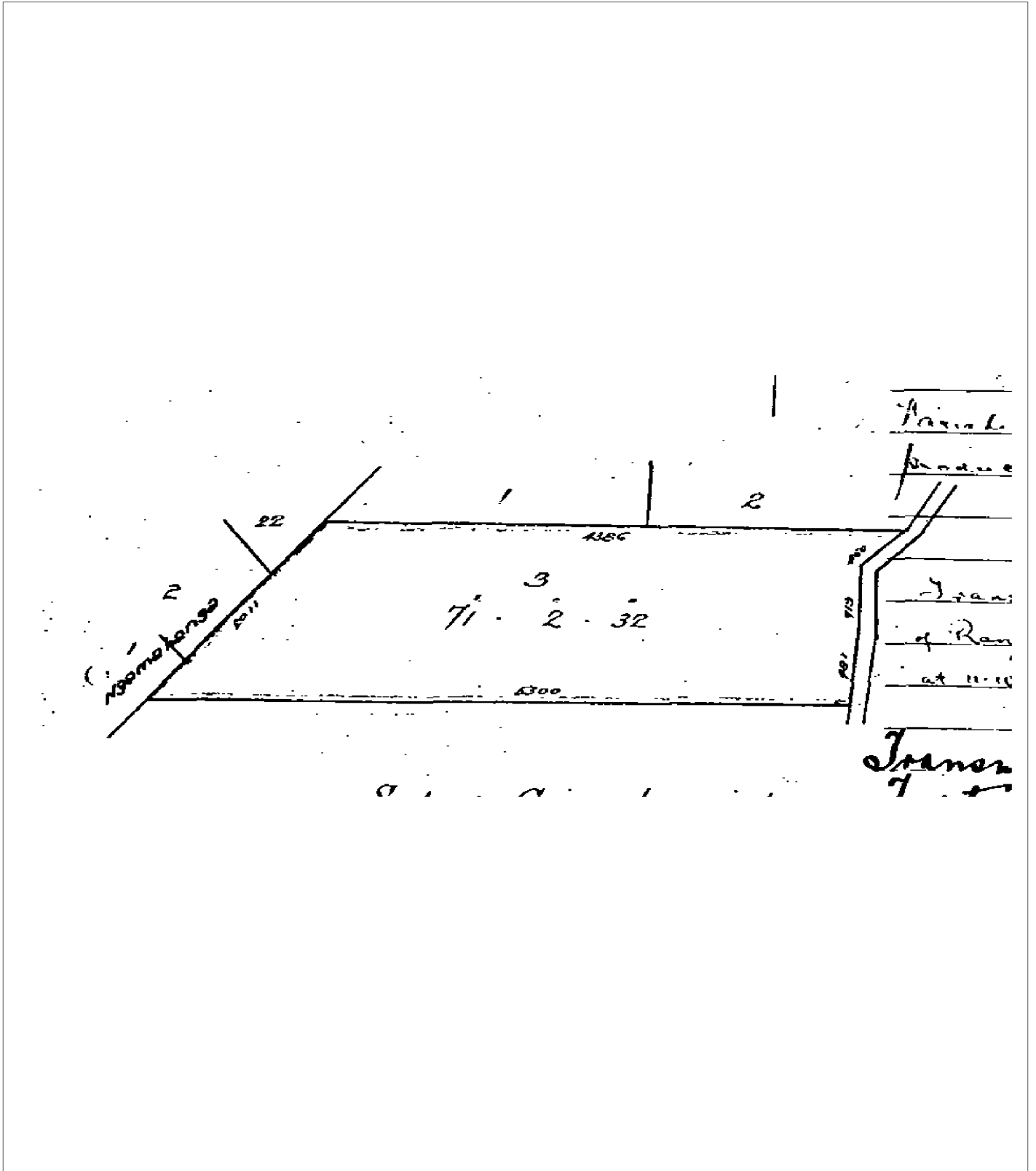
<b>Estate</b>	Fee Simple
<b>Area</b>	29.0160 hectares more or less
<b>Legal Description</b>	Section 3 Block V Omapere Survey District

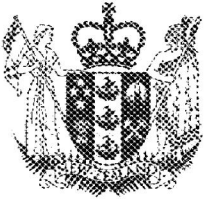
**Registered Owners**

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**Interests**

11773960.3 Mortgage to ANZ Bank New Zealand Limited - 26.6.2020 at 1:44 pm





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **187560**  
**Land Registration District** **North Auckland**  
**Date Issued** 05 November 2004

**Prior References**

NA26D/756

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<b>Estate</b>	Fee Simple
<b>Area</b>	10.2271 hectares more or less
<b>Legal Description</b>	Ngamahanga No 1 Block and Section 2 Survey Office Plan 54347

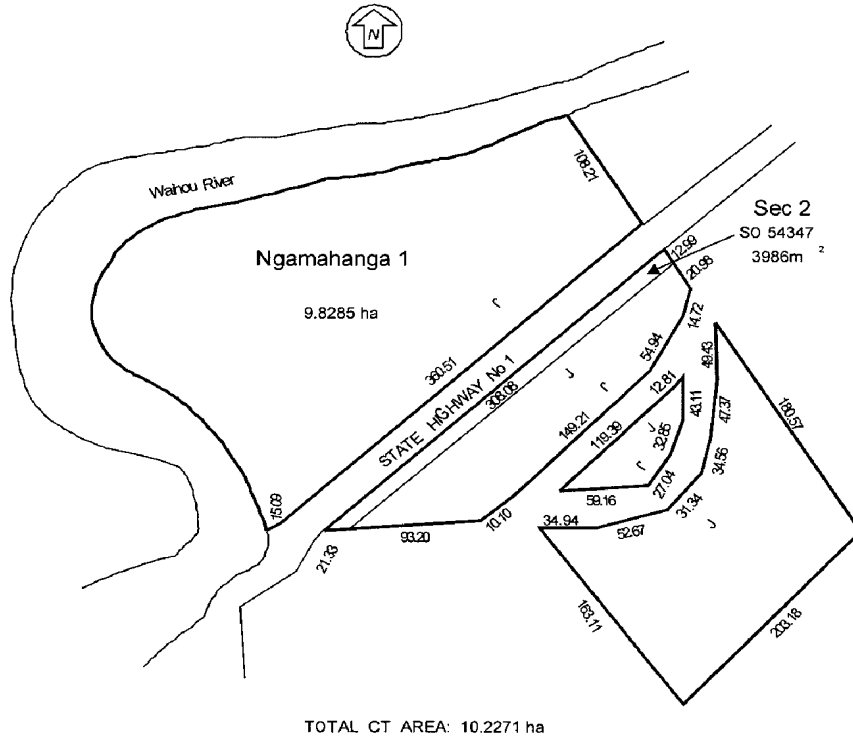
**Registered Owners**

**Interests**

Subject to Section 120(9) Public Works Act 1981  
6341924.3 Mortgage to ANZ National Bank Limited - 10.3.2005 at 9:00 am  
8180367.1 Variation of Mortgage 6341924.3 - 29.5.2009 at 3:34 pm

**Title Diagram CT187560**  
Cpy - 01/01, Pgs - 001, 23/11/04, 06/21  
DocID: 311612982

CT 187560  
18219



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# Colin Mark Clunie & Sharon Beth Clunie

## Proposed Subdivision / Boundary Adjustment & Easements

### 2427A & B State Highway 1, Okaihau

Williams & King, Kerikeri<sup>1</sup>  
8 November 2023

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<sup>1</sup> Williams & King - a Division of Survey & Planning Solutions (2010) Ltd  
Surveyors, Planners, Resource Managers - Kerikeri and Kaitaia  
PO Box 937 Kerikeri Phone (09) 407 6030 Email: nat@saps.co.nz

## 1.0 Overview

The applicants, Mark and Sharon Clunie, own a property comprising multiple Records of Title near Rahiri, between Okaihau and Horeke. They are seeking to create separate Records of Title around two existing dwellings, leaving the balance land to continue to be farmed. This will be achieved through subdivision, and boundary adjustment. Overall, one additional Record of Title will be created. Various easements, including Rights of Way, are to be created.

New Zealand Transport Agency Waka Kotahi has issued a conditional written approval, which requires the existing crossing place off State Highway 1 to be sealed to the boundary based on its current dimension. Additionally, they require a consent notice which limits the use of the balance farm land until the crossing place has been further upgraded to a Diagram D standard.

The subject site is zoned Rural Production in the Operative Far North District Plan, and overall, the proposed subdivision and boundary adjustment have been assessed as complying with the discretionary activity standard.

The land is also zoned Rural Production under the Proposed Far North District Plan, and has various river and coastal flood hazards recorded over it.

This assessment accompanies the Resource Consent application made by the Applicant and is provided in accordance with Schedule 4 of the Resource Management Act 1991. It is intended to provide the necessary information, in sufficient detail, to provide an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.

## 2.0 Description of Proposal

### 2.1 Proposed Subdivision

The overarching purpose of the proposal is to enable the creation of separate Records of Title around the existing dwellings.

The proposal has been depicted on two Scheme Plans, 'Stage 1', and 'Final', however, it is intended that the subdivision be implemented in one action. The purpose of the Stage 1 plan is to demonstrate compliance with the Operative District Plan restricted discretionary "one-off" subdivision criteria for the Rural Production Zone.

The staged Scheme Plans are attached in **Appendix 1**. All areas and dimensions are subject to final survey.

Each stage is described below.

#### **Stage 1 – Restricted discretionary activity subdivision of Pts Section 22 BLK V Omapere SD (NA209/87 (Pt)) & Easements**

The first stage subdivides Pt NA209/87 to create Lots 1, 2 and 3, with areas of 5836m<sup>2</sup>, 9456m<sup>2</sup> and 4.0074ha respectively.

The proposed amalgamation condition states that Lot 3 will be transferred to the owner of Pts Section 22 Blik V Omapere SD (RoT NA209/87) and that one Record of Title be issued to include all parcels. In other words, Lot 3 will be held with the remaining balance of NA209/87.

Overall, this stage creates two additional Records of Title.



A memorandum of easements shows that Easements A – E, for Right of Way, and the right to convey telecommunications and electricity will be created over the existing access formations used by Lots 1 and 2, while Easement F over Lot 3 formalises right of way, and conveyance of telecommunications and electricity in favour of adjoining Section 3 BLK V Omapere SD and Pts Ngamahanga 1, being adjoining Records of Title owned by the applicants, and farmed together with their other land.

## **Stage 2 / Final – Boundary Adjustment – Lots 1 & 2 (Stage 1) and Sections 26 & 27 BLK V Omapere SD (NA643/6)**

Stage 2 represents boundary adjustment between Lots 1 and 2 of Stage 1, and the Record of Title NA643/6, which comprises Sections 26 & 27 Blk V Omapere SD.

The purpose of this stage is to finalise and rationalise the boundaries of Lots 1 and 2, which will have the final areas of 6035m<sup>2</sup> and 9702m<sup>2</sup> respectively. This will be achieved by incorporating Section 26 Blk V Omapere SD into Lots 1 and 2.

The balance areas Lot 3 (4.0074ha – unchanged from Stage 1), and Lot 4 (being the balance of NA643/6, comprising Section 27 Blk V Omapere SD) will be subject to an amalgamation condition, which states that Lots 3 and 4 will be transferred to the owner of Pts Section 22 Blk V Omapere SD (RoT NA209/87) and that one Record of Title be issued to include all parcels.

In other words, Lots 3 and 4 will be held with the remaining balance of NA209/87.

Overall, this stage creates one less Record of Title from Stage 1, meaning that the final outcome is the creation of one additional Record of Title from the existing situation.

With Section 26 Blk V Omapere SD now incorporated into Lots 1 and 2, easements C and E from the Stage 1 scheme plan are no longer required, however the remaining easements, shown as A - D on the Final Scheme Plan will continue to be created.

## **2.2 Vehicle Access & Proposed Easements**

Waka Kotahi NZ Transport Agency has provided a conditional written approval, and the conditions are agreed to be included as part of the resource consent application. Refer to **Appendix 2**.

Vehicle access to each lot remains unchanged from the current situation, with an existing crossing place off State Highway 1 being used for Lots 1 and 2 and the balance title. This will be sealed to the property boundary as required by NZ Transport Agency Waka Kotahi. No additional traffic will be generated at this property entrance.

Easements are as shown on the Scheme Plans. As it is proposed to implement the subdivision in one action as illustrated in the 'Final' Scheme Plan, the easements shown on that plan only, i.e., Easements A – D, need to be included in the conditions of consent.

The proposal has been depicted on two Scheme Plans, 'Stage 1', and 'Final', however, it is intended that the subdivision be implemented in one action. The purpose of the Stage 1 plan is to demonstrate compliance with the Operative District Plan restricted discretionary "one-off" subdivision criteria for the Rural Production Zone.

Easement 'D' as shown on the Final Scheme Plan covers an existing farm access, and benefits adjacent land owned by the applicant. Refer to **Photograph 1**.



*Photograph 1 – Existing farm access within easement D on Final Scheme Plan.*

## 2.3 Wastewater and Stormwater Management

Existing onsite wastewater systems are located within Lots 1 and 2, and are described in the O'Brien Design Consulting Onsite Wastewater Suitability Report in **Appendix 3**.

It has been determined that a new system will be required for Lot 1, however, as the dwelling has been unoccupied for a lengthy period of time, and this may continue to be the case in the short term, this system will not be replaced until prior to occupation of the existing dwelling, or prior to occupation of a new dwelling, if this is the case. A consent notice condition to this effect is proposed.

For Lot 2, as the house has been vacant for six years, the performance of the existing system was unable to be confirmed. A consent notice condition is also proposed for Lot 2, which will require an inspection of the operation of the system to be supplied to Council within three months of the house being occupied. If replacement and/or upgrade of any of the components is required, then this will need to be completed.

Impermeable surfaces on the lots will comply with the permitted standards for the Rural Production Zone.

## 2.4 Earthworks

No earthworks are necessary to complete the subdivision.

# 3.0 Application Site Details and Description

## 3.1 Location

The site is situated at 2427 A & B State Highway 1, in Rahiri, between Waihou Valley to the east and Rangiahua to the west. The property comprises land either side of State Highway 1, although the affected parcels of land are located on the south eastern side of the road. Waihou River is located to the north.

Refer to **Figures 1 - 3**.

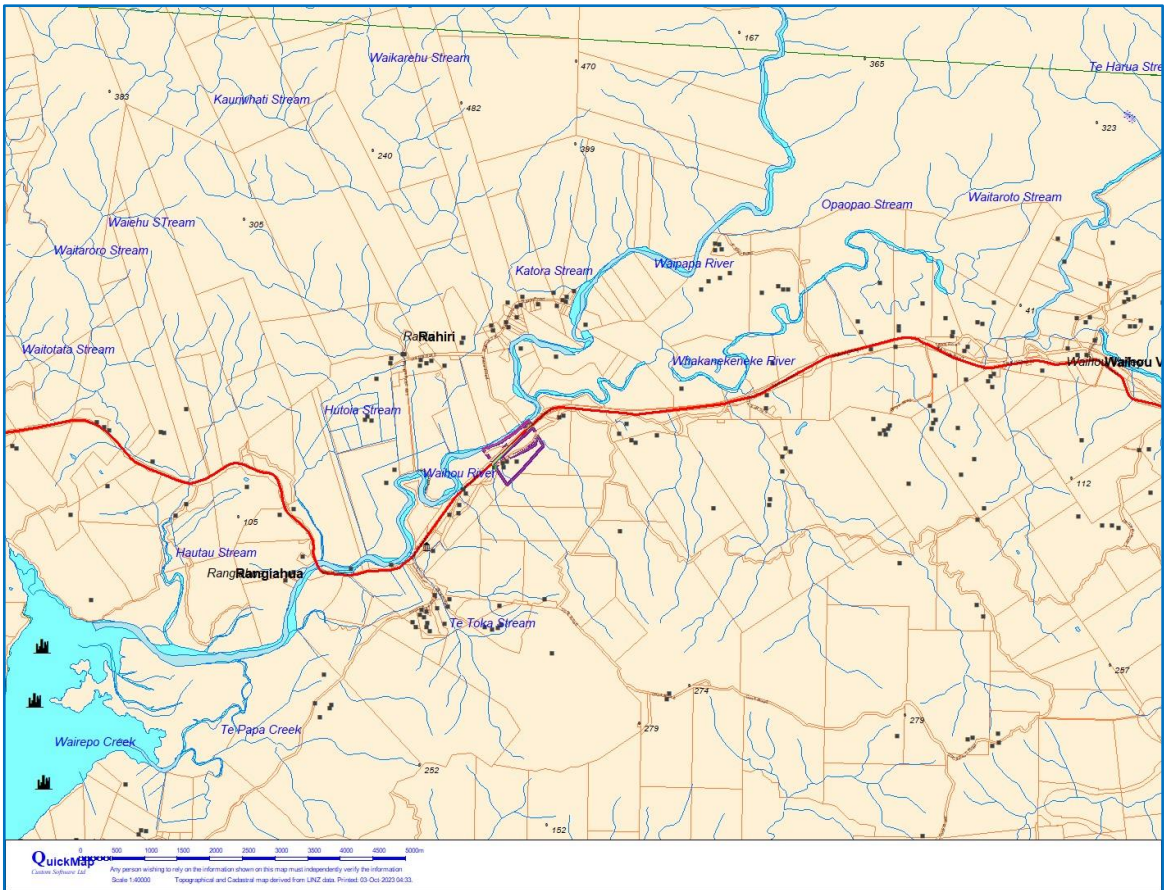


Figure 1: Location Map

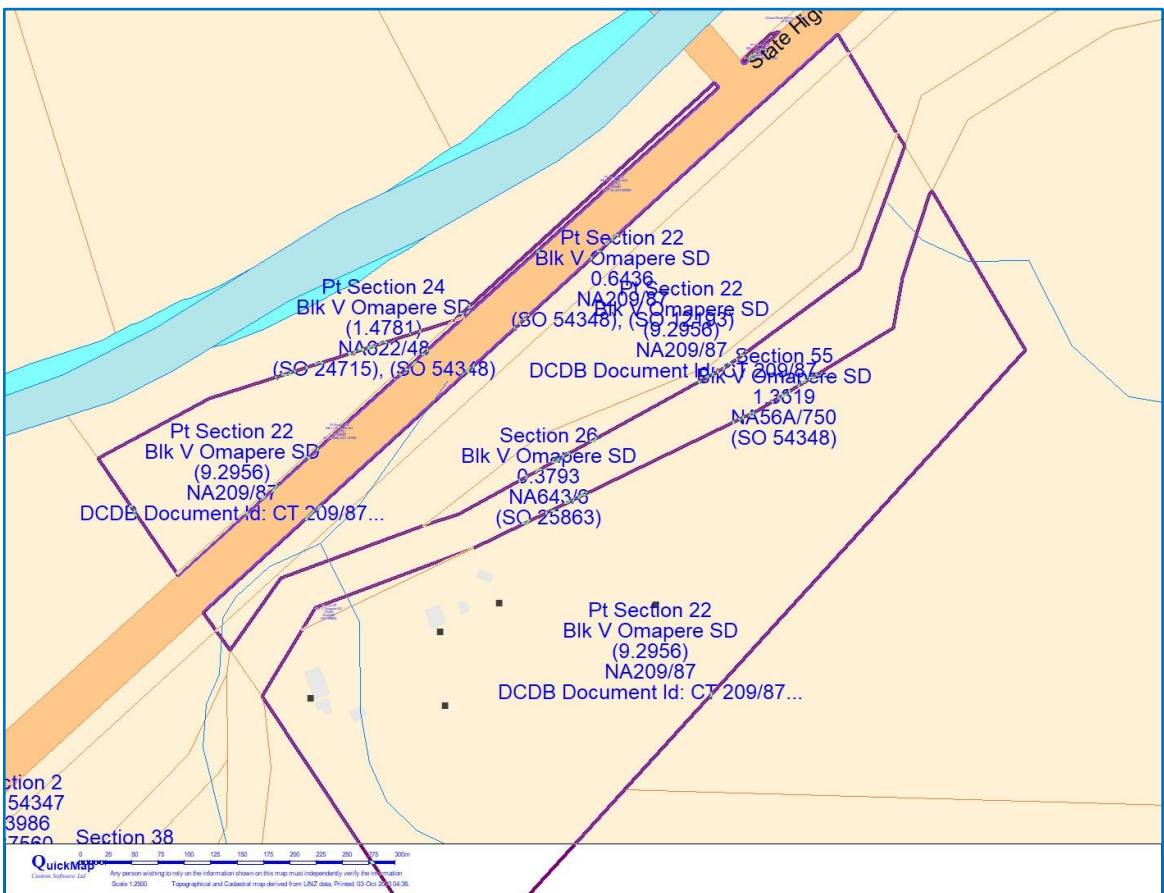


Figure 2: Cadastral Map – Overall



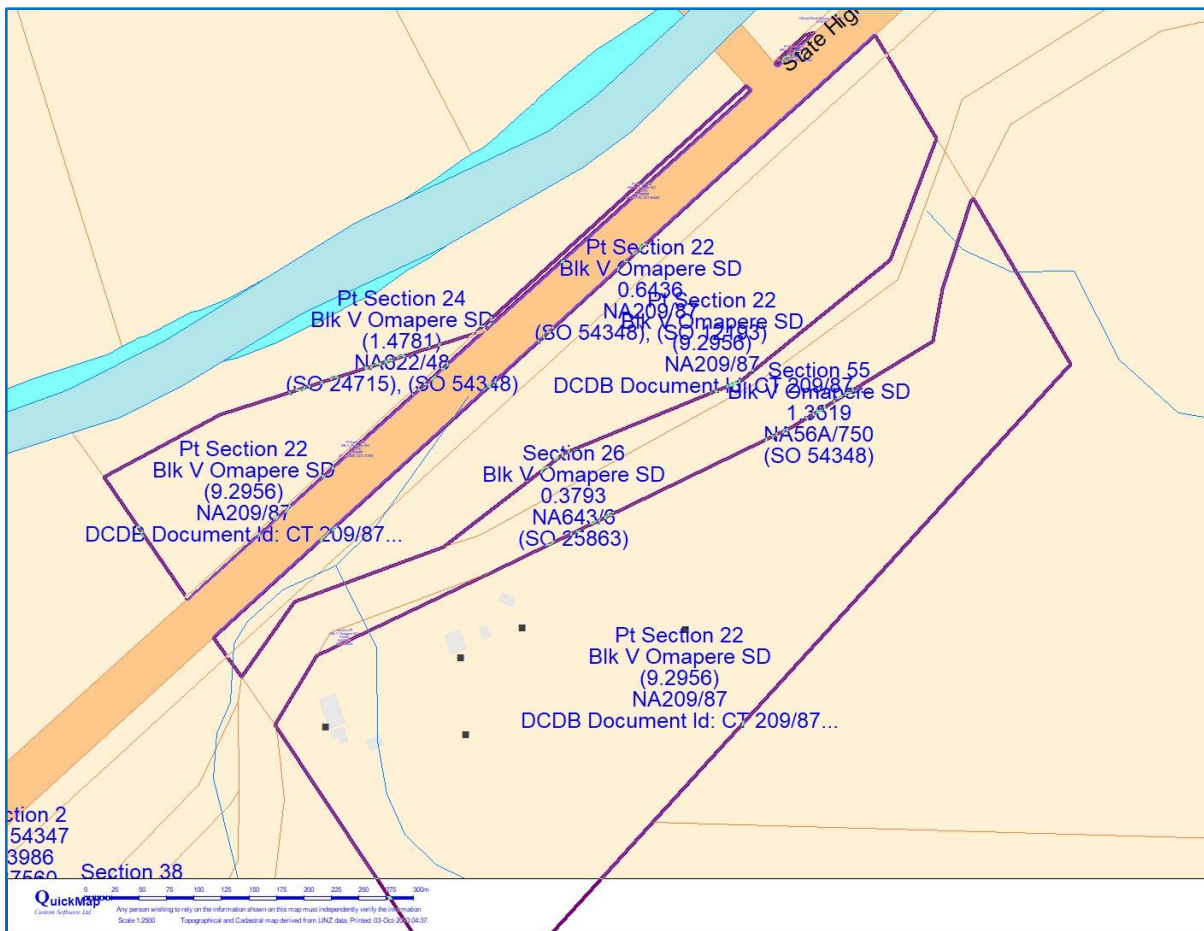


Figure 3: Cadastral Map – Showing Land Subdivided by Stage 1, comprising NA209/87.

### 3.2 Legal Details

Records of Title are provided in **Appendix 4**.

The subject land is legally described as follows:

#### Stage 1 – Subdivision

Legal Description	Record of Title Identifier	Area	Relevant Interests / Encumbrances
Parts Section 22 Block V Omapere Survey District	NA209/87	12.9044ha more or less.	-

#### Stage 1 – Proposed Easements

Legal Description	Record of Title Identifier	Area	Relevant Interests / Encumbrances
Parts Section 22 Block V Omapere Survey District	NA209/87	12.9044ha more or less.	-
Sections 26 & 27 Block V Omapere Survey District	NA643/6	4237m <sup>2</sup> more or less.	-
Section 55 Block V Omapere Survey District	NA56A/750	1.3619ha more or less.	-

## Stage 2 (Final) – Subdivision

Legal Description	Record of Title Identifier	Area	Relevant Interests / Encumbrances
Parts Section 22 Block V Omapere Survey District	NA209/87	12.9044ha more or less.	-
Section 26 & 27 Block V Omapere Survey District	NA643/6	4237m <sup>2</sup> more or less.	-

## Stage 2 (Final) – Easements

Legal Description	Record of Title Identifier	Area	Relevant Interests / Encumbrances
Parts Section 22 Block V Omapere Survey District	NA209/87	12.9044ha more or less.	-
Section 55 Block V Omapere Survey District	NA56A/750	1.3619ha more or less.	-

### 3.3 Site Conditions

The subject site is predominantly in grazed pasture, with the two existing dwellings and various ancillary sheds located at the south east end of the site within Lots 1 and 2. Various farm fences are in place. Section 55 Block V Omapere Survey District, which is owned by the applicant, is an area of stopped road with stockyards and a formed access.

Refer to **Photographs 2 - 4**.



*Photograph 2: Existing dwelling and accessory buildings on Lot 1. Note that overhead power lines visible are redundant, as underground power supply has been provided to the dwelling.*



*Photograph 3: Existing dwelling and accessory buildings on Lot 2. Other sheds on this lot are not visible in the photograph.*



*Photograph 4: View north east over Pts Section 22 Block V Omapere Survey District. Photograph taken from Section Blk V Omapere Survey District.*

The site is generally flat adjacent to State Highway 1, and then slopes up towards the south west over rolling slopes, with protruding boulders in places. Various overland flow paths and streams collect water from the slopes.

The boundary between Lots 1 and 2 will follow an open watercourse, which drains to the farm drains within the balance area. The width of the watercourse varies, being widest within the bouldery section under tree cover, and narrowest where it appears as a channelised farm drain. It appears that the average width of this section of the watercourse will be less than 3m in width, however this will be confirmed at legal survey stage at the latest.

The existing wastewater systems for the dwellings on Lots 1 and 2 are as described in the O'Brien Design Consulting Onsite Wastewater Suitability Report. The approximate location of existing septic tanks and soakage disposal areas on Lots 1 and 2 is illustrated in **Figure 4**.



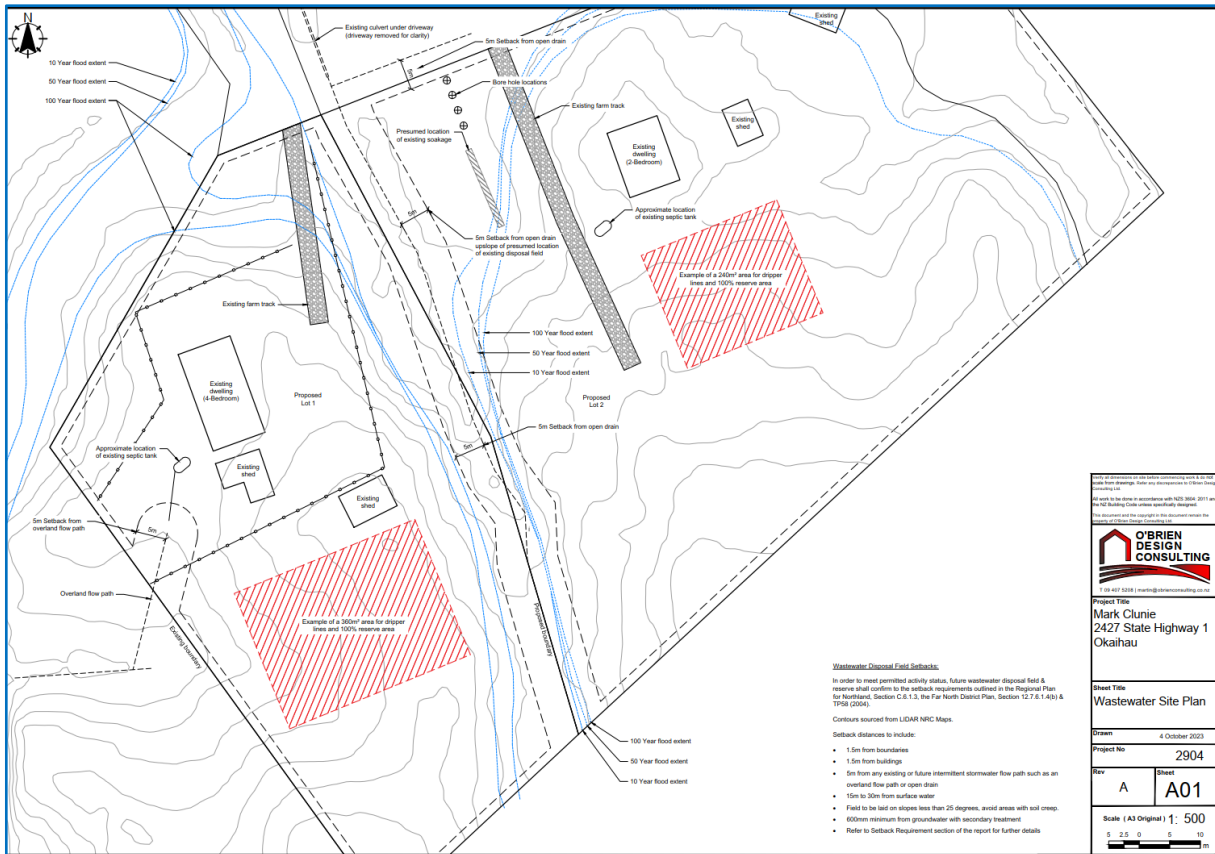


Figure 4: Wastewater and Stormwater Disposal on Lot 2, Sourced from FNDC Property File BC-2017-962-0 Specifications.

The existing buildings on Lots 1 and 2 and balance farm area are served by an existing vehicle crossing off State Highway 1. The first section of shared access is a gravelled carriageway (see **Photograph 5**), which then diverges to the individual dwellings on Lots 1 and 2, the stockyards within Lot 3, and the remainder of the farm. Refer to **Photograph 6**.



Photograph 5: Formed access over easements A and B (Final Scheme). Looking back towards State Highway 1.



*Photograph 6: Access over easement C (Final Scheme Plan), showing formation within stopped road. Note that the overhead power lines to the left of the photo are now redundant, as underground power has been supplied from a transformer at the base of the power pole to the right.*

### 3.4 Recorded Natural Features

The subject site is not within the coastal environment and has no areas of high or outstanding natural character or outstanding natural landscapes or features as recorded by the Regional Policy Statement.

The subject land is not recorded as being part of a kiwi habitat in the Far North Maps “Species Distribution (DoC)” Map.<sup>2</sup>

The property is not included in any Protected Natural Area as recorded by the Department of Conservation Protected Natural Areas Mapping, nor is it included in an Open Space Covenant. The nearest Department of Conservation Public Conservation Land is the Waihou River Conservation Area, which is located adjacent to State Highway 1 at its intersection with Rangiahua Road, approximately 475m to the south west of the subject site.

Soils on the site are mapped within Land Use Capability Units 3w1 (over the alluvial floodplains immediately adjacent to State Highway 1), 4e6 over the gently to strongly rolling slopes. Refer to **Figure 5**. Neither of these Land Use Capability Units meets the definition of ‘highly versatile soils’ in the Regional Policy Statement for Northland, including the Unit 3w1 due to its wetness limitation, however, Land Use Capability Class 3 land meets the definition of ‘highly productive land’ in the National Policy Statement for Highly Productive Land 2022.

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<sup>2</sup> A map showing the distribution of Northland Brown Kiwi and Northland Mudfish in the Far North District. Kiwi habitat distribution based on call count monitoring in 2019 by Department of Conservation: Craig, E. (2020): *Call count monitoring of Northland brown kiwi 2019*. Department of Conservation, Whangarei, New Zealand.



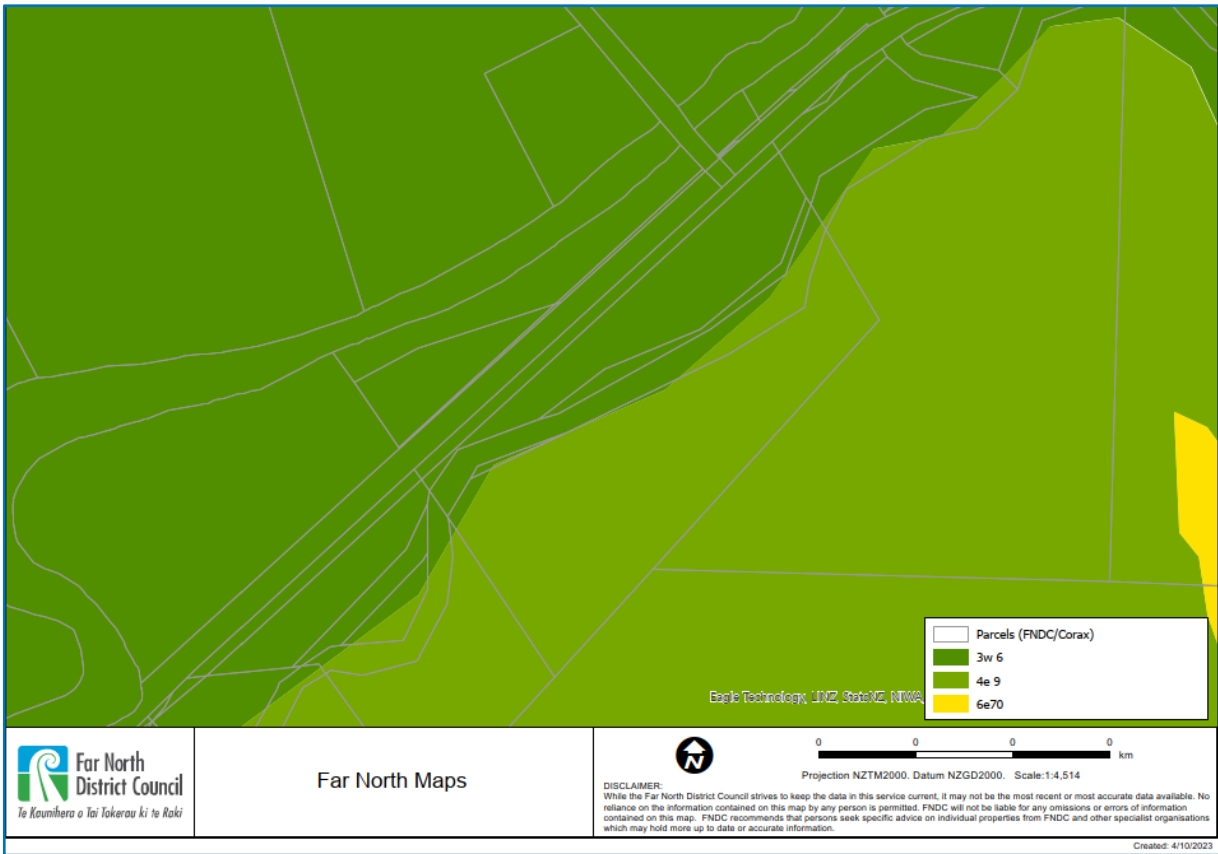


Figure 5: Far North Maps Land Cover and land use map.

The flat land adjacent to State Highway 1 is subject to a mapped flood hazard, as depicted in the Northland Regional Council Natural Hazard Map in **Figure 6**.

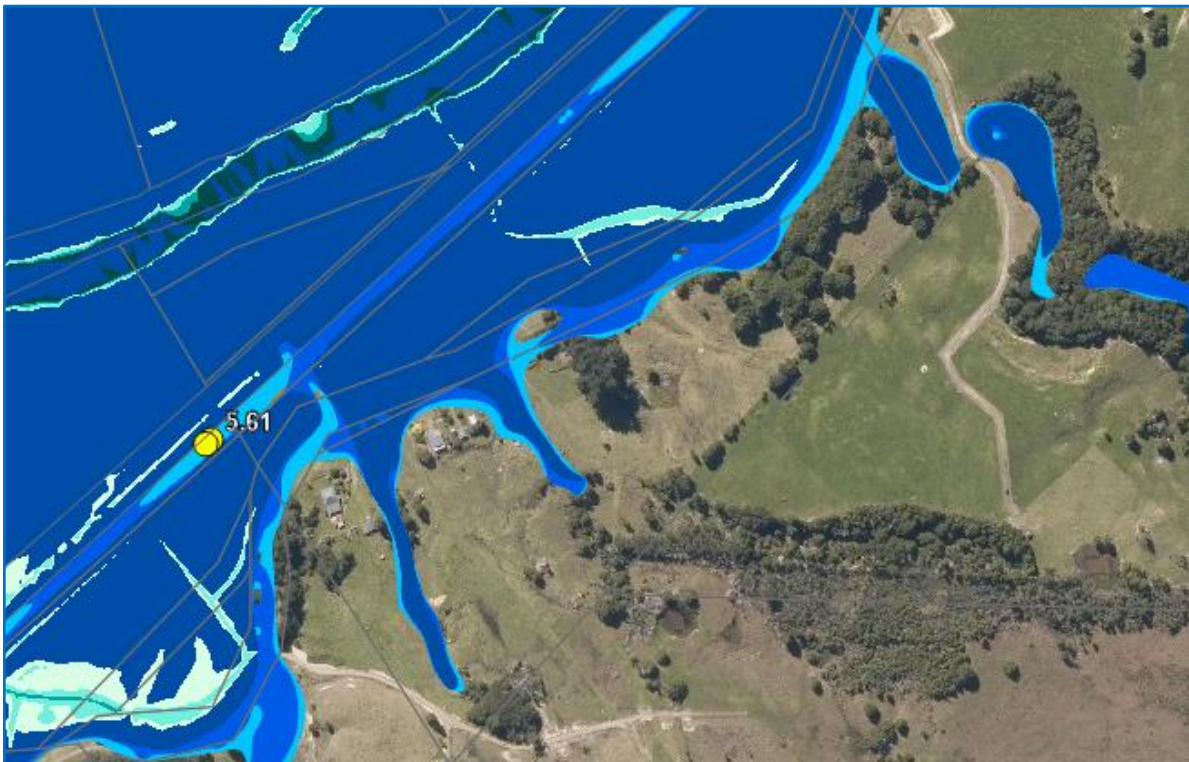


Figure 6: Northland Regional Council Natural Hazard Map

## 4.0 District Plan Assessment

### 4.1 Far North District Operative District Plan

The application site is zoned Rural Production and is not subject to any Resource Features. The proposal is assessed against the relevant rules of the District Plan as follows.

#### 4.1.1 Rural Production Zone

Rule	Discussion	Compliance
<b>8.6.5.1 PERMITTED ACTIVITIES</b>		
8.6.5.1.1 Residential Intensity	Complies – Lots 1 and 2 each contain a single residential dwelling.	Complies.
8.6.5.1.2 Sunlight	All existing buildings will easily comply with this standard in terms of the new boundaries created.	Complies.
8.6.5.1.3 Stormwater Management	Impermeable surfaces on each lot do not exceed 15%.	Complies.
8.6.5.1.4 Setback from Boundaries	The new boundaries will be located in order to be at least 10m from any existing building.	Complies

#### 4.1.2 Natural & Physical Resources

No clearance of indigenous vegetation, earthworks (besides any minor upgrades of existing access formations), new buildings or other works within close proximity to a water body are required for the proposed activity. The proposal has no implications in terms of the Rules set out in Chapter 12.

#### 4.1.3 Subdivision

Rule	Discussion	Compliance
<b>13.6 GENERAL RULES</b>		
13.6.5 Legal Frontage	Each lot has frontage to State Highway 1 either directly or via easement.	Complies.
13.6.8 Subdivision Consent Before Work Commences	No earthworks or vegetation clearance is proposed.	Not applicable.
13.6.12 Suitability for Proposed Land Use	Lots 1 and 2 contain existing dwellings, balance land to remain as farm.	Complies.
<b>13.7 CONTROLLED ACTIVITIES</b>		
13.7.1 Boundary Adjustments: All Zones ....	On the Final Scheme Plan, compliance is assessed as follows: <ul style="list-style-type: none"> <li>(a) Met – no change in number or location of access.</li> <li>(b) No increase in the number of certificates of title.</li> <li>(c) Minimum lot size of 20ha not met. However, areas of Lots 1 and 2 are increasing (degree of non-compliance not increased), Lot 3 will remain the same area, Lot 4 will be held together with Lot 3 and Pts Section 22 Blk</li> </ul>	Does not comply with (c) – discretionary activity.

	<p>Omapere SD as a continuous area of land to produce a total Record of Title area of approximately 11.3752ha, which can be considered a discretionary activity.</p> <p>(d) The area is contiguous with the area of the original lots.</p> <p>(e) No new land use rules are infringed.</p> <p>(f) Existing and future on site drainage remains within the adjusted sites. D</p>	
13.7.2.1 Minimum Area for Vacant New Lots ....	At each stage, Lot sizes do not meet minimum controlled activity lot size of 20ha.	Does Not Comply.
13.7.2.2 Allotment Dimensions	Each lot includes a dimension of 30 x 30m, plus 10m boundary setbacks.	Complies.
13.7.3 Controlled (Subdivision) Activities: Other Matters to be Taken into Account	The proposed Subdivision is not a controlled activity.	Not applicable.
<b>13.8 RESTRICTED DISCRETIONARY ACTIVITIES</b>		
13.8.1 Subdivision Within the Rural Production Zone	At Stage 1, the proposal complies with 13.8.1(b), as subdivision of Pts Section 22 Block V Omapere Survey District.	Complies.
<b>13.9 DISCRETIONARY ACTIVITIES</b>		
13.9.1 Minimum Net Area for Vacant New Lots ...f	Final Plan – area of Lots 3, 4 & Pts Section 22 Block V Omapere Survey District achieve a minimum lot size of 4ha.	Complies

#### 4.1.4 Financial Contributions

Rule	Discussion	Compliance
<b>14.6 PERMITTED ACTIVITIES</b>		
14.6.1 Esplanade Areas	Clause (a) states that Council will require a financial contribution of an esplanade reserve or strip where lots less than 4ha are created along the bank of any river with a bed having an average width of 3m or more. The boundary between Lots 1 and 2 follows a creek / drain which appears to be less than 3m in average width. The modified section is a narrow channel, with small sections that are wider.	Complies, no esplanade reserve or strip expected to be required. Will be confirmed at survey stage pursuant to section 230 RMA.

#### 4.1.5 Transportation

The proposal has no implication in terms of District Plan rules relating to traffic or car parking – no additional traffic or land use activities are being established. The ‘Access’ rules are addressed below, where relevant.

Rule	Discussion	Compliance
<b>15.1.6C.1 PERMITTED ACTIVITIES</b>		
15.1.6C.1.1 Private Accessways in all Zones.	An existing accessway provides access to Lots 1 and 2 and the balance farm area – there will be no increase in household equivalents using this, and less than 8 household equivalents and sites will share private access. The existing access may require the grass to be sprayed and another course of metal to be added.	Complies.

15.1.6C.1.5 Vehicle Crossing Standards in Rural ... Zones	No new vehicle crossings are required. The existing crossing place will be upgraded to seal to the property boundary as per NZTA written approval.	Complies.
15.1.6C.1.7 General Access Standards	The existing access provisions meet these standards.	Complies.
15.1.6C.1.8 Frontage to Existing Roads	State Highway 1 is of sufficient legal and carriageway width to comply with this rule.	Complies.

#### 4.1.6 Summary of Activity Status

Overall, the proposal has been assessed as a discretionary activity.

## 4.2 Proposed Far North District Plan

The subject site is zoned Rural Production in the Proposed District Plan. There are no Natural Environment or Other Overlays. Parts of each lot are within a River Flood Hazard zone, covering both the 10 and 100 Year ARI Event. An area of Lot 4 is subject to a Coastal Flood (Zone 2 & 3) Area.

There are no known rules with immediate legal effect relating to the proposed activity.

### 4.2.1 Area-Specific Matters - Rural Production Zone

Rule	Discussion	Compliance
RPROZ-R2 Impermeable Surface Coverage	Existing coverage on each of Lots 1 and 2 will be less than 15%.	Complies
RPROZ-R3 Residential Activity	A single residential unit is located on Lots 1 and 2.	Complies.
RPROZ-S2 Height in Relation to Boundary	No issues in terms of the proposed new boundaries to be created by the subdivision.	Complies
RPROZ-S3 Setback	No issues in terms of the proposed new boundaries to be created by the subdivision.	Complies
RPROZ-S5 Building or Structure Coverage	Existing coverage on Lots 1 and 2 will be less than 12.5%.	Complies.

### 4.2.2 District-Wide Matters – General District-Wide Matters – Energy, Infrastructure, & Transport - Transport

Rule	Discussion	Compliance
TRAN-R1 Parking	There is sufficient parking within Lots 1 and 2 to meet the permitted standard.	Complies.
TRAN-R2 Vehicle crossings and access, including private accessways	Shared private access will serve less than 8 household equivalents in compliance with PER-1. The crossing place is an existing crossing – PER-2 and 3 are considered to be met. Note	Complies.

	<p>that the existing crossing is off State Highway 1.</p> <p>There are no unused crossings – PER-4 is met.</p> <p>The private accessway will serve 2 residential units, and requires 4m legal width and 3m surfaced carriageway width. This is generally met in compliance with TRAN-Table 9 for a rural setting, however grass may need to be sprayed and another metal layer added. Passing bays are not required.</p> <p>No new vehicle crossings are required (PER-6.</p>	
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#### 4.2.3 District Wide Matters – Subdivision

Rule	Discussion	Compliance
SUB-R3 Subdivision of land to create a new allotment.	<p>CON-1</p> <ul style="list-style-type: none"> <li>• Lots 1 and 2 include 30 x 30m dimension, plus 10m boundary setbacks – SUB-S2 is met</li> <li>• Onsite water storage is existing – SUB-S3 is met.</li> <li>• No new buildings or impermeable surfaces are proposed. Existing buildings collect stormwater from roofwater tanks, with overflow discharged to natural contours.</li> <li>• Onsite wastewater treatment and disposal is feasible within Lots 1 and 2 in compliance with SUB-S5.</li> <li>• Existing power and telecommunications connections – SUB-S6 is met.</li> <li>• Easements as shown on the Scheme Plans – SUB-S87 is met.</li> </ul> <p>CON-2</p> <ul style="list-style-type: none"> <li>• Controlled and discretionary activity minimum allotment sizes specified in SUB-S1 are not achieved.</li> <li>• No esplanade reserve requirements anticipated.</li> </ul>	Does not comply with CON-2 – Non-complying activity.
SUB-R4 Subdivision that creates a private accessway	The private access serves less than 8 sites.	Complies.
SUB-R11 Subdivision of a site within flood hazard areas	<p>RDIS-1</p> <p>Dwellings on Lots 1 and 2 are outside the floodplain. No increase in flood hazard as a result. No new accessway proposed – existing access is used.</p>	Complies.

#### 4.2.4 Summary of Activity Status under the Far North Proposed District Plan

Overall, the proposal has been assessed as a non-complying activity under the Proposed District Plan.

## 5.0 Assessment of Environmental Effects

*Section 104(1)(a) and (ab) require the consent authority, subject to Part 2 of the Act, to have regard to any actual and potential effects on the environment of allowing the activity and any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.*

*Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard of the plan permits an activity with that effect and Section 104(3)(a)(ii) requires a consent authority to not, when considering an application, have regard to any effect on a person who has given written approval to the application (unless that person has withdrawn the written approval before the date of a hearing or before the application is determined, as set out in 104(4)).*

*Clauses 6 and 7 of Schedule 4 of the RMA indicate the information requirements and matters that must be addressed in or by an assessment of environmental effects, both of which are subject to the provisions of any policy statement or plan. The relevant criteria listed under 13.10 (Assessment Criteria - Subdivision) of the District Plan are also addressed in the following assessment.*

### 5.1 Natural and Other Hazards

Besides coastal and river flood hazards, no other natural hazards are mapped over the site in the NRC Natural Hazard Mapping, and the property is not shown as Erosion Prone Land in the Proposed Regional Plan mapping.

Lots 1 and 2 contain existing dwellings which are outside the NRC mapped flood hazard area.

Overall, as the proposed subdivision does not create any new or additional lots that don't already have existing residential use, it is considered that the proposed subdivision does not generate any new adverse effects with regards to flooding.

No new fire risk will arise from the proposal as Lots 1 and 2 have existing dwellings.

As discussed above, the proposal avoids adverse effects in relation to natural and fire hazards.

### 5.2 Water Supply

The property is not within the area of benefit for water reticulation. Domestic water supply for each lot will remain by way of on-site collection and storage of rainwater, which can also be used to provide a supply for fire fighting. The proposal has no requirements in terms of water supply for domestic or fire fighting supply.

### 5.3 Stormwater Disposal

No additional impermeable surfaces will be generated as a result of the proposal, with all existing buildings and access being established. The proportion of impermeable surfaces within each lot will also remain within the permitted activity standard.

Existing natural overland flow paths and drainage channels collect stormwater runoff from impermeable surfaces and surface runoff.

The proposal will not generate any adverse stormwater effects, including on adjoining properties, or on natural and physical resources.



## 5.4 Sanitary Sewage Disposal

As outlined in the O'Brien Design Consulting Report, there is sufficient area and suitable conditions within Lots 1 and 2 for the onsite treatment and disposal of wastewater. Consent notice conditions are proposed for each of these lots requiring:

- On Lot 1, that the wastewater system will be replaced prior to occupation of the existing dwelling, or prior to occupation of any new dwelling.
- On Lot 2, an inspection of the operation of the existing wastewater system will be supplied to Council within three months of the existing house being occupied, or a new house being occupied. If the inspection indicates that replacement and/or upgrade of any component of the system is required, then this will need to be completed.

As such, it is considered that the adverse effects on the immediate and wider environment resulting from the disposal of wastewater will be nil.

## 5.5 Energy & Telecommunications Supply

Proposed easements provide for the provision of electricity and telecommunications from State Highway 1. No new connections are required as part of the subdivision proposal.

Top Energy has advised that Lots 1 and 2 have an existing power supply – refer to **Appendix 5**.

## 5.6 Property Access

No additional traffic is generated by the subdivision, given that Lots 1 and 2 have an existing residential use, and the balance land will continue to be farmed.

The dimensions of the existing crossing place are suitable, and NZTA has requested that it be sealed to the property boundary. This crossing will not experience any increase in traffic.

Overall, as the proposal does not generate any additional traffic, and all existing traffic uses an existing vehicle crossing, the proposal will avoid adverse effects on roading and traffic safety.

## 5.7 Earthworks

No earthworks are required to complete the subdivision.

## 5.8 Heritage Resources

The site does not contain any known or mapped heritage resources, archaeological sites or sites of cultural significance. The Accidental Discovery Protocol advice note can be applied to the consent, outlining the procedures to be followed should any archaeological site be inadvertently uncovered. The proposed development is considered to adequately avoid adverse effects on heritage resources.

## 5.9 Ecological Resources

No clearance of indigenous vegetation is proposed, and there will be no new land use activities established. As such, the proposed subdivision will avoid any adverse ecological effects.

## 5.10 Natural & Rural Character

With the overall range of sizes of the allotments, and the existing residential land uses on Lots 1 and 2, the rural character of the site and its surrounds will be maintained and the existing overall subdivision and land use pattern of the area will not change.

The subject land is not considered to have a high level of visual sensitivity or natural character, and the site is not within the coastal environment. It is not part of an outstanding natural landscape. Overall, it is considered that adverse visual effects generated by this subdivision will be nil.

## 5.11 Access to Reserves and Waterways

The boundary between Lots 1 and 2 will follow a partly modified water course, which varies in width, but which appears to be on average less than 3m in width along the 100m+ length of the shared boundary. This will be confirmed at survey stage, or sooner in accordance with Section 230 of the RMA 1991.

No public access requirements or benefits have been identified as part of this proposal.



*Photograph 7: Narrow stream channel between Lots 1 and 2.*



*Photograph 8: Wider section of stream with boulders, along Lot 1 & 2 boundary.*



## 5.12 Land Use Incompatibility

The existing residential and rural use of the proposed lots is compatible with the existing pattern of subdivision and land use on surrounding sites, and there are no apparent land use compatibility issues arising from the proposed activity.

## 5.13 Soil

Soils on the site are mapped within Land Use Capability Units 3w1 (over the alluvial floodplains immediately adjacent to State Highway 1), 4e6 over the gently to strongly rolling slopes. Refer to **Figure 5**. Neither of these Land Use Capability Units meets the definition of 'highly versatile soils' in the Regional Policy Statement for Northland, including the Unit 3w1 due to its wetness limitation, however, Land Use Capability Class 3 land meets the definition of 'highly productive land' in the National Policy Statement for Highly Productive Land 2022.

Lots 1 and 2 will retain their rural residential use, while the balance land will continue to be farmed, in support of continued primary production.

The area of Class 3 soils on the site are within the Land Use Capability Unit 3w1; this area generally coincides with the river flood hazard area adjacent to State Highway 1, where wetness is a limitation for arable use, and vegetable and horticultural crops are only suitably grown on intermediate to high terraces, or in flood protection areas.<sup>3</sup> No new buildings will be located on this area of soils, given the river flood risk. As such, the proposal is not considered to adversely affect the overall productive capability of the land.

## 6.0 Statutory Assessment

*Section 104(1)(b) of the Resource Management Act 1991 requires the consent authority, subject to Part 2 of the Act, to have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. Of relevance to the proposed activity are the following documents, which are commented on in the proceeding Sections of this Report. This is followed by an assessment of Part 2 of the Act.*

- *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*
- *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*
- *National Policy Statement for Highly Productive Land*
- *National Policy Statement for Indigenous Biodiversity*
- *Regional Policy Statement for Northland*
- *Operative Far North District Plan*
- *Proposed Far North District Plan*
- *Proposed Regional Plan for Northland*

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<sup>3</sup> Harmsworth, G. R. (1996): *Land use capability classification of the Northland region: A report to accompany the second edition New Zealand Land Resource Inventory*. Manaaki Whenua Landcare Research, Lincoln, Canterbury, New Zealand.

## 6.1 National Environmental Standards

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

The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment’s Hazardous Activities and Industries List.<sup>4</sup>

Review of historic aerial photography using Retrolens, and more recent aerial and satellite photography indicates that the house and curtilage area on Lot 1 was established by 1942 and that the house and curtilage on Lot 2 was established by 1961. The now stopped legal road was present until it began to revert to grass in the early 1980s. Various farm buildings are apparent since 1942, with the remainder of the farm land, including the swampy area adjacent to State Highway, remaining unchanged over that time.

There is no evidence that the land is currently, or has previously, been used for any activity on the Hazardous Activities and Industries List. Therefore, by way of Regulation 6(2), the property is not considered to be a ‘piece of land’ in terms of the above regulations.

### 6.1.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020

The nearest mapped wetland shown on the Northland Regional Council Biodiversity Wetlands map is an area approximately 1.75km west of the subject site, being the Rangiahua Wetland. This mapping does not show any wetlands on the subject site.

It is noted that the low lying paddocks within the balance farm land are drained swampy areas. However, the proposed subdivision does not involve any vegetation clearance, earthworks or taking, use, damming, diversion or discharge of water, and no direct or indirect effects on freshwater features will occur. As such, the proposal has no implications in terms of the above regulations.

## 6.2 National Policy Statements

### 6.2.1 National Policy Statement for Highly Productive Land (“NPSHPL”)

The subject site is zoned Rural Production under the Operative and Proposed District Plans. Soils on the site are mapped within Land Use Capability Units 3w1 (over the alluvial floodplains immediately adjacent to State Highway 1), 4e6 over the gently to strongly rolling slopes. Neither of these Land Use Capability Units meets the definition of ‘highly versatile soils’ in the Regional Policy Statement for Northland, including the Unit 3w1 due to its wetness limitation, however, Land Use Capability Class 3 land meets the definition of ‘highly productive land’ in the National Policy Statement for Highly Productive Land 2022.

Section 3.8 of the above NPS requires avoidance of subdivision of highly productive land, unless in certain circumstances, including where the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term.

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<sup>4</sup> Northland Regional Council (n.d.): *Selected Land-use Register Map*. Retrieved 4 October 2023 from <https://localmaps.nrc.govt.nz/localmapsviewer/?map=65b660a9454142d88f0c77b258a05f21>

The Class 3 land covered by the NPS is highlighted in **Figure 5**, where it can be seen that the new rural residential lots are predominantly located up on the Class 4 Soils of the site. The areas of class 3 land coincide with the river flood hazard area adjacent to State Highway 1. No new residential buildings will be located on this area of soils, given the river flood risk.

Given the nature of the subdivision, which creates additional sites in the location of the existing dwellings (these are predominantly located upon Class 4 land), with the remainder of land being used for continued primary production, it is considered that the proposal will not have any adverse long term effect on the overall productive capacity of the soils.

## 6.2.2 National Policy Statement for Indigenous Biodiversity (“NPSIB”)

The objective of the above policy statement is set out in 2.1, as copied below:

*(1) The objective of this National Policy Statement is:*

*(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*

*(b) to achieve this:*

*(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*

*(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*

*(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*

*(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

There is no SNA included in the district plan, or as identified in a policy statement of plan.

The 17 listed policies set out to achieve this objective, and of most relevance to this proposal is Policy 8:

*Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*

Part 3 guides the implementation of the NPSIB. Of relevance is the following approach to implementing the NPSIB.

### 3.16 Indigenous biodiversity outside SNAs

*(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.*

Effects Management Hierarchy is defined as follows:

*effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:*

*(a) adverse effects are avoided where practicable; then*

*(b) where adverse effects cannot be avoided, they are minimised where practicable; then*

*(c) where adverse effects cannot be minimised, they are remedied where practicable; then*

*(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then*

*(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then*

*(f) if biodiversity compensation is not appropriate, the activity itself is avoided.*

The subject site is not mapped as having any particular ecological value – it is not part of a Protected Natural Area mapped by the Department of Conservation, and is not within a known kiwi habitat. The proposal itself does not involve any removal of indigenous vegetation, and will not result in any new land use activities that have the potential to generate adverse effects. As such, the proposal will not result in significant adverse effects on indigenous biodiversity.

### 6.3 Regional Policy Statement for Northland (“RPS”)

The RPS provides an overview of resource management issues and gives objectives, policies, and methods to achieve integrated management of natural and physical resources of the region. The subject site is not in the coastal environment, does not include any outstanding natural landscapes or features and does not include any areas of high or outstanding natural character.

Relevant policies from the RPS are addressed beneath the applicable heading below.

#### **5.1.1 Policy – Planned and coordinated development**

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

*(a) Is guided by the ‘Regional Form and Development Guidelines’ in Appendix 2;*

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

*(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*

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

*(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*

*(h) Is or will be serviced by necessary infrastructure.*

*Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.*

This policy requires co-ordinated location, design and building or subdivision, use and development. Relevant matters are listed under (a), (c), (e), (g) and (h). These matters have been considered in preceding sections of this report. In particular:

- The proposed subdivision achieves an appropriate lot size for the Rural Production Zone and development of this nature is an anticipated subdivision activity, which maintains the character of the surrounding environment and avoids adverse effects related to land use incompatibility.
- Servicing with the necessary infrastructure is viable, with onsite storage of potable water and onsite wastewater disposal being feasible. Lots 1 and 2 have existing power connections. There is no further requirement for any additional power and telecommunication connections.
- The site is not near any significant mineral resources;
- There will be no change to the relationship between existing land uses, and the proposal avoids incompatible land use activities and reverse sensitivity;
- The proposal does not affect any landscape or natural character values, historic or cultural heritage values, or transport corridors;
- There are no effects on any ecological resources;
- Adverse effects associated with natural hazards and downstream flooding are avoided, as no land use change, earthworks, or new impermeable surfaces are proposed;
- The site does not contain highly versatile soils as per the Regional Policy Statement definition;
- The existing character of the surrounding environment can be retained; and
- The proposal has no implications on matters such as renewable energy, sustainable design technologies.

### **7.1.2 Policy – New subdivision and land use within 10-year and 100-year flood hazard areas**

New subdivision, built development (including wastewater treatment and disposal systems), and land use change may be appropriate within 10-year and 100-year flood hazard areas provided all of the following are met:

- (b) Earthworks (other than earthworks associated with flood control works) do not divert flood flow onto neighbouring properties, and within 10-year flood hazard areas do not deplete flood plain storage capacity;
- (c) A minimum freeboard above a 100-year flood event of at least 500mm is provided for residential buildings.
- (e) New subdivision plans are able to identify that building platforms will not be subject to inundation and / or material damage (including erosion) in a 100-year flood event;
- (f) Within 10-year flood hazard areas, land use or built development is of a type that will not be subject to material damage in a 100-year flood event; and
- (g) Flood hazard risk to vehicular access routes for proposed new lots is assessed.

As Lots 1 and 2 contain existing dwellings, and no further land use change or new dwellings, access, or earthworks are proposed within the balance land, it is considered that the proposed subdivision is an appropriate activity in terms of this policy.

## **6.4 Objectives and Policies – Far North Operative District Plan**

The objectives and policies of the Rural Environment, Rural Production Zone and Subdivision Sections of the District Plan are relevant to this proposal. Comments on the objectives and policies of the Rural Environment and Rural Living Zone have been grouped together as they have many overlapping themes. As discussed below, it has been concluded that the proposal is not contrary to the overall objectives and policies of the District Plan.

### **RURAL ENVIRONMENT**

#### **8.3 OBJECTIVES**

- 8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.
- 8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.
- 8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.
- 8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment
- 8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.
- 8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.

#### **8.4 POLICIES**

- 8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.
- 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.
- 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.
- 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.
- 8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse effects from the existing use – i.e. reverse sensitivity).
- 8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.
- 8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.
- 8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.



## **RURAL PRODUCTION ZONE**

### **8.6.3 OBJECTIVES**

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

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.

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.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone. 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.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

### **8.6.4 POLICIES**

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.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

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.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

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.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities

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.

#### **Promote sustainable management.**

The proposed subdivision is considered to represent sustainable management, resulting in nil adverse effects on natural and physical resources.

#### **Ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.**

The proposal does not affect the continued soil based primary production use of the farmed areas of n the site. Given the nature of the subdivision, which creates additional sites in the location of the existing dwellings (these are predominantly located upon Class 4 land), with the remainder of land being used for continued primary production, it is considered that the proposal will not have any adverse long term effect on the overall productive capacity of the soils.

#### **Avoid, remedy or mitigate adverse effects.**

Adverse effects are predominantly avoided as the proposal does not introduce any new land use activities.

#### **Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna / promote protection of significant natural values.**

The subject land does not possess any significant natural values.

#### **Avoid conflicts between land use activities / reverse sensitivity.**

The existing residential and rural use of the proposed lots will not change, and no land use conflicts will arise as a result of the subdivision.

**Promote maintenance and enhancement of amenity values.**

No visual change to the existing environment will arise, and the existing level of amenity will be retained.

**Enable efficient use and development of the Rural Production Zone, enable people and communities to provide for their social, economic and cultural well being and for their health and safety.**

The proposal is an efficient use of the land, allowing continued primary production at the scale that currently exists.

**SUBDIVISION**

**13.3 OBJECTIVES**

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

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

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

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

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

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.

**13.4 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;
- (d) amenity values;
- (g) existing land uses.

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

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

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.

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.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of ... significant habitats of indigenous fauna, threatened species, the natural character of ... riparian margins ... where appropriate.

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

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.

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 ...
- (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;
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

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

***Provide for subdivision so as to be consistent with the purpose of the various zones and promote sustainable management of natural and physical resources.***

As detailed previously, the proposed activity is consistent with the Rural Production zone objectives and policies.

***Ensure subdivision is appropriate and does not compromise the life supporting capacity of air, water, soil or ecosystems. Avoid, remedy and mitigate adverse effects.***

The proposed subdivision does not adversely affect air or water resources, and retains the availability of soil for primary production.

***Provide sufficient water storage.***

***Provide electricity supply sufficient to meet the needs of activities that will establish on the lots created.***

***Support energy efficient design.***

***Promote efficient provision of infrastructure.***

The proposal has no implications in terms of these matters, with Lots 1 and 2 having existing services.

***Take into account natural and other hazards.***

No new activities that are sensitive to natural hazards are proposed.

***Require safe and effective vehicular and pedestrian access. Provide in such a way as will avoid, remedy or mitigate adverse effects.***

No additional traffic is generated by the proposal, and NZ Transport Authority has provided a conditional written approval, which includes the requirement to seal the existing crossing place. The proposal avoids adverse effects in terms of vehicular access. There are no existing pedestrian access facilities in the nearby environment.

***Provide for the protection, restoration and enhancement of significant habitats of indigenous fauna, significant indigenous vegetation, natural character of riparian margins where appropriate.***

***Preserve, and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters.***

The subject site does not include significant habitats or vegetation. The riparian margin of existing waterway between Lots 1 and 2 is fenced, and will not be adversely affected by the proposal. The existing rural and rural residential character of the site will be retained, with no modification as a result of the proposed activity.

## **6.5 Objectives and Policies - Far North Proposed District Plan**

Relevant objectives and policies are set out under the chapters 'Rural Production Zone' and 'Subdivision', and are commented on below, and it is concluded that the proposal will generally be consistent with the relevant strategies.

### **Rural Production Zone**

#### **Objectives**

*RPROZ-01 The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

*RPROZ-03 Land use and subdivision in the Rural Production zone:*

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



RPROZ-O4 The rural character and amenity associated with a rural working environment is maintained.

#### **Policies**

RPROZ-P3 Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

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

RPROZ-P6 Avoid subdivision that:

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

RPROZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

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

The above strategies are similar in nature to those for the Rural Production Zone of the Operative District Plan; however, give more emphasis to the protection of primary production activities and highly productive land. As noted, the proposal does not change the current scale of primary production that is available on the property. As no change to existing land use activities are proposed, the proposed subdivision is not considered to generate reverse sensitivity effects that would constrain any primary production activities. Primary production will remain the predominant activity following the subdivision, and building and impermeable surface coverage remains low over the proposed lots.

Natural hazards are not exacerbated, as no new built development is proposed as a result of this subdivision.

Future upgrade or replacement of the existing onsite wastewater systems on Lots 1 and 2 is feasible, as described in **Appendix 3**. Rural character and amenity values can be preserved, with the overall existing combination of residential buildings, farmland and vegetation being maintained.

The existing rural character and amenity values of the site will be maintained.

Subject to sealing of the existing vehicle crossing as required by NZ Transport Agency, private access infrastructure is considered adequate, and there is sufficient space and conditions for onsite infrastructure. There are no known heritage or cultural features on the site and no new adverse effect on ecological resources will result from the proposal.

## **Subdivision**

### **Objectives**

*SUB-O1 Subdivision results in the efficient use of land, which:*

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

*SUB-O2 Subdivision provides for the:*

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

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

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

### **Policies**

*SUB-P3 Provide for subdivision where it results in allotments that:*

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

*SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan*

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

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

*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.*

*SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application:*

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

The proposed subdivision is an efficient use of land and in accordance with the Rural Production Zone objectives. The proposed subdivision can proceed, without generating any adverse impact on character, amenity values, heritage or cultural values, highly productive land, land use compatibility, legal and physical property access, supply of services and infrastructure, and it does not increase natural hazard risk. In particular, flooding risk is not exacerbated by the proposal. The character of the area can be maintained, and reverse sensitivity is avoided. Flooding risk is not exacerbated by the proposal.

The site includes land mapped as containing Class 3 soils, although these do not meet the definition of being highly versatile under the Regional Policy Statement for Northland given their limitations due to flooding. New residential buildings are not expected to be located on these Class 3 soils, given their river flood risk, and they can continue to be grazed as per the current situation. As such, the subdivision is not expected to result in reduction in the long term productive capability of soils. The subject site does not include any of the remaining listed features or resources, with the exception of existing waterways within the site, including the fenced waterway that separates Lots 1 and 2.

Onsite treatment and disposal systems are established, and will be upgraded or replaced if or when required as proposed. No new power and telecommunications services are required.

SUB-P3: Policy (a) requires consideration of the 'Overview' for the Rural Production zone:

*The Rural Production zone is the largest zone in the District and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities. The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor primary production, plantation forestry activities, and horticulture. The Rural Production Zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment. ...*

*Rural land is an important resource as it underpins the social, economic and cultural well-being of the Far North District. The historic fragmentation of rural land has undermined the integrity of the rural environment and its ability to function for its intended purpose. It is important to protect this finite resource from inappropriate land use and subdivision to ensure it can be used for its primary purpose. In particular, primary production activities should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment...*

*It is important to differentiate the Rural Production zone from the Rural Lifestyle zone and the Rural Residential zone. The Rural Lifestyle and Rural Residential zones seek to concentrate rural lifestyle or rural residential living in appropriate places in the District, to help avoid further fragmentation of productive land and reverse sensitivity effects on the District's primary sector. Conversely, rural lifestyle development is not provided for in the Rural Production Zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity (as provided for in the Subdivision chapter)...*

*Council has a responsibility under the RMA and the Northland Regional Policy Statement to manage the rural land resource to provide for the economic, social and cultural well-being of people and communities, protect highly versatile soils, and avoid reverse sensitivity effects on primary production activities. The Rural Production zone also contains many of our areas of indigenous biodiversity, historical and cultural values and high value landscapes and features. The protection of these resources must be managed in conjunction with the ability to undertake activities anticipated in this zone.*

The proposed subdivision does not affect the level of primary production that is achievable on the land. No adverse land use incompatibility effects are anticipated given that each lot has an established residential or primary production use.

Policy P8 specifically relates to rural lifestyle subdivision in the Rural Production Zone. It directs the avoidance of rural lifestyle subdivision unless it (a) protects a qualifying SNA in perpetuity and the SNA is added to the District Plan SNA schedule, and (b) it will not result in the loss of versatile soils for primary production activities. However, in this instance, with Lots 1 and 2 containing existing residential development, with the balance land being retained for farming. Therefore, it will not result in the loss of versatile soils for primary production activities.

The effects of the subdivision have been addressed within the AEE. Negligible physical disturbance to the land will result so as to generally avoid adverse effects on natural and physical resources.

## 6.6 Part 2 of the Resource Management Act 1991

An assessment of the proposal in relation to the relevant purpose and principles of Part 2 of the Resource Management Act 1991 is given below.

### **PART 2 PURPOSE AND PRINCIPLES**

#### **5 Purpose**

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

#### **6 Matters of national importance**

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

- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (h) *the management of significant risks from natural hazards.*

#### **7 Other matters**

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

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

#### **8 Treaty of Waitangi**

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

The proposal is considered to promote sustainable management as per the purpose of the Act by adjusting the Record of Title layout and creating one site to reflect the existing built development on the site. The proposal includes proposals for the future inspection and/or replacement of the existing wastewater systems. It avoids adverse effects on highly versatile or highly productive soils, and therefore provides for the protection of the life supporting capacity of soils. It avoids any direct or indirect adverse effects on significant natural values, and likewise will not result in any adverse visual or landscape effects.

No public access requirements are expected. As no new habitable dwellings are proposed, it is considered that natural hazard risk is avoided.

The proposed subdivision is considered to be an efficient use of this land, in that it allows the existing residential and rural uses to continue, without adversely affecting the productive capability of soils. As the subdivision does not support any change to land use, amenity values and the overall quality of the environment will be maintained in terms of section 7.

The proposal has no known implications in terms of the Treaty of Waitangi.

The proposal is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

## 6.7 Regional Plans

### Proposed Regional Plan for Northland (October 2023)

The Relevant Proposed Regional Plan mapping shows the following:

- The site is part of a River Water Quantity Management Unit “Small River”
- The site is a “Lowland Area”
- The site is not mapped as ‘Erosion Prone Land’.

The proposal does not involve any new stormwater discharges.

The discharge of sewage effluent on to land is controlled by the permitted activity rules C.6.1.3 of the Regional Plan for Northland. Existing onsite wastewater systems on Lots 1 and 2 have been investigated.

It has been determined that a new system will be required for Lot 1, however, as the dwelling has been unoccupied for a lengthy period of time, and this may continue to be the case, this system will not be replaced until prior to occupation of the existing dwelling, or prior to occupation of a new dwelling, if this is the case. A consent notice to this effect is proposed.

For Lot 2, as the house has been vacant for six years, the performance of the existing system was unable to be confirmed. A consent notice condition is also proposed for Lot 2, which will require an inspection of the operation of the system to be supplied to Council within three months of the house being occupied. If replacement and/or upgrade of any of the components is required, then this will need to be completed.

The O’Brien Design Consulting Ltd Report confirms that Lots 1 and 2 are suitable for onsite wastewater disposal in compliance with the current rules, subject to final design at building consent stage (as building consent will be required for the replacement of the onsite wastewater treatment and disposal system).

Earthworks are not required to complete the subdivision.

No consents are considered necessary for the proposed subdivision under the Proposed Regional Plan for this proposal, although careful design of the onsite wastewater system will be required prior to occupation of the existing dwelling on Lot 1, and review of the existing system on Lot 2 within three months of the dwelling being occupied.

## 7.0 Consultation & Notification Assessment

### 7.1 Consultation Undertaken

Conditional Written approval has been obtained from NZ Transport Agency Waka Kotahi. Refer to **Appendix 2**.

The Department of Conservation has been contacted, and comments invited, as the subject land is within 475m of land which they administer (Waihou River Conservation Area). They have no comments – see Refer to **Appendix 6**.

### 7.2 Public Notification Assessment

**Step 1:** Public notification is not required in terms of the criteria listed in 95A(3).



**Step 2:** Public notification is not precluded in terms of 95A(5).

**Step 3:** There are no relevant rules that require public notification. Section 95A(8)(b) requires Council to assess, in accordance with section 95D, whether the activity will have or is likely to have adverse effects on the environment that are more than minor. Section 95D directs Council, among other things, to disregard any effects on persons who own or occupy the application site and any adjacent land; and allows adverse effects of activities permitted by a rule or national environmental standard to be disregarded.

As outlined in Section 5 of this Report, the proposed subdivision will not result in any adverse effects on the environment that are more than minor, and public notification is not required.

**Step 4:** No special circumstances are considered to exist that warrant the application being publicly notified in terms of 95A(9).

### 7.3 Limited Notification Assessment (including Consultation Undertaken)

**Step 1:** We are not aware of any affected customary rights groups in terms of Section 95B(2)(a). The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement in terms of Section 95B(3)(a).

**Step 2:** Limited notification is not precluded in terms of Section 95B(6).

**Step 3:** In terms of 95B(8) an assessment has been undertaken in accordance with section 95E.

Section 95E(1) specifies that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Section 95E(2) provides guidance as to how a consent authority should assess an activity's adverse effects on a person for the purposes of Section 95E, including clause (a), where they may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. There is no permitted baseline for subdivision.

As noted above, the Department of Conservation has been contacted, and their comments invited, as the subject land is within 475m of land which they administer (Waihou River Conservation Area). Refer to **Appendix 6**. They have no comments. It is not expected that the proposal will have any adverse impact on the ability of the Department of Conservation to administer and manage its land.

As the proposal will not result in any new residential development, with the existing land uses on each lot being retained as per the existing situation, it will not produce any adverse effects on natural or physical resources, nor will it create any measurable effect on any nearby property. We note that the applicant owns the land to the south west of Lots 1 and 3, as well as the land to the south of the application sites.

As such, it is considered that there are no adversely affected parties.

**Step 4:** There are no special circumstances that warrant notification of the application to any other person.

### 7.4 Summary of Notification Assessment

As outlined above we are of the opinion that the proposal satisfies the statutory requirements for non-notification, and we request that it be processed on that basis.

## 8.0 Conclusion

In terms of section 104 and 104B of the Resource Management Act 1991, it is considered that:

- The actual and potential adverse effects on the environment resulting from the proposed activity will not be more than minor.
- The proposal is considered to be generally consistent with the objectives and policies of the Operative District Plan, Proposed District Plan and the Regional Policy Statement.
- The proposal is consistent with the National Policy Statements for Indigenous Biodiversity, Freshwater Management, and Highly Productive Land.
- The proposal is in accordance with the Purpose and Principles of the Resource Management Act 1991.

We also note that:

- A conditional written approval has been received from Waka Kotahi NZ Transport Agency.
- No written approvals have not been sought as it is considered that there are no other affected persons.

For these reasons it is requested this application be considered to be a non-notified application, and that the Council grant consent to the proposal, under delegated authority, as detailed in the application and supporting information.

Signed



Natalie Watson,  
Resource Planner

Date: *8 November 2023*

WILLIAMS & KING  
Kerikeri

## 9.0 Appendices

- Appendix 1** Scheme Plans
- Appendix 2** Waka Kotahi NZ Transport Agency Written Approval
- Appendix 3** O'Brien Design Consulting Onsite Wastewater Site Suitability Report
- Appendix 4** Record of Title
- Appendix 5** Top Energy Correspondence
- Appendix 6** Consultation with Department of Conservation

## Natalie Watson

---

**From:** RMA <RMA@doc.govt.nz>  
**Sent:** Wednesday, 8 November 2023 10:42 am  
**To:** Natalie Watson  
**Subject:** RE: Proposed Subdivision - S & M Clunie at 2427 A & B State Highway 1, Rahiri, Horeke, Okaihau

Kia Ora Natalie,

Your request for comments on the Resource Consent application from S and M Clunie was sent to [RMA@doc.govt.nz](mailto:RMA@doc.govt.nz) with DOC reference RC3117. The Director-General has **no comments** regarding the proposal as described on 1<sup>st</sup> November 2023.

Thank you for considering the interests of the Department.

If you have any questions regarding this email, please contact [RMA@doc.govt.nz](mailto:RMA@doc.govt.nz) using the DOC reference number.

Ngā mihi

Grace Taylor  
Statutory Process Support Officer

**RMA**  
Department of Conservation | Te Papa Atawhai

[www.doc.govt.nz](http://www.doc.govt.nz)



---

**From:** Natalie Watson <nat@saps.co.nz>  
**Sent:** Wednesday, November 1, 2023 1:57 PM  
**To:** RMA <RMA@doc.govt.nz>  
**Subject:** Proposed Subdivision - S & M Clunie at 2427 A & B State Highway 1, Rahiri, Horeke, Okaihau

Good afternoon,

Please find attached a scheme plan showing our client's proposed subdivision, incorporating a boundary adjustment, to essentially create one additional title. Lots 1 and 2 have existing dwellings, which are currently unoccupied, and the balance land will be retained as a farm.

The relevant features of the site are commented below in terms of matters which may be of interest:

- The subject land is not recorded as being part of a kiwi habitat in the Far North Maps "Species Distribution (DoC)" Map.



- The property is not included in any Protected Natural Area as recorded by the Department of Conservation Protected Natural Areas Mapping, nor is it included in an Open Space Covenant.
- The nearest is Department of Conservation Public Conservation Land is the Waihou River Conservation Area, which is located adjacent to State Highway 1 at its intersection with Rangiahua Road, approximately 475m to the south west of the subject site. The Operative District Plan directs us to consult with DoC where a subdivision is within 500m of DoC managed land.
- We do not anticipate any adverse effects on the ability of the Department to manager or administer their land.

Please let me know as soon as possible if you wish to make any comments.

Kind regards,  
Natalie Watson

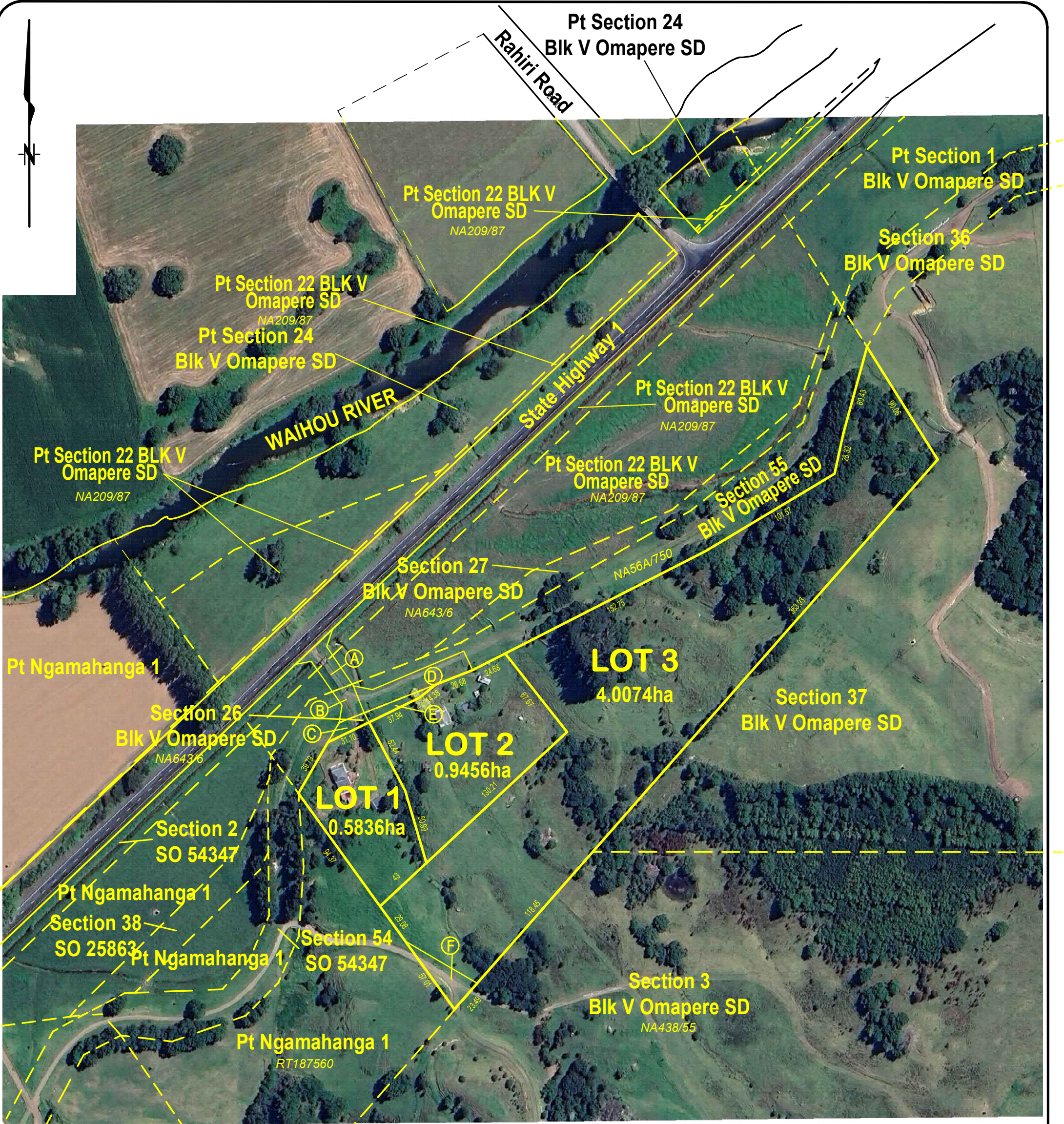
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Memorandum of Easements

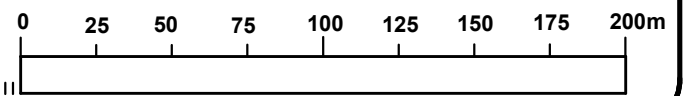
Purpose	Shown	Burdened Land	Benefited Land
Right of Way, Right to Convey Telecommunications, & Electricity,	A	Pts Sec 22 Blk V Omapere SD	Lots 1 & 2 Hereon
	B	Sec 55 Blk V Omapere SD	
	C	Sec 26 Blk V Omapere SD	Lot 1 Hereon
	D	Sec 55 Blk V Omapere SD	Lot 2 Hereon
	E	Sec 26 Blk V Omapere SD	
	F	Lot 3 Hereon	Section 3 Blk V Omapere SD (NA438/55) Pt Ngamahanga 1 (RT187560)

## Proposed subdivision of Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22, Sec 26 & Sec 27 BLK V Omapere SD

**Amalgamation Condition**

\* That Lot 3 Hereon be transferred to the owner of Pts Section 22 Blk V Omapere SD (RoT NA209/87) and that one Record of Title be issued to include all parcels'

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.



AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Prepared for: C M & S B Clunie

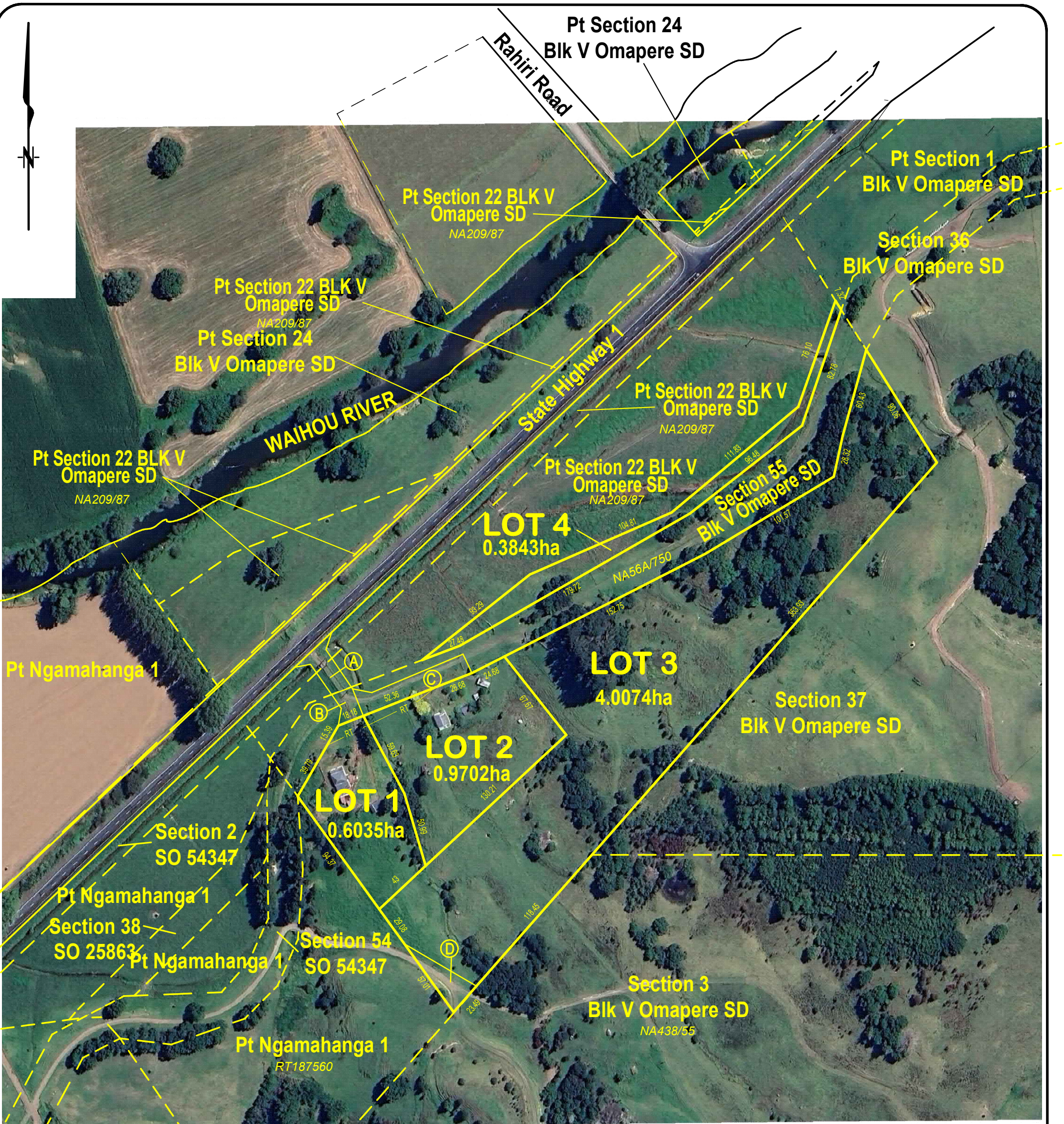
**WILLIAMS AND KING**  
Registered Land Surveyors, Planners & Land Development Consultants  
Ph: (09) 407 6030  
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27 Hobson Ave  
PO Box 937 Kerikeri

Local Authority: Far North District Council  
Total Area: 5.5366ha  
Comprised in: NA209/87(Pt)

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Sep 2023	1:2500	A3
Drawn				
Rev				

**23828**  
**STAGE I**





Memorandum of Easements

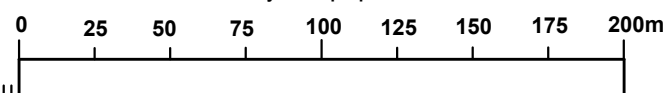
Purpose	Shown	Burdened Land	Benefited Land
Right of Way, Right to Convey Telecommunications, & Electricity,	A	Pts Sec 22 Blk V Omapere SD	Lots 1 & 2 Hereon
	B	Sec 55	Lots 1 & 2 Hereon
	C	Blk V Omapere SD	Lot 2 Hereon
	D	Lot 3 Hereon	Section 3 Blk V Omapere SD (NA438/55) Pts Ngamahanga 1 (RT187560)

**Proposed subdivision of Sections 26 & 27 & Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22 & Sec 55 BLK V Omapere SD**

**Amalgamation Condition**

'That Lots 3 and 4 Hereon be transferred to the owner of Pts Section 22 Blk V Omapere SD (RoT NA209/87) and that one Record of Title be issued to include all parcels'

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.



Prepared for: C M & S B Clunie

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

**WILLIAMS AND KING**  
Registered Land Surveyors, Planners & Land Development Consultants  
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PO Box 937 Kerikeri

Local Authority: Far North District Council  
Total Area: 5.9654ha  
Comprised in: NA209/87(Pt) & NA643/6

Survey	Name	Date	ORIGINAL SCALE SHEET SIZE 1:2500 A3
Design			
Drawn	W & K	Sep 2023	
Rev			

**23828**  
FINAL



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# Onsite Wastewater Site Suitability Report

Mark Clunie  
2427 State Highway 1  
Okaihau  
Far North District

Proposed subdivision of Sections 26 & 27 & Pts Sec  
22 BLK V Omapere SD & Easements over Pts Sec 22 &  
Sec 55 BLK V Omapere SD

Written by: Nicola O'Brien  
Approved by: Martin O'Brien

Rev: A  
Date: 31<sup>st</sup> October 2023  
Job No: 2904

Ph: (09) 407 5208 | Mob: 027 407 5208  
E-mail: martin@obrienconsulting.co.nz  
E-mail: nicola@obrienconsulting.co.nz

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## Executive Summary

The subdivision of Sections 26 and 27 and Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22 and Sec 55 BLK V Omapere SD into 4 separate lots is currently being undertaken by Williams and King, Kerikeri. The subdivision is to the southeast of State Highway 1 at 2427 State Highway 1, Okaihau.

Following subdivision proposed Lot 1 will become a 0.6035 ha, rural property with an existing dwelling and sheds. The unoccupied, 4-bedroom dwelling is currently serviced by a septic tank with soakage. It is proposed that a new system and field be installed on Lot 1 as the current onsite wastewater is old and within 5m of an existing overland flow path. Secondary treatment for example an aeration treatment system with dripper lines is recommended due to category 6, clay soils with slow drainage. There is adequate available area on the proposed 0.6035 ha lot for a ~360m<sup>2</sup> wastewater field and 100% reserve within the proposed lot boundaries. The precise design will require a site-specific Onsite Wastewater Report (TP58) at the time of building consent application. The new system, field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b). The wastewater system and field will not be replaced until prior occupation of the existing dwelling or prior occupation or any new dwelling. A consent notice is proposed for this condition.

Proposed Lot 2 will become a 0.9702 ha, rural property with an existing 2-bedroom dwelling and sheds. The dwelling is serviced by a septic tank and soakage. The dwelling is currently unoccupied therefore determining whether the system and field are operating effectively could not be confirmed. The owner stated that to his knowledge when the dwelling was occupied the system and field were operating well. A consent notice condition is proposed requiring an inspection of the operation of the system to be supplied to FNDC within 3 months of the house being occupied. If the system and field are working well, they may remain in use. If replacement or upgrade of any component of the system is required, it is to be undertaken at this time.

The exact location of the existing soakage on proposed Lot 2 could not be determined; however, the presumed approximate location is based on the topography of the land and numerous boreholes. The existing soakage is highly likely within the proposed lot boundaries, setback a minimum of 5m from existing flow paths but within an area potentially prone to flooding. There is ample available area available on the proposed 0.9702 ha lot for replacement onsite wastewater if required in the future.

Following subdivision proposed Lot 3 will become 4.0074 ha whilst proposed Lot 4 will become 0.3843 ha. Neither lot is assessed for wastewater suitability in this report. This report focuses on the existing onsite wastewater on proposed Lot 1 and 2 and ensures suitable land is available for a replacement system, field, and reserve within the boundaries of each respective lot.

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## **1.0 Scope**

Criteria outlined in the Regional Plan for Northland (2019), Section C.6.1.1, for existing wastewater discharge were used to determine whether the system and field meet permitted activity status on proposed Lot 1 and 2. The existing system and field must be within the proposed boundaries of the subdivision.

An onsite wastewater treatment system and land application method are recommended based on site characteristics including soil type, topography, and surface water setbacks. This is for a replacement system on Lot 1 and a recommendation for Lot 2 if required in the future. The field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b). An example of land suitable for a replacement field and 100% reserve area within the boundaries of each lot is assigned.

## **2.0 Site Visit**

The site investigation was undertaken on 21<sup>st</sup> September 2023 and comprised of a walk over and visual assessment of proposed lots 1 and 2 including visual inspection of the existing septic tank and soakage. A 50mm wide borehole to a depth of 1200mm with a steel auger was taken on proposed Lot 1. The bore was taken to ascertain soil category and to estimate groundwater depth. USDA feel method was used to determine soil texture, soil structure and soil category.

## **3.0 Desk Study**

A desk study of available information and site characteristics was undertaken. The following sources were reviewed, TP58 (2004), Regional Plan for Northland (2019), Section C.6.1.1 and C.6.1.3, Far North District Plan, Section 12.7.6.1.4(b), Far North and Northland Regional Council Maps, Whangaroa - Kaikohe Soil Map and Google Earth images.

## **4.0 Site Description**

Following subdivision proposed Lot 1 will become a 0.6035 ha, rural property with a 4-bedroom dwelling and sheds. A metal driveway off State Highway 1 provides access to the dwelling. The dwelling is located to the north of the lot. Grassed pasture is located to the south. The property is low lying ranging from approximately 6-15m above sea level. An overland flow path is located along the proposed eastern boundary. A flow path is also located to the west of the property. Refer to the Subdivision Scheme Plan, Section 5 showing proposed Lot 1 and the surrounding area.

The existing septic tank and soakage were located to the west of the proposed dwelling. The tank and soakage are within the property boundaries. The property boundaries to the north and west are original and will not change as a



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result of subdivision. The soakage trench is located within 5m of an overland flow path meaning the trench could contaminate surface water. Refer to Section 6, C.6.1.1 rule 5. The Site Plan, Section 14 shows the location of the existing septic tank, soakage field and overland flow path. The owner agrees that the property would benefit from the installation of a new system and field.

Land to the south of Lot 1 is slightly sloping, grassed farmland suitable for the disposal of onsite wastewater. An example of an area suitable for a new field and 100% reserve is shown on the Site Plan, Section 14, and Photograph 1. Section 11 provides general setback requirements for wastewater as outlined in the Regional Plan for Northland (2019), Section C.6.1.3, TP58 (2004), Table 5.2 and the Far North District Plan, Section 12.7.6.1.4(b). These setback distances are to be adhered to in any site-specific Onsite Wastewater Report (TP58).

Proposed Lot 2 will become a 0.9702 ha rural property with a 2-bedroom dwelling and sheds located to the north of the lot. The remainder of the property to the south is grassed farmland. The property is undulating and slopes generally to the northwest and towards existing overland flow paths. Refer to the Scheme Plan, Section 5 showing proposed Lot 2 and the surrounding area.

The existing septic tank and soakage, on proposed Lot 2, was located to the west of the dwelling as shown on the Site Plan, Section 14. The exact location of the soakage could not be confirmed but was approximated by assessing the surrounding topography and using shallow bore tests. The soakage will be downslope of the septic tank. The soakage is well away from the existing northern boundary and proposed southern boundary. The soakage will not cross the proposed western boundary as the boundary is upslope.

No intermittent flow paths were noted within 5m of the existing soakage. No surface water bodies were noted within a 30m radius. The soakage field is located within an area prone to flooding. Northland Regional Council Hazard Maps show potential flooding in a 10-year, 50 year and 100-year flood event. A rule regarding flooding is not listed in the Regional Plan for Northland (2019), Section C.6.1.1 for existing onsite wastewater discharge. Refer to the Site Plan, Section 14 showing mapped potential flooding.

There is ample available area on proposed Lot 2 for the disposal of onsite wastewater if a replacement system and field are required in the future. Refer to the Site Plan, Section 14 showing an example of an area suitable for wastewater disposal and reserve. Setback rules for wastewater are to be adhered to including locating a future field and reserve outside of potential flood prone areas.

No mapped wetlands are shown in the near vicinity of Lot 1 and 2 (30m radius) on the Northland Regional Council, Biodiversity Wetlands Map. Whakanekeneke River is over 160m to the north of the closest boundary.



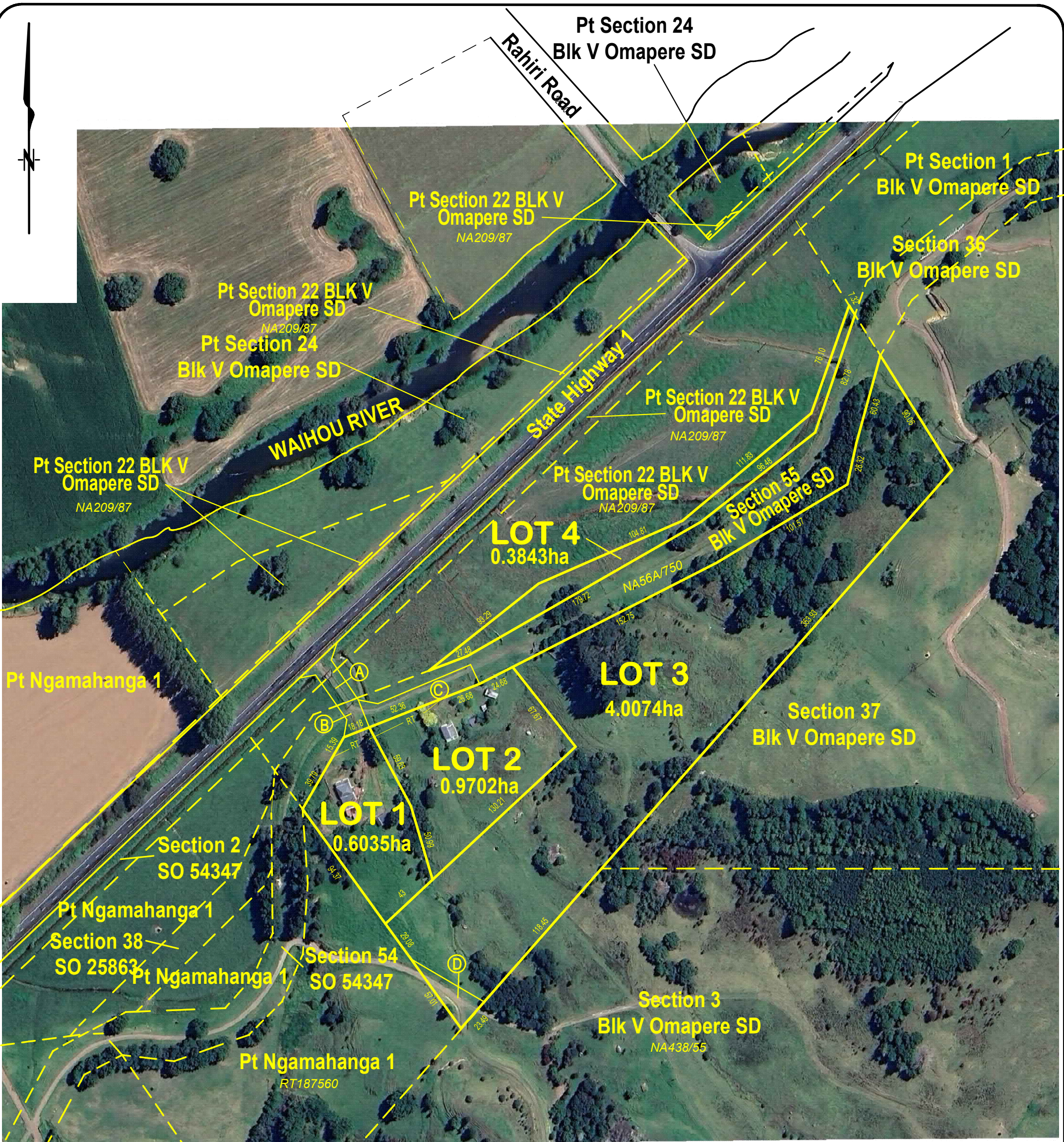


Photograph 1: Example of an area suitable for onsite wastewater disposal and reserve on proposed Lot 1.



Photograph 2: Showing the approximate location of the existing soakage on proposed Lot 2 in low-lying, fenced, flat to slightly sloping, grassed pasture.





**Memorandum of Easements**

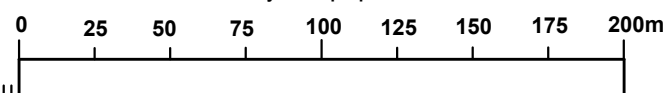
Purpose	Shown	Burdened Land	Benefited Land
Right of Way, Right to Convey Telecommunications, & Electricity,	A	Pts Sec 22 Blk V Omapere SD	Lots 1 & 2 Hereon
	B	Sec 55	Lots 1 & 2 Hereon
	C	Blk V Omapere SD	Lot 2 Hereon
	D	Lot 3 Hereon	Section 3 Blk V Omapere SD (NA438/55) Pts Ngamahanga 1 (RT187560)

**Proposed subdivision of Sections 26 & 27 & Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22 & Sec 55 BLK V Omapere SD**

**Amalgamation Condition**

'That Lots 3 and 4 Hereon be transferred to the owner of Pts Section 22 Blk V Omapere SD (RoT NA209/87) and that one Record of Title be issued to include all parcels'

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.



Prepared for: C M & S B Clunie

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners & Land Development Consultants  
 Ph: (09) 407 6030  
 Email: kerikeri@saps.co.nz  
 27 Hobson Ave  
 PO Box 937 Kerikeri

Local Authority: Far North District Council  
 Total Area: 5.9654ha  
 Comprised in: NA209/87(Pt) & NA643/6

Survey	Name	Date	ORIGINAL SCALE SHEET SIZE <b>1:2500 A3</b>
Design			
Drawn	W & K	Sep 2023	
Rev			

**23828**  
**FINAL**



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## 6.0 Existing Onsite Domestic Type Wastewater Discharge – Permitted Activity

The following is taken from the Regional Plan for Northland (2019), Section C.6.1.1, p.145 for existing onsite wastewater discharge as a permitted activity.

*“The discharge of domestic type wastewater into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the on-site system, are permitted activities, provided:*

*1) The discharge volume does not exceed:*

- a) three cubic metres per day, averaged over the month of greatest discharge, and*
- b) six cubic metres per day over any 24-hour period, and*

*2) the following reserve disposal areas are available at all times:*

- a) 100 percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or*
- b) 30 percent of the existing effluent disposal area where the wastewater has received at least secondary treatment, and*

*3) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and*

*4) wastewater irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or are covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and*

*5) the discharge does not contaminate any groundwater supply or surface water, and*

*6) there is no surface runoff or ponding of wastewater, and*

*7) there is no offensive or objectionable odour beyond the property boundary.*

***For the avoidance of doubt this rule covers the following RMA activities:***

*Discharge of domestic type wastewater into or onto land from an on-site system, and the associated discharge of any odour into air from the on-site system and the discharge into or onto land (s15(1) and s15(2A))”.*

## 7.0 Soil Profile

Geological Map Reference Number: NZMS 290 Sheet P 04/05, Whangaroa – Kaikohe, describes the soils over proposed Lot 1 and 2 as Okaka clay and silty clay (OA) with imperfectly to very poorly drained soils of the rolling and hill land.

A 50mm wide, 1200mm deep borehole was taken to gain soil samples on proposed Lot 1. The borehole log showed soils to be category 6, silty clay with slow draining characteristics. Refer to Photograph 3 and the Borehole Log, Section 13.

TP58 (2004) and the Regional Plan for Northland (2019) require secondary treatment in category 6 soils.



Photograph 1: Showing ~200mm of category 5, slightly moist, brown topsoil followed by category 6, slightly moist, brown, silty clay to a depth of 500mm. From 500-1200mm soils were category 6, slightly moist, orange, silty clay.

## 8.0 Groundwater

TP58 (2004), Table 5.2 states groundwater separation must be greater than 900mm for secondary treated effluent in category 6 soils. The Regional Plan for Northland, Section C.6.1.3, Table 9 requires a less conservative distance of 600mm. Groundwater was not encountered during the 1200mm deep borehole taken on proposed Lot 1.

A borehole establishing that the wastewater disposal field is the required distance from groundwater should be undertaken in the elected location of the field at the time of building consent application.

No active freshwater bores are shown on or near Lot 1 and 2 as per the NRC Water Resources Map. Or known of by the owner. A 20m minimum setback is required from a freshwater bore.

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## 9.0 Onsite Wastewater Disposal Design

### System Requirements

A replacement system is recommended on proposed Lot 1 and may be required on Lot 2 in the future. Secondary treatment, for example an aeration treatment system with dripper lines is recommended due to category 6 soils.

An aeration treatment system with dripper lines is an example of a suitable wastewater system and land disposal option. Alternative designs with secondary treatment may be available and can be considered provided wastewater regulations outlined in Section 11 are achieved.

Secondary treated effluent should be disposed of via a robust secondary treatment system which complies with the New Zealand Building Code. The system is to have a high output quality of: BOD5 equal to or less than 20g/m<sup>3</sup> and TSS equal or less than 30g/m<sup>3</sup>, in line with NZS1546.3:2008 and the New Zealand Building Code. The system is to have emergency storage and be fitted with an alarm to protect against system failure.

The owner is to obtain a maintenance agreement from the manufacturer on purchase of the system. Secondary treatment systems should have an annual maintenance agreement with the supplier as stated in the Far North District Council bylaw 2805.2. This ensures the system operates efficiently and is serviced regularly.

Cost of approximately \$20,000 - \$30,000 will depend on factors including the size and design of the field, choice of system and cost of installation.

### Wastewater Disposal Design

The wastewater design is based on category 6 soils, TP58 (2004), Table 9.2 with 180 litres of wastewater produced per person for roof water tank supply, TP58, Table 6.2.

Potential occupancy of a 4-bedroom dwelling x litres per person per day / loading rate = area of wastewater field

$$6 \times 180 / 3 = 360\text{m}^2$$

The exact dimensions of the field may differ in the site-specific Onsite Wastewater Disposal Report (TP58). The system, land application method and design of the field is to be specified in a site-specific Onsite Wastewater Report (TP58) at the time of building consent application.

The wastewater disposal field should not be grazed, driven on or built over. These activities can result in failure of the effluent field.

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## 10.0 Reserve Area

A minimum 30% reserve is required for secondary treated effluent as outlined in the Regional Plan for Northland (2019) Section C.6.1.3 (9b). A conservative 100% reserve area is recommended for subdivision. A 100% reserve area, meeting setback requirements, is available on both proposed lots.

The purpose of a reserve is to provide additional area for wastewater disposal, for example in the event of failure of the original field or future expansion of the proposed development. The reserve field must be protected from development that would prevent its use in the future. A reserve area must always be available. The Site Plan, Section 14 shows an example of land suitable for onsite wastewater disposal and reserve on both proposed lots.

## 11.0 Setback Requirements

General setback requirements for wastewater are outlined in the Regional Plan for Northland (2019), Section C.6.1.3, TP58 (2004), Table 5.2 and the Far North District Plan, Section 12.7.6.1.4(b) provided below. These setback distances are to be adhered to in any site-specific onsite wastewater report (TP58).

### ***Regional Plan for Northland (2019), Section C.6.1.3***

*The discharge of domestic type wastewater into or onto land from an on-site system and the associated discharge of odour into air from the on-site system are permitted activities, provided:*

- 1) The on-site system is designed and constructed in accordance with the Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012), (TP58, 2004 also used) and*
- 2) the volume of wastewater discharged does not exceed two cubic metres per day, and*
- 3) the discharge is not via a spray irrigation system or deep soakage system, and*
- 4) the slope of the disposal area is not greater than 25 degrees, and*
- 5) the wastewater has received secondary or tertiary treatment and is discharged via a trench or bed in soil categories 3 to 5 that is designed in accordance with Appendix L of Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012); or is via an irrigation line system that is:*
  - a) dose loaded, and*
  - b) covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and*
- 6) for the discharge of wastewater onto the surface of slopes greater than 10 degrees:*



- 
- a) *the wastewater, excluding greywater, has received at least secondary treatment, and*
  - b) *the irrigation lines are firmly attached to the disposal area, and*
  - c) *where there is an up-slope catchment that generates stormwater runoff, a diversion system is installed and maintained to divert surface water runoff from the up-slope catchment away from the disposal area, and*
  - d) *a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and*
  - e) *the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or*
  - f) *the irrigation lines are covered by a minimum of 100 millimetres of topsoil, mulch, or bark, and*
- 7) *the disposal area and reserve disposal area are situated outside the relevant exclusion areas and setbacks in Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems, and*
  - 8) *for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and*
  - 9) *the following reserve disposal areas are available at all times:*
    - a) *100 percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or*
    - b) *30 percent of the existing effluent disposal area where the wastewater has received secondary treatment or tertiary treatment, and*
  - 10) *the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and*
  - 11) *the discharge does not contaminate any groundwater water supply or surface water, and*
  - 12) *there is no surface runoff or ponding of wastewater, and*
  - 13) *there is no offensive or objectionable odour beyond the property boundary.*

**Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems**

<b>Feature</b>	<b>Secondary and tertiary treated domestic type wastewater</b>	<b>Greywater</b>
<i>Exclusion areas</i>		
<i>Floodplain</i>	<i>5 percent annual exceedance probability</i>	<i>5 percent annual exceedance probability</i>
<i>Horizontal setback distances</i>		
<i>Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is downslope of the disposal area)</i>	<i>5 metres</i>	<i>5 metres</i>
<i>River, lake, stream, pond, dam or natural wetland</i>	<i>15 metres</i>	<i>15 metres</i>
<i>Coastal marine area</i>	<i>15 metres</i>	<i>15 metres</i>
<i>Existing water supply bore</i>	<i>20 metres</i>	<i>20 metres</i>
<i>Property boundary</i>	<i>1.5 metres</i>	<i>1.5 metres</i>
<i>Vertical setback distances</i>		
<i>Winter groundwater table</i>	<i>0.6 metres</i>	<i>0.6 metres</i>

**TP58 (2004), Table 5.2**

Separation distances outlined in TP58 (2004), Table 5.2 for category 6 soils are the same as those stated in the Regional Plan for Northland (2019), Section C.6.1.3. However, TP58 (2004) recommends a more conservative separation distance from groundwater in category 6 soils, 900mm vs 600mm.

**Far North District Plan, Section 12.7.6.1.4(b)**

Specific to the Far North District is a more conservative separation distance from a river, lake, wetland, or the boundary of the coastal marine area. The Far North District Plan, Section 12.7.6.1.4(b) requires a 30m setback, greater than the 15m required by the Regional Plan for Northland (2019), Section C.6.1.3 and TP58 (2004), Table 5.2.

**12.0 Summary**

The existing onsite wastewater on proposed Lot 1 is to be replaced with a secondary treatment system and field. The precise design will require a site-specific Onsite Wastewater Report (TP58) at the time of building consent application. The field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b). The field and reserve are to be entirely contained within the boundaries of proposed Lot 1. The system and field will not be replaced until occupation of the existing dwelling or prior occupation or any new dwelling. A consent notice is proposed for this condition.

The existing septic tank and soakage on proposed Lot 2 are highly likely to be located within the proposed boundaries of the subdivision. Once the dwelling is occupied the septic tank is to be regularly maintained and serviced. There is ample suitable available area for wastewater disposal and reserve if a new system and field are required in the future. A consent notice condition is proposed requiring an inspection of the operation of the system to be supplied to FNDC

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within 3 months of the house being occupied. If the system and field are working well, they may remain in use. If replacement or upgrade of any component of the system is required, it is to be undertaken at this time.

13.0 Borehole Log



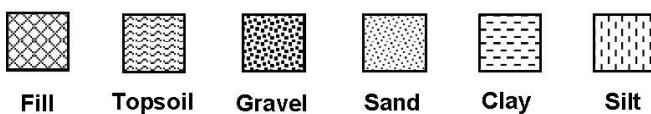
BOREHOLE LOG 1



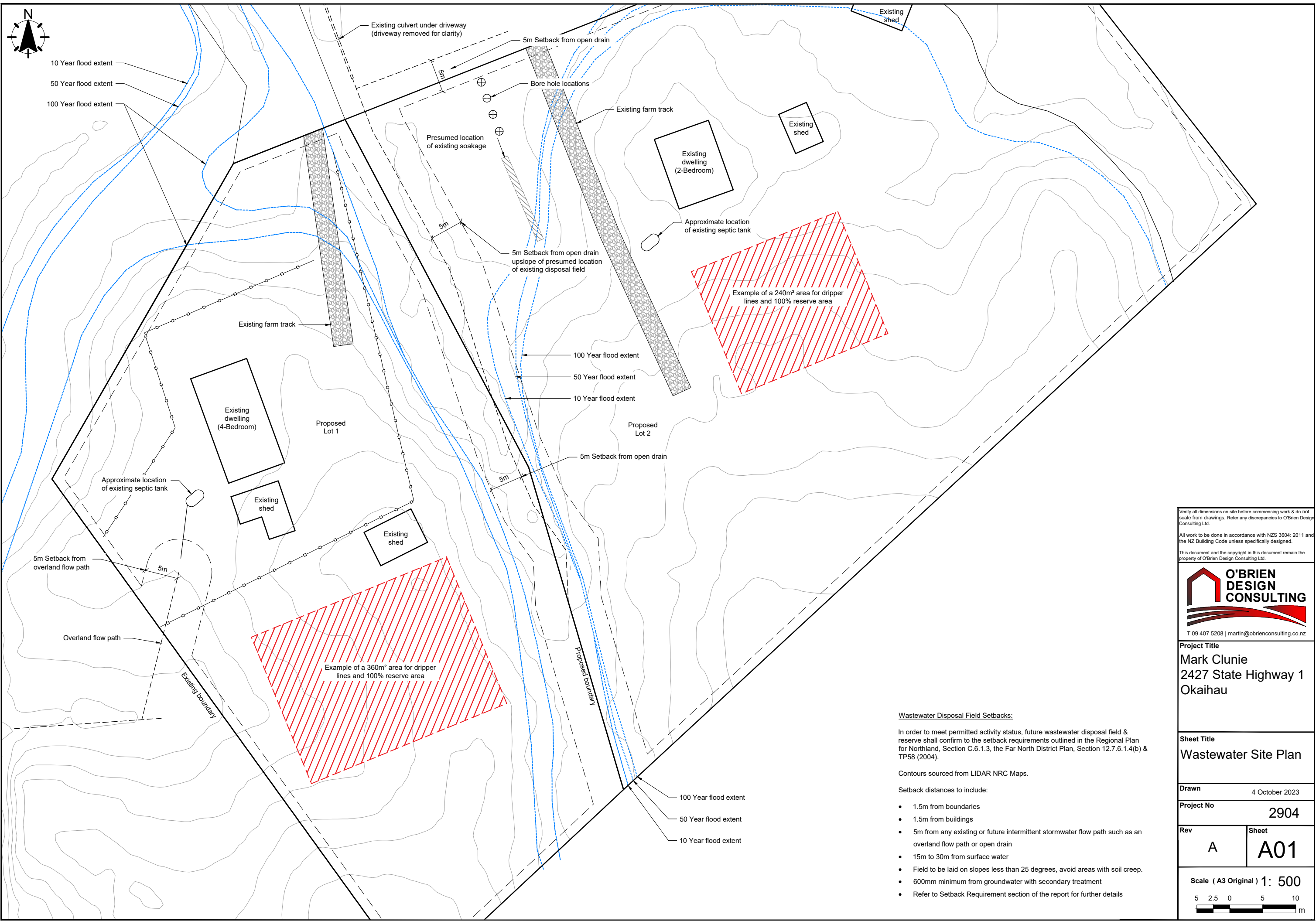
<b>Client</b>	Mark Clunie	<b>Job No.</b>	2904
<b>Project</b>	Subdivision	<b>Date Drilled</b>	21/09/2023
<b>Site Address</b>	2427 SH 1 Okaihau	<b>Drilled By</b>	Martin O'Brien
<b>Legal Description</b>	Pt Sec 22 Blk V Omapere SD	<b>Drill Method</b>	50mm hand auger

Depth mm	GWL	Soil Map Reference	Graphic Log	Field Description	Soil Category
100	Groundwater not intercepted	Okaka clay & silty clay (OA)		Slightly moist brown topsoil	5
200				Slightly moist brown silty CLAY	6
300					
400					
500				Slightly moist orange silty CLAY	6
600					
700					
800					
900					
1000					
1100					
1200					
1300	EOB				
1400					
1500					
1600					
1700					
1800					
1900					
2000					
2100					

Graphic Log Legend



The subsurface data described above has been determined at this specific borehole location and will not identify any variations away from this location. The data is for the determination of soil type for wastewater disposal applications only and is not to be used for geotechnical purposes.



Verify all dimensions on site before commencing work & do not scale from drawings. Refer any discrepancies to O'Brien Design Consulting Ltd.

All work to be done in accordance with NZS 3604: 2011 and the NZ Building Code unless specifically designed.

This document and the copyright in this document remain the property of O'Brien Design Consulting Ltd.



**Project Title**  
 Mark Clunie  
 2427 State Highway 1  
 Okaihau

**Sheet Title**  
 Wastewater Site Plan

**Drawn** 4 October 2023

**Project No** 2904

Rev	Sheet
A	A01

**Scale ( A3 Original ) 1: 500**  
 5 2.5 0 5 10 m

**Wastewater Disposal Field Setbacks:**  
 In order to meet permitted activity status, future wastewater disposal field & reserve shall confirm to the setback requirements outlined in the Regional Plan for Northland, Section C.6.1.3, the Far North District Plan, Section 12.7.6.1.4(b) & TP58 (2004).

Contours sourced from LIDAR NRC Maps.

- Setback distances to include:**
- 1.5m from boundaries
  - 1.5m from buildings
  - 5m from any existing or future intermittent stormwater flow path such as an overland flow path or open drain
  - 15m to 30m from surface water
  - Field to be laid on slopes less than 25 degrees, avoid areas with soil creep.
  - 600mm minimum from groundwater with secondary treatment
  - Refer to Setback Requirement section of the report for further details



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## 15.0 Limitations

1. Our responsibility for this report is limited to the property owner named on the front page of this document. We disclaim all responsibility and will accept no liability to any other person unless that party has obtained the written consent of O'Brien Design Consulting Ltd. O'Brien Design Consulting Ltd reserves the right to qualify or amend any opinion expressed in this report in dealing with any other party. It is not to be relied upon for any other purpose without reference to O'Brien Design Consulting Ltd.
2. Recommendations and opinions in this report are based on data obtained from the investigations and site observations as detailed in this report. The nature and continuity of subsoil conditions at locations other than the investigation bores and tests are inferred and it should be appreciated that actual conditions could vary over the site.
3. It is the property owner's responsibility to ensure careful site planning is undertaken to ensure onsite wastewater and a reserve is available at the time of development. An example of an area suitable for onsite wastewater is designated.
4. Opinions and judgements expressed are based on our interpretation and understanding of current regulatory standards and should not be construed as legal opinions. Where opinions or judgments are to be relied on they should be independently verified with appropriate legal advice.



Ph: (09) 407 5208 | Mob: 027 407 5208  
E-mail: martin@obrienconsulting.co.nz  
E-mail: nicola@obrienconsulting.co.nz



4 October 2023

Natalie Watson  
Williams & King  
PO Box 937  
KERIKERI 0230

Email: [nat@saps.co.nz](mailto:nat@saps.co.nz)

*Top Energy Limited*

Level 2, John Butler Centre  
60 Kerikeri Road  
P O Box 43  
Kerikeri 0245  
New Zealand  
PH +64 (0)9 401 5440  
FAX +64 (0)9 407 0611

To Whom It May Concern:

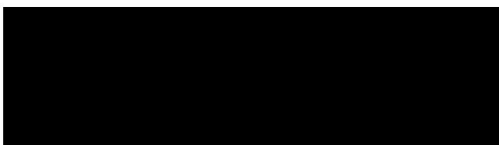
**RE: PROPOSED SUBDIVISION  
CM & SB Clunie – 2427A & B State Highway 1, Horeke.  
Sections 26 & 27 & Pts Sec 22 BLK V Omapere SD**

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirement for this subdivision is nil.  
Top Energy advises that proposed Lots 1 and 2 have an existing power supply.

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

Yours sincerely



**Aaron Birt**  
Planning and Design  
T: 09 407 0685  
E: [aaron.birt@topenergy.co.nz](mailto:aaron.birt@topenergy.co.nz)

Waka Kotahi New Zealand Transport Agency Reference: 2023-0458

Monday, 16 October 2023

Mark and Sharon Clunie  
C/- Natalie Watson  
27 Hobson Avenue  
Kerikeri, 0230

Sent via: [nat@saps.co.nz](mailto:nat@saps.co.nz)

Dear Mark and Sharon,

**Proposed 4 Lot Subdivision – 2427A & B State Highway 1 Horeke, Okaihau – Mark and Sharon Clunie**

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

**Proposal**

Resource consent is sought for the following activities:

- The applicant is proposing a 4 Lot subdivision of Sections 26 & 27 & Pts Sec 22 BLK Omapere SD with Lots 3 & 4 being held under the same title using an amalgamation covenant. The proposed Lots are as follows:
  - Proposed Lot 1 – 0.6035 ha – Contains one existing dwelling.
  - Proposed Lot 2 – 0.9702 ha – Contains one existing dwelling.
  - Proposed Lot 3 & 4 and Pts Section 22 BLK V Omapere SD (RoT NA209/87) held under one record of title using an amalgamation covenant - .. ha – Farm Use

**Assessment**

In assessing the proposed activity, Waka Kotahi notes the following:

- Proposed Lots 1 and 2 will contain one existing dwelling each generating a total of 20.8 vpd.
- This requires a Standard Diagram C access, which the current vehicle crossing appears to meet.
- Proposed Lots 3 & 4 and Pts Section 22 BLK V OMapere SD (RoT NA209/87) will be held under one record of title via an amalgamation covenant and will continue to be used for farming.
- A consent notice volunteered by the applicant will ensure that the existing vehicle access is upgraded to a diagram D standard before additional development can occur.
- Overall the proposal will not result in any additional traffic generation.

**Conditions**

In discussion with Waka Kotahi your client has agreed to include the following conditions as part of your clients' resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the titles of Lots 3 & 4 of the subdivision of land shown on Scheme Plan *Proposed Subdivision of Sections 26 & 27 & Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22 & Sec 55 BLK V Omapere September 2023*, reference number 23828 to limit the number of dwellings that can be built.

- a) Lots 3, 4 and Pt Section 22 BLK V Omapere SD (RoT NA209/87) shall have the following restrictions so that the listed activities cannot occur onsite unless section b of this notice is met. The following activities cannot be undertaken onsite:
- I. The erection of one or more dwellings on the landowners parcel.
  - II. The subdivision of the landholders parcel into smaller parcels.
- b) The existing crossing place located at NZTM Coordinates 1660028.64, 6093833.75 is upgraded to a Standard Diagram D in accordance with the NZTA Planning Policy Manual (2007) Appendix 5B requirements, this would support further intensification giving rise to an associated increase in vehicle movements (to be determined by the NZ Transport Agency, then the land owner/s may apply to both the NZ Transport Agency and the Far North District Council to breach and / or remove this consent notice.
- c) If the landowner seeks to undertake or carryout any of the listed restrictions, an application must be made to the Far North District Council with the explicit support of the NZ Transport Agency.
2. The crossing place located at NZTM coordinates 1660028.64, 6093833.75 shall be sealed to the property boundary.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the Consent Holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the State Highway, including the upgrading of vehicle crossings, have been constructed to the NZ Transport Agency standards.

#### **Determination**

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

#### **Advice Notes**

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) / Work Access Permit (WAP) and for that request to be approved.


Please submit your CAR to the New Zealand Transport Agency CAR via [Submitica.com](http://Submitica.com) a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

#### **Expiry of this approval**

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from the New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Lauren Rae via email at [lauren.rae@nzta.govt.nz](mailto:lauren.rae@nzta.govt.nz) or you can contact the environmental planning team at [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz).

Yours sincerely,

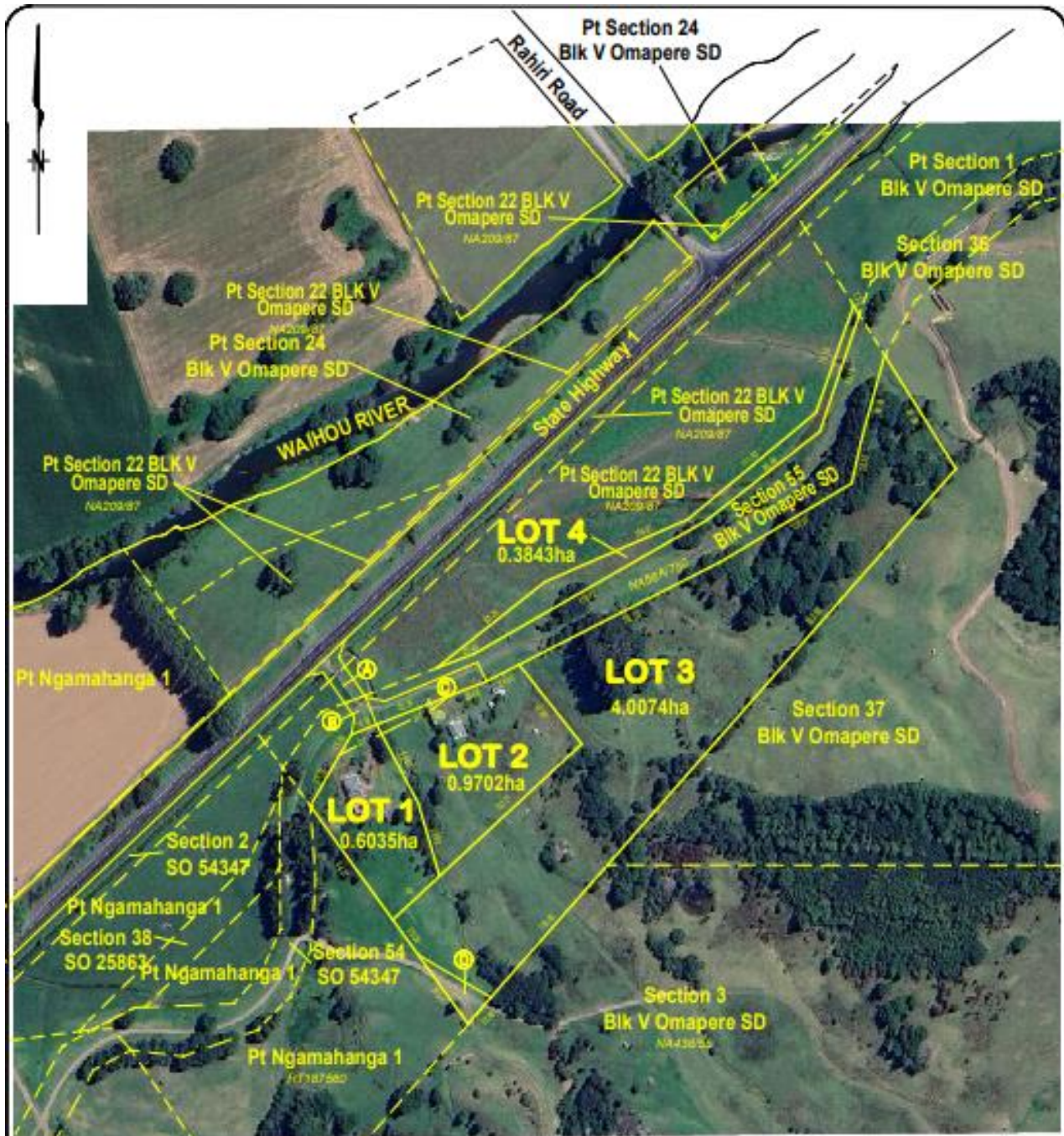


Lauren Rae  
Senior Planner  
Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

Enclosed:

- Attachment 1: Proposed Scheme Plan





Memorandum of Easements

Purpose	Shown	Burdened Land	Benefited Land
Right of Way, Right to Convey Telecommunications, & Electricity,	A	Pts Sec 22 Blk V Omapere SD	Lots 1 & 2 Hereon
	B	Sec 55	Lots 1 & 2 Hereon
	C	Blk V Omapere SD	Lot 2 Hereon
	D	Lot 3 Hereon	Section 3 Blk V Omapere SD (NA438/5) Pts Ngamahanga 1 (Pt NA209/97)

**Proposed subdivision of Sections 26 & 27 & Pts Sec 22 BLK V Omapere SD and Easements over Pts Sec 22 & Sec 55 BLK V Omapere SD**

**Amalgamation Condition**

\* That Lots 3 and 4 Hereon be transferred to the owner of Pts Section 22 Blk V Omapere SD (Pt NA209/97) and that one Record of Title be issued to include all parcels\*

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.



Prepared for: C M & S B Clunie

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**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners & Land Development Consultants  
 27 Wilson Ave  
 PO Box 87740  
 Auckland, New Zealand

Local Authority: Far North District Council  
 Total Area: 5.9654ha  
 Composed of: NA209/97(P) & NA641/6

DATE	NAME	SCALE	ORIGINAL SCALE	SHEET SIZE
2023	W & K	1:2500	1:2500	A3

**23828**  
**FINAL**