

DONALDSONS

REGISTERED LAND SURVEYORS

8361

23 November 2023

Planning Division

Far North District Council

Private Bag 752

Kaikohe

Dear Sir/Madam

PROPOSED SUBDIVISION

M. NESS, 30 CAPRINE ROAD, KERIKERI

We submit herewith a Resource Consent application together with the following:

- Application form & deposit \$2900
- Planning report
- Scheme plan
- Record of Title
- Top Energy Ltd comments
- Stormwater Assessment
- Wastewater Review
- Entrance Asbuilt plans

Yours faithfully,

Micah Donaldson

MNZIS - Assoc.NZPI

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS



Office Use Only

Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council’s web page.

1. Pre-Lodgement Meeting

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? Yes / No

2. Type of Consent being applied for (more than one circle can be ticked):

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

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

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

4. Applicant Details:

Name/s: M. Ness

Electronic Address for Service (E-mail): C/o Donaldson’s Surveyors Ltd

Phone Numbers: Work: Home:

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

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

Name/s: Donaldson’s Surveyors Ltd

Electronic Address for Service (E-mail): micah@donaldsons.net.nz

Phone Numbers: Work: 09-4079182 Home:

Postal Address: PO Box 211, Kerikeri 0245 Post Code:

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

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: Murray Ness

Property Address/
Location: 30 Caprine Road, Kerikeri

7. Application Site Details:

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

Site Address/
Location: 30 Caprine Road, Kerikeri

Legal Description: Lot 1 DP 443969
Val Number:

Records of Title: RT 556080
Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site Visit Requirements:

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

Is there a dog on the property? Yes / No

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

8. Description of the Proposal:

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

Proposed subdivision in the Rural Production to create one additional site.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification? Yes/No

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

ticked):

- Building Consent (BC ref # if known) Regional Council Consent (ref # if known)
- National Environmental Standard consent Right of Way Section 348 LGA

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) yes no don't know
Exempt as production land

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

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application. See within the planning report

13. Billing Details:

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

Name/s: (please write all names in full)

Donaldson's Surveyors Limited

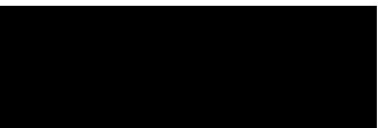
Email:

Postal Address:

Phone Numbers:

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

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

Name: 

Signature  (signature of bill payer – mandatory) Date: 23 November 2023

14. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

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

Name: Micah Donaldson _____ (please print)

Signature:  _____ (signature) Date: 23 November 2023

(A signature is not required if the application is made by electronic means)

Checklist (please tick if information is provided)

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

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

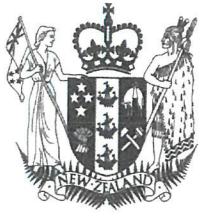
Digital Applications may be submitted via E- mail to: Planning.Support@fndc.govt.nz

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE



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




R. W. Muir
Registrar-General
of Land

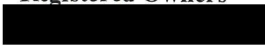
Identifier 556080
Land Registration District North Auckland
Date Issued 13 October 2011

Prior References

NA87A/82

Estate Fee Simple
Area 10.6780 hectares more or less
Legal Description Lot 1 Deposited Plan 443969

Registered Owners



Interests

Subject to Section 8 Mining Act 1971

Subject to Section 168A Coal Mines Act 1925

Subject to a right of way over part marked B on DP 443969 created by Transfer 852639.1 - 11.3.1980 at 9:01 am

Appurtenant hereto is a right of way specified in Easement Certificate B840322.6 - 17.6.1988 at 1:52 pm

The easements specified in Easement Certificate B840322.6 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is an electricity right created by Transfer C305855.1 - 19.9.1991 at 10.22 am

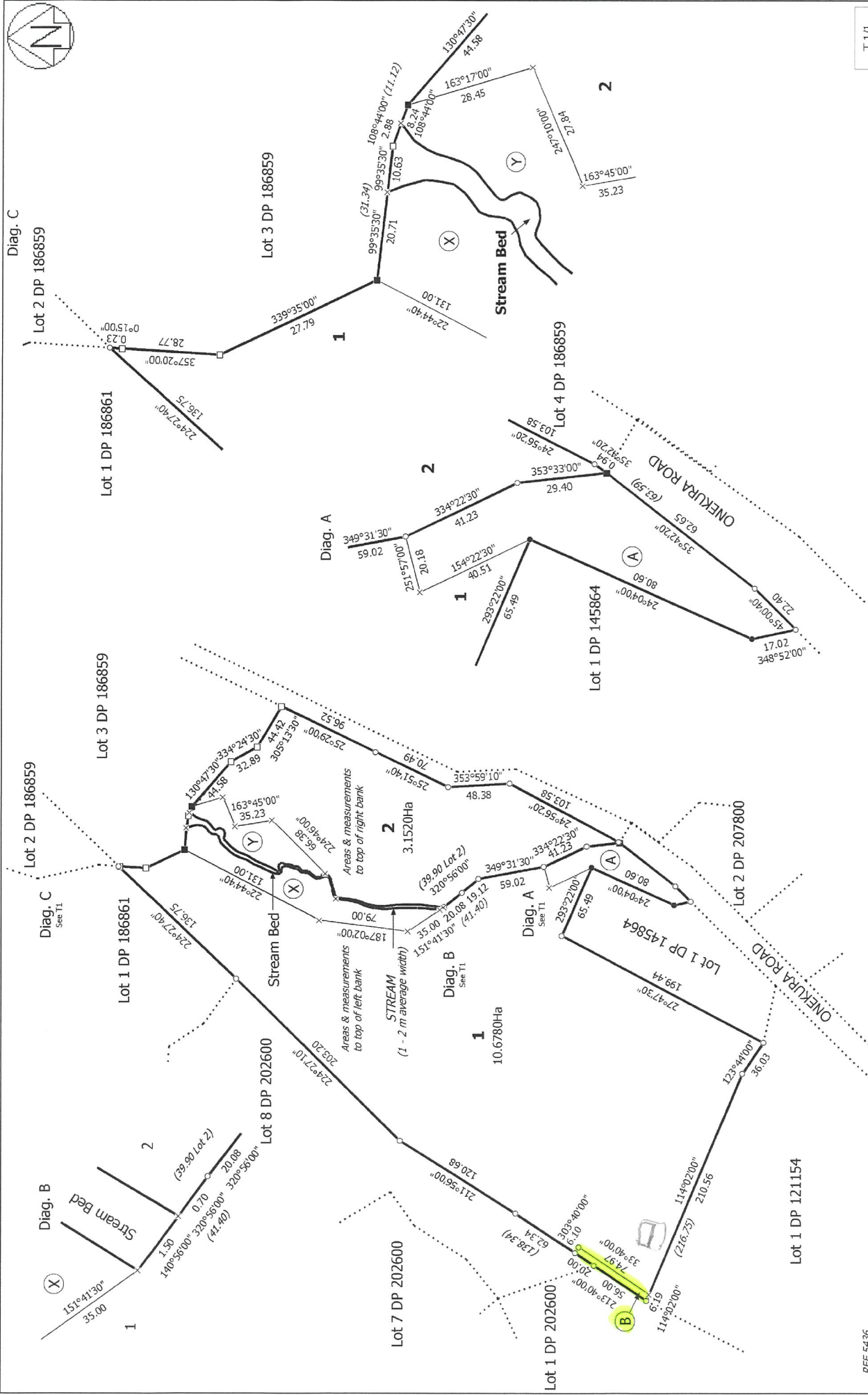
The easements created by Transfer C305855.1 are subject to Section 309 (1) (a) Local Government Act 1974

8886359.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 13.10.2011 at 4:21 pm

Subject to a right of way and rights to convey electricity, telecommunications, computer media and water supply over part marked A on DP 443969 created by Easement Instrument 8886359.3 - 13.10.2011 at 4:21 pm

The easements created by Easement Instrument 8886359.3 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8886359.3 - 13.10.2011 at 4:21 pm



T 1/1

Title Plan
DP 443969

Surveyor: Robert John Donaldson
 Firm: Donaldsons

Lots 1 and 2 being a Subdivision of Lot 2 DP.121154

Land District: North Auckland
 Digitally Generated Plan
 Generated on: 20/10/2011 11:54am Page 3 of 3

Deposited on: 13/10/2011

REF 5436



View Instrument Details

Instrument No. 8886359.2
Status Registered
Date & Time Lodged 13 Oct 2011 16:21
Lodged By Du Toit, Nicolene
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
556080	North Auckland
556081	North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Nicolene Du Toit as Territorial Authority Representative on 13/10/2011 04:17 PM

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



Private Bag 752, Memorial Ave
Kaitiaki 0400, New Zealand
Freephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2137
Email: osk.us@fndc.govt.nz
Website: www.fndc.govt.nz

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2090039
Being the Subdivision of PT Lot 2 DP 121154
BLK XII KAE0 SD-INT IN ROW

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

SCHEDULE

Lot 1 – DP 443969

- (i) The indigenous vegetation within land covenant area X (bush protection) shall not be cut down, damaged or destroyed without the prior written consent of the Council. Such consent may be given in the form of resource consent. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Lot 2 – DP 443969

- (i) The indigenous vegetation within land covenant area Y (bush protection) shall not be cut down, damaged or destroyed without the prior written consent of the Council. Such consent may be given in the form of resource consent. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Lots 1 & 2 – DP 443969

- (i) Provide at the time of lodging a building consent application, a specific design for stormwater management and if applicable effluent disposal by a suitably qualified Chartered Professional Engineer, which details mitigation measures for the on site stream and Lake Manuwai.
- (ii) Each dwelling shall have a roof water collection system with 45,000 litre storage tanks. The water tanks shall be positioned so that they are accessible (safely) for fire-fighting purposes and be coupled together and have one tank fitted with an outlet compatible with rural fire service equipment or be fitted with a sprinkler system approved by Council.
- (iii) Given the proximity to the Lake it is required that an advanced secondary treatment system for the treatment of wastewater is installed prior to onsite disposal. The chosen system shall meet the following effluent quality standards:

BODS	20 gm/m ³
TSS	20 gm/m ³
Total FC	100/100m ³

The system design and details shall be submitted win conjunction with any Building Consent which includes on-site disposal. It shall include an operation and maintenance agreement with the system supplier.

SIGNED:



Mr Murray McDonald

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

DATED at KERIKERI this

13th day of October

2011

Approvals
1. As shown by the following

REGISTERED OWNER
PURSUANT TO A RESOLUTION OF THE BAY OF ISLANDS COUNTY COUNCIL PASSED ON THE 17th DAY OF October 1987. APPROVING PURSUANT TO SECTION 305 OF THE LOCAL GOVERNMENT ACT 1974. THIS SURVEY PLAN AND HERETOFORE REFERRED TO, IS HEREBY CONFIRMED AND APPROVED BY THE CHIEF SURVEYOR AND THE CHIEF ENGINEER, IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE OPERATIVE PLANS RELATING TO THE BAY OF ISLANDS COUNTY COUNCIL. THIS COMMON SEAL OF THE BAY OF ISLANDS COUNTY COUNCIL WAS AFFIXED HERETO IN THE PRESENCE OF:



GENERAL MANAGER
CHAIRMAN

MEMORANDUM OF EASEMENTS.	
PURPOSE SHOWN	SEW TEN DOM TEN
RIGHT OF WAY	PT LOT 1 HEREON
	PT LOT 2 HEREON
EXISTING EASEMENTS	
PURPOSE SHOWN	DOCUMENT
RIGHT OF WAY	(A) & (B) 852639-1
NEW C'S T ALLOCATED	
LOT 1	-:- 70B/631
LOT 2	-:- 70B/632
Total Area 21.3060 ha.	
Comprised in CT 46B 1196 (ALL)	

Robert John Donaldson
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to the provision in section 3(2) of the Surveyors Act 1965 hereby certifies that this plan has been made from surveys conducted by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.

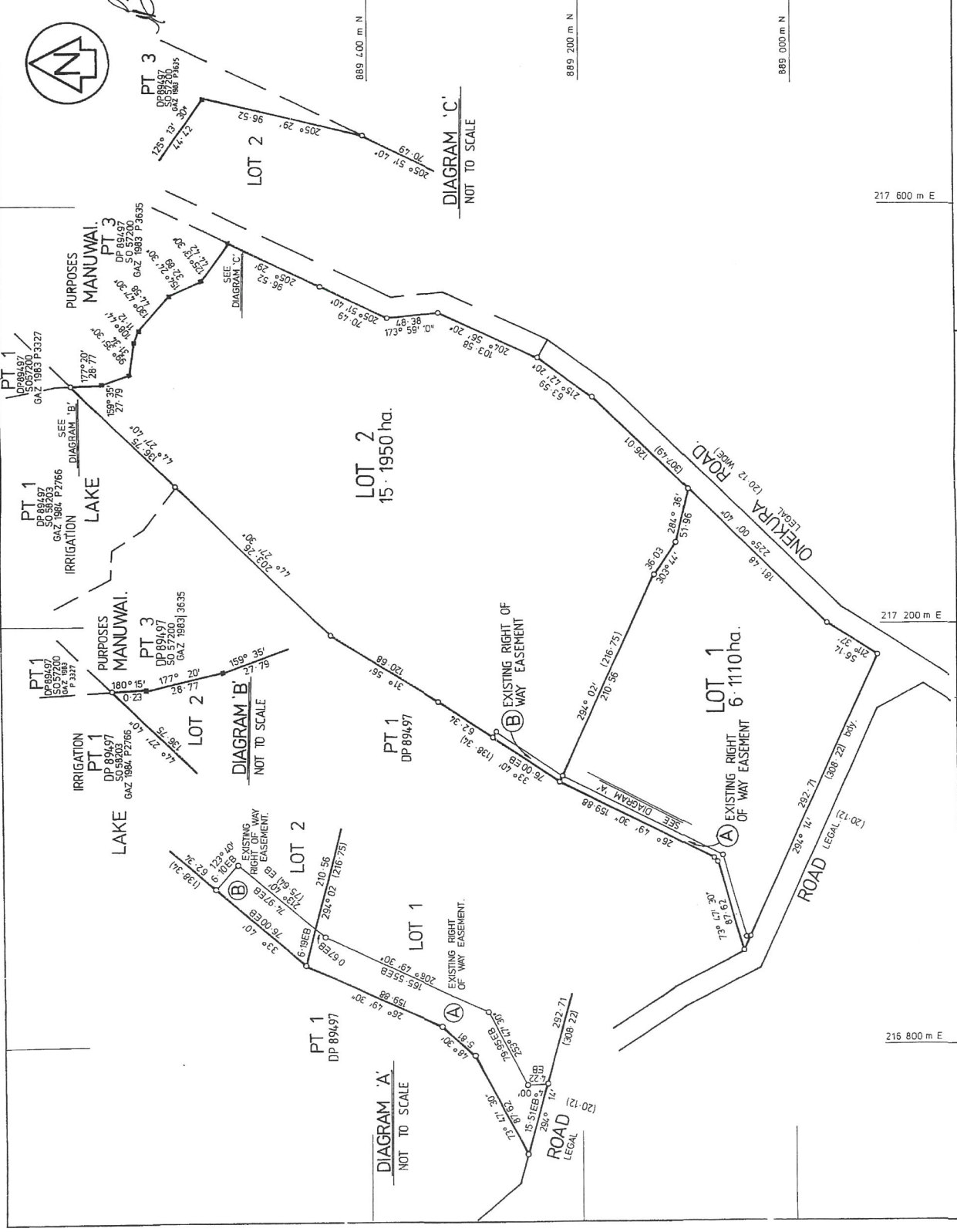
Dated at Kerikeri this 5th day of October 1987

Field Book: F
Reference Plans: W. Hibbs.

Approved as to Survey
7/3/88 S.M. ... Chief Surveyor

Deposited this 17th day of October 1988
Assy: ... Land Registrar

File 1179
3 NOV 1987
DP 121154



LAND DISTRICT NORTH AUCKLAND
SURVEY BLK. & DIST. XII KAEO.
NZMS 261 SHT RECORD MAP No

PLAN OF LOTS 1 & 2 BEING A SUBDIVISION OF PART LOT 3 DP 89497.

TERRITORIAL AUTHORITY BAY OF ISLANDS COUNTY.
Surveyed by R. J. DONALDSON & ASSOC.
Scale 1 : 2500 Date SEPTEMBER 1987.

(Approved by the Registrar-General of Land, Wellington, No. 228594.2)

(Approved by the District Registrar, Auckland, No. 4203/74)

(New Zealand)

852639.1 TE

Under the Land Transfer Act, 1952

Memorandum of Transfer

354-000,000.40
DENOTING

GEORGINA MARY HAMILTON of Kerikeri, clerk being registered as proprietor

of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in all that piece of land situated in the Land District of North Auckland containing

24.4830 hectares

more or less being

Lot 3 Deposited Plan 89497 being part Section 77 Block XII Kaeo Survey District and being all the land in Certificate of Title Volume 46B Folio 1196 SUBJECT TO Section 8 Mining Act 1971 AND TO Section 168A Coal Mines Act 1925

TRANSFER, ASSIGNMENT, LEASE, AGREEMENT stamped with duty of \$6.40 on 22/11/78



In Consideration of Sixty Two Thousand Dollars (\$62,000.00)

(of which \$7,000.00 is for plant and stock) paid to me
by DONALD CHARLES BROWNE of Kerikeri farmer and LAUREL
IRENE BROWNE his wife)

(the receipt of which sum is hereby acknowledged)

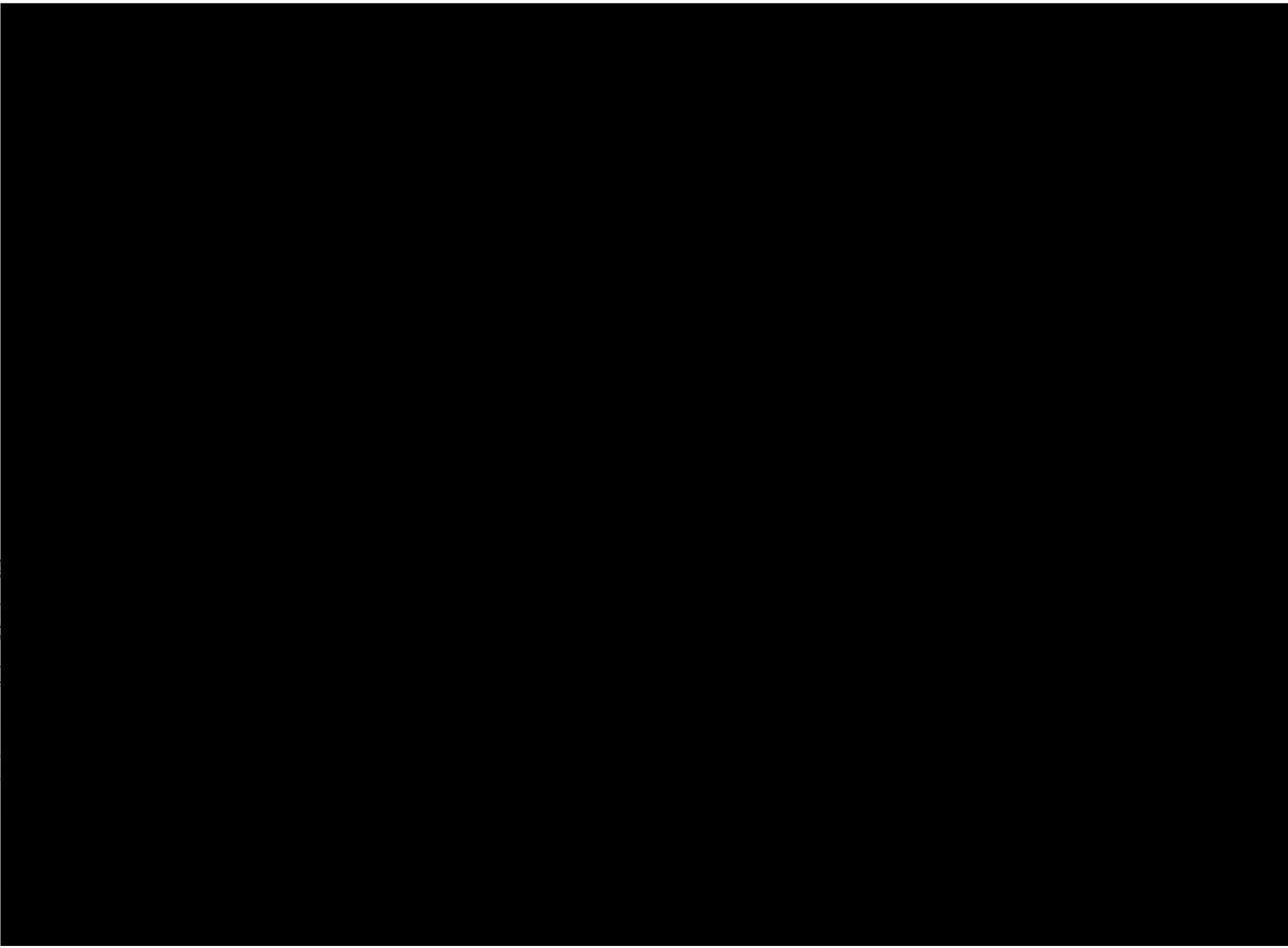
Do hereby Transfer to the said DONALD CHARLES BROWNE and LAUREL IRENE BROWNE

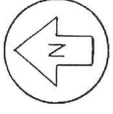
all my estate and interest in the

said piece of land above described but RESERVING nevertheless to the transferor
an easement of right of way over that part of the land hereinbefore
described shown marked "A" on deposited plan 89497
TO THE INTENT that the said easement shall be for ever hereafter
appurtenant to the land of the transferor containing 51.6320 hectares
more or less being Lot 1 on deposited plan 89497 and being all
Certificate of Title Volume 46B Folio 1195 (North Auckland Registry)

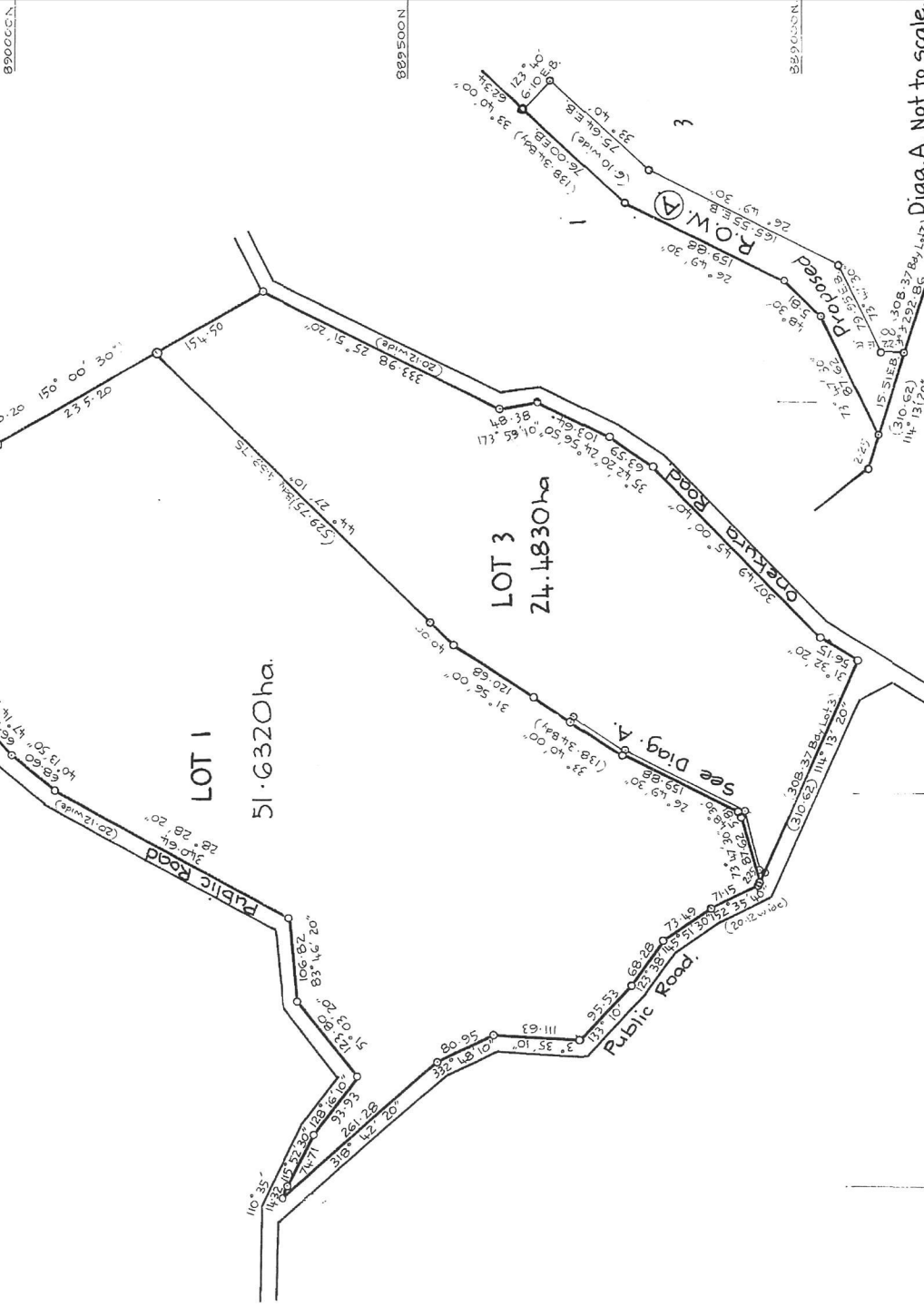
* on the terms and conditions set out in the Seventh Schedule to the
Land Transfer Act 1952

GH





Sec. 26



LOCAL AUTHORITY Bay of Islands County.
 Surveyed by von Sturmer & Webster
 Scale 1:4000
 Date Sept. 1978.

LOTS 1 & 2 BEING SUBDN. OF SEC. 77, BLK. XII, KAEAO

LAND DISTRICT North Auckland.
 SURVEY BLK. & DIST. XII Kaeo.
 NZMS 26 SHEET No. P02/4, 5, P05/4, 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

CENTIMETRES

08 JAN 1978

Printed by the Government Printer, Wellington, New Zealand.

PROPOSED SUBDIVISION
M. NESS. ONEKURA ROAD, KERIKERI

DATE: 23 NOVEMBER 2023

REFERENCE: 8361

PLANNING REPORT



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INTRODUCTION

The applicant seeks resource consent to subdivide off one rural residential lot with an area of 4300m².

The property is located at 30 Caprine Road, Kerikeri and zoned Rural Production under both the operative and proposed district plans.

The subdivision proposal is presented as a Restricted Discretionary activity.

SITE DESCRIPTION

The property is accessible either from Caprine Road or Onekura Road, and is approximately 17km from Kerikeri Township.

Estate	Title	Appellation	Area	Owner
Fee Simple	556080	Lot 1 DP 443969	10.6780 ha	M. & J. Ness

The site has an easy contour sloping to the northeast, with the eastern boundary defined by an unnamed stream 1m - 2m wide dominated by gorse and scrub leading to Lake Manuwai.

Lot 2 would include the existing dwelling having an area of 120m² (roof profile). Services exist onsite, and access exists via Caprine Road.

Lot 1 has various possible building sites with approximately 5ha in open pasture. There are two existing stock shelter sheds having a total roof area of 230m².

The soil type is recorded as type 'Otaha Clay' classed 4w1, and is not located alongside any class 3 or better soil types.

Stormwater discharges from the existing dwelling as sheetflow, directed to the unnamed stream. Currently there is no defined flowpath and it is proposed to establish, for possible future benefit, an easement to discharge stormwater from Lot 2 over Lot 1.

The surrounding properties form a mix of rural residential, lifestyle, and farm blocks dispersed widely over a hilly vegetated landscape.

RESOURCE MANAGEMENT ACT 1991

The subdivision of land falls under the Resource Management Act 1991, and application requirements must demonstrate the level of environmental effects caused by the activity respective to applicable underlying planning guidelines. The effects relate to the proposed allotment size relative to the "Restricted" discretionary assessment.

SCHEDULE 4

An application made for subdivision consent pursuant to Section 88 RMA, must include the following, outlining aspects of relevance to the proposed activity and zone expectations:

ASSESSMENT OF THE ACTIVITY AGAINST THE MATTERS UNDER PART 2 RMA

Part 2 Purpose and Principles

Purpose

(1)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal would achieve sustainable use of land through its diversification from hobby farming to lifestyle living without undue impacts on ecosystems or the subject natural rural environment.

The subdivision of additional sites improves land availability for residential occupation supporting rural social and economic wellbeing.

Lifestyle sites are known as critical components of the overall rural community framework through their ability to support a self-sufficient lifestyle (home produce), provide a place of residence for those working in the rural sector, and contributing to community economic wellbeing through construction and ongoing everyday living expenditure.

The existing stream where it becomes wider is already subject to protection as defined by covenant 'X'. This upholds necessary environmental safeguards.

The level of effects arising from the proposal is considered to accord with the rural production zone intent and the broader components of the RMA demonstrating sustainable use of land with a less than minor adverse impact.

Matters of national importance

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The property is able to be subdivided without direct disturbance of wetlands, lakes or rivers, and the impact on the coast is nil. Lake Manuwai is in proximity, however is setback some 200m from existing open pasture where the likely building site would position. In any event, building setbacks apply to lakes over 4ha, and these parameters can be upheld without concern.

The stream environment was formerly protected on DP 443969 within covenant area 'X'.

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

There are none.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

Covenant 'X' upholds this intent.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Not applicable.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga:

The restricted discretionary allotment size and future site occupation with a residential unit is not seen to conflict with culture and traditions.

The applicant has previously demonstrated ways to ensure a positive environmental outcome by protecting the stream environment, which aligns with the principles of Kaitiakitanga.

There is absolutely no vegetation clearance and all earthworks meet permitted allowances.

There is no influence on Fisheries.

The proposal is considered in keeping with the Rural Production zone intent, with all lots being larger than the standard minimum allowed (*2000m² discretionary activity*), whilst contributing positively to the vicinity's popularity for rural based activity.

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

There are no known historic heritage sites.

(g) the protection of protected customary rights.

There are no known customary rights to consider.

Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

The proposal is considered to adequately uphold all aspects without causing unreasonable adverse effects.

The subdivision is not necessarily enhancing amenity values, but supports diversified use of land, expanding lifestyle opportunities in support of community growth expectations and needs. Often smaller rural allotments allow landowners to better action kaitiakitanga and stewardship over a more manageable sized piece of land, and furthermore diversify land use opportunities to the wider community as opposed to being tied up in one larger block, often underutilised and of single ownership.

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

The subdivision of land is not considered to contradict the Treaty of Waitangi's goals and interpretations.

ASSESSMENT OF THE ACTIVITY AGAINST SECTION 104(1)(B)

Section 104(1)(b)
any relevant provisions of—

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan;*

Under various headings, the application covers all relevant provisions including, the Far North District Plan, National Policy Statement, National Environmental Standards, and Regional Policy Statements. There are no other relevant provisions. These are discussed under their respective headings.

An application must also include an assessment of the activity's effects on the environment that -

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

(1) An assessment of the activity's effects on the environment must include the following information:

(a) *if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposal is not considered to cause any 'significant' adverse effects.

Lots 1 & 2 are well connected to legal road and fundamental services (namely electricity), simplifying future construction processes.

Each lot has an existing independent access, although Lot 1 has the option of using either access, being the burdened land of the shared Right of Way marked 'A' & 'B' on DP 121154.

The entrances from both Caprine Road and Onekura Road have been inspected, and prove to uphold the council engineering standards and guidelines (May 2023) without need for upgrading.

This avoids the need for any immediate earthworks under the subdivision consent conditions.

Future building activity on Lot 1 is able to occur on an easy grade without need for extensive cut of fill batters, and capable of upholding the permitted activity standards of the Rural Production zone. Such work does not require vegetation clearance or need to encroach into any vulnerable ecology.

The subdivision would not cause any known significant adverse effects on the environment.

(b) *an assessment of the actual or potential effects on the environment of the activity.*

The current title has various development opportunities that could see considerable change to the immediate landscape without need for resource consent; this defines the 'permitted baseline', and gauges the scale and expected level of adverse effects in this zone. Those effects are described under the Permitted Baseline following.

The proposed lots are configured to utilise existing services and infrastructure as far as practical, and once the sites are developed would support community social and economic wellbeing through promoting greater land use opportunities, particularly for those seeking to work in the rural sector.

Resultant permitted baseline effects through land use activities demonstrates comparatively that those effects are not significantly different from that occurring as a result of subdividing.

Points of merit include the applicant's contribution to increasing rural land use opportunities by making available land for residential activity, which in turn adds further economic stimulus to the community during a site's development, and ongoing living expenditure.

(c) *if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

(d) *if the activity includes the discharge of any contaminants, a description of -*

(i) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

No concerns.

(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:

The subdivision employs methods to manage impacts on the environment, through applying minimum standards for onsite wastewater disposal and firefighting water supply controls. Restrictions that are then implemented through the building consent stage.

Geotechnical investigations are not considered necessary, with many examples of existing residential activity, including the established structures on Lot 2.

(f) identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:

Any adverse effects on the environment remain less than minor and compliant with the restricted discretionary provisions of the operative district plan, not to require consultation.

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

No monitoring required

(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

No concerns.

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

This is covered under the heading 'Northland Regional Policy Statement' following.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

(1) *An assessment of an activity's effects on the environment must address the following matters:*

(a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

The subject environment depicts a rural lifestyle theme which the subdivision continues to promote.

Positive effects arise through greater diversity of lifestyle lots on the property market.

(b) *any physical effects on the locality, including any landscape, and visual effects.*

The locality is isolated at the end of a no-exit road, where considerable improvements to amenity values are evident with all residences displaying extensive planting that would continue to mature and improve bird life and habitat on this otherwise empty pastureland.

Both lots are considered well suited to absorb further effects of development in accordance with gradual rural repopulation. This form of rural expansion is commonplace, and not seen to deplete rural character or in this particular case, cause a precedent effect, given the number of existing lifestyle sites in proximity.

Reverse sensitivity is not an issue with all surrounding properties being lifestyle based.

Rural farm activity has a good separation distance not to present any direct or indirect adverse impacts.

Actual and potential effects overall are considered part and parcel with this rural environment and manageable by future landowners.

(c) *Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.*

There is no physical damage to ecosystems.

The subdivision does not result in any habitat disturbance with many potential building sites on Lot 1 that occupy open pasture without need for any vegetation clearance or encroachment near watercourses.

(d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:*

No concern, as described all existing residences exhibit extensive landscape planting contributing positively to the overall natural and physical resources.

The property has no recorded archaeological sites (Archsite NZ) or listed sites of cultural significance under the district plan.

(e) any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

Effluent treatment recommendations have been made to ensure the methods uphold high standards. There are no other known contaminants of concern.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

No known concerns.

In summary, the proposal is considered an activity that supports community social and economic wellbeing through diversifying rural land for rural lifestyle purposes, which supports community integrity through rural business opportunities and making available places for rural workers. Overall, this proves possible without cause to any significant adverse effects' contrary to the purpose and principles of the Resource Management Act 1991.

PERMITTED BASELINE

The following are included in the assessment to describe how an environment may look as of right, and the assessment is to compare those effects against those proposed. The aim is to explore actual or permissible effects on the environment and where effects are more than minor initiate affected party's consultation or consider notification.

As concluded following the effects are deemed 'less than minor', therefore supporting a decision makers confidence for granting subdivision approval, particularly when considered in line with supporting objectives and policies, the regional policy statement, and the applicants proposed mitigation measures.

The permitted baseline demonstrates permitted activities a site can incur, and provides the council with discretion to remove those effects from consideration when assessing resource consents. Additionally, the receiving environment (*beyond the subject site*) is the environment upon which a proposed activity might have effects. The Environment Court in *Eyres Eco Park v Rodney District Council (A147/04)* suggested that existing use rights are part of the environment.

When assessing the environmental impact, it is permissible and often desirable or necessary to consider the future state of the environment upon which effects will occur, including:

- *The future state of the environment as it might be modified by permitted activities.*
- *The environment as it might be modified by implementing resource consents that have already been granted at the time a particular application is being considered.*

In terms of how these aspects relate to the proposal:

The application site covers approximately 10.6ha, currently utilised to occupy a single residential unit, and sheds.

One residential unit per title is permitted in the zone, however the number of structures that can cover a site is 10% of the total site area (building coverage).

This indicates either a substantial number of sheds or an extraordinarily large one could occupy the space of proposed Lot 1.

Impermeable surface cover is permitted up to 15%.

Building height is permitted up to 12m.

Traffic movements are limited to 60 per site excluding those that normally reside on the property. This would allow for a small rural based business, or bed and breakfast accommodation style use.

On that basis the properties permitted level of visual impacts are considered 'high.'

The number of persons occupying a site is limited to 1 person per hectare or 4 persons per site and adopts the exemption where the first residential unit on a site is excluded from the calculation.

Various rural based activities supporting rural production sector could occur on the current title within the exact area of Lot 1 in accordance with permitted activity standards. This would appear visually more dominant than the post development effects of subdividing.

Because there are variety of land use possibilities, without any statutory assessment or development control mechanisms in place on the title to coordinate such use, this demonstrates that the subject proposal is not introducing anything significantly different from that already possible through other planning avenues.

In summary, although this subdivision proposal is a restricted discretionary activity under the operative district plan, an equivalent displacement of effects from permitted land use activity is possible, on that basis, environmental effects are deemed 'less than minor.'

CONSULTATION

95E Consent authority decides if person is affected person

(2)

The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—
(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect;

The subdivision does not introduce any out of character effects or a level of effects greater than that possible under alternative permitted land use activity, meaning consultation is deemed unnecessary to form a decision under Section 95 RMA.

NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement presents development guidelines for the northland region.

PART 3: OBJECTIVES

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

There is no immediate risk to or adverse impact on ecosystems.

The property is located in a 'Kiwi Present zone' only, and from local knowledge there are no reports of kiwi.

3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Lifestyle allotments contribute to the community providing much needed sustainable living and rural business opportunities.

6.1.1 Policy - Regional and district plans

Regional and district plans shall:

- (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;*
- (b) Be as consistent as possible;*
- (c) Be as simple as possible;*
- (d) Use or support good management practices;*
- (e) Minimise compliance costs and enable audited self-management where it is efficient and effective;*
- (f) Enable subdivision, use and development that accords with the Regional Policy Statement; and*
- (g) Focus on effects and where suitable use performance standards.*

The subdivision activity introduces good management practice for future land use activity. The land is recorded as having poor soil qualities making horticultural use limited at best. On this basis local authority is required to initiate a supportive role, utilising processes in place to be as 'simple as possible.'

REGIONAL DEVELOPMENT AND DESIGN GUIDELINES

Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

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

5.1.1 Policy - Planned and coordinated development

Part A) Regional form and development guidelines

New subdivision, use and development should:

(a) Demonstrate access to a secure supply of water;

Lifestyles blocks typically utilise roof surface collection and storage in water tanks for potable supplies.

Also available on Lot 1 is the small stream that could be used for irrigation purposes.

These methods prove to achieve a generally reliable water source that meets the guideline intent.

(b) Demonstrate presence or capacity or feasibility for effective wastewater treatment;

The site has been assessed by a registered drainlayer to ensure the existing wastewater system is acceptable on the proposed area of Lot 2. This in turn ensures the balance land, shown Lot 1, is also suitable for onsite wastewater disposal without concern.

(c) If of an urban or residential nature connect well with existing development and make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield (undeveloped) areas;

Not applicable.

(d) If of an urban or residential nature provide, where possible, opportunities to access a range of transport modes;

Not applicable.

(e) If of a community-scale, encourage flexible, affordable and adaptable social infrastructure that is well located and accessible in relation to residential development, public transport services and other development;

Not applicable.

(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development.

Not applicable.

(g) If of a residential nature be, wherever possible, located close to or sited in a manner that is accessible to a broad range of social infrastructure;

Not applicable.

(h) Be directed away from regionally significant mineral resources and setback from their access routes to avoid reverse sensitivity effects;

There are no known nearby regionally significant mineral resources.

(i) Be designed, located and sited to avoid adverse effects on energy transmission corridors and consented or designated renewable energy generation sites (refer to 'Regional form and infrastructure' for more details and guidance);

There are no subject energy transmission corridors, or renewable energy sites.

Top Energy Ltd has no concerns.

(j) Be designed, located and cited to avoid significant adverse effects on transportation corridors and consented or designated transport corridors;

No concerns with each lot utilising independent legal roads.

(k) Be directed away from 10-year and 100-year flood areas and high-risk coastal hazard areas (refer to 'Natural hazards' for more details and guidance);

There are no flooding concerns within either of the lots.

There is no influence from high-risk coastal hazards.

NRC Maps does not list the site to be "erosion prone".

(l) Seek to maintain or improve outstanding landscape and natural character values and provide for the protection of significant historic and cultural heritage from inappropriate subdivision, use and development (refer to 'Land, Water and Common Resources' for more details and guidance);

The site has no listed outstanding landscapes (Map 28 ODP).

(m) Protect significant ecological areas and species, and where possible enhance indigenous biological diversity (refer to 'Maintaining and enhancing indigenous ecosystems and species' for more details and guidance);

Protection measures exist, defined by area 'X' on Lot 1. This captures the stream and its embankments, and is contained within a large area of gorse.

(n) Maintain and improve public access to and along the coastal marine area, lakes and rivers;

Not applicable.

(o) Avoid or mitigate adverse effects on natural hydrological characteristics and processes (including aquifer recharge), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;

No concern.

(p) Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater storage and grey water recycling techniques;

Typically, rural lifestyle lots provide sufficient land to lead a partially or fully sustainable lifestyle.

The lots are open to the north for good solar gain.

(q) Be designed to allow adaptation to the projected effects;

The effects of lifestyle sites are low impact and often can see vast improvements through personal acts of landscaping, weed and pest control. This is evident on surrounding lifestyle lots in this vicinity.

(r) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to the site of development;

Tangata whenua are protective of ecosystems and waterway, however the proposal does not result in adverse effects to cause any concerns in that regard.

(s) Encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods);

No concern.

(t) Take into account adopted regional / sub-regional growth strategies;
No concern.

(u) Where appropriate, encourage housing choice and business opportunities, particularly within urban areas.

Lifestyle choice and diversity is paramount to the success of isolated rural vicinities, encouraging rural repopulation, particularly when land is unsuitable for standard horticulture or agricultural activities.

Local authority is encouraged under the Regional Policy Statement to consider alternative land use, support business including subdividing, and to do so in a supportive manner.

(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;
Not applicable.

(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;

Rural lifestyle lots in a rural environment are not seen to present cumulative adversity, particularly when they do not compromise versatile soils, and ensure diversity is achieved through each lots ability to undertake a semi or even fully sustainable lifestyle, which offer income opportunities or substitute living expenditure through home grown produce.

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

The lots are designed with consideration to these components.

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

No concerns.

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

The land does not exhibit versatile soil.

(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.

The proposal does not change the sense of place, as it already defines a mixed use of rural and lifestyle activity. The permitted baseline supports land use activities on the site of similar proportions to subdivision effects.

The vicinities rural lifestyle theme is promoted and would be maintained by the fact there are large tracts of unusable land either for development or production purposes.

There is an evident shortfall of lifestyle lots, and increased pressure for rural lifestyle subdivisions that do not compromise "highly productive land".

The subdivision would maintain and enhance the sense of place and character.

Without rural repopulation the integrity of a rural community is threatened.

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

The sites are adequately served by necessary infrastructure.

In summary of the RPS we find the subdivision offers adequate correlation with the policies intentions for development to undertake a sustainable approach whilst securing long term benefits for future generations through the supply of land for lifestyle living without compromising versatile soil.

NATIONAL POLICY STATEMENT

FOR FRESHWATER MANAGEMENT 2020

Part 1

1.3 Fundamental concept - Te Mana o te Wai

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Objectives and Policies

2.1

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that priorities:

- (a) first, the health and wellbeing of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.*

2.2

Policy 3

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4

Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 6

There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration promoted.

Policy 9

The habitats of indigenous freshwater species are protected.

3.5 Integrated management

(1) Adopting an integrated approach ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to lagoons, estuaries and to the sea.*
-

- (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments.
- (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effect on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
- (d) Encourage the co-ordination and sequencing of regional or urban growth.

The national policy statement formulates strong incentives for development to 'avoid' actual or potential effects that would compromise wetlands or the natural interconnected components linked to waterways; accordingly, subdivision design and land use activities are required to factor mitigation measure where applicable.

A stream is located along the eastern boundary and this is well isolated from any likely future building site, not to pose unforeseen adverse impacts.

Lifestyle lots typically form a generous size and are seen to be low risk, unlikely to deplete water quality, having no major source inputs linked to water contaminants, particularly vehicle access and parking areas which on these sized lots are a considerable distance from any waterway, allowing natural process of sheetflow to absorb and treat stormwater discharges during a storm's inception.

Commonly, lifestyle lots achieve improvements through a more centralised personal stewardship role that sees landowners undertake planting, weed and pest control, which all contribute in a positive way to the wider ecology.

The existing covenant captures the stream environment of significance, which upholds the freshwater management intent.

NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards for assessing and managing contaminants in soil to protect human health 2011, is not considered applicable to the subject land to warrant a Preliminary site Investigation Report for potential soil contamination.

From historic aerial imagery there is no evidence of any past orchard activities or large scale agriculture activity. The land has been utilised as a hobby farm since 1978 created by DP 89497, and as a lifestyle block since 1987 created by DP 121154.

NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

Highly productive land is to be protected for use in land based primary production, both now and for future generations, and is to be recognised as a resource with finite characteristics and long term values for land based primary production.

1.3 Interpretation

Highly productive land – means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy

statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).

The current situation for northland is that there is no ‘operative regional policy statement’ with the mapped areas of versatile soils, and for the meantime defaults to clause 3.5(7). However, it is necessary to appreciate the current situation is “interim” and as soon as the policy statement becomes operative, thereon the only assessment model is in accordance with 3.4, and therefore this should in all fairness depict the “permitted baseline” to avoid future conflict with the underlying assessment parameters.

Clause 3.4 Mapping highly productive land

- (1) Every regional council must map as highly productive land any land in its region that:
 - (a) Is in a general rural zone or rural production zone
 - (b) Is predominantly LUC 1, 2, or 3 land, and
 - (c) Forms a large and geographically cohesive area

3.4 defines the **only method** to assess whether or not the site is highly productive land.

Clause 3.5(7)

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- (a) Is
 - (i) Zone general rural or rural production; and
 - (ii) LUC 1, 2 or 3 land; but
- (b) Is not
 - (i) Identified for future urban development; or
 - (ii) Subject to a Council initiated or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

Currently the Far North District is subject to 3.5(7), and the site is not known to have class 1-3 soils, consequently failing to uphold (a(ii)).

OPERATIVE DISTRICT PLAN

The property is located in the Rural Production zone and is not affected by any Resource Overlay under the Far North Operative District Plan.

Under Chapter 13 TABLE 13.7.2.1: MINIMUM LOT SIZES the proposal is configured as a standard restricted discretionary activity where although the title date precedes 28th April 2000, this was a consequence of subdividing off the first lot at or over 4000m².

Proposed Lot 1 is the balance area over 4.0ha.

TABLE 13.7.2.1: MINIMUM LOT SIZES	Restricted Discretionary
<i>Rural Production</i>	3. A maximum of two 4000m ² lots and a balance area at 4.0ha or over, provided that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000;

Lot 1 = 4300m²
Lot 2 = 10.21ha

The proposal therefore complies with the Restricted Discretionary rule.

ALLOTMENT DIMENSIONS (Buildable Area)

Zone	Minimum Dimension
Rural Production	30m x 30m

All proposed lots uphold the 30m x 30m allotment shape parameter in accordance with 10-metre setbacks from boundaries.

Assessment

Allotment Sizes and Dimensions

The allotment size has appropriate dimensions capable of providing for the main necessities; building, parking, manoeuvring, outdoor areas and control of stormwater compliant with permitted activity standards.

Hazards

There are no known natural hazards associated with land instability or flooding.
There is no sign of surface terracette, rills or erosion.

There is known flooding within the lower catchment.
Any future development would not cause measurably change to the impact on flooding.

Both lots achieve required 20m separation between existing or potential building sites from the fringe of any vegetation (gorse). Firefighting water supplies are standard requirements for vacant lots and would be registered on the title of Lot 1.

There are no known HAIL sites to trigger the NES 2011.

Water Supply

Potable water supplies on Lots 1 & 2 would utilise onsite roof surface collection and storage in water tanks.

Firefighting water supply requirements are proposed as a standard precautionary measure, specific to Lot 1, where Lot 2 on the other hand does not suit post development intervention.

Stormwater

Both lots are below the permitted 15% site impermeable surface cover allowance (Lot 1 < 1% and Lot 2 = 6.5%).

(a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).

The lots are able to discharge stormwater from a 10% AEP event to a well vegetated gully without cause to any adverse effects on neighbouring properties or compromise to the receiving waterways. The eastern boundary has a defined rock lined creek capable of receiving stormwater discharge without concern.

The existing dwelling on Lot 2 positions on the upper knoll not affected by upper catchments.

There is an existing drain along the western boundary on adjoining Lot 1 DP 415307, diverting all access stormwater via open drain to the lower creek.

Stormwater outflow from the dwelling tank displaces to ground and sheet flows through a stand of mature trees before filtering through the pasture and on to the lower creek.

Stormwater from the metalled parking area displaces through the grass in a dispersed manner avoiding any concentration points.

There are no signs of erosion and discharge is able to occur during a 10%AEP event without concern.

As a provisional measure, a stormwater easement is proposed over area labelled 'D' to improve control of stormwater if and when required in the future.

(b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.

Not applicable.

(c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.

The properties natural contour and vegetated cover upholds these expectations.

(d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.

Assessment as attached.

(e) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual" Auckland Regional Council (2003).

No concern, both Lots are well within their permitted site coverage entitlements.

Lot 1 : < 1%

Lot 2 : 6.5 %

Sewage

No concern, the attached onsite wastewater assessment upholds the TP-58 guidelines confirming the existing wastewater system is in good condition and contained within the proposed boundaries.

Lot 1 is of similar soil type, has an easy contour with ample area available not to require more elaborate investigation until the building consent stage.

A consent notice may register on the title requiring a secondary treatment wastewater system.

Energy Supplies & Telecommunications

Comments from Top Energy are attached. Electricity requirements are nil.

For telecommunications Chorus NZ is not interested in developments where there are no new lead-ins and on that basis were not consulted.

It is suggested that council include a consent notice that states provision for electricity and telecommunications were not a requirement of the resource consent for proposed Lot 1.

The exact underground electricity layout over Lot 1 (shown 'D') is currently an approximation and the cable would be traced during the LT Survey to accurately confirm its position.

Easements & Covenants

Existing Easements & covenants

Existing Rights of Way over area B on DP 443969 and A on DP 121154 (and as shown on the scheme plan) created by Transfer 852639.1 and B840322 are in favour of adjoining Lot 8 DP 202600, Lot 1 DP 202600, Lot 2 DP 1743432 & Lot 2 DP 173432.

Existing Right of Way over area shown 'A' over Lot 1 hereon is in favour of Lot 2 DP 443969 created by 8886359.3.

Proposed Easements

Easements 'B & C' over Lot 1 in favour of Lot 2 are for purpose of Rights of Way, and Rights to convey services.

Easement 'D' over Lot 1 in favour of Lot 2 is for purpose of stormwater drainage and Rights to convey electricity.

Proposed Land Covenants Section 221 RMA

- i) *In conjunction with the construction of any building, and in addition to potable water supplies, a water supply for fire fighting purposes is to be provided by way of tank or other approved means in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.*

LOT 1

- ii) *Electricity and telecommunication supply were not a condition of the subdivision consent and may not have been reticulated to the boundary of the lot.*

LOT 1

- iii) *In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system the landowner shall submit for council approval a TP58 report prepared by an approved TP58 writer.*

LOT 1

- (iv) *All buildings will require foundations to be specifically designed by a Chartered Professional Engineer, and shall be submitted in conjunction with the Building Consent application.*

LOT 1

Amalgamation Conditions

There are no amalgamation conditions.

Property Access

TRANSPORTATION

15.1 TRAFFIC, PARKING AND ACCESS

15.1.6A.2 PERMITTED ACTIVITIES

15.1.6A.2.1 TRAFFIC INTENSITY

This rule only applies when establishing a new activity or changing an activity on a site.

The Traffic Intensity Factor for a site in this zone is 60 daily one way movements. The Traffic Intensity Factor shall be determined by reference to Appendix 3A in Part 4.

This rule only applies when establishing a new activity on a site. It does not apply to existing activities, however, the Traffic Intensity Factor for the existing uses (apart from those exempted below) on site need to be taken into account when assessing new activities in order to address cumulative effects. Exemptions: The first residential unit on a site, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt from this rule.

There is a shared access from both Caprine Road and Onekura Road.

Caprine Road:

Access extends over Lot 1 DP 415307 via a 3m wide metalled formation, and this is shared with proposed Lots 1 & 2, along with Lots 1 & 8 DP 202600 and Lot 2 DP 173432, a total of 6 potential users. The actual layout of users differs because some registered properties with Rights of Way are no longer inclined to use the access having alternative options already in use.

This includes:

Lot 2 DP 173432 and Lot 1 DP 202600, both having their accesses located farther to the north directly from Caprine Road.

Similarly proposed Lot 1 has alternative access from Onekura Road with an independent entrance shared with Lot 2 DP 443969 (shown area 'A' on the scheme plan).

Then there is Lot 1 DP 415307, the Burdened/Servient property with their private driveway deviating from the shared access after just 80m.

The total number of users along the first 80m length is actually 3 users (proposed Lot 2, Lot 8 DP 202600, & Lot 1 DP 415307), and this number reduces to just 2 users for the remainder of the access (proposed Lot 2 & Lot 8 DP 202600).

The traffic intensity factor is calculated based on 10 oneway movements per residential unit.

From Caprine Road there are a total of two existing residential units, plus one potential one on vacant Lot 8 DP 202600.

Total number of oneway movements = 30.

From Onekura Road there is one existing residential unit and one potential one on vacant proposed Lot 1.

Total number of oneway movements = 20.

15.1.6B PARKING

15.1.6B.1 PERMITTED ACTIVITIES

15.1.6B.1.1 ON-SITE CAR PARKING SPACES

Where:

(i) an activity establishes; or

(ii) the nature of an activity changes; or

(iii) buildings are altered to increase the number of persons provided for on the site;

A rural lot intended for a single residential unit (dwelling) requires 2 parks, and this is achievable on all lots with adequate tracking curves and manoeuvring areas without concern.

15.1.6B.1.2 - 15.1.6B.1.4 (*being access onto Williams Road, Kerikeri Road & Accessible car parks*)
Not applicable.

15.1.6B.1.5 CAR PARKING SPACE STANDARDS

All lots are able to create onsite carparks and achieve safe manoeuvring compliant with dimension standards of Appendix 3D.

15.1.6B.1.6 LOADING SPACES

Not applicable.

15.1.6C ACCESS

15.1.6C.1 PERMITTED ACTIVITIES

15.1.6C.1.1 Private accessways in all zones

(a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan.

Based on the current number of users over Right of Way 'B' and that on Lot 1 DP 415307, (3 users), this suits a formation width of 3m plus passing bays at 100m intervals. However, with the third user exiting the access after just 80m, the number of users reduces to 2, not requiring any passing bays.

Table drains exist along the western side of the access formation.

Right of Way shown 'A', shared with Lot 2 DP 443969 has a 3m wide metalled formation, and with just two users there is no need for passing bays.

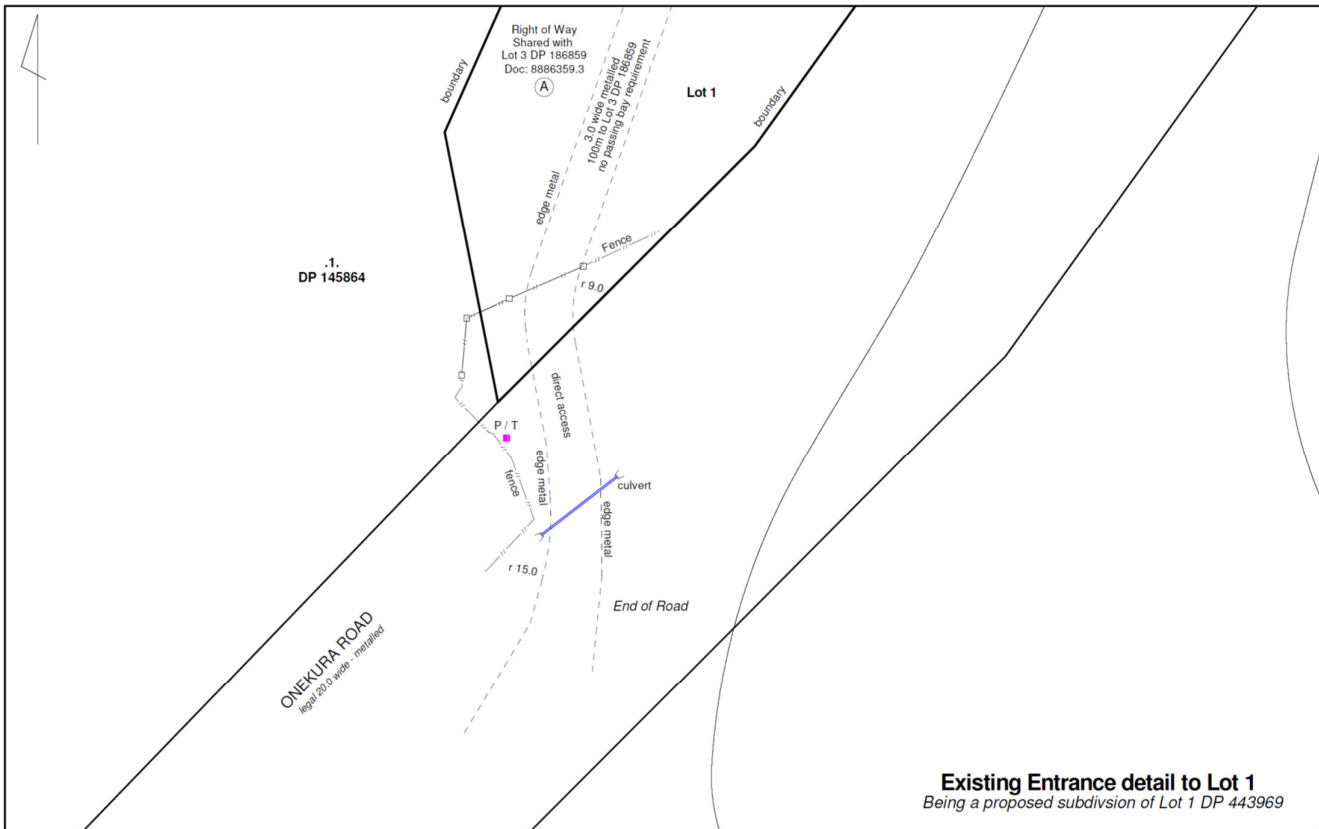


Access formation to Lot 2

Appendix 3B-1

Standards for private access

Entrance to Lot 1 achieves the design parameters set by the current Engineering Standards and Guidelines as described below:



Existing Entrance detail to Lot 1
Being a proposed subdivision of Lot 1 DP 443969

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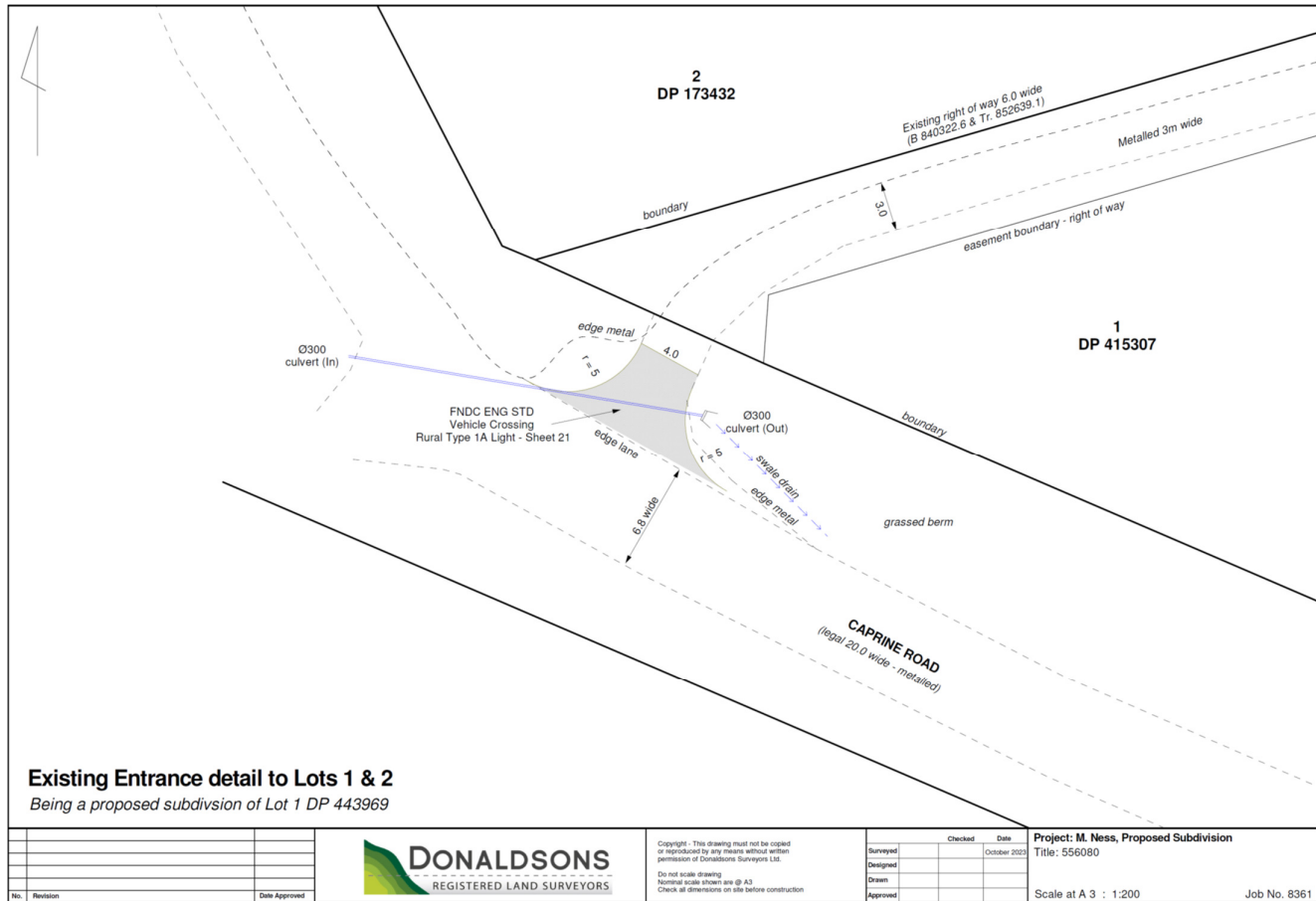
Checked	Date
Survived	October 2023
Designed	
Drawn	
Approved	

Project: M. Ness, Proposed Subdivision
Title: 556080

Scale at A 3 : 1:200

Job No. 8361

Entrance to Lot 2 achieves the design parameters set by the current Engineering Standards and Guidelines as described below:



The entrance to Lot 2 provides about 70m sight visibility to the north compliant with the average vehicle speed of 50km/hr. To the south there is over 100m visibility.

The entrance to Lot 1 bends out from the Road formation with a gradual 15m radii curvature. Being located at the end of Onekura Road formation there is no need for vehicles to turn to the east.

There are no access grades steeper than 1:5.

Stormwater controls exist.

Appendix 3B-2

Standards for Roads to vest.

Not applicable.

Appendix 3C

Parking spaces required.

All lots readily comply.

Appendix 3D

Manoeuvring and parking space dimensions

(90° regular user = width 2.5m (total depth one row 11.6m)

No concern.

Appendix 3E

Tracking curves along the shared access are compliant.

15.1.6C.1.1

(a)

The access complies with Appendix 3B1.

(b)

Applicable only to urban & commercial zones.

(c)

A private accessway may serve a maximum of 8 household equivalents.

No concern, the maximum number of household equivalents is six.

(d) Where a subdivision serves 9 or more sites, access shall be by public road.

Not applicable.

(e) Access shall not be permitted:

(i) onto a State Highway or a Limited Access Road;

Not applicable.

(ii) onto an arterial or collector road within 90m of its intersection with an arterial road or a collector road;

Not applicable.

(iii) onto an arterial or collector road within 30m of its intersection with a local road;

Not applicable.

(iv) onto a local road within 30m of its intersection with an arterial or collector road;

No concern.

(v) onto Kerikeri Road (both sides of the road along the portion between Maraenui Drive and Cannon Drive). This rule does not apply to sites with lawfully established access points (as at 6 September 2001) onto Kerikeri Road.

Not applicable.

(vi) onto Kerikeri Inlet Road from Lot 1 DP 404507 or Lot 1 DP 181291 (and any sites created as result of a subdivision of these lots), except from a single vehicle crossing or intersection at least 30m from the adjoining boundary with Lot 2 DP 103531 and with at least 115m visibility in each direction.

Not applicable.

15.1.6C.1.2 Private Accessways in urban zones

Not applicable.

(b)
Commercial zones.
Not applicable.

(c) All private accessways in all urban zones which serve two or more activities are to be sealed or concreted
Not applicable.

15.1.6C.1.3 Passing bays on private accessways in all zones

As described no passing bays prove necessary because there are less than 3 users over any 100m length.

15.1.6C.1.4 ACCESS OVER FOOTPATHS

Not applicable.

15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES

(a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009).

The crossing comply.

15.1.6C.1.6 Vehicle Crossing Standards in Urban zones

Not applicable.

15.1.6C.1.7 General Access Standards

(a) Provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road.

The lots are able to safely manoeuvre vehicles onsite without having to reverse onto legal road.

(b) All bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle.

The access into both lots provides sufficient width and achieves a minimum 9m radius.

(c) Any access where legal width exceeds formation requirements shall have surplus areas (where legal width is wider than the formation) grassed.

Berms are grassed.

(d) Runoff from impermeable surfaces shall, wherever practicable, be directed to grass swales and/or shall be managed in such a way as will reduce the volume and rate of stormwater runoff and contaminant loads.

Stormwater from existing impermeable surfaces displaces into naturally vegetated gullies.

15.1.6C.1.8 Frontage to existing roads

(a) Where any proposed subdivision has frontage to a road or roads that do not meet the legal road width standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), road widening shall be vested in the name of the Council.

The road reserve adjoining the property has a legal width of 20m.

The road formation width is over 6m wide with more than 300mm basecourse.

There are no boundaries encroaching into the road carriageway.

(b) Where any proposed subdivision has frontage to a road or roads that are not constructed to the standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), then the applicant shall complete the required improvements.

Both legal roads are formed to a sufficient standard respective to their status.

No upgrading is considered necessary on the basis that consent conditions must be "fair and reasonable."

(c) Where a site has more than one road frontage or frontage to a service lane or right-of-way (ROW) in addition to a road frontage, access to the site shall be in a place that:

(i) facilitates passing traffic, entering and exiting traffic, pedestrian traffic and the intended use of the site;

No concern.

(ii) is from the road or service lane or ROW that carries the lesser volume of traffic.

The subdivision distributes the traffic movements equally to each legal road.

No concern.

(d) Where any proposed subdivision has frontage to a road on which the carriageway encroaches, or is close to the subject lot or lots, the encroachment or land shall vest in Council such that either the minimum berm width between the kerb or road edge and the boundary is 2m or the boundary is at least 6m from the centreline of the road whichever is the greater.

The road carriageway proves to be within the road reserve.

No concern.

15.1.6C.1.9 New Roads

Not applicable.

15.1.6C.1.10 Service lanes, cycle and pedestrian accessways

Not applicable.

15.1.6C.1.11 Road designations

Not applicable.

The subdivision is considered to uphold all transportation standards as a permitted activity without need for land use dispensation.

EFFECT OF EARTHWORKS AND UTILITIES

The subdivision does not include any earthworks.

13.6.8 SUBDIVISION CONSENT BEFORE WORK COMMENCES

When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent.

Soil

The sites life supporting capacity of soil remains uncompromised on the basis the land is not highly productive, and all lots have the ability to utilise the soil for private sustainable use.

The production capacity overall would remain uncompromised and is considered better diversified through its subdivision.

Access to water bodies

The existing stream is less than 3m wide, and Lake Manuwai is a private entity. There are no other waterbodies to consider.

Land Use Incompatibility

The proposal is in keeping with the immediate environment not to require mitigation measures.

There are no other known land use incompatibilities.

Proximity to Airports

No concern.

Natural Character of the coastal environment

The property does not have a coastal influence.

Energy Efficiency

The proposal is considered to adopt an acceptable level of energy efficiency achieving good solar gain.

NATURAL AND PHYSICAL RESOURCES

There are no obvious adverse impacts on any vulnerable natural and physical resources, most of which are now well protected under relevant National Policy Statements.

There is no need for earthworks.

Department of Conservation were not considered affected parties as there is no impact on vulnerable vegetation and the site is not within a 'high-density' Kiwi overlay.

OBJECTIVES (*Subdivision*)

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 or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.

The subdivision is not seen to compromise the life supporting capacity of air, water or ecosystems, and the level of effects must be weighted against the properties existing permitted baseline, to which it is evident that the proposal does not introduce any greater effect than could already potentially occur under other planning avenues.

Further to the planning framework, there is no specific environmental degradation occurring to warrant avoidance, remediation or mitigation.

13.3.4 *To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

The land has been vastly modified from many years being a lifestyle site. For the most part, the property is not known for any scheduled heritage resources.

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

The proposal satisfies these requirements.

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

The subdivision is not considered innovative but presents management techniques that achieves adequate mitigation of common effects (i.e stormwater and wastewater disposal).

Overall, the proposal is considered to uphold the subdivision objectives and there is no relevance to the policies given the low environmental impact associated with the activity.

In outline of the Rural Production zone Environmental Provisions the following provides emphasis on the zones capacity to support a variety of land use activities.

Rural Environment

8.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

8.6.2.1 *A Rural Production Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources.*

8.6.2.2 *A Rural Production Zone which enables the social, economic and cultural well-being of people and communities, and their health and safety, while safeguarding the life supporting capacity of the environment and avoiding, remedying or mitigating adverse effects on it.*

The zone promotes a variety of land use activities, particularly those that are deemed sustainable to the natural and physical resources. The rural zone is intended to provide for social, economic and cultural wellbeing of people and communities, therefore insofar as effects are concerned the applicants wish to utilise an area of land with limited productive use, instead for rural lifestyle purposes, presents a sustainable outcome without compromise to the life supporting capacity of the environment.

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.*

8.6.4 POLICIES

8.6.4.1 That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated.

The subdivision does not present any measurable adverse effects on significant natural values, and avoids degradation to natural habitat, thus supporting future generations.

PROPOSED DISTRICT PLAN

The property is zoned Rural Production under the provisions of the Proposed District Plan.

The proposal does not employ any of the rules and standards relating to ecosystem protection, and the site is not influenced by any heritage overlays, earthworks or natural hazards, therefore the proposed district plan has limited legal effect in regards to this application.

The proposal is presented as a non-complying activity.

Overview

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.

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.

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 zone context presents a sweep of goals to protect the rural production environment, particularly land with versatile soils, from further fragmentation, along with a level of urgency to protect natural habitats.

To the contrary, the zone is also classed dynamic, where lifestyle lots are a supported use of land when aligned to permanent habitat protection. If land does not yield highly versatile soils, alternative

uses must be considered to ensure social and economic wellbeing is upheld, which aligns with the proposed subdivision.

Reverse sensitivity is often an effect that can be managed, and in this particular case, the sites poor soil qualities prevent any high production-based output, consequently reducing any significant occurrence of reverse sensitivity onsite or in proximity. Furthermore, rural land requires reputable economic outcomes, and if this is not foreseeable through agricultural based activities, alternative land use must be considered.

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*

The land is not classed as highly productive and its further fragmentation for lifestyle purposes would not compromise future generations. The lands further subdivision for lifestyle purposes adds to rural land use opportunities, benefiting the community through ongoing economic participation.

RPROZ-02 *The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

There is no likely change to the production use given the poor-quality soil.

RPROZ03 *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;

The land is not by definition 'highly productive.'

b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;

The immediate environment presents no unreasonable reverse sensitivity effects to suggest the need for mitigation.

c. does not compromise the use of land for farming activities, particularly on highly productive land;

The existing mix of lifestyle and rural production within the wider environment is testament that rural activities and lifestyle living are compatible under the right conditions. The subdivision expands on this theme without cause to incompatibility issues.

d. does not exacerbate any natural hazards;

Firefighting controls are proposed to better manage effects from fire hazards.

e. is able to be serviced by on-site infrastructure.

The lots are able to be serviced respective to their intended or existing use.

RPROZ04 *The rural character and amenity associated with a rural working environment is maintained.*

The rural character and amenity of this environment is undoubtedly supportive of lifestyle based activity, and the subdivision accordingly promotes this existing theme.

Policies

RPROZP5

Avoid land use that:

- a. *is incompatible with the purpose, character and amenity of the Rural Production zone;*
- b. *does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- c. *would result in the loss of productive capacity of highly productive land;*
- d. *would exacerbate natural hazards; and*
- e. *cannot provide appropriate on-site infrastructure.*

The proposal is considered to uphold (a – e).

RPROZP6

Avoid subdivision that:

- a. *results in the loss of highly productive land for use by farming activities;*

The proposal does not result in the loss of highly productive land.

- b. *fragments land into parcel sizes that are no longer able to support farming activities, taking into account:*

1. *the type of farming proposed; and*

The property is already of an unproductive size.

2. *whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*

This is unlikely due to poor soil quality.

- c. *provides for rural lifestyle living unless there is an environmental benefit.*

The proposal does support an environmental benefit.

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;
The sites unique environment is considered to adequately uphold relevant zone objectives.

b. contributes to the local character and sense of place;

The character and sense of place is set, and the proposal is considered to appropriately expand on this theme.

c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;

As described the rural character defines an absolute lifestyle base and the proposal is consistent with this framework, without introducing any reverse sensitivity effects.

d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;

In this particular case, the rural environment does not align with highly productive land or any existing rural primary production use.

e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and

Mitigation of fire risk is proposed.

f. manages adverse effects on the environment.

The proposal offers management techniques though implementation of consent notice.

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.

The utilisation of low production land for lifestyle living directly supports the protection of highly productive land by reducing pressure or demand no land with versatile soils.

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

a. are consistent with the purpose, characteristics and qualities of the zone;

b. comply with the minimum allotment sizes for each zone;

c. have an adequate size and appropriate shape to contain a building platform; and

d. have legal and physical access.

The proposal is considered to accord with these preferred parameters.

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

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

The proposal is considered to accord with these preferred parameters.

SUB-R3 Subdivision of land to create a new allotment.

Activity status where compliance not achieved with CON-2:

Discretionary

Where:

DIS-1

- 1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved.

Activity status where compliance not achieved with DIS-1: Non-complying

SUB-S1 Minimum allotment sizes

Rural Production 40ha (Controlled) or 8ha (discretionary)

SUB-R6 Environmental benefit subdivision

Restricted Discretionary Activity

Table 1

Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 4ha - less than 10ha	1
Greater than 10ha - less than 20ha	2
Greater than 20ha	3

Total area of natural wetland to be legally protected on an individual Record of Title

Table 2

Total area of natural wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 0.5ha - less than 1ha	1
Greater than 1ha - less than 2ha	2
Greater than 2ha	3

There is no natural and physical resource of significance that would meet the threshold for adopting a conservation covenant.

The applicant does not present the application on the basis of subdividing under the environmental benefit rule, and therefore the proposal aligns under the proposed district plan as a non-complying activity supported by objectives and policies of rural production environment and subdivision chapter.

Because the applicant does not present this application under the 'environmental benefit rule', the proposed district plan has limited legal effect, and therefore the resource consent decision should be founded on the provisions according to the operative district plan.

Natural Hazards

The district is affected by natural hazards. These are natural processes that become a hazard when they affect people, property, infrastructure or the wider environment. Natural hazards include those that occur frequently such as flooding coastal erosion and inundation, and land instability.

The proposed subdivision does not involve any land known to be susceptible to natural hazards.

CONCLUSION

The applicant puts forward a proposal to subdivide off 1 additional allotment that captures an existing residence as a Restricted Discretionary activity under the operative District Plan.

The level of effects associated with the lots reduced area is considered consistent with the Rural Production zone objectives and policies under both the operative and proposed district plans without being repugnant to their intent, and with the level of effects proving less than minor, upholds the underlying gateway tests. For the same reason there are no affected parties to require consultation.

The proposal is not deemed contrary to the higher planning documents, the Northland Regional Policy Statement, or National Policy Statement, being consistent with the policy framework.

The subdivision is considered to uphold Part 2, Purpose and Principles under the Resource Management Act 1991, through actioning significant bush protection, and ongoing management of effects, presenting sufficient information to meet the requirements of Clause 6 and 7 of the assessment of environmental effects, in particular the management of effects relating to natural hazards.

In consideration of the overall planning framework the application is recommended for local authority approval.



Micah Donaldson
MNZIS - Assoc. NZPI





.1.
DP 145864

Right of Way
Shared with
Lot 3 DP 186859
Doc: 8886359.3

(A)

Lot 1

boundary

boundary

3.0 wide metalled
100m to Lot 3 DP 186859
no passing bay requirement

edge metal

Fence

r 9.0

direct access

P / T

fence

edge metal

culvert

edge metal

r 15.0

End of Road

ONEKURA ROAD
legal 20.0 wide - metalled

Existing Entrance detail to Lot 1
Being a proposed subdivision of Lot 1 DP 443969

No.	Revision	Date Approved



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	Checked	Date
Surveyed		October 2023
Designed		
Drawn		
Approved		

Project: M. Ness, Proposed Subdivision
Title: 556080

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Job No. 8361



2
DP 173432

Existing right of way 6.0 wide
(B 840322.6 & Tr. 852639.1)

Metalled 3m wide

boundary

3.0

easement boundary - right of way

1
DP 415307

Ø300
culvert (In)

FNDC ENG STD
Vehicle Crossing
Rural Type 1A Light - Sheet 21

edge metal

r = 5

4.0

Ø300
culvert (Out)

edge lane

swale drain

edge metal

6.8 wide

grassed berm

CAPRINE ROAD
(legal 20.0 wide - metalled)

Existing Entrance detail to Lots 1 & 2

Being a proposed subdivision of Lot 1 DP 443969

No.	Revision	Date Approved



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Approved		

Project: M. Ness, Proposed Subdivision
Title: 556080

Scale at A3 : 1:200

Job No. 8361

EXISTING EASEMENTS

PURPOSE	SHOWN	BURDENED	BENEFITED	DOCUMENT
Right of way, Rights to convey: electricity, telecommunications, computer media, water supply	(A)	Lot 1 hereon	Lot 2 DP 443969	8886359.3
Right of way	(B)	Lot 1 hereon	Lot 2 DP 173432 & Lots 1 & 8 DP 202600	852639.1

APPURTENANT EASEMENTS

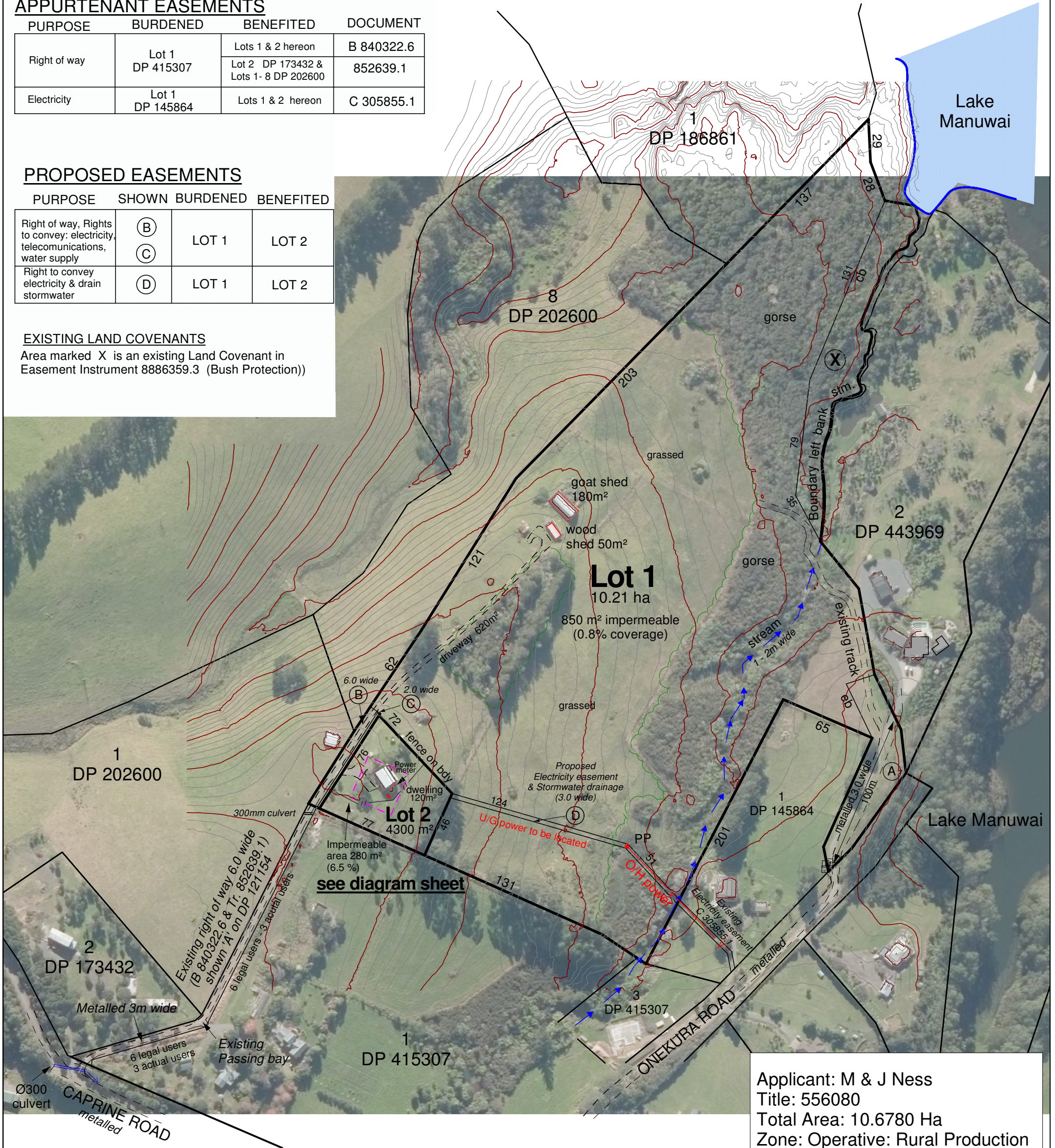
PURPOSE	BURDENED	BENEFITED	DOCUMENT
Right of way	Lot 1 DP 415307	Lots 1 & 2 hereon	B 840322.6
		Lot 2 DP 173432 & Lots 1- 8 DP 202600	852639.1
Electricity	Lot 1 DP 145864	Lots 1 & 2 hereon	C 305855.1

PROPOSED EASEMENTS

PURPOSE	SHOWN	BURDENED	BENEFITED
Right of way, Rights to convey: electricity, telecommunications, water supply	(B) (C)	LOT 1	LOT 2
Right to convey electricity & drain stormwater	(D)	LOT 1	LOT 2

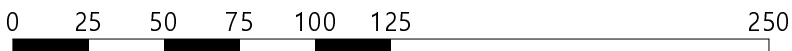
EXISTING LAND COVENANTS

Area marked X is an existing Land Covenant in Easement Instrument 8886359.3 (Bush Protection))



Applicant: M & J Ness
 Title: 556080
 Total Area: 10.6780 Ha
 Zone: Operative: Rural Production
 Proposed: Rural Production
 LUC class 4

Notes:
 Areas and measurements are subject to survey
 For resource consent purposes only.





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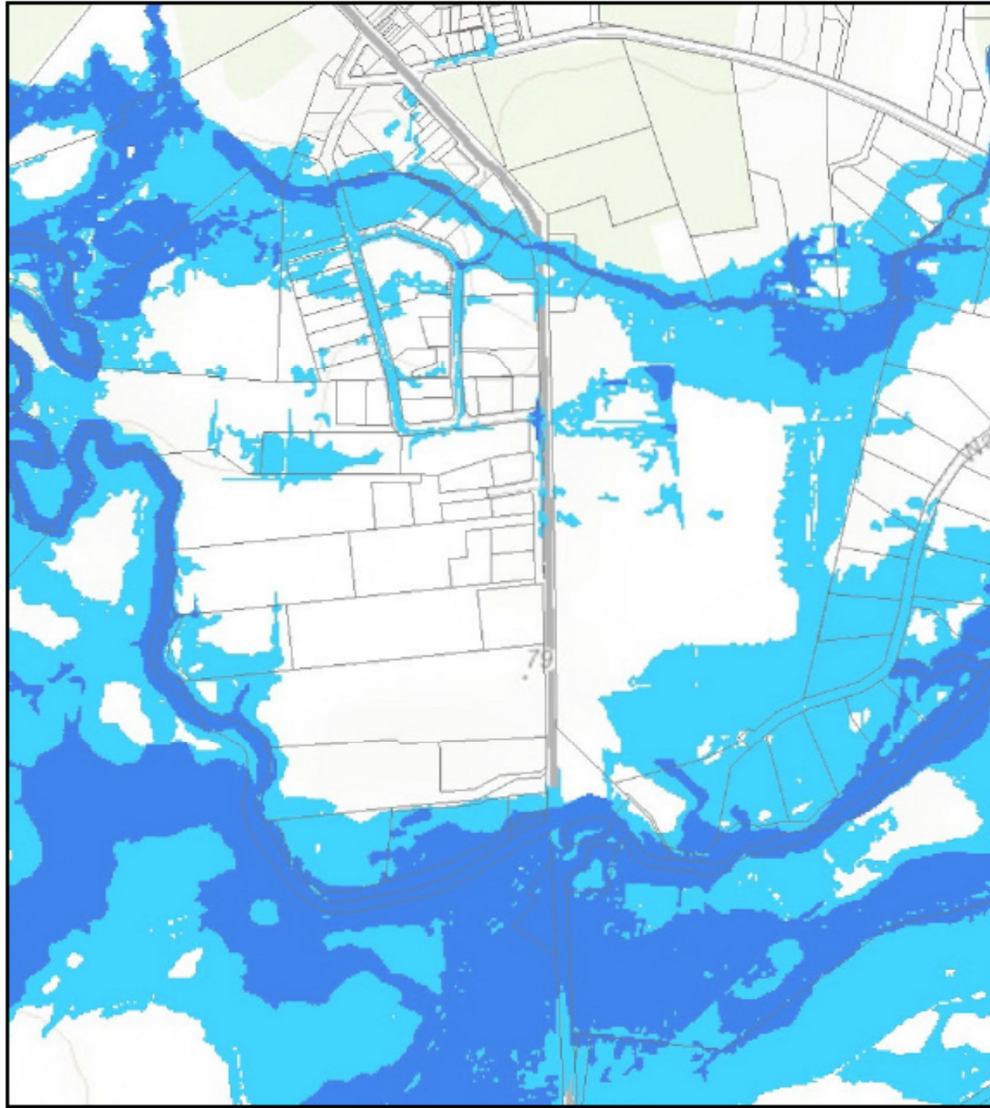
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	Checked	Date
Surveyed		
Designed		Nov. 2023
Drawn		
Approved		

Project: Stormwater Management on Proposed Lot 2
Title: M. Ness, 30 Caprine Road, Kerikeri

Contour Interval 0.5m (NZVD 2016)
Scale 1 : 1000 at A3

Job No. 8361



8319
22 November 2023

STORMWATER MANAGEMENT ASSESSMENT

M. NESS, 30 CAPRINE ROAD, KERIKERI



Introduction

It is proposed to subdivide RT 556080 to create one additional lot as conveyed on the subdivision scheme plan referenced 8361, dated October 2023 prepared by Donaldson's Surveyors Ltd.

Proposed Lot 2 is less than 2.0ha in area and consequently requires a stormwater management assessment.

Proposed Lot 1 complies with the stormwater management standards, and permitted activity rule without need for an assessment.

Impermeable surface areas on Lot 2 include:

6.5% being 280m²

The property is zoned Rural Production under the provisions of the Far North District Plan.

Site, Soil & Situation Evaluation

The property is located at 30 Caprine Road and also has access at the end of Onekura Road, approximately 17 km from Kerikeri.

The existing dwelling and parking area is located on proposed Lot 2, accessible via a 3m wide metalled carriageway over adjoining Lot 1 DP 415307.

Onsite services exist including wastewater disposal and water supply tank.

The dwelling positions on a gentle knoll not to be affected by wider catchment stormwater.

An open drain exists alongside the southern boundary on adjoining Lot 1 DP 415307, which controls stormwater from the access formation, discharging under the formation via a 300ø culvert pipe before entering the open drain. The open drain leads to a defined rock lined creek at the eastern boundary.

The creek flows to Lake Manuwai.

The site overall has a soil type recorded as type 'Otaha Clay' being well to moderately well drained. The land use capability is '4w1', representative of poor soil quality and limited agricultural use.

There is no mapped flooding influencing the site.

The topographic survey reassures local authority that all information provided is accurate in terms of the infrastructures spatial relationship to existing and proposed legal boundaries.

Stormwater Management

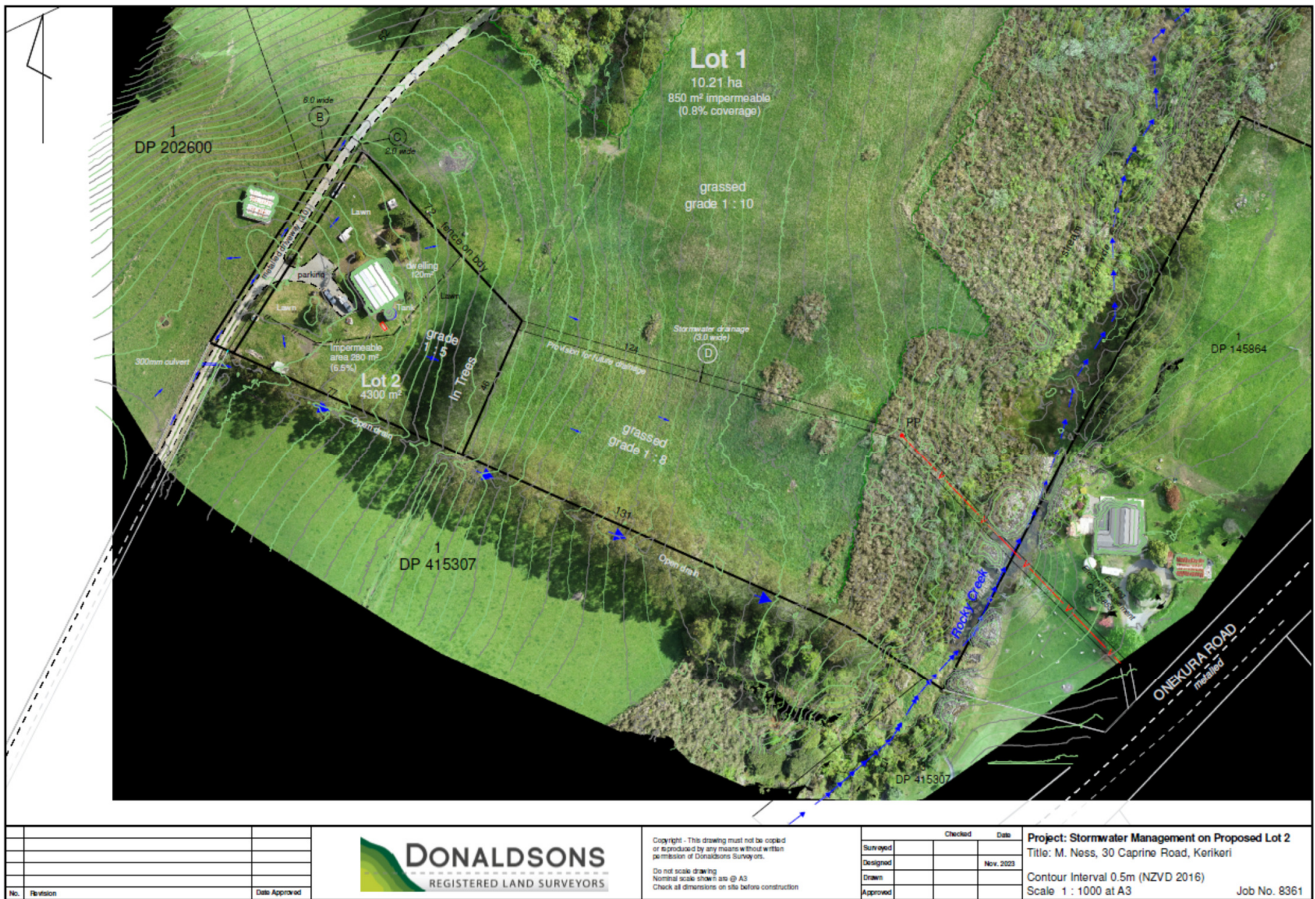
Impermeable surfaces on proposed Lot 2 consist of; access formation, parking area and dwelling roof surface, a total of 280m². The existing residence includes an onsite water tank capturing the roof surface area before discharging to ground and sheet flowing in a controlled manner to the eastern gully catchment where there is a defined creek.

The shared access formation is owned by Lot 1 and does not form part of the assessment. Stormwater from the access is directed away from Lot 2, towards the gully northward on Lot 1 DP 202600, and an open drain to the south on Lot 1 DP 415307.

There is no influence on Lot 2 from any upper catchment.

Filtration and infiltration occurs through vegetated ground cover and the open drain, which is enhanced by the generous distance separating the impermeable surfaces from the natural watercourse, approximately 150m.

The total site impermeable surface cover on Lot 2 is considered to uphold existing use rights pursuant to Section 10 RMA.



DISTRICT PLAN

Under the Far North District Plan Lot 2 complies with the stormwater management standard.

8.6.5.1.3 STORMWATER MANAGEMENT The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.

Subdivision Assessment Criteria

Although the lands existing use upholds the permitted activity criteria the subdivision activity is presented as a restricted discretionary activity with proposed Lot 2 being less than 2.0ha, accordingly the following assessment is configured.

13.10.4 STORMWATER DISPOSAL

(a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.

The stormwater management onsite does not require discharge permits under the Act.

(b) Whether the application complies with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004).

The existing stormwater management techniques are acceptable having withstood the test of time, and compliant with Council Engineering Standards and Guidelines.

(c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.

Not applicable.

(d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.

The stormwater management processes uphold low impact design in their natural state without need for manmade devices in this instance.

(e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.

Roof surfaces are all controlled in onsite water tanks with outflow discharge to ground. There is no evidence of erosion or scouring.

The parking area although considered in the district plan as 'impermeable', the actual absorption factor is 0.5 (runoff coefficient) being half that of an impermeable surface (factor 0.95). Stormwater from the driveway is well controlled in open swales that lead to natural watercourses.

No further control measures appear necessary.

(f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.

Not applicable.

(g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.

Under the current environmental conditions, with no lower catchment dwellings to be adversely affected by stormwater discharge, it is considered appropriate to leave the stormwater drainage in its form likened to natural servitude.

It is however recommended that provisions be established to allow for improved control of stormwater in the future, if and when required, by way of creating a stormwater easement over Lot 1 in favour of Lot 2 as defined by area 'D'.

(h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.

Not applicable, and there is no increase in outflow rates.

(i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.

Not applicable and there is no increase in outflow rates.

(j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.

There are no outfall capacity issues, therefore no need for stormwater attenuation. This rural environment discharges by way of gravity in a controlled manner without adversely influencing lower property catchments or any reticulated system.

On this basis, restrictions on the rate water discharges from site is not paramount.

(k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.

Stormwater outflow from the dwelling tank displaces to ground and sheet flows through a stand of mature trees before filtering through the pasture and on to the lower creek.

Stormwater from the metalled parking area displaces through the grass in a dispersed manner avoiding any concentration points.

There are no signs of erosion and discharge is able to occur during a 10%AEP event without concern.

(l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipe lines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.

Not applicable.

(m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.

Not applicable.

(n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.

Not applicable.

(o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.

Not applicable.

(p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.

Not applicable.

(q) The need for and extent of any financial contributions to achieve the above matters.

Not applicable.

(r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.

Not applicable.

In outline of the principle stormwater management guidelines, Technical Paper 10 (TP10) and GD 01 the following are outlined in support of the current situation.

TP-10

Chapter 1

1.1 Objectives of these guidelines

The primary objective of these guidelines is to outline and demonstrate the ARC's preferred design approach for structural stormwater management devices. Specifically, this includes design guidance for water quality and water quantity ponds, wetlands, filtration practices, infiltration practices, biofiltration practices and other practices that may be used.

1.3 Managing stormwater

Stormwater management aims to protect human and ecological values by preventing or mitigating the adverse effects of stormwater quality and quantity on the human and aquatic environment.

Chapter 8

8.3.2 Pre-treatment

The use of vegetative filters as a pre-treatment BMP to improve long term performance of infiltration practices cannot be stressed enough.

Stormwater Management Devices GD01

A1.2

The scope of this guideline document is confined to the management of stormwater, which is defined as: "Rainfall runoff from land, including constructed impervious areas such as roads, pavement, roofs and urban areas which may contain dissolved or entrained contaminants, and which is diverted and discharged to land and water."

A4.2 Designing to reflect mana whenua values (GD01)

Mauri is a concept recognised by mana whenua as the connection between spiritual, physical and temporal realms. Loosely translated as the life force or life essence which exists within all matter, mauri sits at the very core of sustainable design for mana whenua and Te Ao Māori – the Māori worldview.

A key concern to mana whenua is the effect on the mauri of water caused by pollution of a stream, river, estuary, catchment or harbour. This can be due to sediment entering waterways, loss of riparian margins and the loss of native habitat to support native flora and fauna.

B1.0 Design process for stormwater management devices

Stormwater management must be considered early in the overall design process to ensure the site meets the hydrologic needs of the post-development catchment. It is important that a comprehensive land planning assessment is done, taking into consideration the proposed development land use and the effects on the wider catchment, both upstream and downstream. This will ensure stormwater management is designed for, alongside all other aspects of the development.

In summary, the sites impermeable surface area is well within permitted activity standards, and the lay of the land has available various natural stormwater control mechanism that mimic natural process satisfying the guideline intent without need for further intervention.

CONCLUSION

Onsite infiltration and natural filtration through the vegetated ground surface provides the necessary control likened to low impact design.

The sites impermeable surface cover upholds the permitted activity status under the Far North District Plan and furthermore meets existing use rights pursuant to Section 10 RMA. There are no indications that the subdivision would cause any adverse environmental effects, and mitigation measures for unforeseen future development can be achieved through creating a stormwater easement in favour of Lot 2, as recommended.

Micah Donaldson (**MNZIS**)
Registered Professional Surveyor

DONALDSONS
Land engineering surveyors & development planners



22 November 2023

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To Whom It May Concern:

**RE: PROPOSED SUBDIVISION
M & J Ness, 30 Caprine Road, Kerikeri. Lot 1 DP 443969.**

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

Top Energy's requirement for this subdivision is nil.

Top Energy advises that proposed Lot 2 has an existing power supply. Costs to supply power to proposed Lot 1 could be provided after application and an on-site survey have been completed.

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



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13/11/23

The Consents Department
Far North District Council
Private Bag 752
Kaikohe

RE : SITE SUITABILITY REPORT FOR WASTE WATER FOR THE PROPOSED
SUBDIVISION OF LOT 1, DP443969, 30 CAPRINE RD, KERIKERI

On the 9th of November a site inspection was carried out to assess the existing waste water system position and condition for an existing house on proposed lot 2 that is to be subdivided off from a larger parcel of land.

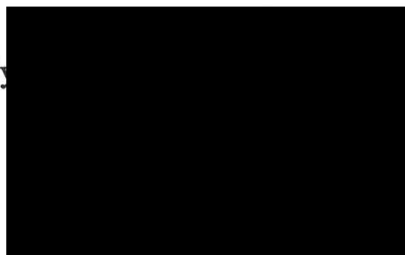
The soil is categorised as Otaha Clay with well to moderately well drainage.

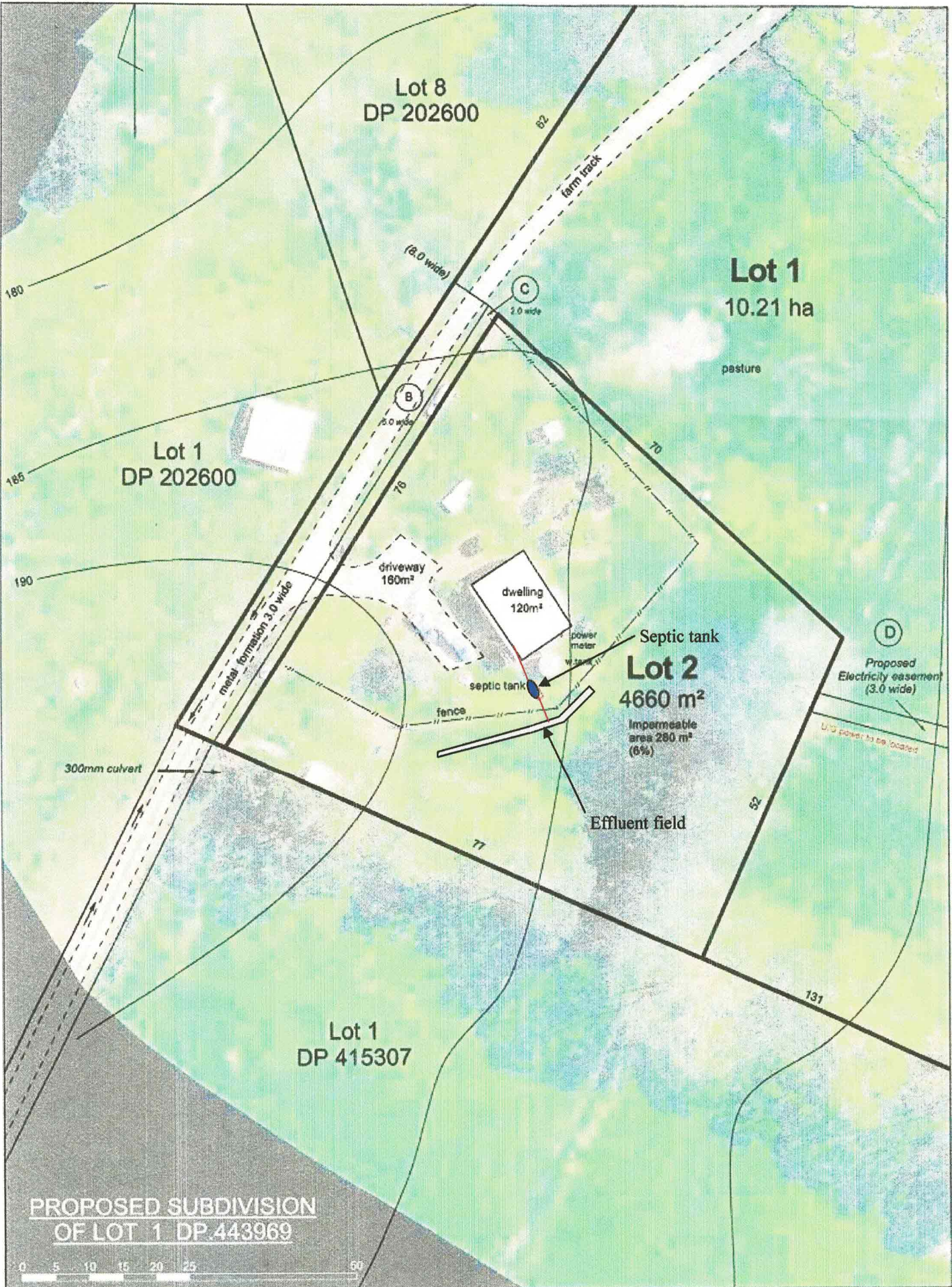
The existing conventional waste water treatment system appears to be working well and is inside the proposed new boundaries as shown on the plan.

There is plenty of reserve area for more shallow media filled effluent trenches or a secondary waste water treatment system at a later date with effluent disposal by dripper lines if required.

The remaining parcel of land, proposed lot 1, is over 10 ha and has many good land application areas for waste water disposal.

Yours Faithfully





PROPOSED SUBDIVISION
OF LOT 1 DP.443969

DONALDSONS
REGISTERED LAND SURVEYORS

DIAGRAM OF LOT 2

Contour interval : 5m
Scale @ A3 : 1: 500
Date : October 2023
Ref 8361