

Application for 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 discussion

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

☐ Yes ☒ No ☒ N/A

Have you consulted Council's Infrastructure Officer regarding infrastructure capacity to service the development?

☐ Yes ☒ No ☒ N/A

Have you consulted the Roding Officer regarding any road to vest or departure from District Plan / Engineering standards?

☐ Yes ☒ No ☒ N/A

**Contact details of who and how to engage in pre lodgement discussions can be found on the Resource Consent pages of the FNDC website.*

2. Type of consent being applied for

(more than one circle can be ticked):

☐ Land Use

☐ Fast Track (Land Use - Controlled Activity)

☐ Change of Consent Notice (s.221(3))

☐ Certificate of Compliance (s.139)

☒ Extension of time (s.125)

☐ Other (please specify)

☐ Discharge: Total volume = m³

Note; volumes >3m³ requires NRC Consent 3m³

☐ Subdivision

☐ Existing Use Certificate (s.139A)

☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)

3. Would you like to opt out of the fast track process?

☐ Yes ☒ No

4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Waitangi Signal Road Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991?

☐ Yes ☒ No

If yes, please provide details:

6. Address for correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Northland Planning and Development 2020 Ltd c/o Rochelle Jacobs

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

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

7. 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:

Waitangi Signal Road Limited

Property address/
location:

_____ Postcode

8. Application site details

Location and/or property street address of the proposed activity:

Name/s:

Waitangi Signal Road Limited

Site address/
location:

112 Signal Road, Okaihau

_____ Postcode

Legal description:

Lot 3 Deposited Plan 39764

Val Number:

Certificate of title:

NA1352/70

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.

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

Extension of time to RC 2220161

If this is an application for a 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), with reasons for requesting them.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

☐ 2009 ☒ 2023

10. Would you like to request public notification?

☐ Yes ☒ No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

12. 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:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)? ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result? ☒ Yes ☐ No ☐ Don't know

☒ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ☒ Yes ☐ No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

☒ Flooding

☐ Active Faults

☐ Landslips

☐ Liquefaction

☐ Coastal Erosion

☐ Tsunami

☐ Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. 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.

Your AEE is attached to this application ☒ Yes

15. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☐ Yes ☒ No

If yes, please be advised that the timeframe will be suspended as per s107G of the RMA to enable consideration for the draft conditions.

16. 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 in full)

JOHN BAYLY WAITAKI Signal Road Ltd.

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

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 write in full)

JOHN HORACE BAYLY

Signature:

(signature of bill payer)

Date 15/10/26.

MANDATORY

17. 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.

18. Declaration

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

Name (please write in full)

JOHN HORACE BAYLY

Signature

Date 15/10/26

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

See overleaf for a checklist of your information...

Checklist of your information

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)
- ☐ Details of your consultation with Iwi and hapū
- ☐ 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*



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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

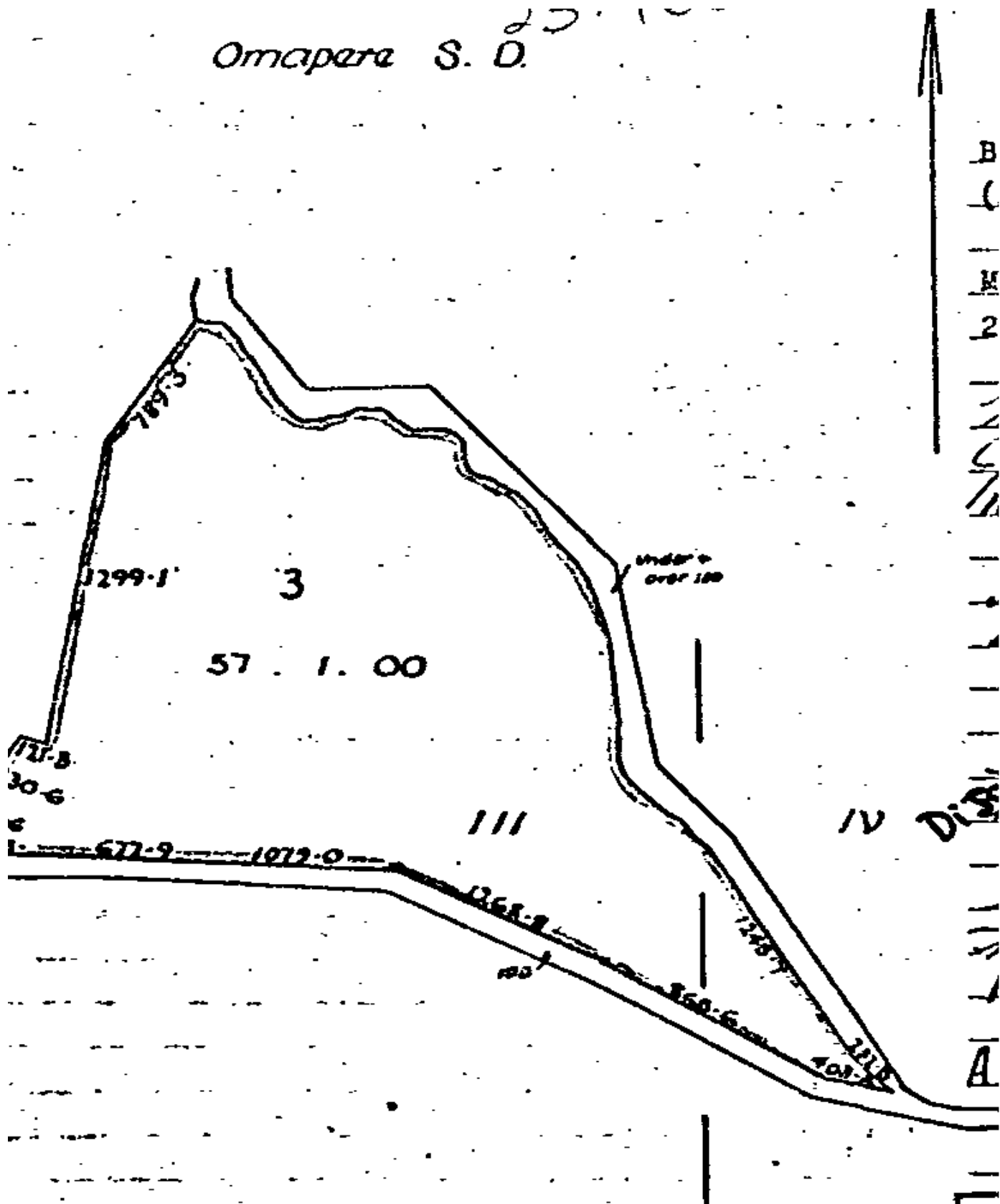
Identifier **NA1352/70**
Land Registration District **North Auckland**
Date Issued 20 December 1956

Prior References
NA1157/19

Estate Fee Simple
Area 23.1683 hectares more or less
Legal Description Lot 3 Deposited Plan 39764
Registered Owners
Waitangi Signal Road Limited

Interests
K51570 Building Line Restriction (affects part)
13271025.3 Mortgage to Rabobank New Zealand Limited - 30.5.2025 at 2:46 pm

Omapere S. D.



Extension of time to RC 2220161 - RMA SUB**Waitangi Signal Road Limited****112 Signal Road, Okaihau**

14 October 2026

Attention: Nick Williamson (Team Leader – Resource Consents) Far North District Council

Please find below an application to extend time on an existing subdivision consent RC 2220161 RMA-SUB. This application is supported by an Assessment of Environmental Effects.

Pursuant to Section 125 of the Resource Management Act, the Applicant is seeking to extend the time of RC 2220161 - RMA SUB which approved the subdivision of Lot 3 DP 39764 into 6 x 4000m² sites and a balance lot of 20.65ha as a non-complying subdivision in the Rural Production zone under the Operative District Plan (ODP). Consent was granted on 28th October 2021.

A variation to RC 2220161 – RMA SUB was later lodged under RC 2220161-RMAVAR/A where it was requested to change consent conditions pursuant to S127 of the Act. A variation was requested to change the subdivision layout and change conditions to reflect this and the updated engineering requirements. The variation was assessed as a Discretionary Activity under the ODP and consent was granted on 15th November 2024.

Since this time, the subject lot has been on sold, the neighbouring development which sought to share works with has been reconsented and those relevant conditions deleted which impact on this development. The current lot owner would like to proceed with the subdivision proposal however given the changes that have occurred requires some additional time to meet all 223 conditions. A one-year extension of time is now sought.

The extension of time to RC 2220161 - RMA SUB is a **Discretionary Activity** under the RMA.

Regards,



Alex Billot

Resource Planner

Reviewed by:



Rochelle Jacobs

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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Appendices

1. Far North District Council Application Form
2. Record of Title – LINZ
3. RC 2220161 - RMASUB Decision – FNDC
4. RC 2220161 - RMASUB Plans – FNDC
5. RC 2220161 – RMAVAR/A Decision – FNDC
6. RC 2220161 – RMAVAR/A Plans – FNDC

Assessment of Environment Effects Report

1. Description of the Proposed Activity

- 1.1. The Far North District Council granted subdivision consent RC 2220161 – RMASUB on 21st October 2021 to subdivide Lot 3 DP 39764 to create 6 x 4000m² allotments and a balance lot of just over 20 hectares. Resource consent was granted to Signal Heights Limited and a copy of the approved decision and plans can be found within **Appendix 3 and 4** of this application.
- 1.2. A variation to the consent conditions of RC 2220161 – RMASUB was lodged in 2024 to amend the subdivision lot layout as it was found after Cyclone Gabrielle that two of the lots became quite damp and as a result, it was sought to relocate these sites. Consideration was also given to potential reverse sensitivity effects from the farming operations within the balance lot. It was therefore sought to relocate the smaller allotments towards the eastern corner of the property. Variation to the engineering conditions was also sought to clarify that only a portion of Signal Road was to be upgraded which was the road being utilised by the development as well as adding a condition to address the proposed covenanted wetland and indigenous vegetation areas. The proposed variation was determined to result in a superior outcome in terms of reverse sensitivity, rural amenity and highly productive land. The variation consent was granted on 15th November 2024 with the decision document and approved plans attached within **Appendix 5 and 6**. The number of allotments to be created did not change as a result of the variation.

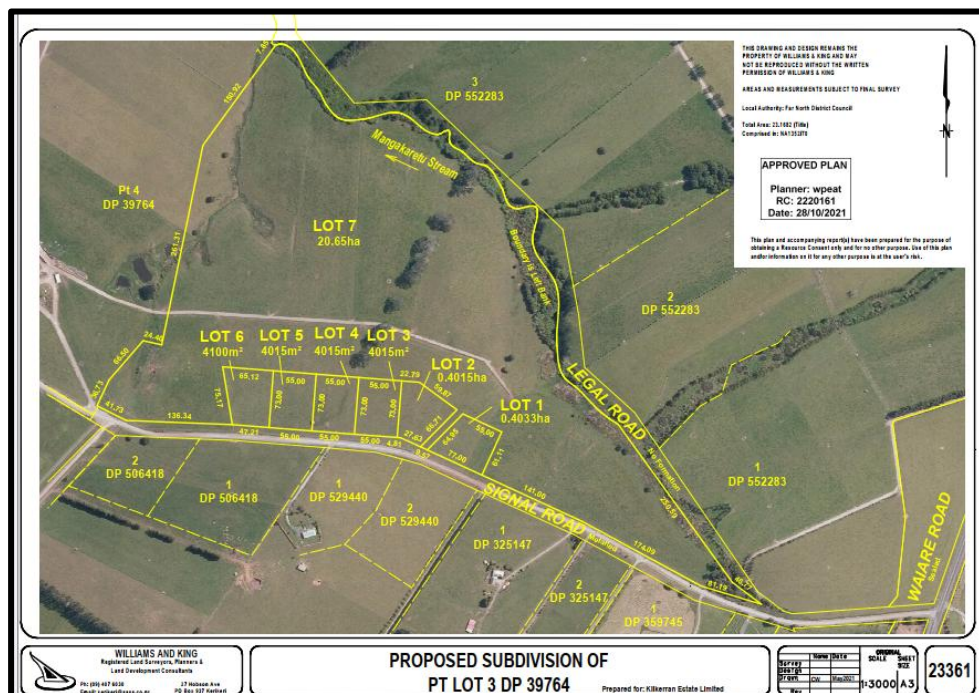


Figure 1: RC 2220161 Approved Plan

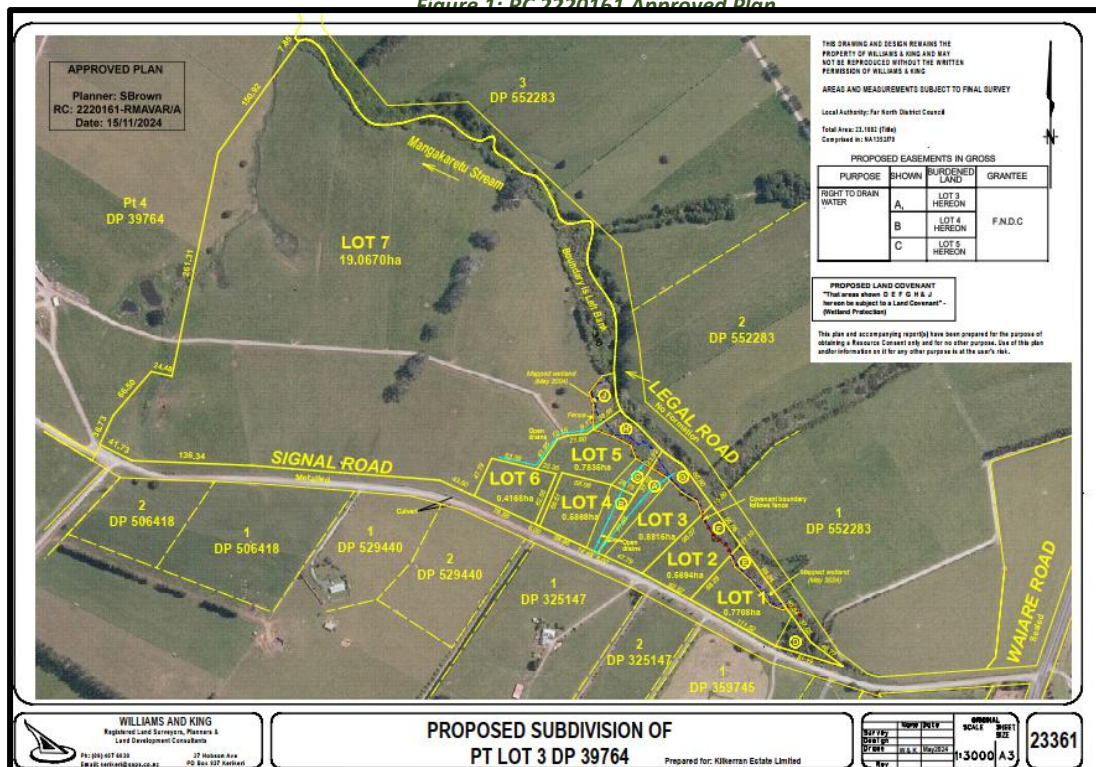


Figure 2: RC 2220161 - RMAVAR/A approved plan.

- 1.3. Since this time, the property has been sold to the Applicant, Waitangi Signal Road Limited. The neighbouring development in which road upgrade costs were to be shared has reapplied and gained a new subdivision consent without any road upgrade conditions (RC 2260610 31st July 2026). The Applicant is wanting to continue to pursue giving effect to the consent but given the recent changes, the imminent lapsing date of 28th October 2026 and the engineering and surveying s223 conditions required to be met before this date, the task to do so is not achievable. As such, the Applicant is seeking a one-year time extension to allow the s223 conditions to be met.

2. Description of the Site and Surrounding Environment

- 2.1. The property is located at 112 Signal Road, Okaihau and is legally described as Lot 3 DP 39764. The site is located on the northern side of Signal Road and extends towards an unformed legal road which is unnamed and contains a small stream. The site is irregular in shape following both Signal Road and the unnamed legal road / stream on its Northern and southern boundaries. The Western boundary of the site is bounded by the remaining productive farming allotments and the farmhouse. The property gains access directly off Signal Road.

- 2.2. The topography of the land is rolling pasture generally sloping downwards from Signal Road towards the stream. The site contains overland flow paths, and small water courses which have been created from the culverts draining Signal Road and the elevated sites to the South. Vegetation coverage is generally pasture, with the stream contained within the legal road being fenced with some riparian planting.
- 2.3. The surrounding environment is mixed use, being both productive farm allotments and lifestyle sections. The last 5 – 10 years has seen development within the area boom with several lifestyle sites being created within the immediate local surrounds.



Figure 3: Aerial view of the site and surrounding environment.

- 2.4. The site is zoned as Rural Production (RPZ) under both the Operative District Plan (ODP) and Proposed District Plan – Appeals Version (PDP-DV). Under the PDP-AV the northern boundary is also shown to be susceptible to river flood hazards which follow the unnamed stream. The site is not located within the Coastal Environment under the PDP-DV nor the Regional Policy Statement for Northland (RPSN) Maps.

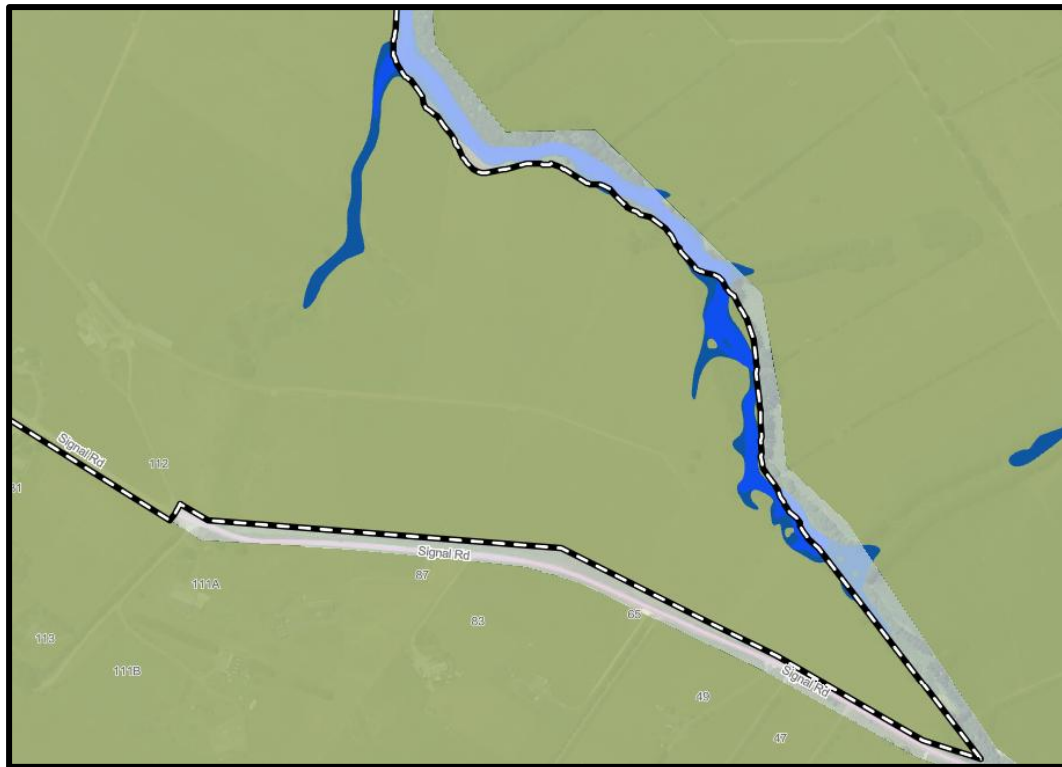


Figure 4: PDP-AV zoning maps.

- 2.5. The site is within an area which is not serviced by reticulated wastewater, water supply or stormwater services.
- 2.6. The site is not shown to be within an area of outstanding landscape or high natural character. There are no PNAs which affect the site. The site is shown to be within an area where kiwi are present. The site is not shown to contain any recorded archaeological sites.
- 2.7. Soils within the site are mapped as LUC 3s1 which are classified as highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL). An assessment of the NPS-HPL was undertaken as part of the AEE for RC 2220161 – RMAVAR/A which also included a Land Use Compatibility Report which concluded that the soils were in fact LUC 4s2. It was determined that the proposal was consistent with the objectives and policies of the NPS-HPL. The proposed variation was considered to result in a superior outcome in terms of HPL and management of land by ensuring the potential of the balance lot to provide productive use was maximised. This conclusion is not considered to be changed by the proposed extension of time.
- 2.8. The site is not known to be within or adjoin any statutory acknowledgement areas.

Title

- 2.9. The subject site is held in Record of Title NA1352/70 and is dated 20th December 1956. The title is subject to a Building Line Restriction over part of it. There are no easements or consent notices registered on the title. There have been no changes since the consent was last approved.

3. Reasons for Consent

Section 125 of the Resource Management Act (RMA)

- 3.1. Under section 125 (1)(A) a resource consent lapses after 5 years if it is not for aquaculture or renewable energy. Under subsection 1(A)(a) the consent does not lapse if it is given effect to, or (b) an application is made to extend the period. Where an application is made to extend the timeframe of a consent the tests within (1A)(b)(i) – (iii) must be addressed.

Section 125 Tests

Whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and

- 3.2. The current owner has only recently purchased the property and has been working towards giving effect to the subdivision. He has engaged Williams and King Surveyors to provide the LT plan and is in discussions with engineering firms to provide plans of the Signal Road upgrade as detailed within conditions 3(a)(i),(ii), (iii) & (iv).
- 3.3. Substantial progress is expected to be made by the Applicant if an extension of time is approved, which is evident with only a one-year extension timeframe sought for addressing the surveying and engineering conditions.

Whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and

- 3.4. No persons are considered to be adversely affected by the granting of this extension. At the time of seeking consent, no persons were considered to be adversely affected, and the granting

of the extension will not alter what has previously been approved. As such, it is considered that this matter is met.

the effect of the extension on the policies and objectives of any plan or proposed plan; or

- 3.5. The Far North District Council has notified its Proposed District Plan and is currently at the stage where the appeals period has concluded. The Rural Production zone in its entirety has been appealed such that the ODP must still be considered. This assessment covers both commentary on the ODP and PDP.

Operative District Plan

- 3.6. The Council at the time of RC 2220161 – RMA SUB decided that the relevant objectives and policies to consider were Chapter 8 – Rural Environment and Chapter 13 - Subdivision and concluded that the proposal was not contrary to these relevant objectives and policies. It was determined as part of RC 2220161 – RMAVAR/A that there were no changes to the objectives and policies in the ODP since the original consent was granted and given the number of allotments were not changing and the superior outcome achieved, the proposed variation remained consistent with the relevant objectives and policies of the ODP.
- 3.7. This extension of time continues to provide for these objectives and policies in the ODP.

Proposed District Plan

- 3.8. At the time of the original subdivision, the PDP was not notified and therefore an assessment did not form part of RC 2220161 – RMA SUB. At the time of RC 2220161 – RMAVAR/A, the notified version of the PDP had been released and little weight was given to the provisions at that time. An assessment of the relevant objectives and policies of the Subdivision and Rural Production zone chapters were undertaken.
- 3.9. Since this time, the PDP-AV has been released, with only minor changes to the objectives and policies. The subdivision objectives and policies have been partially appealed, with the Rural Production zone objectives and policies appealed in their entirety.

- 3.10. It was noted within Council's decision of RC 2220161-RMAVAR/A that RPROZ-O4, RPROZ-P4 and SUB-P10 would be achieved as the lots do not deter from the rural character and amenity of the rural environment. This conclusion still remains.
- 3.11. It was also determined that SUB-O2 would be met by maximising the productive use of the balance lot. The referencing within SUB-O2 has changed such that this is referred to as SUB-O5 and SUB-P8 as part of the PDP-AV. The original conclusion still remains.
- 3.12. SUB-O3 and Policies SUB-P3, SUB-P4, SUB-P5 and SUB-P6 were all considered to be achieved in respect of the proposed lots abilities to provide for access, infrastructure and onsite servicing. The referencing of these objectives and policies have changed as part of the PDP-AV with the following objectives and policies considered to reach the same conclusion within the PDP-AV – SUB-O3, SUB-P3, SUB-P4 & SUB-P10.
- 3.13. It is noted that the subdivision allotment sizes do not meet the minimum lot sizes provided for the RPZ and therefore is not consistent with the PDP-AV SUB-P3(b), however given that the minimum lot size for the RPZ is under appeal, some weighting of the ODP remains. SUB-P7 also enables rural lifestyle subdivision in the rural production zone if 'areas of significant vegetation, significant habitats of indigenous fauna or natural inland wetlands are protected.' This has been provided for as part of RC 2220161 – RMAVAR/A where the areas of wetland within the site were formally protected, therefore reinforcing that subdivision of this type is consistent with the relevant objectives and policies of the subdivision chapter.
- 3.14. The subdivision was noted within RC 2220161 – RMAVAR/A to not meet many of the objectives and policies within the Rural Production Zone (RPZ) of the PDP given the lot sizes are not anticipated by the RPZ of the PDP. However, given that the RPZ has been appealed in its entirety, weighting of the PDP RPZ is given less weighting compared to if there had been no appeals made on the zone.
- 3.15. As such, it is considered that the proposal remains consistent with the conclusions drawn from the previous consent applications in regard to the objectives and policies of the PDP.

Summary

- 3.16. Overall, it is considered that in regards to the matters listed within s125((1A)(b)), the proposal is able to meet (ii) and (iii). It is recognised that there has not been substantial progress made,

however this is due to a number of factors including the applicant only recently acquiring ownership of the land and changes to neighbouring subdivision consents. It is evident that given the tight one-year timeframe extension requested, that the Applicant is ready to pursue and provide the effort to satisfy the conditions of consent to obtain s223 approval. This includes surveying as well as detailed plans required to upgrade a portion of Signal Road.

4. Statutory Assessment

Section 104 of the Resource Management Act 1991

4.1. Section 104(1) of the RMA states that when considering an application for resource consent –
“the consent authority must, subject to Part II, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national environmental standard:*
 - ii. other regulations:*
 - iii. a national policy statement:*
 - iv. a New Zealand Coastal Policy Statement:*
 - v. a regional policy statement or proposed regional policy statement:*
 - vi. a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

4.2. The Council has previously granted resource consent to subdivide the site to create six allotments. The extension of time will enable the subdivision to be completed by the new owner, enabling six additional allotments to become available to the market, which are of high demand in the short supply of lots and housing in the area. The subdivision will also see a portion of Signal Road upgraded, improving public transport routes and access. Formal

protection of the wetland areas will also improve and enhance ecology in the area. The productivity of the balance lot is considered to remain as was concluded as part of RC 2220161 – RMAVAR/A.

- 4.3. In respect of potential adverse effects, the Council has previously concluded that any potential adverse effects of this proposal will be no more than minor. The extent of works remains contained with previously approved consent applications and correspondingly the potential adverse effects.
- 4.4. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. The proposal results in positive effects on the environment by the formal protection of the wetland areas as indicated on the site plan. Riparian planting and pest and weed management to enhance the ecological aspects of the wetland areas were also imposed as part of the Land Covenant.
- 4.5. Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application’. There are no other matters relevant to this application.
- 4.6. Section 104(1)(b) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to:
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
- 4.7. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

National Environmental Standards

- 4.8. As assessed within the previous applications under RC 2220161 – RMA SUB and RMA VAR/A, the NESCS was not considered applicable. The NES-F was assessed as part of RC 2220161 – RMA VAR/A, given there were identified wetlands within the site. The areas of wetland were set aside as well as a 10m buffer zone which were to be protected by Land Covenant and were indicated on the scheme plan. It was concluded that *‘in terms of Regulation 54 of the NES-F, the works proposed as part of this application, although potentially within 100m of the wetland areas, are not considered to have a hydrological connection between the discharge and the wetland, the discharge is not anticipated to enter the wetland and the discharge is not anticipated to change the water level range of hydrological function of the wetland. Therefore, the proposed works as part of this application are not considered to require consent under the NES-F.’* This subdivision was considered to not result in the loss of extent of natural inland wetlands and would protect and restore the values of the wetland areas. This conclusion remains.

National Policy Statement for Highly Productive Land

- 4.9. As detailed earlier in this application, an assessment of the NPS-HPL was provided as part of RC 2220161 – RMA VAR/A which also included a Land Use Compatibility Report which concluded that the soils were in fact LUC 4s2. It was determined that the proposal was consistent with the objectives and policies of the NPS-HPL. The proposed variation was considered to result in a superior outcome in terms of HPL and management of land by ensuring the potential of the balance lot to provide productive use was maximised. This conclusion is not considered to be changed by the proposed extension of time.

Far North Operative District Plan and Proposed District Plan - Decisions Version

- 4.10. An assessment of the relevant objectives and policies relating to this application has been undertaken in the 125 section above. No further commentary is considered necessary.

Plan Weighting Summary

- 4.11. As required by Section 104(1)(b) of the RMA, a decision on this application must consider the extent to which a proposal is consistent with the relevant provisions of the ODP and the PDP.

- 4.12. As detailed above, Council have released the Appeals version of the Proposed District Plan. This has confirmed that the applicable zoning is subject to an appeal meaning that some weighting remains with the ODP.

5. Part 2 Assessment

- 5.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 5.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of the natural and physical resource whilst meeting the foreseeable needs of future generations.
- 5.3. Section 6 of the Act sets out matters of national importance. The application is considered to meet this Section of the Act.
- 5.4. Section 7 identifies “other matters” to be given particular regard by a Council when assessing an application for resource consent, including the maintenance and enhancement of amenity values. The proposal is in keeping with the existing character of the surrounding environment.
- 5.5. Section 8 requires Council to ‘take into account’ the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). It is considered that the proposal would not be contrary to the principles of Te Tiriti.
- 5.6. Overall, the application is consistent with the relevant provisions of Part 2 of the RMA, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, it is concluded that the proposal achieves the purpose of sustainable management set out by Sections 5-8 of the Act.

6. Conclusion

- 6.1. The Applicant is seeking an extension of time to allow time to complete the conditions required to obtain the s223 certificate. Given the Applicant has only recently obtained ownership of the property and become aware of the approved subdivision consent for the property, it is requested a one-year time extension be granted to enable the Applicant to complete the required conditions of consent.

- 6.2. The Council has previously assessed potential adverse effects arising from the subdivision of the site and concluded that the activity will not have, and is not likely to have, adverse effects on the environment that are more than minor. There are no affected persons.
- 6.3. It is therefore considered appropriate to grant the extension of time on a non-notified basis, under s125 of the Act.

7. Limitations

- 7.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 7.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 7.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 7.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.



FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2220161-RMASUB

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

Signal Heights Limited

The activity to which this decision relates: The proposal seeks to undertake a subdivision of Lot 3 DP 39764 into 6 x 4000m² sites as non-complying subdivision in the Rural Production Zone.

Subject Site Details

Address: 112 Signal Road, Okaihau 0475
Legal Description: Pt Lot 1 DP 42693, Pt Lot 4 DP 39764, Lot 3 DP 39764
Record of Title reference: NA-1135/127, NA-1352/70, NA-52D/1197

Pursuant to Section 108 of the Act, this consent is issued 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, referenced Proposed Subdivision of Pt Lot 3 DP 39764, dated May 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a) A drainage easement to provide at least 2m of clearance for stormwater drain to convey water from all culverts, pursuant to Section 220(1)(f) of the Resource Management Act 1991 and shall be endorsed on the survey plan under a Schedule of Memorandum of Easements and shall be duly granted or reserved. The easement shall be in favour of the Far North District Council.

Note: The survey plan may show Lot 7 as incorporating Part Lot 1 DP 42693 and Part Lot 4 DP 39764.

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- a) Submit plans and details of all works for the approval of Far North District Council.

It is to be noted that certain works must be carried out or certified by a Suitably Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds to their assessed competencies.

All plans needing design/certification by Council approved IQP/CPEng will require completion of design producer statement (PS1).

Plans are to include but are not limited to:

- i. Upgrade of Signals Road to a 6.5m wide carriageway with 1.0m wide shoulders, consistent with Rural Road in accordance with FNDC Engineering Standard FNDC/S/7 and Table 3.1A, Type B specifications.
- ii. Intersection upgrade Signals Road to Waiare Road in accordance with FNDC Engineering Standard FNDC/S/6B.
- iii. New cul-de-sac at the termination of Signals Road in accordance with Figure 3.3 of NZS4404:2010.

Note: Design for (i.) to (iii.) above to note the restrictions and recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442. The cul-de-sac shall be constructed entirely within the road corridor. If the cul-de-sac (or a portion thereof) is to be constructed on private property, the underlying land is to be surveyed and vested in Council.

- iv. Vehicle access crossings from Signals Road to Lots 1 to 6 in accordance with section 3.3.7 of FNDC Engineering Standards, FNDC/S/6 and FNDC/S/6B. Drawings are to show that adequately sized culverts (minimum diameter 375mm) are to be installed under each new crossing with grouted rock headwalls on both ends.
- v. Erosion and sediment control measures which are to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

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

- a) A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required and shall ensure that the construction work is in accordance with FNDC Engineering Standards and the approved plans and provide a producer statement (PS4) on completion of the works.

- b) The consent holder will be responsible for the repair and reinstatement of the public roads (Waiare & Signal) carriageway, if damaged as a result of the works and building operations.
- c) The consent holder shall provide evidence that the existing fence has been relocated and roadside vegetation trimming is to be undertaken at the Waiare Rd/Signals Rd intersection in accordance with the recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442.
- d) Provide evidence that reflective markers have been installed on the poles and the base of the poles shall be painted white to a height of 2 metres.

Note: This condition applies for Signal Road only.

- e) The consent holder shall provide evidence that a Traffic Management Plan (TMP) has been approved by Councils Corridor Access Engineer and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.
- f) The consent holder's contractor shall provide a producer statement (PS3) on completion of the works to confirm the construction works are in accordance with FNDC Engineering Standards and approved plans.
- g) Provide evidence of the existing stock exclusion fencing along the stream that borders Lot 7.
- h) Provide evidence that boundary planting has been undertaken along the Signal Road frontage of Lots 1-6,

Note: It is recommended that the species used do not grow over 5 metres due to the existing powerlines, or to disrupt sightlines.

- i) Provide evidence that a caveat in favour of Council has been placed on the Record of Titles of Part Lot 1 Deposited Plan 42693, and Part Lot 4 Deposited Plan 39764 which will preclude further subdivision of these lots for a period of 10 years after the title has been issued for this development. The caveat document will not be required if Lot 7 is expanded to include Part Lot 1 Deposited Plan 42693, and Part Lot 4 Deposited Plan 39764.
- j) Consent holder to provide suitable evidence by way of as-built information, test results and RAMM data that the road upgrade works have been completed in accordance with the requirements of the FNDC Engineering Standards and Schedule 1D of NZS 4404:2004 are to be submitted to Council on completion.
- k) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
- i. No more than two working dogs shall be introduced or kept on the lot at any time.

Prior to the introduction or keeping of any working dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

Two working farm dog(s) as defined in the Dog Control Act 1996 is exempt from this condition if it is:

- (a) micro-chipped,
- (b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- (c) kept in a kennel or tied up at night.
- (d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- (a) A photograph of the dog;
- (b) Written confirmation that the dog has been micro-chipped;
- (c) A plan showing the extent of the dog proof fenced area.

[Lot 7]

- ii. No more than one dog shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up.

Prior to the introduction or keeping of any dog on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the dog;
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

[Lots 1-6]

- iii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, or mustelids).

[All Lots]

- iv. Prior to the issue of a Code Compliance Certificate for any buildings, or within one month of its occupation (whichever comes first), provide a landscaping plan from a suitably qualified and experienced person, for the approval of the Council's Resource Consents Manager, or other duly delegated officer, which indicates the means to lessen the visual impact of the building, its access and any earthworks. On approval of this plan, the landscaping specified is to be provided within six months and adequately maintained thereafter. Plants

requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next following planting season (1st May to 30th September).

[Lots 1-6]

- v. In conjunction with the construction of any dwelling on the lot, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[All Lots]

- vi. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner

[All Lots]

- vii. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent, noting the restrictions and recommendations of the Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 submitted with Resource Consent 2220161.

[All Lots]

- viii. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the report prepared by Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 and submitted with Resource Consent 2220161.

Note: Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above-mentioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

For on-site wastewater disposal system:

- The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.
- Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

[All Lots]

- ix. The consent holder shall enter into a maintenance contract with a suitably qualified and experienced person to maintain the wastewater treatment system so that it works effectively at all times. At a minimum, all maintenance shall be in accordance with the recommendations of the Operation and Maintenance Manual prepared by the system supplier.

[All Lots]

- x. In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change. The details of the on-site retention storage and flow attenuation shall be prepared by a suitable qualified engineer, noting the restrictions and recommendations of the Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 included in RC2220161.

[All Lots]

Advice Notes

1. 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.
2. The site is accessed off an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively the applicant may consider sealing their road frontage to remove the issue.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.

District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
13.7.2.1 – Minimum Lot Sizes	All 3 titles to the farm have residual subdivision rights. Rather than creating 2 4000m2 allotments on each title this application seeks to combine all rights to one block to have the smallest impact on their productive farming activities.

	Two of these sites can be created as a restricted discretionary activity, however the further 4 are a Non-Complying activity as they cannot meet the minimum allotment sizes for a Discretionary activity.
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Adverse effects will be minor:

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

Positive effects of the proposal:

Under s104(1)(a) the positive and potential effects of the proposal are:

- a) The proposed subdivision will create allotments in keeping with the surrounding development pattern in the area. The rural character and current lifestyle use of the area will not change as a result of the subdivision;
- b) There are no outstanding landscapes, natural features or landscape features on the site.
- c) The proposal will not result in any adverse social, economic or cultural effects.

Objectives and policies of the District Plan:

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

- a) Chapter 8 – Rural Environment
- b) Chapter 13 - Subdivision

The relevant objectives and policies of the Plan are those related to the Rural Environment and Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment as the sites are all able to meet the Restricted Discretionary activity standard site sizes. The proposed sites will be visible from Signal Road, however, given the existing lifestyle development in the area, additional housing will not be out of character. The sustainable management of natural and physical resources will continue, with the balance allotment of 20ha remaining and being farmed in conjunction with two other titles of 69ha and 126ha. The majority of the productive farm contains highly versatile soils. Approx. 2.5ha of which will be removed from production to create the lifestyle allotments. This equates to just over 1% of the farm being removed as productive land. The sites will be clustered and will be located across the road from other rural lifestyle allotments. Future housing areas will be separated from other neighbouring landuses which may cause reverse sensitivity effects. Additional controls on cats, dogs and mustelids have been offered as consent notices on each new title to ensure that native kiwi are not adversely impacted by future development of these sites.

2. **Section 104D Assessment**

Pursuant to section 104D of the Resource Management Act 1991 if a proposal is Non-Complying then it must satisfy one or both of the subsections of 104D(1) before a decision can be granted under section 104B of this Act. If the application does not pass either test of the section 104D(1) then the application must be declined.

It is considered that the proposal is not contrary to the Objectives and Policies of the District Plan; and it has been concluded that the adverse effects will be less than minor, as demonstrated above.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018
 - b) Northland Regional Plan 2019
 - c) National Environmental Standards (Air/ NESCS/ Forestry etc)

There are 4 different soil types which are located on the site subject to subdivision. Majority of the site is considered highly versatile by the Regional Policy Statement for Northland. It is noted that a large proportion of the farm is covered in highly versatile soils except for some of the steeper slopes at the rear of the site and some areas around the stream. Approx. 2.5ha of which will be removed from production to create the lifestyle allotments. This equates to just over 1% of the farm being removed as productive land. The sustainable management of natural and physical resources will continue, with the balance allotment of 20ha remaining and being farmed in conjunction with two other titles of 69ha and 126ha.

4. In accordance with an assessment under s104(1)(c) of the RMA. No other non – statutory documents were considered relevant in making this decision.
5. Other matters considered in relevant in making this decision:

Precedent

Case Law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant Non-Complying resource consent. A precedent effect is likely to arise in situation where consent is granted to a Non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out of the generality of cases or similar sites in the vicinity. In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals it avoids any precedent effect can be approved.

The applicant owns the two adjoining properties. The proposal is to subdivide across three titles (older than 28 April 2000), as a Non- Complying activity. As an Restricted Discretionary Activity (Each title is prior to April 2000), the applicant can subdivide each Title creating 4 additional lots with the balance farm. However, would prefer the non-complying option by creating all the lots together in a concentrated area, as opposed to spacing them out. The sites will be clustered and will be located across the road from other rural lifestyle allotments. The proposal is not considered to create a precedent.

6. Part 2 Matters
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

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



Pat Killalea, Principal Planner

Date: 28th October 2021

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

DECISION ON SECTION 127 APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change and cancel conditions 1, 2(b), 3(a)(i)(iii) and (iv), 4(d), 4(h), 4(k)(iv), 4(k)(vii), 4(k)(viii), 4(k)(x) of resource consent 2220161-RMASUB to:

Applicant:	Signal Heights Limited
Council Reference:	2220161-RMAVAR/A
Property Address:	112 Signal Road, Okaihau 0475
Legal Description:	Lot 3 Pt 4 DP 39764 Pt Lot 1 DP 42693
Description of Application:	Change of consent conditions under RC 2220161 pursuant to s127 of the RMA as a Discretionary Activity.

The following changes and/or cancellations to the conditions of resource consent 2220161-RMASUB are made:

(~~Strikethrough~~ indicates deletions and underline indicates additions and changes)

For clarity a complete set of conditions, as amended, are provided in Schedule 1 to this decision.

Condition 1 – Plan updated

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Pt Lot 3 DP 39764, dated May 2021~~4~~, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Addition of Condition 2(b)

Areas shown as 'E-J', are to be subject to land covenants for wetland protection and area shown as 'D' is to be subject to land covenants for indigenous vegetation protection.

Condition 3 (a)(i), (iii) and (iv) – Changes to reflect the updated engineering report and delete works that are not required.

Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- a) Submit plans and details of all works for the approval of Far North District Council.

It is to be noted that certain works must be carried out or certified by a Suitably Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds to their assessed competencies.

All plans needing design/certification by Council approved IQP/CPEng will require completion of design producer statement (PS1).

Plans are to include but are not limited to:

- i. Upgrade part of Signal Road, from the intersection with Waiare Road, through to the vehicle crossing for proposed Lot 6 to a 6.5m wide carriageway with 1.0m wide
shoulders, consistent with Rural Road in accordance with FNDC Engineering Standard FNDC/S/7 and Table 3.1A, Type B specifications. 6m wide carriageway consistent with the FNDC Engineering Standards 2023 Tables 3.3 and 3.4 for Access Band 3. The plans shall also include the details for the Signal Road crossing culvert (location between Lot 3 and 4) e.g. grouted rock headwalls, riprap or any other options to avoid scouring at the pipe outlet or erosion of the soil and the recommendations within the Engineering Report prepared by Haigh Workman, dated September 2024 reference 24068.
- ii. Intersection upgrade of Signal Road to Waiare Road in accordance with FNDC Engineering Standard FNDC/S/6B.
- ~~iii. New cul-de-sac at the termination of Signals Road in accordance with Figure 3.3 of NZS4404:2010.~~
~~Note: Design for (i.) to (iii.) above to note the restrictions and recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442. The cul-de-sac shall be constructed entirely within the road corridor. If the cul-de-sac (or a portion thereof) is to be constructed on private property, the underlying land is to be surveyed and vested in Council.~~
- iv. Vehicle access crossings from Signal Road to Lots 1 to 6 in accordance with section 3.3.7 of FNDC Engineering Standards, FNDC/S/6 and FNDC/S/6B. Engineering Standards 2023 Sheet 1` Type 1A. Drawings are to show that adequately sized culverts (minimum diameter 375mm) are to be installed under each new crossing with grouted rock headwalls on both ends.
- v. Erosion and sediment control measures which are to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

Condition 4(d) – Update of note;

Provide evidence that reflective markers have been installed on the poles and the base of the poles shall be painted white to a height of 2 metres.

Note: This condition applies ~~for~~ to the portion of Signal Road being upgraded only.

Condition 4(h) – Change to reflect lot numbers;

Provide evidence that boundary planting has been undertaken along the Signal Road frontage of Lots ~~1-6,~~ 1, 2, 3, 4 & 6.

~~Note: It is recommended that the species used do not grow over 5 metres due to the existing powerlines, or to disrupt sightlines.~~

Note: It is recommended that prior to planting any vegetation that Top Energy be consulted on the species and location of the vegetation to ensure compliance is achieved with the Electricity (Hazards from Trees) Regulations 2023.

Condition 4(k)(iv) – The relocation of the lots means that landscaping is no longer necessary;

~~Prior to the issue of a Code Compliance Certificate for any buildings, or within one month of its occupation (whichever comes first), provide a landscaping plan from a suitably qualified and experienced person, for the approval of the Council's Resource Consents Manager, or other duly delegated officer, which indicates the means to lessen the visual impact of the building, its access and any earthworks. On approval of this plan, the landscaping specified is to be provided within six months and adequately maintained thereafter. Plants requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next following planting season (1st May to 30th September).~~

[Lots 1-6]

Condition 4(k)(vii) – Remove reference to GWE report and reflect updated report;

The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent, noting the restrictions and recommendations of the ~~Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 submitted with Resource Consent 2220161. Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.~~

[All-Lots 1-6]

Condition 4(k)(viii) – Remove reference to GWE report and reflect updated report;

In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the ~~report prepared by Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 and submitted with Resource Consent 2220161. Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.~~

Note: Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above-mentioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

For on-site wastewater disposal system:

- The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

- Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

[All Lots 1-6]

Condition 4(k)(x) – Remove reference to GWE report and reflect updated report and reference to mitigation on wetland areas. It is also proposed to add one condition to address the proposed covenanted wetland areas and indigenous vegetation area.

In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change. The details of the on-site retention storage and flow attenuation shall be prepared by a suitable qualified engineer, noting the restrictions and recommendations of the ~~Site Suitability Report prepared by GWE Consulting Engineers, dated July 2021, v1, reference J3044 included in RC2220161.~~ Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068, with particular detail provided on mitigating sediment and erosion levels to the protected wetland areas as identified in RMAVAR/A 2220161.

[All Lots 1-6]

Advice Notes

Lapsing of Consent

1. *The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.*

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.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as:

- a. The variation seeks reconfiguration of already approved lots that will continue to be of similar sizes, with no new lots added and will promote better use of the site with regards to optimizing productive use of the balance lot and the remaining lots 1-6 concentrated in one area of the site for residential lifestyle purposes.
- b. Any effects on the rural character and amenity of the surrounding environment will be negligible with regards to the new lot areas.
- c. The proposal will not result in any adverse social, economic or cultural effects.
- 4. In regard to sections 104(1)(ab) and 127(3) 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 sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
 - a. National Environmental Standards for Freshwater 2020
 - b. National Policy Statement for Highly Productive Land (NPSHPL)
 - c. Operative Far North District Plan 2009,
 - d. Proposed Far North District Plan 2022

National Environmental Standards for Freshwater Management (NES-FM) 2020

The activity is consistent with the objectives and policies of the NES-FM as areas of wetland adjacent the smaller rural residential allotments will be formally protected through this variation consent. Buffer planting and weed and pest management within the riparian margins of the wetland areas will be undertaken as part of the Land Covenant requirements. The formal protection will further enhance the health and wellbeing of these areas. Conditions will be imposed in respect to the effects of the activity and these conditions will ensure the ongoing wellbeing of the wetlands and that erosion and sediment levels are controlled post development of the lots. The activity will not result in the loss of extent of the natural inland wetlands and will protect and restore the values of the wetland within the site.

National Policy Statement for Highly Productive Land

The Regional Policy Statement (RPS) identifies the land use capability of the site as 3s1. A Land Use Compatibility Report concluded the soils onsite are in fact LUC 4s2 and therefore not considered highly versatile. Considering the RPS maps identify otherwise, it is worthy to undertake an assessment of the objectives and policies of the NPSHPL.

In regard to Objective 2.1 the variation seeks a reconfiguration to an already approved subdivision. At the time of processing the underlying subdivision, whilst it predates the NPSHPL, soils on site were still assessed as part of the application. At the time no concerns were raised. The variation will see small rural residential allotments concentrated to the west of the site and the remaining area will be the balance lot intended for productive activities. This configuration of the lots will see the balance lot and its intended use maximised as no lots will be located in the middle of it (Policy 1). Policies 2, 3, 4, 5, 6 and 7 is emphasised by the fact that the activity will provide a

superior outcome in terms of management of the land by ensuring the potential of the balanced lot to provide productive use is maximised.

Operative Far North District Plan

There have been no changes to the objectives and policies in the Operative District Plan since the original consent was granted.

Proposed Far North District Plan

The proposed allotment sizes would not be considered consistent with Subdivision Rural Production Zone Chapters. It would be assessed as a Non-Complying activity. Objective SUB-O2 puts emphasis on the protection of highly productive land and in this instance the site is highly productive in respect to the RPS maps whereas a soil report that accompanied the application identified different. However, the reconfiguration of the lots itself will optimise the sites and specifically the balance lots ability for productive activity. SUB-O3 and Policies SUB-P3, SUB-P4, SUB-P5, SUB-P6 are all achieved in respect to the proposed lots abilities to provide for access, infrastructure and onsite services per lot. Policy SUB-P10 is achieved as the reconfiguration of the lots will not adversely affect the rural character and amenity of the surrounding environment.

The subdivision would not be consistent many of the objectives and policies of the Rural Production Zone as a result of the lot sizes not anticipated for by the zone, namely Lots 1 – 6. These lots in particular would not be able to support productive activities however it is noted the Applicant has made it aware that these lots are intended for rural lifestyle living. Objectives RPROZ-O4 and Policy RPROZ-P4 will be achieved as the lots will not deter from the rural character and amenity of the surrounding environment.

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

As assessed above the outcomes sought are different under the operative and proposed plan frameworks. Therefore, it is necessary to consider the weight to be given to each framework and which outcome should prevail.

The PDP has only been recently notified and as such there is potential for change as the plan goes through the statutory process. As such despite the different outcomes anticipated by the PDP little weight is given to these provisions.

6. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. Based on the assessment above the proposed change will be consistent with Part 2 of the Act.

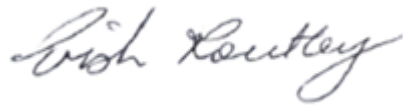
The proposed change will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the proposed change. The proposal remains 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.

8. Overall, for the reasons above it is appropriate for the change(s) [and](#) cancellation(s) of the conditions of consent to be granted.

Approval

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



Name: Patricia (Trish) Routley

Date: 15 November 2024.

Title: Manager Resource Consents

**Complete set of Consent Conditions for 2220161-RMASUB as Amended by
2220161-RMA-VAR/A**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Pt Lot 3 DP 39764, dated May 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a) A drainage easement to provide at least 2m of clearance for stormwater drain to convey water from all culverts, pursuant to Section 220(1)(f) of the Resource Management Act 1991 and shall be endorsed on the survey plan under a Schedule of Memorandum of Easements and shall be duly granted or reserved. The easement shall be in favour of the Far North District Council.

Note: The survey plan may show Lot 7 as incorporating Part Lot 1 DP 42693 and Part Lot 4 DP 39764.

- b) Areas shown as 'E', 'F', 'G', 'H' & 'J' are to be subject to land covenants for wetland protection and area shown as 'D' is to be subject to a land covenant for indigenous vegetation protection.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- a) Submit plans and details of all works for the approval of Far North District Council.

It is to be noted that certain works must be carried out or certified by a Suitably Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds to their assessed competencies.

All plans needing design/certification by Council approved IQP/CPEng will require completion of design producer statement (PS1).

Plans are to include but are not limited to:

- i. Upgrade part of Signal Road, from the intersection with Waiare Road, through to the vehicle crossing for proposed Lot 6 to a 6m wide carriageway consistent with the FNDC Engineering Standards 2023 Tables 3.3 and 3.4 for Access Band 3. The plans shall also include the details for the Signal Road crossing culvert (location between Lot 3 and 4) e.g. grouted rock headwalls, riprap or any other options to avoid scouring at the pipe outlet or erosion of the soil and the recommendations within the Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.
 - ii. Intersection upgrade of Signal Road to Waiare Road in accordance with FNDC Engineering Standard FNDC/S/6B.
 - iii. Vehicle access crossings from Signal Road to Lots 1 to 6 in accordance with Engineering Standards 2023 Sheet 1 Type 1A. Drawings are to show that adequately sized culverts (minimum diameter 375mm) are to be installed under each new crossing with grouted rock headwalls on both ends.

- iv. Erosion and sediment control measures which are to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- a) A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required and shall ensure that the construction work is in accordance with FNDC Engineering Standards and the approved plans and provide a producer statement (PS4) on completion of the works.
 - b) The consent holder will be responsible for the repair and reinstatement of the public roads (Waiare & Signal) carriageway, if damaged as a result of the works and building operations.
 - c) The consent holder shall provide evidence that the existing fence has been relocated and roadside vegetation trimming is to be undertaken at the Waiare Rd/Signal Rd intersection in accordance with the recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442.
 - d) Provide evidence that reflective markers have been installed on the poles and the base of the poles shall be painted white to a height of 2 metres.

Note: This condition applies to the portion of Signal Road being upgraded only.

- e) The consent holder shall provide evidence that a Traffic Management Plan (TMP) has been approved by Councils Corridor Access Engineer and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.
- f) The consent holder's contractor shall provide a producer statement (PS3) on completion of the works to confirm the construction works are in accordance with FNDC Engineering Standards and approved plans.
- g) Provide evidence of the existing stock exclusion fencing along the stream that borders Lot 7.
- h) Provide evidence that boundary planting has been undertaken along the Signal Road frontage of Lots 1, 2, 3, 4 & 6.

Note: It is recommended that prior to planting any vegetation that Top Energy be consulted on the species and location of the vegetation to ensure compliance is achieved with the Electricity (Hazards from Trees) Regulations 2023.

- i) Provide evidence that a caveat in favour of Council has been placed on the Record of Titles of Part Lot 1 Deposited Plan 42693, and Part Lot 4 Deposited Plan 39764 which will preclude further subdivision of these lots for a period of 10 years after the title has been issued for this development. The caveat document will not be required if Lot 7 is expanded to include Part Lot 1 Deposited Plan 42693, and Part Lot 4 Deposited Plan 39764.
- j) Consent holder to provide suitable evidence by way of as-built information, test results and RAMM data that the road upgrade works have been completed in

accordance with the requirements of the FNDC Engineering Standards and Schedule 1D of NZS 4404:2004 are to be submitted to Council on completion.

- k) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- i. No more than two working dogs shall be introduced or kept on the lot at any time.

Prior to the introduction or keeping of any working dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

Two working farm dog(s) as defined in the Dog Control Act 1996 is exempt from this condition if it is:

- (a) micro-chipped,
- (b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- (c) kept in a kennel or tied up at night.
- (d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- (a) A photograph of the dog;
- (b) Written confirmation that the dog has been micro-chipped;
- (c) A plan showing the extent of the dog proof fenced area.

[Lot 7]

- ii. No more than one dog shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up.

Prior to the introduction or keeping of any dog on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the dog;
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

[Lots 1-6]

- iii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, or mustelids).

[All Lots]

- iv. In conjunction with the construction of any dwelling on the lot, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[All Lots]

- v. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner

[All Lots]

- vi. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent, noting the restrictions and recommendations of the Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.

[Lots 1-6]

- vii. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.

Note: Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above-mentioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

For on-site wastewater disposal system:

- The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.
- Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to

Council that the system is operating in accordance with its design criteria.

[Lots 1-6]

- viii. The consent holder shall enter into a maintenance contract with a suitably qualified and experienced person to maintain the wastewater treatment system so that it works effectively at all times. At a minimum, all maintenance shall be in accordance with the recommendations of the Operation and Maintenance Manual prepared by the system supplier.

[All Lots]

- ix. In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change. The details of the on-site retention storage and flow attenuation shall be prepared by a suitable qualified engineer, noting the restrictions and recommendations of the Engineering Report prepared by Haigh Workman, dated September 2024 reference 24 068.

[Lots 1-6]

Advice Notes

1. 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.
2. The site is accessed off an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively the applicant may consider sealing their road frontage to remove the issue.

Lapsing of Consent

3. The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.

Right of Objection

4. 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.