



Office Use Only
Application Number:

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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:

[Redacted Name]

Electronic Address for Service (E-mail):

Phone Numbers:

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:

Cato balam Consultants

Electronic Address for Service (E-mail):

currenmb@catabalam.co.nz

Phone Numbers:

Work: *09 43871684* Home: _____

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

Po Box 1919, Whangarei 0140

Post Code: *0140*

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

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

Name/s: _____

Property Address/ Location: _____

7. Application Site Details:

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

Site Address/ Location: Donald Road, Kaitiaki

Legal Description: _____ Val Number: _____

Certificate of Title: 1 11 " _____

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? unknown? Yes / No
Is there a dog on the property? 11 " 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.

To vary conditions of consent 2220128-RMASUB
revise subdivision scheme plan

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 No

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

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

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

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

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

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

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

Name/s _____
all nam _____
Email: _____
Postal A _____
Phone n _____
de: _____

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

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

Name _____ (please print)
Signa _____ (signature of bill payer – **mandatory**) Date: 12/3/24

14. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required. You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

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

Privacy Information:

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

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

Name _____ (please print)

Signature _____ (signature)
(A signature made by electronic means)

Date: 19/3/2024

Checklist (please tick if information is provided)

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

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

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Te Waka Pupuri Putea Trust
Donald Road, Kaitaia
Resource Consent Application



Appendix B: Copy of Record of Title

PLANNERS
SURVEYORS
ENGINEERS
ARCHITECTS
ENVIRONMENTAL



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




R. W. Muir
Registrar-General
of Land

Identifier NA19A/1006
Land Registration District North Auckland
Date Issued 24 July 1970

Prior References

NA1100/5

Estate Fee Simple
Area 1.7622 hectares more or less
Legal Description Lot 15 Deposited Plan 46427

Registered Owners

Te Waka Pupuri Putea Trust

Interests



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




R. W. Muir
Registrar-General
of Land

Identifier **NA49C/1469**
Land Registration District **North Auckland**
Date Issued 19 February 1982

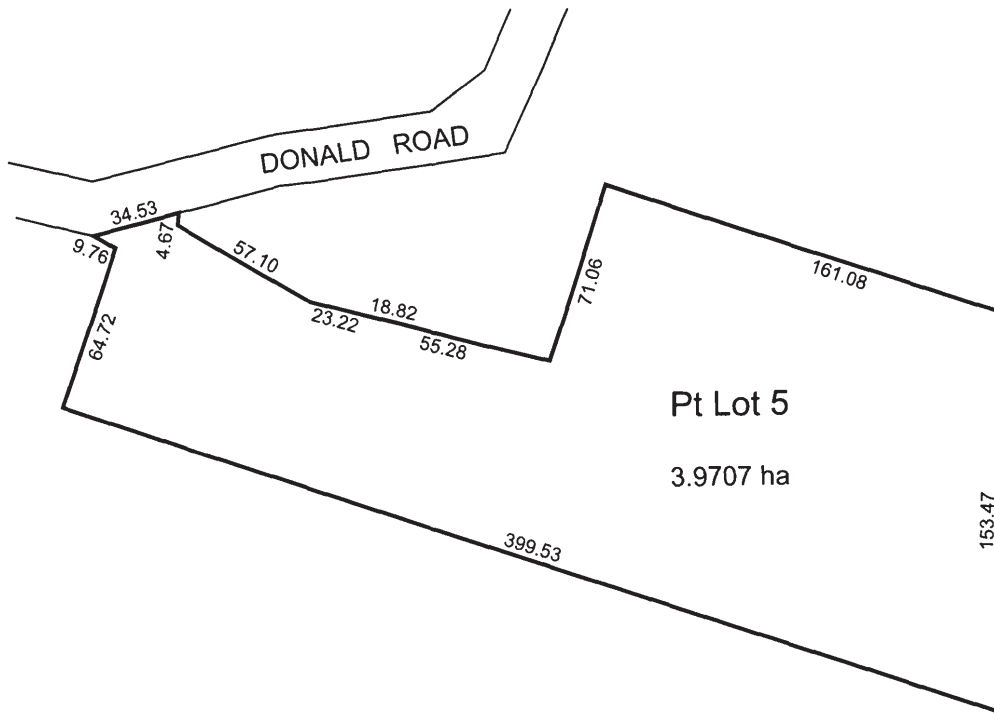
Prior References
NA21C/688

Estate Fee Simple
Area 3.9707 hectares more or less
Legal Description Part Lot 5 Deposited Plan 12002

Registered Owners
Te Waka Pupuri Putea Trust

Interests

CT NA49C/1469
H2011/163



DP 12002

AMENDING DIAGRAM

Title Diagram NA49C/1469

Cpy - 01/01, Pgs - 001, 08/07/11, 07:64



DocID: 612728882



**Te Waka Pupuri Pūtea Trust
Donald Road, Kaitaia**

**Resource Consent Application
Section 127 Application for Variation to Resource
Consent 2220128-RMASUB**

PLANNERS | SURVEYORS | ENGINEERS | ARCHITECTS | ENVIRONMENTAL

catobolam.co.nz

Document Record

Client Te Waka Pupuri Pūtea Trust
Site Address Donald Road, Kaitaia
Job Number 47576
Document s127 Application
Document No 47576-RP-PLN-PL01 s127 AEE Report

Issue and Status

Date of Issue 19/03/2024
Status For Resource Consent

Author [Redacted] or Planner
Reviewer [Redacted] Manager
Approved for Issue [Redacted]
Simon Reiher – Director

Originating Office

Office Manukau
Postal Address Choose an item.
Phone 09 438 1684

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1.0 Property / Application Details

Site Address:	Donald Road, Kaitaia
Legal Description:	Part Lot 5 DP 12002 and Lot 15 DP 46427
Site Area:	3.9707 ha and 1.7622 ha (5.7329 ha total)
Operative Plans Applying:	Far North District Plan (2009) (<i>the "ODP"</i>)
Zoning:	Residential
Overlays:	NA
Proposed Plans / Plan Changes Applying:	Proposed Far North District Plan (<i>the "PDP"</i>)
Zoning / Overlays:	General Residential Airport Protection Surface (Kaitaia Airport)
Other Applications Required:	None

2.0 Introduction

This document is an Assessment of Environmental Effects ("**AEE**") prepared in accordance with the requirements of Section 88 of the Resource Management Act 1991 ("**RMA**") and the Fourth Schedule to the RMA. All matters required to be addressed under the RMA are set out in this AEE.

It is acknowledged a Council planner will produce a s42A report on this application, however that report need not repeat AEE content that can be simply adopted. In that respect reference is made to the following parts of s42A RMA.

- (1A) *The report does not need to repeat material from an assessment of environmental effects provided by the applicant.*
- (1B) *Instead, the report may—*
 - (a) *adopt the whole assessment; or*
 - (b) *adopt any part of the assessment by referring to the part adopted.*

A MS Word version (.docx) of this AEE can be provided to enable efficiency in preparing the s42A report, whereby the Council planner may wish to copy sections of this report.

This report is considered to cover relevant aspects for consideration, and is structured so that relevant parts of it can be highlighted for the purposes of specialist review.

2.1 Proposal in Brief

The Te Waka Pupuri Pūtea Trust (“Consent Holder”) seeks to vary the conditions of their consent 2220128-RMASUB (refer **Appendix A**), granted on 6 December 2023, pursuant to s127 of the RMA. The variation will allow the Consent Holder to revise their subdivision scheme plan.

The changes to the scheme plan involve:

- Combining the two subdivision stages into a single stage
- A new right-of-way (Lot202) panhandle at the southwestern corner of the site (adjoining Lots 42-44);
- Amending the areas of Lots 35-44 to accommodate the right-of-way mentioned above; and
- Move Lots 22 and 23 north to adjoin Lot 21, which subsequently alters the shape of Lot 47 (the reserve lot to be vested).

No changes to the previously approved earthworks and site works are proposed.

Overall, the change proposal does not trigger any requirement for new consents and does not propose a materially different activity. This report explains how the changes proposed will not result in additional adverse effects compared with those that are currently consented.

2.2 Main Issues Raised by the Proposal

The changes to the consented development are technical in nature. The potential adverse environmental effects of the development will not increase as a result of the variation, and therefore the proposal is considered to be within the scope of Section 127 of the Act.

3.0 Site and Locality Description

3.1 Site Description

The site has a total area of 5.7329 hectares, comprising of two lots (Part Lot 5 DP 12002 and Lot 15 DP 46427) which both have separate frontages to Donald Road. The site is currently vacant and is dominated by shrubland as shown in **Figure 1** below, consisting of both native and exotic species, with small ephemeral wetland areas through the middle of the site.

Copies of the records of title are included in **Appendix B**.



Figure 1: Location of site and surrounding area at Donald Road, Kaitiaki

3.2 Existing Consent Relevant Background

Consent 2220128-RMASUB was granted on 6 December 2022 for the two-stage subdivision, known as *Tō Tātou Kāinga*, to create 44 new residential lots. The consent holder, Te Waka Pupuri Pūtea Trust, intends to provide quality, affordable homes as part of a papakāinga community with orchards, gardens, walkways, and a lookout at the highest point on the site. The subdivision also will create two new roads to vest, and two reserve lots to vest, with the 44 residential lots ranging from 600m² to 987m² in area.

The reserve lot to vest, Lot 47, in the Stage 2 area, is 7,149m² and contains the identified wetland areas. The applicant will provide a landscape design with fruit trees, regenerative indigenous planting, and a walkway connecting the two opposite sides of the site.

The consent was granted on a non-notified basis and as a non-complying activity. The decision has been made with regard to the PDP, noting that “the outcomes sought are the same under the operative and the proposed plan frameworks.”

4.0 The Proposal

The Consent Holder seeks consent to vary conditions pursuant to S127 of the RMA. The variation is to allow for updates to the scheme plan and staging, as shown on the revised scheme plan included as **Appendix C**.

Much of the imperative to revise the scheme plan under Condition 1 originates from preparation of the Revegetation and Enhancement Planting and Maintenance Plan required under Section 223 Compliance Condition 3e, in which the suitably qualified and experienced person preparing the plan assessed the extent of wetland differently from that in the original ecological assessment in August 2021 by The Ecology Company.

The differing determinations of wetland extent are due to the aerial imagery relied upon in The Ecology Company's assessment, in which the vegetation clearance around this time blurred the boundaries between the wetland vegetation and regenerating vegetation. As the ecologists that prepared the Revegetation and Enhancement Planting and Maintenance Plan visited the site, they undertook their own assessment to delineate the extent of wetlands on the site.

This assessment found that the site has a land cover of gumland/exotic vegetation, and that the three wetlands are within the gumland system. Gumland is a unique ecosystem type where low fertility and highly acidic soils results in an unusual community of plants and animals. An explanatory memo of their findings and of this unique ecosystem has been provided as **Appendix D**.

As the scheme plan providing for residential lots must allow for a minimum 10m buffer of natural vegetation around the wetlands, the redefined locations and extents would then conflict with the approved scheme plan. The revised scheme plan involves amending Lots 22 and 23 in Stage 2 to be located further north to avoid the wetlands and provide sufficient buffer space.

In revising the scheme plan, the applicant also wishes to update the layout of the right-of-way area between Lots 42, 43, and 44 in Stage 2, with the panhandle of Lot 43 now a jointly-owned access for these proposed lots. A comparison of the consequential adjustments of lot areas are shown in **Table 1** below.

Table 1: Variances between lot areas between original and proposed schemes			
Lot Number	Lot area from original Scheme plan approved by FNDC Consent 2220128 RMASUB being William & King Plan 2,3380(m²)	Lot area from new Scheme plan proposed by Cato Bolam Consultant 47576-DR-PLN-1,200(m²)	Difference in area(m²)
Lot 1	601	601	0
Lot 2	600	600	0
Lot 3	601	601	0
Lot 4	604	604	0
Lot 5	600	600	0
Lot 6	600	600	0
Lot 7	605	604	1
Lot 8	601	600	1
Lot 9	602	601	1
Lot 10	600	600	0
Lot 11	600	600	0
Lot 12	601	601	0
Lot 13	600	600	0

Table 1: Variances between lot areas between original and proposed schemes

Lot Number	Lot area from original Scheme plan approved by FNDC Consent 2220128 RMASUB being William & King Plan 2,3380(m²)	Lot area from new Scheme plan proposed by Cato Bolam Consultant 47576-DR-PLN-1,200(m²)	Difference in area(m²)
Lot 14	603	600	3
Lot 15	987	987	0
Lot 16	834	834	0
Lot 17	604	603	1
Lot 18	600	600	0
Lot 19	601	601	0
Lot 20	603	603	0
Lot 21	600	600	0
Lot 22	604	601	3
Lot 23	605	601	4
Lot 24	602	601	1
Lot 25	610	609	1
Lot 26	604	603	1
Lot 27	601	601	0
Lot 28	601	601	0
Lot 29	602	601	1
Lot 30	600	600	0
Lot 31	600	600	0
Lot 32	600	600	0
Lot 33	603	602	1
Lot 34	609	607	0
Lot 35	911	844	67
Lot 36	603	612	9
Lot 37	601	631	30
Lot 38	602	603	1
Lot 39	600	600	0

Table 1: Variances between lot areas between original and proposed schemes			
Lot Number	Lot area from original Scheme plan approved by FNDC Consent 2220128 RMASUB being William & King Plan 2,3380(m ²)	Lot area from new Scheme plan proposed by Cato Bolam Consultant 47576-DR-PLN-1,200(m ²)	Difference in area(m ²)
Lot 40	600	600	0
Lot 41	600	604	4
Lot 42	606	572	34
Lot 43	664	586	78
Lot 44	718	675	43
Lot 45	6,839	6,844(Lot200)	5
Lot 46	5,356	5,357	1
Lot 47	7149	10,399	3,250
Lot 48	10,391 (1.0391ha)	7,205 (Lot 201)	3,186
		111 (Lot 202)	111

Please note that Lot 47 and 48 areas shown on Williams and King Plan were incorrect and will be reversed. Therefore, the difference in area is technically only 56m² and 8m² respectively.

Finally, the Consent Holder also wishes to combine the previous two stages into a single stage in order to expedite the development process. Therefore, a single-stage scheme plan has been provided with this variation application, and the conditions are proposed to be amended accordingly.

The Consent Holder therefore proposes the following changes, which are marked up below with strikethrough for deleted text and bold for new text:

Stage 1 – ~~Lots 1-17,45 and 46~~

General

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

Condition 1

“The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by ~~Williams and King~~ **Cato Bolam Consultants**, entitled ~~Lots 18 – 44 Being a subdivision of Lot 15 DP 46427 and Pt Lot 5 DP 12002~~ **Lots 1-47, Lots 200-202 being Proposed Subdivision of Lot 15 DP 46427 & Pt Lot 5 DP 12002 (Reference 47576-DR-PLN-1200)**, dated ~~November 2022~~ **07/09/2023**, and attached to this consent with the Council’s “Approved Stamp” affixed to it.”

Condition 2

“The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:

- a. All easements in the memorandum to be duly granted or reserved.
- b. Reserves to vest (Lot 46, **Lot 47**);
- c. Roads to vest (~~Lot 45~~ **Lot 200, Lot 201**);
- d. No build and building restricted areas where specific geotechnical investigation is required.
- e. **Wetlands**”

Condition 3h

Provide, for the approval of the Council’s Parks and Reserves Planner (such approval not to be unreasonably withheld or delayed), or other duly delegated officer, plans of the wetland design in particular details on the engineering design to allow for the discharge of water from the wetlands.

Condition 5

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

- a. On Lots 1-~~1744~~, at the time of building consent, a site specific detailed geotechnical investigation is required to support the design of building foundations (Lots 1-~~1744~~).
- b. No buildings or structures are permitted within 10 metres of the wetlands identified on the Masterplan by Matakoho Architecture and Urbanism, reference MA-0020, dated 30/07/2021 and the report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 submitted as part of Resource Consent 2220128- RMASUB (Lots 5-14, **18-35**)
- c. Fencing is not to exceed a maximum height of 1.2 metres on Lots 4-13. (Lots 1-14, **18-23, and 35**)
- d. Management of activities on Lots 5-14 , with respect to the wetland areas as identified on the Masterplan by Matakoho Architecture and Urbanism, reference MA-0020 dated 30/07/2021 and the report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 submitted as part of Resource Consent 2220128- RMASUB is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of an application to the Council to vary or cancel this condition.(Lots 5-14, **18-23**)
- e. No earthworks, structures or buildings are permitted on the area marked ‘no build zone’ on the survey plan approved as part of RC2220128 RMASUB.
- f. No structures or buildings are permitted on the area marked ‘building restricted’ on the survey plan approved as part of RC2220128 RMASUB unless a geotechnical assessment has been undertaken by suitably qualified Chartered Professional Engineer, , which confirms it is appropriate to construct a building or structure on that area.

Conditions 6-10

The entirety of Conditions 6-10 are proposed for deletion as these referred to the second stage of subdivision, which will instead be amalgamated with the first stage.

5.0 Statutory Considerations

5.1 Section 127

Section 127 of the Act enables a consent holder to make an application to change or cancel one or more conditions of a resource consent (other than any condition as to the duration of the consent). It also requires that any such application is subject to sections 88 to 121 of the Act as if it were an application for a **discretionary activity**. The references in these sections to a resource consent and to the activity are references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

Considerations under Section 127

“The High Court held that whether an application is truly one for variation of the condition under s.127 or whether, in reality, it is seeking consent for an activity, which is materially different in nature, is a question of fact and degree to be determined in the circumstances of the case. In deciding whether an application for variation is in substance, a new application, a consent authority should compare any differences in the adverse effects likely to follow from the variation proposal with those associated with the activity in its original form. Where the variation would result in a fundamentally different activity or one having materially different adverse effects, a new application may be required (Body Corporate 97010 v Auckland CC).”

It is considered that the application can be accepted as a variation. There will be no change in the type and level of adverse environmental effects associated with the changes to conditions as the variation merely allows for the following changes:

- Recalibration rather reconfiguration of scheme plan, in order to accommodate the redefined wetland areas and improve access for Lots 42 and 43, with the overall result being mostly the same.
- Combining the two stages of subdivision into one.
- No infringements result from the proposed changes.

6.0 Application Assessment

6.1 Statutory Considerations and Weighting

6.1.1 Relevant Section of the RMA

When considering an application for a discretionary activity the Council as consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), and sections 104, 104B and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received the Council must, in accordance with section 104(1) of the RMA have regard to the matters addressed in 6.2 – 6.5 below.

6.1.2 *Weighting of Plans*

The ODP Far North District Plan 2009 remains in effect while hearings on submissions take place throughout 2024 and decisions are made in 2025. Until hearings are concluded, the ODP will have greater weight in the consideration of applications.

6.2 **Section 104(1)(a) Actual and Potential Effects on the Environment**

Section 104(1)(a) of the RMA requires that a council have regard to any actual and potential effects on the environment of allowing the activity.

6.2.1 *Permitted Baseline / Existing Environment*

Pursuant to s104(2), when forming an opinion for the purposes of s104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the “permitted baseline”). The relevant permitted baseline under this variation application is approved consent 2220128-RMASUB (see **Appendix A**).

6.2.2 *Positive Effects*

The positive effects¹ of the development remain unchanged as a result of this variation, though the amendments to accommodate the more accurate location and extent of wetlands, ensuring preservation and protection of this unique habitat and ecological system. Additionally, amalgamating the two stages of subdivision expedites the development process.

6.2.3 *Traffic and Parking*

The amended design of access for lots 42-43 will have minimal impact on traffic safety as the main changes are that Lots 42 and 44 can now take vehicular access from a shared driveway rather than directly from the proposed road. Therefore, the number of vehicle crossings on the road to vest is less thereby improving traffic and pedestrian safety. The number of users for this right of way is few, and the traffic effects of this will be less than minor.

6.2.4 *Neighbouring Properties*

The variation is technical in nature, with the updated scheme plan mainly affecting the internal layout of the site and the future residential development. There will be no additional effects on neighbouring properties.

6.2.5 *Adverse Effects Conclusion*

Overall, it is considered the adverse effects of the proposed variation will be less than minor.

6.3 **Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives and Policies**

Far North District Plan 2009 (ODP)

¹ The proposal will also result in positive effects, relating to the provision of 44 additional houses in the residential Kaitaia area. This allows people to provide for their social and economic wellbeing.

Discussion of Objectives and Policies

The variation involves no additional breaches of the Plan as an outcome of the wetland redefinition and consequent changes to the scheme plan. No dwellings are involved in this consent, and these changes do not affect the site development works.

As this variation proposes no changes to the scale and intensity of the development, with only minor changes to the layout, it is considered the proposed variation remains consistent with the relevant objectives and policies of the ODP.

Proposed Far North District Plan 2022 (PDP)

Discussion of Objectives and Policies

The variation involves no additional breaches of the Plan as an outcome of the wetland redefinition and consequent changes to the scheme plan. No dwellings are involved in this consent, and these changes do not affect the site development works.

As this variation proposes no changes to the scale and intensity of the development, with only minor changes to the layout, it is considered the proposed variation remains consistent with the relevant objectives and policies of the PDP.

6.4 Section 104(1)(b)(v) Relevant Provisions of the Regional Policy Statement

The Northland Regional Policy Statement (“RPS”) sets out strategic direction for managing the use, development and protection of the natural and physical resources of the region. The strategic objectives and policies provide a framework to achieve the integrated, consistent and co-ordinated management of the Region’s resources.

The relevant provisions of the RPS have been considered. It is concluded the proposal is consistent with the RPS because the proposal involves a variation to subdivision scheme plan while still achieving the environmental restoration and enhancement, so there will be no additional effects on natural and physical resources arising from the variation to consent conditions.

6.5 Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application

In this case there are no other matters that are considered necessary to determine the application

7.0 Notification (Sections 95A, 95C-95D)

Section 95A outlines that a consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent. In relation to these steps:

- the applicant has not requested that the application be publicly notified;
- public notification is precluded with this application because the proposed variation is a discretionary activity and the activity concerns the subdivision of land and the residential activity; and
- there are no special circumstances relating to this proposal that would warrant notification.

There is therefore no basis to fully notify this application. Resource Consent 2220128-RMASUB has been granted on a non-notified basis.

Section 95B outlines that a consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under [section 95A](#). In relation to these steps:

- there are no affected protected customary rights groups and/or affected customary marine title groups in relation to this proposal.
- the proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#);
- the proposal is not a controlled activity, a 'prescribed activity' or a boundary activity.
- there are no affected persons in accordance with [section 95E](#) because as described in this report there will be no change to the overall environmental effects associated with the consented development.
- there are no special circumstances relating to this proposal that would warrant limited notification

There is therefore no basis to limited notify this application. Resource Consent 2220128-RMASUB has been granted on a non-notified basis.

8.0 Consideration of Part 2 (Purpose and Principles) of the RMA

Section 5 in Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and habitats of indigenous fauna, and the protection of historic heritage.

Section 7 identifies a number of "*other matters*" to be given particular regard by a council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. Section 8 requires a council to take into account the principles of the Treaty of Waitangi.

Overall, the variation is considered to meet the relevant provisions of Part 2 of the RMA as the proposal to revise the scheme plan achieves the purpose of the RMA being sustainable management of natural and physical resources associated with the land.

9.0 Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered that the five years to give effect to the consent, including the design changes, is adequate and no extension is required.

10.0 Conclusion

The Consent Holder seeks consent to vary conditions of the land use and subdivision consent 2220128-RMASUB, pursuant to s127 of the RMA. The variation is to revise the scheme plan to reflect the wetland conditions on site, create efficiencies for access to Lots 42 and 43, and consequently adjust the lot areas to reflect this layout.

The actual and potential effects likely to result from this proposed variation have been considered in accordance with s104(1)(a) of the RMA, as set out in **Section 6** of this AEE. By way of summary, it is concluded that any actual or potential effects on the surrounding environment will be less than minor. The proposed variation has also been assessed to be consistent with the relevant objectives and policies of the District Plan in accordance with s104(1)(b) of the RMA.

Overall, it is considered that the variation is consistent with the purpose and principles of the RMA and that the consent variation sought should be granted.

11.0 Limitations

This report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Cato Bolam Consultants Limited.

No responsibility is accepted by Cato Bolam Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this report in any other context or for any other purposes.

This report is for the use by the client only and should not be used or relied upon by any other person or entity or for any other projects.

Te Waka Pupuri Putea Trust
Donald Road, Kaitaia
Resource Consent Application



Appendix A: Copy of 2220128-RMASUB Decision

PLANNERS
SURVEYORS
ENGINEERS
ARCHITECTS
ENVIRONMENTAL

DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

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

Council Reference:	2220128-RMASUB
Applicant:	Te Waka Pupuri Putea Trust
Property Address:	Donald Road, Kaitaia 0410
Legal Description:	Lot 15 DP 46427 and Part Lot 5 Deposited Plan 12002
Description of Application:	Proposal for a two-stage subdivision in the Residential Zone to create 44 residential allotments, plus the construction of two roads to vest, and two reserves to vest. The stages consist of:

Stage 1:

- Lots 1- 17 (600m² – 987m²);
- Lot 45 (road to vest);
- Lot 46 (reserve to vest);
- Lot 50 (balance lot).

Stage 2:

- Lots 18- 44 (600m² – 718m²);
- Lot 48 (road to vest);
- Lot 47 (reserve to vest).

Conditions

Stage 1- Lots 1-17,45 and 46

General

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, entitled *Lots 1 - 17 and 50 Being a subdivision of Lot 15 DP 46427 and Pt Lot 5 DP 12002*, dated November 2022, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:

- a. All easements in the memorandum to be duly granted or reserved.
- b. Reserve to vest (Lot 46);
- c. Road to vest (Lot 45);
- d. No build and building restricted areas where specific geotechnical investigation is required.

Section 223 compliance conditions

3. Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:

- a. The consent holder shall submit to Councils Development Engineer or designate a copy of the final signed Development Agreement (DA) in accordance with Section 207C of the Local Government Act 2002 (LGA) between Council and the consent holder. The DA shall include:
 - the scope of works to the Council's wastewater network;
 - any maintenance bonds as deemed required by Council; and
 - any maintenance responsibilities in regards to the proposed wetland areas.
- b. The consent holder shall submit to Councils Development Engineer or designate for approval, Reports, plans, specifications & details of all works on legal road and works which are to vest prior to commencing construction. Such works shall be designed by a suitably qualified Chartered Professional Engineer in accordance with the Council's current Engineering Standards, NZS4404:2004, referencing the Reports:
 - Geotechnical Report by NGS, dated 16 October 2020, reference 0141
 - Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300;
 - Assessment of Traffic Effects, produced by Engineering Outcomes Limited, dated 11 August 2021.

The plans for the upgrade to the wastewater network are to be in accordance with the scope of works in condition 3(a) and the DA submitted in condition 3(a).

In particular the plans and details shall show:

- i. The road to vest formed and sealed to a 6m Carriageway with inset parking bays. It shall include a 2nd coat chipseal design to be undertaken within 12 months of the initial seal coat being applied.
- ii. The intersections with Donald Road. Any safe pedestrian connectivity should be demonstrated within the design.
- iii. 10m radius Cul-de-sac at the end of the road meeting the requirements of the Council Standards. Including Heavy duty mountable kerb, asphalt hot mix to comply with TNZ M/14 specifications and a minimum of 50mm thick.

- iv. Streetscaping, road markings and signage.
- v. Footpath and walkway locations and design.
- vi. Street lighting Design to NZTA M30:2014 Specification and Guidelines for Road Lighting Design.
- vii. Location of services within carriageway. (Telecommunications and power)
- viii. Reticulated Sanitary Sewer system. Design shall include the following information
 - 1. Adequacy and Capacity assessment of existing sewer pump station.
 - 2. Recommended upgrades for existing system.
 - 3. Sewer Connection to each allotment (600mm within boundary).
 - 4. Easements in gross over any council infrastructure within private land.
- ix. The proposed stormwater control works to be in place prior to and during construction.
- x. A reticulated stormwater system for road.
- xi. A reticulated stormwater system with a connection to each lot. The design shall be based on infiltration/ soakage as means of stormwater disposal via wetlands, and shall include the following information
 - 1. Adequacy and Capacity assessment of existing system.
 - 2. Recommended upgrades for existing system based on the Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300.
 - 3. Stormwater Connection to each allotment.
 - 4. Easements in gross over any council infrastructure within private land.
- xii. A reticulated water supply system with a metered connection to each lot. Design shall include the following information
 - 1. Adequacy and Capacity assessment of existing system.
 - 2. Recommended upgrades for existing system based on the Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300.
 - 3. Water Connection to each allotment.
 - 4. Easements in gross over any council infrastructure within private land.
- xiii. Earthwork details (extent) and construction plans.

- xiv. The details of the sediment and erosion control measures to be put in place during earthworks.
 - xv. A design statement (PS1 or schedule 1A) for vested works from a chartered professional engineer.
- c. Following approval of the plans and selection of the contractor, provide to Council;
- i. Details of the successful contractor
 - ii. Details of the planned date and duration of the contract
 - iii. Details of the Construction engineer
 - iv. A traffic management plan.
- d. Prior to the commencing of any physical site works, prepare a construction management plan to be submitted to and approved by the Council's Resource Consent Engineer or designate (such approval not to be unreasonably withheld or delayed). The plan shall contain information on, and site management procedures, for the following:
- i. The timing construction works, including hours of work, key project and site management personnel.
 - ii. The transportation of demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
 - iii. The bulk earthworks construction, including retaining structures.
 - v. Control of dust and noise on-site and any necessary avoidance or remedial measures.
 - vi. Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
 - vii. Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other users of Donald Road.
 - viii. Erosion and sediment control plan and measures to be in place for the duration of the works.
- e. Submit to the Resource Consents Manager or other duly delegated officer, a
- a detailed revegetation and enhancement planting and maintenance plan; and
 - a weed eradication programme.

The plans shall be prepared by a suitably qualified and experienced person; addressing the matters set out in report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 and submitted with the application.

- f. Provide, for the approval of the Council's Parks and Reserves Planner, or other duly delegated officer (such approval not to be unreasonably withheld or

delayed), a landscape and planting plan, to be prepared by a suitably qualified and experienced person. In particular the plan should identify:

- All proposed footpaths within the reserve; and
- the planting for the reserve area and where possible the plan shall include the provision of fruit trees.

The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of one further planting season or one year, whichever is the longer, from the time of planting. The approved landscaping/planting is to be implemented within 12 months of the landscape/planting plan approval date and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).

- g. To ensure compliance with condition 3(f) herein, if required by the Council the consent holder shall provide a bond in favour of Council of 150% the value of the enhancement planting to be undertaken, such bond to be provided according to the following conditions:
- (i) The bond shall be arranged prior to a certificate being issued pursuant to section 224(c) of the act and shall be paid either in cash or secured by guarantee in accordance with Councils bonds and undertakings policy;
 - (ii) The bond is to be held for a maximum of 4 years from the date that the revegetation planting is initially completed and may be released within the 4 year period if (in the opinion of the council's monitoring officer) the planting is established to the extent that it does not need further replacement planting or regular maintenance.
 - (iii) The bond may be reduced and released on an annual basis proportionally on the satisfactory completion of the works and upon receipt from a qualified landscape architect of a certificate as to the extent of the completed works and their value relative to the bond.
 - (iv) The costs of preparing, executing and registering the bond shall be met by the consent holder.
 - (v) The form of the bond shall be approved by council's solicitor.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
- a. Ensure that the approved works carried out by the consent holder and specified in conditions 3(b) above are constructed in accordance with the Councils

Engineering Standards and Guidelines 2004 and the approved plans to the satisfaction of final inspection by the Development Engineer, or designate.

- b. Ensure all construction works on the site are to be undertaken in accordance with the approved construction management plan in condition 3(d).
- c. Prior to the earthworks commencing, install sediment control measures in accordance with the requirements of the Auckland Council Guidance Document GD05. The measures shall be maintained and cleaned out until such time as non-erodible cover has been established over the site.
- d. Upon completion of the works specified in conditions 3(b) above that have been carried out by the consent holder, provide certification (PS4 or Schedule 1c) of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- e. Upon completion of the works specified in conditions 3(b) above that have been carried out by the consent holder, provide certification (PS3 or Schedule 1b) from the Road construction and drainage contractor that the vested road and Drainage is constructed in accordance with Councils Engineering Standards and Guidelines 2004 and approved plans.
- f. The Consent Holder shall provide to Council's development engineer or designate for approval, As-built plans for vested road, foot paths, overland flow paths, storm water drainage, lighting, signage and marking complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines and in RAAM format for the newly constructed section of road for inputting into the roading database.
- g. Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the infrastructure which is to vest in Council for a minimum period of 12 months. Completed works shall be bonded, or retention money held in lieu of a bond, for a defects period of 12months. Value of bond or retention money shall be 10% of the construction cost.
- h. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the boundary of each lot.
- i. Provide confirmation from a Licensed Cadastral surveyor that the Vested road, services, stormwater and sewer reticulation and drainage systems are entirely within easements and vested road boundaries
- j. Provide confirmation that Northland Regional Council are satisfied that consent conditions are met, and necessary consents have been obtained for development.
- k. Provide for Councils approval a preferred road name and two alternatives for the road to vest. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the Area.

- I. Provide confirmation from Council's Maintenance Contractor that the purchase and installation of the council approved road name sign for the road to vest is accepted and will be installed on the vesting of road to council. (i.e. Paid invoice is sufficient evidence).
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. On Lots 1-17, at the time of building consent, a site specific detailed geotechnical investigation is required to support the design of building foundations (**Lots 1-17**).
 - b. No buildings or structures are permitted within 10 metres of the wetlands identified on the Masterplan by Matakohe Architecture and Urbanism, reference MA-0020, dated 30/07/2021 and the report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 submitted as part of Resource Consent 2220128- RMASUB (**Lots 5-14**)
 - c. Fencing is not to exceed a maximum height of 1.2 metres on Lots 4-13. (**Lots 1-14**)
 - d. Management of activities on Lots 5-14 , with respect to the wetland areas as identified on the Masterplan by Matakohe Architecture and Urbanism, reference MA-0020 dated 30/07/2021 and the report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 submitted as part of Resource Consent 2220128- RMASUB is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of an application to the Council to vary or cancel this condition.(**Lots 5-14**)
 - e. No earthworks, structures or buildings are permitted on the area marked 'no build zone' on the survey plan approved as part of RC2220128 RMASUB.
 - f. No structures or buildings are permitted on the area marked 'building restricted' on the survey plan approved as part of RC2220128 RMASUB unless a geotechnical assessment has been undertaken by suitably qualified Chartered Professional Engineer, , which confirms it is appropriate to construct a building or structure on that area.

Stage 2- Lots 18-44, 47 and 48

General

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

6. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, entitled *Lots 18 - 44 Being a subdivision of Lot 50 Stage II PLAN*, dated June 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

7. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a. All easements in the memorandum to be duly granted or reserved.
 - b. Reserve to vest (Lot 47);
 - c. Road to vest (Lot 48);
 - d. Wetlands.
 - e. No build and building restricted areas where specific geotechnical investigation is required.

Section 223 compliance conditions

8. Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:
 - a. The consent holder shall submit to Councils Development Engineer or designate a copy of the final signed Development Agreement (DA) in accordance with Section 207C of the Local Government Act 2002 (LGA) between Council and the consent holder. The DA shall include:
 - any maintenance bonds as deemed required by Council; and
 - any maintenance responsibilities in regards to the proposed wetland areas;
 - the scope of works to the Council's wastewater network.
 - b. The consent holder shall submit to Councils Development Engineer or designate for approval, Reports, plans, specifications & details of all works on legal road and works which are to vest prior to commencing construction. Such approval shall not to be unreasonably withheld or delayed. Such works shall be designed by a suitably qualified Chartered Professional Engineer in accordance with the Council's current Engineering Standards, NZS4404:2004, referencing the Reports:
 - Geotechnical Report by NGS, dated 16 October 2020, reference 0141
 - Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300;
 - Assessment of Traffic Effects, produced by Engineering Outcomes Limited, dated 11 August 2021.

The plans for the upgrade to the wastewater network are to be in accordance with the scope of works in condition 8(a) and the DA submitted approved in condition 8(a) .

In particular the plans and details shall show:

- i. The road to vest formed and sealed to a 6m Carriageway with inset parking bays. It shall include a 2nd coat chipseal design to be undertaken within 12 months of the initial seal coat being applied.

- ii. The intersections with Donald Road. Any safe pedestrian connectivity should be demonstrated within the design.
- ii. Streetscaping, road markings and signage.
- iii. Walkway locations and design.
- iv. Street lighting Design to NZTA M30:2014 Specification and Guidelines for Road Lighting Design.
- v. Location of services within carriageway. (Telecommunications and power)
- vi. Reticulated Sanitary Sewer system. Design shall include the following information
 - 1. Adequacy and Capacity assessment of existing sewer pump station.
 - 2. Recommended upgrades for existing system based on the Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300.
 - 3. Sewer Connection to each allotment (600mm within boundary).
 - 4. Easements in gross over any council infrastructure within private land.
- vii. The proposed stormwater control works to be in place prior to and during construction.
- viii. A reticulated stormwater system for road.
- ix. A reticulated stormwater system with a connection to each lot. The design shall be based on infiltration/ soakage as means of stormwater disposal via wetlands, and shall include the following information:
 - 1. Adequacy and Capacity assessment of existing system.
 - 2. Recommended upgrades for existing system based on the Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300.
 - 3. Stormwater Connection to each allotment.
 - 4. Easements in gross over any council infrastructure within private land.
- x. A reticulated water supply system with a metered connection to each lot. Design shall include the following information
 - 1. Adequacy and Capacity assessment of existing system.
 - 2. Recommended upgrades for existing system based on the Three Waters Engineering Concept Design produced by Pattle Delamore Partners, dated August 2021, project reference A03778300.
 - 3. Stormwater Connection to each allotment.

4. Easements in gross over any council infrastructure within private land.
 - i. Earthwork details (extent) and construction plans.
 - ii. The details of the sediment and erosion control measures to be put in place during earthworks.
 - iii. A design statement (PS1 or schedule 1A) for vested works from a chartered professional engineer.
- c. Following approval of the plans and selection of the contractor, provide to Council;
 - i. Details of the successful contractor
 - ii. Details of the planned date and duration of the contract
 - iii. Details of the Construction engineer
 - iv. A traffic management plan.
- d. That, prior to the commencing of any physical site works, a construction management plan shall be submitted to and approved by the Council's Resource Consent Engineer or designate (such approval not to be unreasonably withheld or delayed). The plan shall contain information on, and site management procedures, for the following:
 - i. The timing construction works, including hours of work, key project and site management personnel.
 - ii. The transportation of demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
 - iii. The bulk earthworks construction, including retaining structures.
 - v. Control of dust and noise on-site and any necessary avoidance or remedial measures.
 - vi. Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
 - vii. Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other users of Donald Road.
 - viii. Erosion and sediment control plan and measures to be in place for the duration of the works.
- e. The consent holder shall provide, for the approval of the Council's Parks and Reserves Planner, or other duly delegated officer (such approval not to be unreasonably withheld or delayed), a landscape and planting plan, to be prepared by a suitably qualified and experienced person. In particular the plan should identify:
 - All proposed footpaths within the reserve; and

- The planting for the reserve area and where possible the plan shall include the provision of fruit trees.
- Planting within the vicinity of the wetlands in accordance with the revegetation and enhancement planting and maintenance plan approved in condition 3(e).

The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of one further planting season or one year, whichever is the longer, from the time of planting.

The approved landscaping/planting is to be implemented within 12 months of the landscape/planting plan approval date, and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).

- f. Provide, for the approval of the Council's Parks and Reserves Planner (such approval not to be unreasonably withheld or delayed) , or other duly delegated officer, plans of the wetland design in particular details on the engineering design to allow for the discharge of water from the wetlands.
- g. To ensure compliance with condition 8(e) herein, if required by the Council a bond shall be provided in favour of Council of 150% the value of the enhancement planting to be undertaken, such bond to be provided according to the following conditions:
 - (i) The bond shall be arranged prior to a certificate being issued pursuant to section 224(c) of the act and shall be paid either in cash or secured by guarantee in accordance with Councils bonds and undertakings policy;
 - (ii) The bond is to be held for a maximum of 4 years from the date that the revegetation planting is initially completed and may be released within the 4 year period if (in the opinion of the council's monitoring officer) the planting is established to the extent that it does not need further replacement planting or regular maintenance.
 - (iii) The bond maybe reduced and released on an annual basis proportionally on the satisfactory completion of the works and upon receipt from a qualified landscape architect of a certificate as to the extent of the completed works and their value relative to the bond.
 - (iv) The costs of preparing, executing and registering the bond shall be met by the consent holder.
 - (v) The form of the bond shall be approved by council's solicitor.

Section 224(c) compliance conditions

9. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Ensure that the approved works carried out by the consent holder and specified in conditions 8(b) above are constructed in accordance with the Councils

Engineering Standards and Guidelines 2004 and the approved plans to the satisfaction of final inspection by the Development Engineer, or designate.

- b. Ensure all construction works on the site are to be undertaken in accordance with the approved construction management plan in condition 8(d).
- c. Prior to the earthworks commencing, install sediment control measures in accordance with the requirements of the Auckland Council Guidance Document GD05. The measures shall be maintained and cleaned out until such time as non-erodible cover has been established over the site.
- d. Upon completion of the works specified in conditions 8(b) above that have been undertaken by the consent holder, provide certification (PS4 or Schedule 1c) of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- e. Upon completion of the works specified in conditions 8(b) above that have been undertaken by the consent holder, provide certification (PS3 or Schedule 1b) from the Road construction and drainage contractor that the vested road and Drainage is constructed in accordance with Councils Engineering Standards and Guidelines 2004 and approved plans.
- f. The Consent Holder shall provide to Council's development engineer or designate for approval, As-built plans for vested road, foot paths, overland flow paths, storm water drainage, lighting, signage and marking complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines and in RAAM format for the newly constructed section of road for inputting into the roading database.
- g. Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the infrastructure which is to vest in Council for a minimum period of 12 months. Completed works shall be bonded, or retention money held in lieu of a bond, for a defects period of 12months. Value of bond or retention money shall be 10% of the construction cost.
- h. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the boundary of each lot.
- i. Provide confirmation from a Licensed Cadastral surveyor that the Vested road, services, stormwater and sewer reticulation and drainage systems are entirely within easements and vested road boundaries.
- j. Provide confirmation that Northland Regional Council are satisfied that consent conditions are met, and necessary consents have been obtained for development.
- k. Provide for Councils approval a preferred road name and two alternatives for the road to vest. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the Area.

- I. Provide confirmation from Council's Maintenance Contractor that the purchase and installation of the council approved road name signs (two signs) for the road to vest is accepted and will be installed on the vesting of road to Council. (i.e Paid invoice is sufficient evidence).
10. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. On Lots 18-44, at the time of building consent, a site specific detailed geotechnical investigation is required to support the design of building foundations. **(Lots 18-44)**
 - b. No buildings or structures are permitted within 10 metres of the wetlands identified on the Masterplan by Matakohe Architecture and Urbanism, reference MA-0020, dated 30/07/2021 and the report by the Ecology Company entitled Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia, dated August 2021 submitted as part of Resource Consent 2220128- RMASUB **(Lots 18-35)**
 - c. Fencing is not to exceed a maximum height of 1.2 metres on Lots 18-23 and 35. **(Lots 18 – 23 and 35)**
 - d. Management of activities on Lots 18-23, with respect to the wetland areas as indicated on the survey plan approved as part of RC2220128 RMASUB is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of an application to the Council to vary or cancel this condition. **(Lots 18 – 23)**
 - e. No earthworks, structures or buildings are permitted within the area marked 'no build zone' on the survey plan approved as part of RC2220128 RMASUB.
 - f. No earthworks, structures or buildings are permitted within the area marked 'building restricted' on the survey plan approved as part of RC2220128 RMASUB unless a geotechnical assessment has been undertaken by suitably qualified Chartered Professional Engineer.

Advice Notes

Lapsing of Consent

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

Right of Objection

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

Archaeological Sites

3. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.*

General Advice Notes

4. *The required upgrade works to the Council's wastewater network has been defined in the Trine Kel Final Wastewater Report, dated 29 September 2022. This has arisen through Council negotiating options to enable the development in collaboration with Kaianga Ora, Māori Infrastructure Fund, FNDC and Hapu.*
5. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
6. *Building consent and connection to sewer applications maybe required for the installation of sewer connections and water supply.*
7. *The Consent holder shall when conducting works in or close to Donald a road reserve submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP) prior to any earthworks commencing.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The proposal will also result in positive effects, relating to the provision of 44 additional houses in the residential Kaitaia area. This allows people to provide for their social and economic wellbeing.

- b. The application proposes lots consistent with the density of development in the surrounding environment. The Masterplan and architectural plans demonstrate how each lot can provide for a residential dwelling in compliance with the bulk and location rules of the District Plan providing for appropriate onsite amenity and privacy. As such character and amenity effects are less than minor and acceptable.
 - c. The traffic assessment has been accepted by the Northland Transport Alliance and Councils Resource Consent Engineer who consider that effects on efficiency and safety of the road network are less than minor. As such traffic and access effects are less than minor and acceptable.
 - d. The application proposes three waters servicing for each lot via a developers agreement. This has been assessed by Councils Infrastructure Asset Management Department and Councils resource consent engineer. As such servicing effects are less than minor and acceptable.
 - e. The application proposes protection and enhancement of a number of wetlands on the site. Subject to consent conditions the ecological effects of the application are no more than minor and acceptable.
 - f. Reverse sensitivity and cumulative effects are less than minor as the application is located in a residential area and the density of the lots is consistent with the surrounding environment.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
 5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. National Environmental Standards (Freshwater),
 - b. Regional Policy Statement for Northland 2016,
 - c. Operative Far North District Plan 2009,
 - d. Proposed Far North District Plan 2022

National Environmental Standards (Freshwater)

A resource consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 has been obtained by the applicant from Northland Regional Council. The application has been assessed by Northland Regional Council as consistent with the standards.

Northland Regional Policy Statement 2018

The activity is consistent with the Northland Regional Policy Statement because:

- The application provides 44 additional houses in the residential Kaitaia area. This allows people to provide for their economic wellbeing consistent with Objective 3.5 *Enabling Economic Wellbeing*.
- As discussed in the assessment of effects the application does not result in reverse sensitivity effects on the adjoining rural land and as such is consistent with Objective 3.6 *Economic Activities – Reverse Sensitivity and Sterilisation*.

- The applicant will enter into a developers agreement providing infrastructure upgrades where required consistent with Objective 3.8 and Policy 5.2 *Efficient and Effective Infrastructure*.
- The application is supported by a masterplan that looks at coordinated development and urban design consistent with Objective 3.11 and Policy 5.1 *Regional Form*.

Operative Far North District Plan

The objectives and policies of particular relevance to this proposal are located within Chapter 7 – Urban Environment.

Relevant Objectives and Policies within these chapters seek to:

- To protect natural and physical resources;
- To protect the character and amenity of the area
- Provide for residential development at a similar scale to the surrounding environment.
- For stormwater to be designed to minimise adverse effects on the environment;
- That infrastructure be designed to provide for the future while avoiding, remedying and mitigating adverse effects on the environment,

Overall, the proposal is considered to be consistent with the relevant objectives and policies of the abovementioned chapters for the following reasons:

- The application proposes a density of development consistent with the existing environment;
- The masterplan provides a co-ordinated approach to the subdivision ensuring the amenity and character of the area are protected;
- The application includes a developers agreement ensuring adequate servicing for the development.
- The subdivision will connect to Council reticulated stormwater system ensuring less than minor effects on the environment.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan. Relevant objectives and policies are located within Chapter General Residential (GRZ). Objectives and Policies seek to consolidate urban residential development and reduce urban sprawl while also ensuring provision for adequate services. Built development should reflect high amenity, privacy and sunlight.

The application is consistent with these outcomes as it provides for residential development consistent with the surrounding environment and has detailed the provision for adequate servicing through the developers agreement. The housing in the masterplan provides for appropriate amenity, privacy and sunlight.

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

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

6. In regard to section 104(1)(c) of the Act are the following other matters relevant

Precedent

The non-compliance is largely technical in nature and any precedent set is not considered undesirable and approval of the application will not undermine the integrity of the District Plan.

The approval of the proposal will not undermine the integrity of the District Plan as the activity will produce only localised and minor effects, if any, and will not set an undesirable precedent.

The proposal is considered to have unique features such as the site is currently not serviced however the applicant has agreed to provide for infrastructure which means all sites will be serviced by Councils reticulated network. As such despite the potential for other applications to be lodged that rely on the potential precedent set there is sufficient differentiation of the proposal that a precedent will not result and the integrity of the plan will not be undermined. Furthermore, every resource consent application is assessed on a case by case basis.

7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
8. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
9. Based on the assessment above the activity will be consistent with Part 2 of the Act.
- The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
10. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

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



Name: Pat Killalea

Date: 6th December 2022

Title: Principal Planner

**Te Waka Pupuri Putea Trust
Donald Road, Kaitaia
Resource Consent Application**



Appendix C: Revised Scheme Plan

PLANNERS
SURVEYORS
ENGINEERS
ARCHITECTS
ENVIRONMENTAL



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Local Authority: Northland Regional Council
 Comprised in: RT NA19A006 &
 RT NA49C/1469
 Total Area: 5.73ha

Areas and measurements are subject to survey.

MEMORANDUM OF EASEMENTS	
Purpose	Burdened Land (Servient)
Right of way, Right to convey water, electricity, gas, telecommunications	Lot 42-44 hereon
Right to drain water	Lot 202 hereon
Right to drain sewage	Lot 202 hereon

MEMORANDUM OF EASEMENTS IN GROSS		
Purpose	Burdened Land (Servient)	Grantee
Right to drain water	Lot 8 hereon	Far North District Council
	Lot 10 hereon	Far North District Council



Te Waka Pupuri Putea Trust
 Donald Road
 Kaitiaki

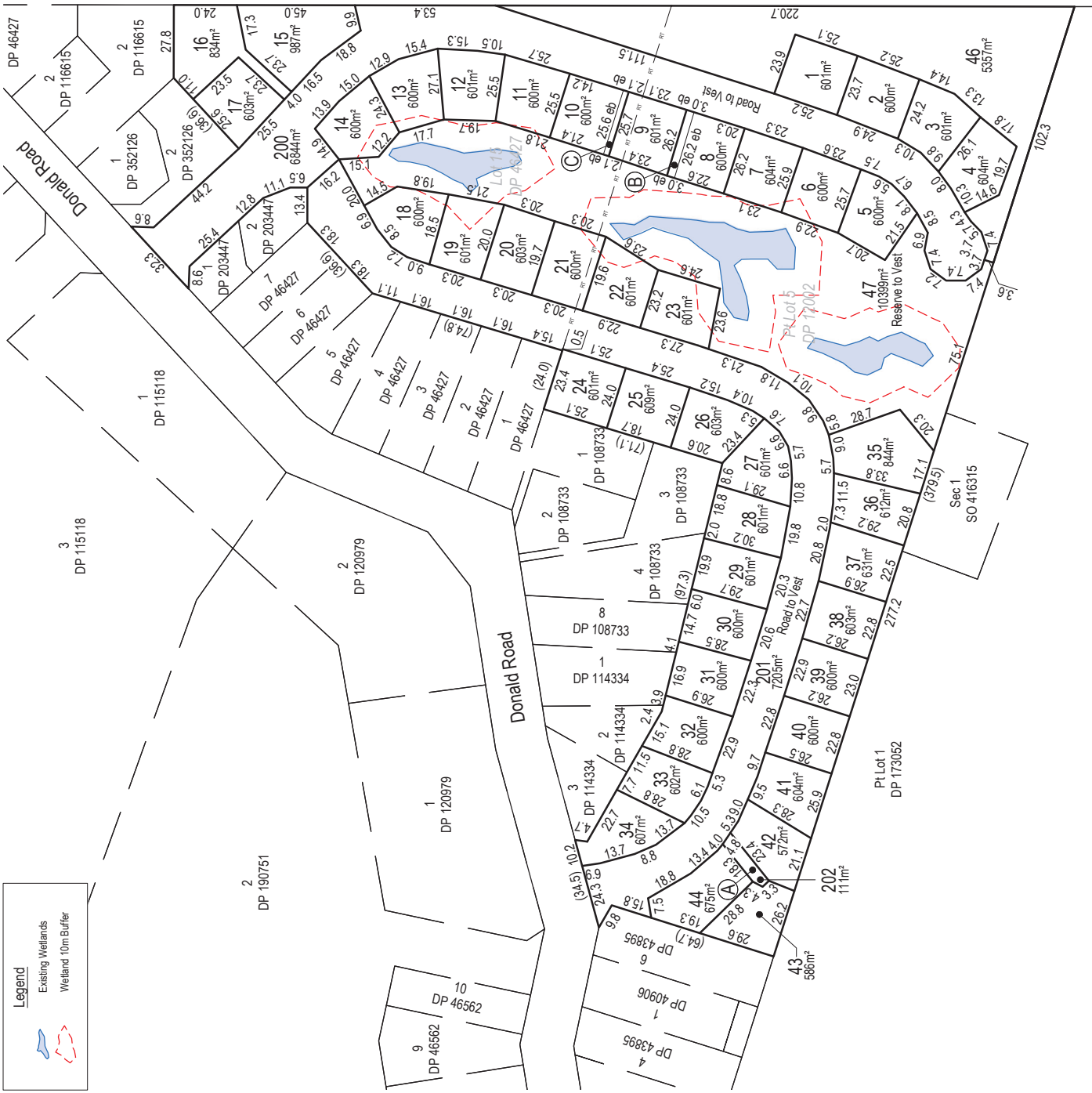
Lot 1-47, Lots 200-202
 being Proposed Subdivision of
 Lot 15 DP 46427 &
 Pt Lot 5 DP 12002

FOR RESOURCE CONSENT

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued for Client Approval	S. Reiter	06/09/2023
B	Issued for Resource Consent	S. Reiter	07/09/2023
C	Issued for Resource Consent	S. Reiter	TBC

DESIGNED	DRAWN	DATE
S. Reiter	B. Hel	27/08/2023
S. Reiter	B. Hel	05/09/2023

DRAWING NO: **47576-DR-C-1200** REVISION: **C**
 ORIGINAL SCALE: **1:1500** ORIGINAL SIZE: **A3**



**Te Waka Pupuri Putea Trust
Donald Road, Kaitaia
Resource Consent Application**



Appendix D: Wetland Assessment Memo

PLANNERS
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ENVIRONMENTAL

MEMO



To:	Far North District Council		
Subject:	Wetland Delineation at Donald Road, Kaitaia	Date:	28/02/2024
		Job No:	47576
Author:	Joshua Wium – Senior Ecologist	No of Pages:	1
File Name:	47576-ME-ENV-EC03 Wetland Delineation Memo		

Memo

A site assessment was carried out by Joshua Wium, a senior ecologist, in August 2023 to accurately identify and delineate the wetlands present at Donald Road, Kaitaia. The wetlands were previously identified and delineated within the **Ecological Assessment and Wetland Delineation at Tō Tātou Kāinga, Donald Road, Kaitaia**, dated August 2021, which was submitted in the initial resource consent application.

In August 2023, the wetlands were delineated using the presence of wetland hydrology and hydrophytic vegetation. Hydric soils assessments were not required to determine the wetland boundaries due to clear changes in vegetation cover and hydrology indicators between wetland and non-wetland areas. The wetland edges were surveyed using GPS under direction from the ecologist to capture the precise location of the wetland boundaries.

The surveyed wetland boundaries are different to the initial delineated wetland edges in the aforementioned consent. There are several factors that have led to this difference in wetland delineation. In the initial assessment, it is likely the wetland boundaries were mapped using aerial imagery rather than precisely surveyed using GPS. The aerial imagery of the site does not provide a clear indication of transitions between wetland and non-wetland vegetation, meaning any delineation using aerial mapping would include uncertainty around the precise location of wetland edges. There has been a time difference between initial wetland delineation and the assessment carried out in August 2023. This is especially important considering the last 12 months of weather prior to the survey has been unusually wet, which would have shifted the wetland area. The initial wetland delineation occurred straight after vegetation clearance, with some of the wetland being cleared in the vegetation clearance process and therefore not being included in the initial assessment. After two years of regeneration the wetland has been able to regenerate.

The last reason is that the ecology of the site is highly unique being a gum-land/wetland system. Without on-ground assessment by an ecology specialist, identifying the edge of the gum-land/wetland present on site is not possible due to the need to identify an array of wetland plant species unique to this habitat type. The ecologist used his specialist expertise in wetland plant identification and wetland hydrology to determine the boundary accurately.

Distribution: Ecology

Office: Whangarei