

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 Schedule 4). 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):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

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 Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

JV & MJ Milich Ltd

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

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:

J V and M J Milich Limited

**Property Address/
Location:**

280a Heath Road

Waiharara

Postcode

0486

8. Application Site Details

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

Name/s:	Joe & Marjorie Milich		
Site Address/ Location:	280a Heath Road		
	Waiharara		
		Postcode	0486
Legal Description:	Lot 2 DP161904	Val Number:	
Certificate of title:	NA97C/530		

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.

Please contact Joe to arrange a site 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.

Subdivision proposal to create one additional lot in the Rural Production zone as a Restricted Discretionary Activity.

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.

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

13. 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

13. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No

14. 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)

JV & MJ Milich 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)

Joe Milich

Signature:

(signature of bill payer)

Date

MANDATORY

15. 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.

15. Important information continued...


Declaration

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

Name: (please write in full)

Joe Milich

Signature:

	Date
---	------

As a signatory, I declare that this application is made by electronic means

Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ 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.

Subdivision Resource Consent Proposal

Joseph Milich

280a Heath Road, Waiharara

Date: 14/05/2025

Please find attached:

- an application form for a Subdivision Resource Consent in the **Rural Production** zone under the Operative District Plan; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision requires consent under the Operative District Plan as a **Restricted Discretionary Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

If you require further information, please do not hesitate to contact me.

Regards

Reviewed by



Alex Billot

Resource Planner



Sheryl Hansford

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



1. TABLE OF CONTENTS

1. Table of Contents	2
1.0 Description of the Proposed Activity	5
SUBDIVISION	5
2.0 The site and surrounding environment.....	6
SITE VISIT	7
3. Background	8
TITLE	8
SITE FEATURES	8
4. Activity Status of the Proposal	11
WEIGHTING OF PLANS	11
OPERATIVE DISTRICT PLAN	12
RURAL PRODUCTION ZONE	13
DISTRICT WIDE MATTERS	14
OVERALL STATUS OF THE PROPOSAL UNDER THE OPERATIVE DISTRICT PLAN	16
PROPOSED DISTRICT PLAN.....	16
NATIONAL ENVIRONMENTAL STANDARDS	18
NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011.....	18
NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER 2020.....	18
OTHER NATIONAL ENVIRONMENTAL STANDARDS	19
5. Statutory Assessment	19
SECTION 104C OF THE ACT	19
SECTION 104(1) OF THE ACT	19
6. Environmental Effects Assessment	20
SUBDIVISION	21
PROPERTY ACCESS	21
NATURAL AND OTHER HAZARDS	22
WATER SUPPLY	23
STORMWATER DISPOSAL	23
SANITARY SEWAGE DISPOSAL.....	24
ENERGY SUPPLY & TELECOMMUNICATIONS	24
EASEMENTS FOR ANY PURPOSE	24
PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES	24
ACCESS TO RESERVES AND WATERWAYS	25
LAND USE COMPATIBILITY	25
PROXIMITY TO AIRPORTS.....	25



7. Policy Documents	25
NATIONAL ENVIRONMENTAL STANDARDS	26
<i>NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NESCS)</i>	<i>26</i>
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS</i>	<i>26</i>
NATIONAL POLICY STATEMENTS.....	26
<i>NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022</i>	<i>26</i>
<i>NEW ZEALAND COASTAL POLICY STATEMENT.....</i>	<i>27</i>
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS</i>	<i>27</i>
REGIONAL POLICY STATEMENT.....	27
FAR NORTH OPERATIVE DISTRICT PLAN	27
<i>RELEVANT OBJECTIVES AND POLICIES</i>	<i>27</i>
<i>ASSESSMENT OF THE OBJECTIVES AND POLICIES WITHIN THE SUBDIVISION CHAPTER</i>	<i>28</i>
PROPOSED DISTRICT PLAN.....	35
<i>RURAL PRODUCTION ZONE.....</i>	<i>35</i>
SUMMARY	38
8. Section 125 – Lapsing of consent	38
9. Notification Assessment – Sections 95A to 95G of The Act	38
PUBLIC NOTIFICATION ASSESSMENT	38
<i>STEP 1 MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES.....</i>	<i>38</i>
<i>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES.</i>	<i>39</i>
<i>STEP 3: IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES..</i>	<i>39</i>
<i>STEP 4; PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES</i>	<i>39</i>
<i>PUBLIC NOTIFICATION SUMMARY</i>	<i>40</i>
LIMITED NOTIFICATION ASSESSMENT.....	40
<i>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED.</i>	<i>40</i>
<i>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES.</i>	<i>40</i>
<i>STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED</i>	<i>40</i>
<i>STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES.....</i>	<i>42</i>
<i>LIMITED NOTIFICATION ASSESSMENT SUMMARY</i>	<i>42</i>
NOTIFICATION ASSESSMENT CONCLUSION.....	42
10. Part 2 Assessment	42
11. Conclusion.....	43
12. LIMITATIONS	44



Appendices

- 1. Far North District Council Application Form**
- 2. Certificate of Title – LINZ**
- 3. Scheme Plan – Von Sturmers Surveyors**
- 4. Site Suitability Report – Wilton Joubert**
- 5. Easement Doc C563239.3 – LINZ**
- 6. Easement Doc C906414.4 - LINZ**



Assessment of Environment Effects Report

1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Subdivision

1.1 The proposal is to undertake a subdivision of Lot 2 DP 161904 to create one additional allotment. Proposed Lot 1 will be the smaller allotment and is to contain the existing dwelling and associated outdoor space. Proposed Lot 2 will be the balance lot and will contain the existing farming activities. Lot 2 will also contain the existing private accessway, with rights being provided over this accessway to enable use for Lot 1.

1.2 The proposed lot sizes are as follows:

- Proposed Lot 1 – 8060m² – to contain the existing dwelling
- Proposed Lot 2 – 82.6876ha – balance lot to contain existing farming activities.

Areas and measurements are subject to final survey.

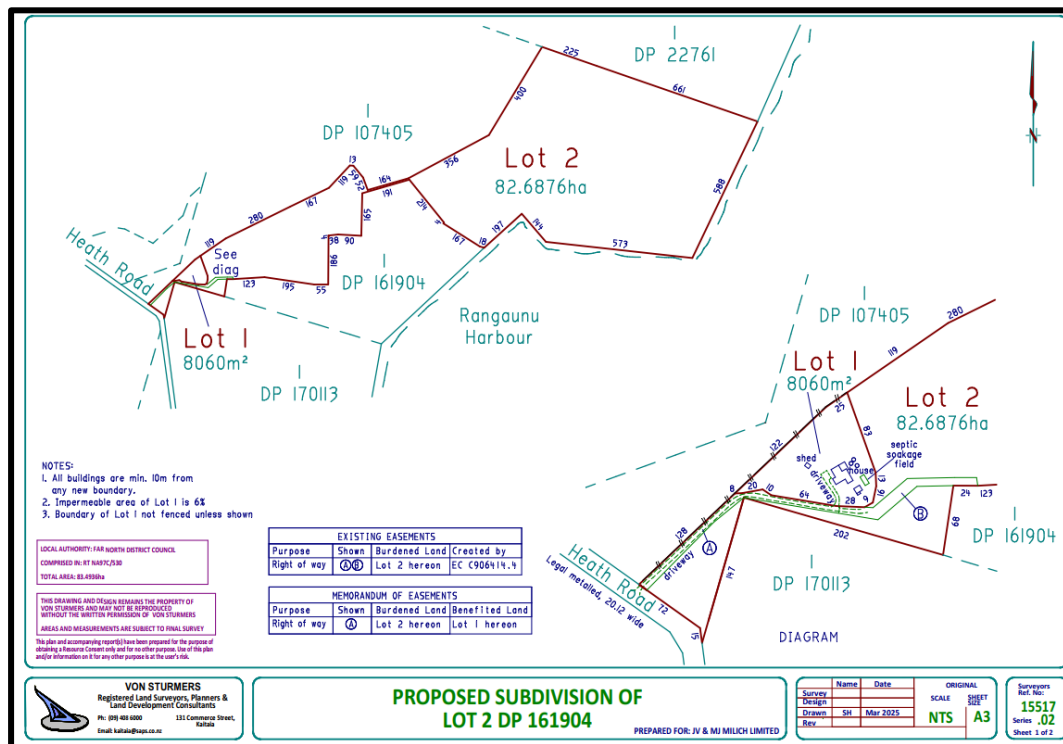


Figure 1: Proposed scheme plan.

1.3 The site is currently 83 hectares in area and is utilised as part of a larger farming unit, with adjoining allotments also held in ownership of the Applicants. The site is split zoned, with the western portion of the site being zoned as Rural Production and the eastern portion being zoned as General Coastal. These two areas are joined by a small slither of land, as can be seen in **Figure 2** below, which creates the image of two separate parcels of land. The proposed subdivision will take place within the portion of the site zoned as Rural Production. The remainder of the Rural Production zoned land as well as all of the land zoned as General Coastal, will be held within the balance lot which will be over 82 hectares in area. Proposed



Lot 1 does not boast any characteristics of a General Coastal zone lot, with the coast not being visible from the lot nor any effects created given the distance of Proposed Lot 1 to the General Coastal zone.

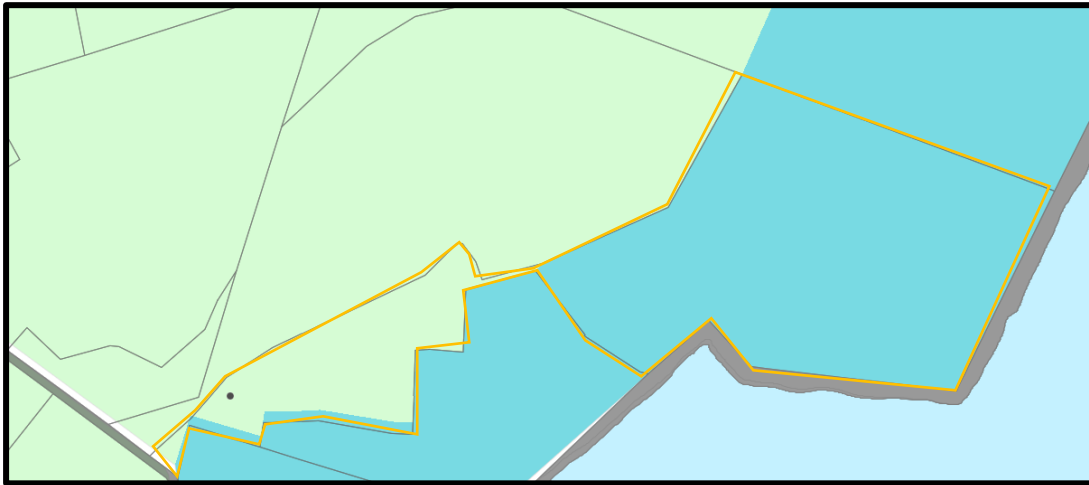


Figure 2: FNDC Zoning Maps showing the zoning of the site.

- 1.4 Given that the smaller lot will be created within the area of the site zoned as Rural Production and the area of the site zoned as General Coastal will remain unaffected, this assessment will only cover the applicable rules within the Rural Production zone. No assessment of the General Coastal zone will be undertaken given there will be no change to this area of the site. It is also noted that this is changed under the Proposed District Plan, with the site being zoned as Rural Production and only a small area of Coastal Environment Overlay nearest to Rangaunu Harbour.
- 1.5 Due to the date of the title being prior to 2000, the proposal is able to comply with the **Restricted Discretionary** provisions for the Rural Production zone.

2.0 THE SITE AND SURROUNDING ENVIRONMENT

- 2.1 The site is located at 280a Heath Road, Waiharara. The site contains an existing dwelling and sheds, with the remainder of the site being utilized as farmland for grazing of livestock. The farm is utilized as part of a larger farming unit with adjoining lots also owned by the Applicant.
- 2.2 An existing private accessway exists which provides access to the dwelling and farming unit as well as an adjoining allotment, Lot 1 DP161904. This accessway will be held in the ownership of Lot 2, with rights for access provided for Lot 1. The existing rights to Lot 1 DP161904 will remain unchanged.
- 2.3 The surrounding environment consists of a mix of allotments, with some being rural lifestyle lots of around 2 hectares to 4 hectares and larger productive lots utilized for grazing of livestock and orchard use which range from 10 hectares to 80 hectares. Rangaunu Harbour is located to the east of the site, with lots adjoining the Harbour zoned as General Coastal.



Rangaunu Harbour is not visible from the existing dwelling on the site due to the large separation distance as well as the rolling topography.



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

Site Visit

2.4 A site visit was completed in April 2025, with a compilation of the photos shown below:



Figure 4: Existing crossing to the site from Heath Road.



Figure 5: Existing private accessway within the site. The haybarn to the left is located on an adjoining allotment, also owned by the Applicant.



Figure 6: Image of the existing dwelling which is located in the distance. The paddocks in this image are within an adjoining allotment, also owned by the applicant.

3. BACKGROUND

Title

- 3.1 Lot 2 DP161904 is held within Record of Title NA97C/530, which is dated 11th October 1995, with a legal area of 83.4936ha. There are no consent notices registered on the title, however there are existing easements.
- 3.2 Easement Certificate C906414.4 established a right of way over part marked A on DP161904. This provides rights of access over the subject site to adjoining Lot 1 DP161904. This follows the existing metalled accessway which leads to Lot 1 DP161904. Rights of use for Lot 1 DP161904 will remain unchanged as part of this proposal.

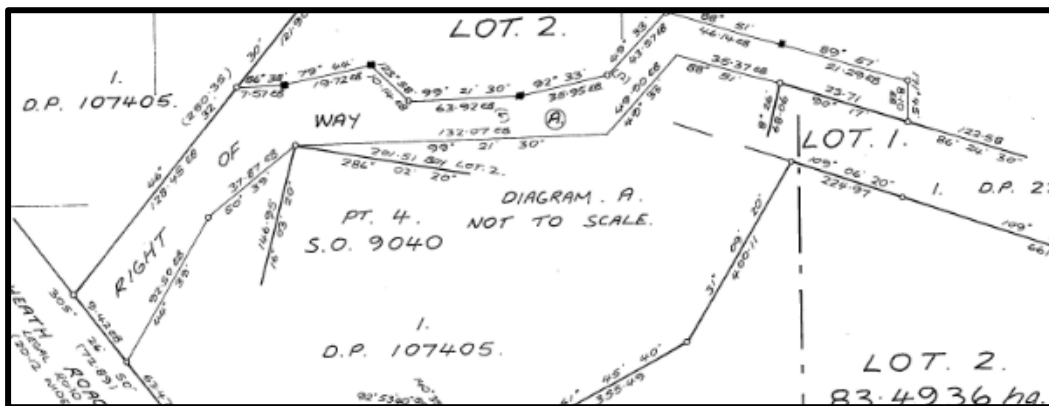


Figure 7: DP161904 depicting existing easements over the subject site.

- 3.3 Easement Certificate C563239.3 provides for the provision of electricity supply over the right of way described above to service Lot 1 DP161904. This will remain unchanged as part of the proposal.

Site Features

- 3.4 As mentioned, the western portion of the site is zoned as Rural Production, with the eastern portion being zoned as General Coastal. Under the PDP, the site is zoned as Rural Production, with the very eastern portion being within the Coastal Environment overlay, as well as a small portion being of Outstanding Natural Character.



Figure 8: Above - ODP Zoning Maps.

Right – PDP Zoning Maps



- 3.5 Given the site's rural location there are no connections to reticulated services such as water supply, wastewater, and stormwater. There is an existing onsite wastewater system servicing the existing dwelling on Proposed Lot 1. Proposed Lot 2 is vacant land and does not contain an existing dwelling or onsite servicing.
- 3.6 NZAA Maps show there are no archaeological sites within the property. There are some archaeological sites on the lots to the south of the site, however none noted within the subject site. Given the development on Lot 1 is existing and Lot 2 is to remain in productive use, the proposal is not anticipated to create any adverse effects on historic sites.

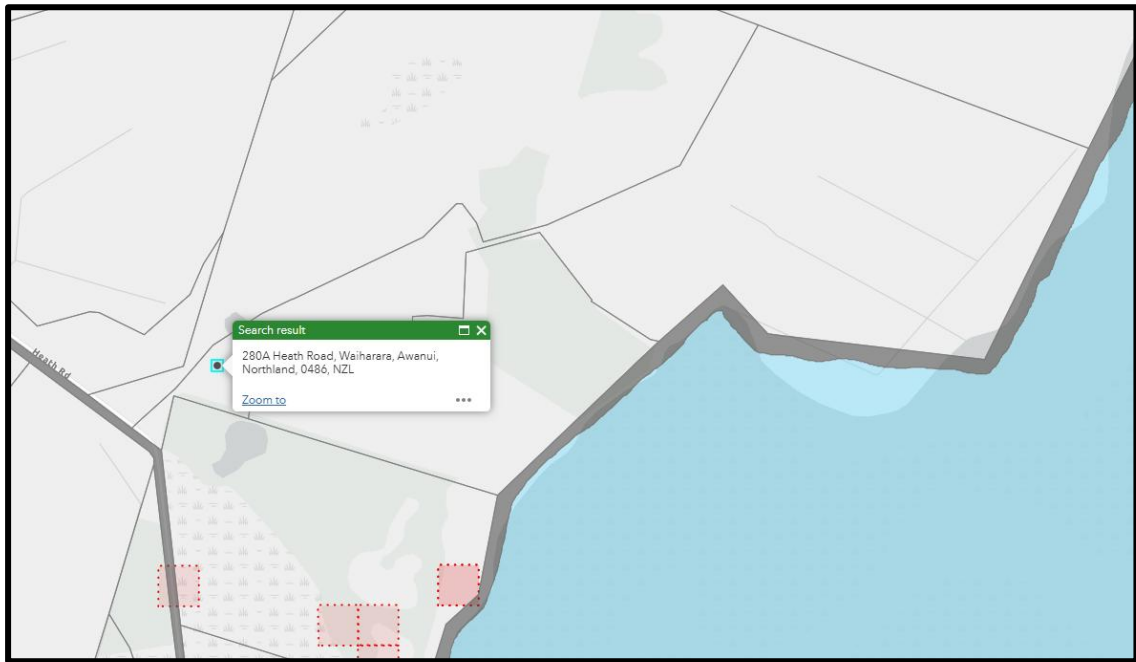


Figure 9: NZAA Maps showing archaeological sites within the surrounding area.

- 3.7 The site is currently utilised as a farming block for livestock. The site is not known to have been utilised for horticultural use in the past nor is the site known to have been used currently or previously for any activities listed on the HAIL.
- 3.8 The site contains soils classified as LUC3 as indicated in **Figure 10** below. Soils classified as LUC3 are considered to be highly productive land within the National Policy Statement for Highly Productive Land (NPS-HPL). As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land, consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses. However, consideration of the effect of the activity on existing land use activities must be provided for. This will be discussed in more detail within this report.



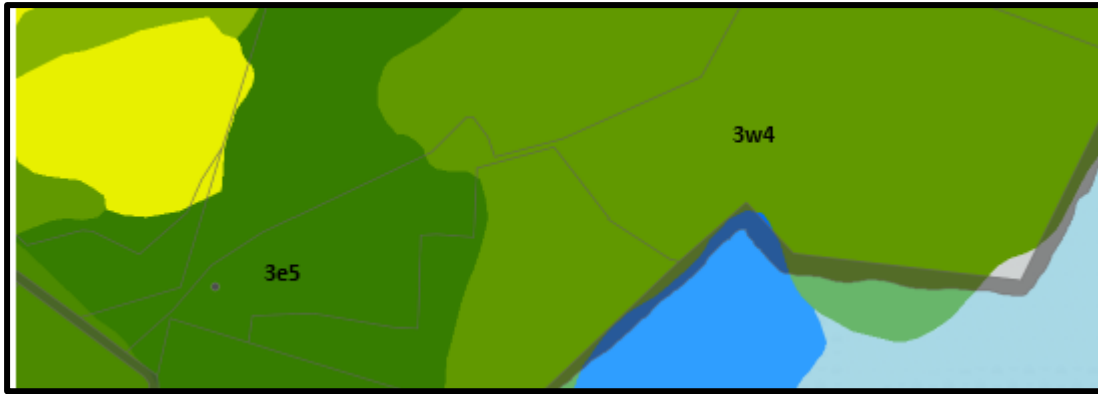


Figure 10: LUC Soil Maps

- 3.9 The site is not shown to contain any areas of PNA or reserves. As mentioned, the site is grazed farmland. There is a swamp area to the south of the site, which adjoins the Rangaunu Harbour. This area is noted as shrubland and wetland and is not known to encroach into the subject site. The site is separated by these features by rolling grazed farmland. The site is not located within or near a kiwi present or high density area.



Figure 11: PNA and Reserves Maps.

- 3.10 There are areas of the site subject to River Flood Hazard as per the NRC Natural Hazard Map in **Figure 12**. The River Flood Hazard is outside of the existing built development within Proposed Lot 1. There will be no physical changes to the site with no additional crossing places or built development proposed. There is ample area within Lot 2 for future built development, if ever developed.



Figure 12: NRC Hazard Maps

- 3.11 With regard to the Regional Policy Statement for Northland the eastern portion of the site which adjoins Rangaunu Harbour is noted as being within the Coastal Environment. This will remain within the balance lot and is considered to remain unaffected by the proposal. The site is not shown to be subject to any areas of Outstanding Landscapes or Natural Features. As mentioned, Kaikino Swamp is located to the south of the site, however, does not encroach into the subject site. The balance lot will continue to be utilised as grazed farmland, such that no adverse effects are anticipated on this area.



Figure 13: NRC RPS Maps.

- 3.12 The site is not located within or near a Statutory Acknowledgement Area. The site is within the rohe of Te Aupōuri and Ngāi Takoto.

4. ACTIVITY STATUS OF THE PROPOSAL

Weighting of Plans

- 4.1. Under the Proposed District Plan, the site is zoned as Rural Production and partially within the Coastal Environment overlay.
- 4.2. The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 4.3. District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.



Operative District Plan

- 4.4. As discussed earlier in this report, the portion of the site where the subdivision will be undertaken is within the Rural Production zone. The eastern part of the site is zoned as General Coastal under the ODP, however this area will remain entirely within the balance lot, with the use of the site remaining unchanged. The balance lot will be over 82 hectares in area. As such, it is considered that the relevant zone to the proposal is the Rural Production zone and no assessment will be made in terms of the General Coastal zone.
- 4.5. The proposal will therefore be assessed against the criteria relevant to the Rural Production zone, including subdivision, zone and district wide rules.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
PERFORMANCE STANDARDS		
Plan Reference	Rule	Performance of Proposal
13.7.1	BOUNDARY ADJUSTMENTS	Not applicable.
13.7.2.1 (i)	MINIMUM LOT SIZES	Restricted Discretionary Activity. The title is dated 1995. The proposal will create one additional allotment of 8060m ² with a balance lot of 82 hectares. The proposal is able to comply with Clause 3 of the Restricted Discretionary Activity provisions, which states ' <i>A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000.</i> '
13.7.2.2	ALLOTMENT DIMENSIONS	Complies Proposed Lot 1 will contain the existing built development. Proposed Lot 2 will be vacant land. Given that Lot 2 will be over 82 hectares, there is considered to be multiple suitable areas for future built development.
13.7.2.3	AMALGAMATION OF LAND IN A RURAL ZONE WITHIN LAND IN AN URBAN OR COASTAL ZONE	Not applicable. The proposal does not include an amalgamation of land.
13.7.2.4	LOTS DIVIDED BY ZONE BOUNDARIES	This rule states that: <i>'Where an allotment is shown on the Zone Maps as having two or more zones applicable, a subdivision along a zone boundary shall be a controlled (subdivision) activity, provided that the resulting lot complies with the minimum controlled activity lot size applicable in that zone except in the General Coastal Zone where subdivision will be assessed as a restricted-discretionary activity and provided that any subdivision of a lot divided by a boundary between the</i>



		<p><i>Minerals Zone and any other zone is a restricted discretionary activity'</i></p> <p>The allotment is shown as having two zones applicable (Rural Production and General Coastal). The proposed subdivision is not along a zone boundary, as the new lot, Proposed Lot 1, will be contained wholly within the Rural Production Zone. The balance lot will continue to partially be within the Rural Production and General Coastal zones.</p> <p>Furthermore, the balance lot will be over 82 hectares in area which complies with the RDA provisions for the General Coastal zone of at least 20 hectares.</p> <p>As such, it is considered that the proposal complies with this rule, as the lot containing the General Coastal zone will be in excess of 20 hectares.</p> <p>As mentioned, as the smaller lot, Proposed Lot 1, will be wholly contained within the Rural Production zone, no further assessment of the General Coastal zone will be made.</p>
13.7.2.5 - 13.7.2.9	Not known to be applicable for this application.	

- 4.6. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone.

Rural Production zone

- 4.7. Proposed Lot 1 is to contain the existing dwelling and associated shed. Proposed Lot 2 will be vacant farmland which contains some existing farm sheds as well as the accessway which will service the proposed lots.
- 4.8. As such, assessment of the proposed lots against the rules contained within 8.6.5.1 of the ODP has been undertaken below.

ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
8.6.5.1.1	RESIDENTIAL INTENSITY	<p>Permitted</p> <p>Proposed Lot 1 will contain the single existing dwelling. There are no other dwellings applicable to this proposal.</p>
8.6.5.1.2	SUNLIGHT	<p>Permitted</p> <p>The existing structures are located over 10 metres from the new proposed boundaries such that the sunlight provisions will be adequately met.</p>



8.6.5.1.3	STORMWATER MANAGEMENT	Permitted Proposed Lot 1 will contain the existing dwelling and shed. The total impermeable surface coverage of Lot 1 has been calculated to be 6% of the total site area which complies with the permitted threshold. Lot 2 will be over 82 hectares and is considered to adequately comply with the permitted threshold.
8.6.5.1.4	SETBACK FROM BOUNDARIES	Permitted. The existing structures are set back in excess of 10 metres from the new boundaries.
8.6.5.1.5	TRANSPORTATION	A full assessment has been undertaken in the table below.
8.6.5.1.6	KEEPING OF ANIMALS	Not applicable.
8.6.5.1.7	NOISE	Not applicable.
8.6.5.1.8	BUILDING HEIGHT	No new buildings sought.
8.6.5.1.9	HELICOPTER LANDING AREA	Not applicable.
8.6.5.1.10	BUILDING COVERAGE	Permitted The building coverage within Lots 1 and 2 is well within 12.5% of the total site area for the lots.
8.6.5.1.11	SCALE OF ACTIVITIES	Not applicable
8.6.5.1.12	TEMPORARY EVENTS	Not applicable.

- 4.9. As such, it is considered that the proposal is **Permitted** in terms of the rules under Section 8.6.5.1 of the Operative District Plan and no further assessment will be made as part of this application.

District Wide Matters

Plan Reference	Rule	Performance of Proposal
14	FINANCIAL CONTRIBUTIONS	Permitted. Lot 2 will adjoin the CMA, however this lot will be over 82 hectares in area and therefore it is not considered applicable to warrant an esplanade strip or reserve. The use of this lot will remain unchanged.
15.1.6A	TRAFFIC	Permitted Activity The proposal will create one additional allotment.



		Lot 1 will contain the existing residential dwelling. The first residential unit on a site and farming activities are exempt from this rule.
15.1.6B	PARKING	Permitted Activity Proposed Lot 1 will contain the existing residential unit which has existing parking areas that will remain unchanged as part of this proposal. Proposed Lot 2 does not contain a residential dwelling. There is ample area for future parking requirements.
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	Permitted. An existing right of way will service both Lots 1 & 2 of this proposal as well as an existing use right for the adjoining Lot 1 DP161904. ROW A, as shown on the scheme plan will therefore service Lots 1 & 2 as well as Lot 1 DP161904 (three users in total), with ROW B servicing Lot 2 and Lot 1 DP161904 (two users in total). As ROW A will be the only private accessway seeing an increase in the numbers of users, only assessment of ROW A will be undertaken as part of this proposal. ROW B will not see a change in the number of users and therefore will not be assessed. Appendix 3B-1 requires that a private accessway within the Rural Production zone which services three HEs, has a legal width of 7.5 metres and a carriageway width of 3 metres with passing bays. As shown on DP161904, the legal width of the right of way is in excess of 7.5 metres. The existing carriageway width is also 3 metres wide. There are currently no provisions for passing bays. As required by 15.1.6C.1.3, one passing bay will be provided at the 100 metre mark along the private accessway ROW A. The proposal is therefore considered to be Permitted in terms of this rule.
15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	Not applicable.
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	Permitted. This rule states that passing bays are required in rural zones at spacings not exceeding 100 metres. This will be provided within ROW A, if required.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	Not applicable.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	Permitted Activity. (a) Proposed Lots 1 & 2 will utilise the existing crossing place to the site from Heath Road. It is considered the crossing is constructed to standard. (b) Heath Road is a metalled road.



		(c) The vehicle crossing will service three properties and as such, the access will be widened to 6 metres for a minimum distance of 6m from the edge of the carriageway.
15.1.6C.1.6	VEHICLE CROSSING STANDARDS IN URBAN ZONES	Not applicable.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	Permitted. (a) The vehicle manoeuvring within Lot 1 will remain unchanged. (b) Not applicable. (c) The sides of the driveway will remain in grass. (d) Stormwater will be managed on site.
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	(a) The site is accessed from Heath Road, which is considered to meet the legal road width standards. (b) Heath Road is considered to be constructed to the required standards. (c) Not applicable. (d) There are no known encroachments of the carriageway into the proposed lots.
15.1.6C.1.9 – 15.1.6C..11 are not applicable to this application		

- 4.10. It is therefore determined that the proposal does not result in any breaches of the District Wide Rules.

Overall status of the proposal under the Operative District Plan

- 4.11. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone as per the requirements within 13.7.2.1(i).

Proposed District Plan

- 4.12. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility. HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Māori. HS-R6 relates to a hazardous facility within an SNA. HS-R9 relates to a hazardous facility within a scheduled heritage resource.	Not applicable. The site does not contain any hazardous substances to which these rules would apply.



Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable. The site is not located within a Heritage Area Overlay.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site does not contain any areas of historic heritage.
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any notable trees.
Sites and Areas of Significance to Māori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect.	Not applicable. The site does not contain any sites or areas of significance to Māori.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable. The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Not applicable. The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13	Permitted. Any earthworks will proceed under the guidance of an ADP



	<p>The following standards have immediate legal effect: EW-S3, EW-S5</p> <p>As stated above the mapping system records the subject site as containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.</p>	<p>and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.</p>
Signs	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p>Not applicable. No signs are proposed as part of this application.</p>
Orongo Bay Zone	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p>Not applicable. The site is not located in the Orongo Bay Zone.</p>

- 4.13. The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 4.14. The subject site is considered to be a productive block utilized for the grazing of livestock. There are sheds located on the site utilised for storage of farming equipment, which will remain as part of the larger balance lot. The site is not known to have been utilised for horticultural use in the past. As such, the application has been considered **Permitted** in terms of this regulation.

National Environmental Standards for Freshwater 2020

- 4.15. NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management are met.
- 4.16. Kaikino Swamp is located to the south of the site, which is shown to include some wetland areas. The proposal will not alter the built development within the lots, with the proposal resulting in the existing use of the site remaining. As such, it is considered that the proposal



will not create any adverse effects on the wetland areas within the surrounding environment and will not alter any hydrological connections with the wetland areas. The proposal does not involve works within river beds nor will the proposal alter any fish passage.

- 4.17. As such, it is considered that the proposal is **Permitted** in terms of this regulation.

Other National Environmental Standards

- 4.18. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

5. STATUTORY ASSESSMENT

Section 104C of the Act

- 5.1. Section 104C governs the determination of applications for Restricted Discretionary Activities. When considering an application for resource consent, a consent authority must consider only those matters over which a discretion is restricted in national environmental standards or other regulations, or it has restricted the exercise of its discretion in its plan or proposed plan. The consent authority can grant or refuse the application. If the application is granted, the consent authority may impose conditions under Section 108 only for those matters listed above.

Section 104(1) of the Act

- 5.2. Section 104(1) of the Act 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 for 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 reasonable necessary to determine the application.’

- 5.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). The proposal is considered to have actual and potential effects that are acceptable. The proposal is to subdivide the site to create an independent title around the existing dwelling, whilst maintaining a large balance lot which



can contain the existing farming activities. The result of the subdivision is not considered to impact the existing productive use of the site. The proposal is considered to result in a superior outcome given the built development is existing and the existing productive use of the site can remain.

- 5.4. 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'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. It is considered that all effects can be managed within the proposed lot boundaries. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Production zone.
- 5.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.
- 5.6. 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.

6. ENVIRONMENTAL EFFECTS ASSESSMENT

- 6.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 6.2. The proposal is considered to be a Restricted Discretionary activity as per rule 13.8.1. In considering whether to impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters listed in 13.8.1 & 13.7.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

Subdivision within the Rural Production Zone

- 6.3. As per Section 13.8.1 of the District Plan, in considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:
 - *effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*



- *effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;*
- *effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*
- *the mitigation of fire hazards for health and safety of residents.*

6.4. The very eastern portion of the site is located within the coastal environment, where the site adjoins Rangaunu Harbour. This area will remain within the balance lot and as such, the natural character of the coastal environment will remain unchanged. The use of the site within this area will remain as is.

6.5. The site is not located within 500 metres of land administered by DOC.

6.6. The proposal is not considered to have any effects on areas of significant indigenous flora or habitats of indigenous fauna. The proposal will create lots which can adequately manage effects within the proposed lot boundaries. The lots themselves do not contain any known areas of indigenous vegetation or indigenous fauna.

6.7. Proposed Lot 1 will contain the existing built development, with Proposed Lot 2 to remain in productive use. The proposal is not considered to exacerbate fire hazards for the health and safety of residents given the use of the land will remain unchanged.

Subdivision

6.8. In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters listed in 13.7.3.

PROPERTY ACCESS

6.8.1. The proposed lots will utilise the existing access to the site. The existing crossing place will be utilised and is considered to meet Councils standards. The proposal will not alter the users of the crossing place given the dwelling on Lot 1 is existing and Lot 2 will remain in productive use. Therefore, the number of users of the crossing place is not considered to be altered as a result of this proposal.

6.8.2. The same can be said for the internal private accessway. The dwelling is existing on Lot 1 and as such, the number of users of the private accessway will not physically increase. Nonetheless, Appendix 3B-1 requires passing bays not exceeding more than 100 metre spacings on private accessways servicing three allotments. If a passing bay is determined to be required within ROW A, this can be provided as a condition of consent.

6.8.3. The existing accessway and crossing place are considered fit for purpose and the proposal is not considered to create any adverse effects in terms of access.





Figure 14: Existing crossing place from Heath Road.



Figure 15: Existing private accessway.

6.8.4. An assessment of Chapter 15 was made in Section 4 of this report, which found that the proposal meets the permitted standards.

NATURAL AND OTHER HAZARDS

6.8.5. There are some low-lying areas within Lot 2 which are shown to be susceptible to coastal and/or river flood hazards. Lot 1 is not shown to have areas susceptible to coastal or river flood hazards.

6.8.6. It is the intention that Lot 2 remains in productive use which is evident given the lot size is over 82 hectares. Therefore, the proposal will not change what is currently in existence and given the existing use of the land, the river flood hazards are not considered to adversely affect the site for the purpose of subdivision. There is ample area within Lot 2 outside of the flood hazard areas where future built development could be contained. No other hazards are considered applicable to the site.

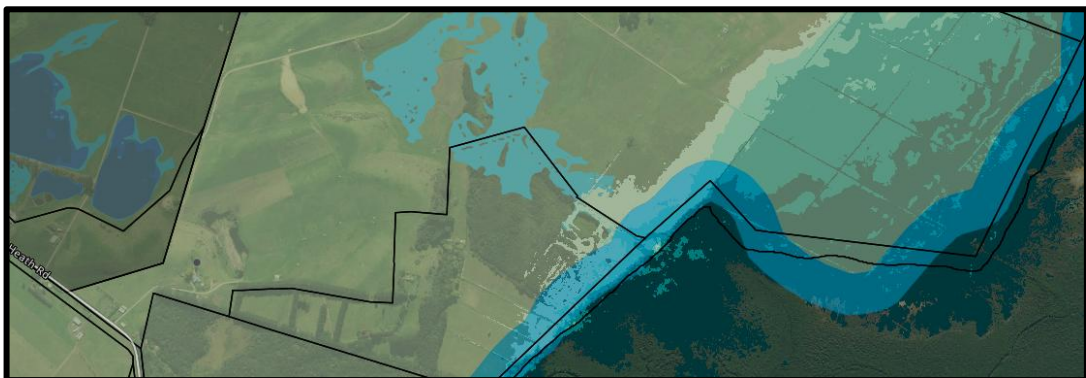


Figure 16: NRC Hazard Maps.



6.8.7. In terms of Section 106 of the Act, the likelihood of natural hazards occurring is low. No material damage is expected, and the proposal is not considered to accelerate or worsen natural hazards, given that the proposal will provide a rural lifestyle allotment around the existing dwelling, which is not shown to be susceptible to flood hazards and the areas of the site which are shown to be susceptible to flood hazards are contained within the larger balance lot which will remain in productive use. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision consent.

WATER SUPPLY

6.8.8. Proposed Lot 1 contains the existing dwelling and provision for water supply will be by way of collection of rainwater into water tanks onsite.

6.8.9. Proposed Lot 2 will be utilised as productive land and has existing water supply via the farm provisions on site.

STORMWATER DISPOSAL

6.8.10. Lot 1 contains existing impermeable surfaces which equate to 6% of the total site area. Wilton Joubert (WJ) have completed a Site Suitability Report (SSR) for the proposal and recommend that runoff from the existing roof areas continues to be captured by a gutter system and directed to the potable water tanks. A dispersal device is to be installed for overflow from the existing tanks. An indicative location has been shown within the plans attached with the SSR. This requirement is anticipated to be a condition of consent on the decision document.

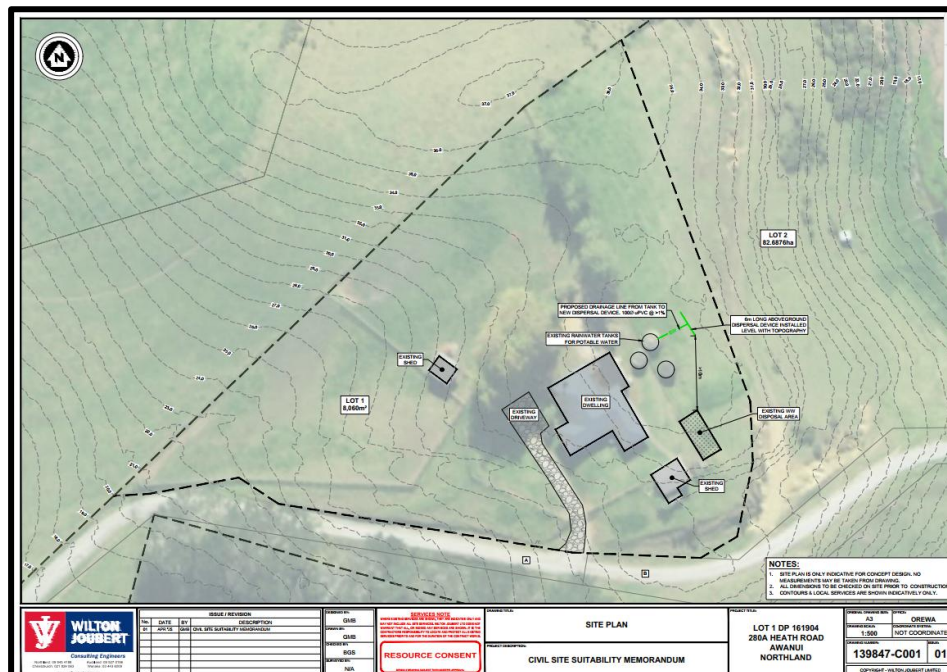


Figure 17: WJ Site Plan.

6.8.11. Lot 2 is vacant farmland which will remain unchanged. Lot 2 is over 82 hectares in area and as such, stormwater will continue to be managed on site via existing measures.



6.8.12. It is therefore considered that the proposed allotments can manage stormwater runoff within the lot boundaries, without creating adverse effects on the surrounding environment or adjoining sites.

SANITARY SEWAGE DISPOSAL

6.8.13. Council's infrastructure is not available to this rural site.

6.8.14. Proposed Lot 1 contains the existing dwelling, which is serviced by an existing wastewater system. The existing system is located within the new boundaries for Lot 1 which is shown above. The applicant has advised that the tank has been cleaned regularly.

6.8.15. Due to Lot 2 not intended to be utilised for built development and given the area of the lot is over 82 hectares, no assessment of this lot in terms of sanitary sewage disposal is considered necessary. If a building which is to contain facilities requiring an onsite wastewater system (such as a shed with a toilet), it is considered that the requirement for a TP58 will be triggered at the time of building consent for such a structure. No conditions in relation to wastewater for the proposed lots are anticipated.

ENERGY SUPPLY & TELECOMMUNICATIONS

6.8.16. The provision for power supply and telecommunications is not a requirement for the Rural Production zone.

6.8.17. The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.

EASEMENTS FOR ANY PURPOSE

6.8.18. As discussed earlier in this report, there are existing easements to provide rights for access and electricity supply over the subject site to the adjoining Lot 1 DP161904. This will remain unchanged. Provision for rights of access will also be provided to Proposed Lot 1 over the existing internal accessway. The standard consent notice requiring all easements to be granted at s223 stage is anticipated to be issued on the decision document.

PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

6.8.19. The subject site does not contain any notable trees, historic sites, building or objects. The site is not known to contain any sites of historical or cultural significance. The site is not shown as containing an Outstanding Natural Feature or Landscape Feature. There are no archaeological sites listed on the property. The site is not shown to contain any areas of PNA or protected indigenous vegetation. The site is not located within a kiwi present or high density area.

6.8.20. The site does adjoin the Ranagunu Harbour along the eastern boundary, however this will remain as part of the balance lot, with the use of this portion of the site remaining unchanged compared to what is currently in existence.



- 6.8.21. Given the built development is existing on the site and this is to remain unchanged as part of the proposal, it is therefore considered that the proposed subdivision does not have any adverse effects on any indigenous vegetation or fauna habitats, heritage resources or landscapes.

ACCESS TO RESERVES AND WATERWAYS

- 6.8.22. The site does not have any access to public reserves, waterways or esplanade reserves. The site does adjoin the Rangaunu Harbour along the eastern boundary, however this lot will be over 82 hectares in area and therefore an esplanade reserve or strip is not considered applicable. It is therefore considered that the provision for public access is not applicable to this proposal.

LAND USE COMPATIBILITY

- 6.8.23. The site and surrounding allotments are zoned Rural Production, with lots closer to Rangaunu Harbour zoned as General Coastal. The lot sizes vary from smaller rural lifestyle allotments of less than 4 hectares to larger productive lots in excess of 20 hectares. The typical land use is productive lots which contain a residential dwelling or vacant lots utilised for productive activities. The proposal will see the existing dwelling on the site subdivided off from the remainder of the farming unit. This will enable a large balance lot which can contain the existing farming activities. The proposal will ultimately not change the current use of the site. The larger balance lot will wrap around the smaller Lot 1, which will ensure that the use of the site where it adjoins neighbouring allotments, will remain unchanged as the existing farming activities can continue within the balance lot. The proposal is not considered out of character within the surrounding environment.
- 6.8.24. Given that the proposal will ultimately not change the use of the site and the dwelling is existing on Lot 1, it is considered that the proposal is compatible with activities in the surrounding environment.
- 6.8.25. The proposal will not alter the existing use of the site such that no effects from reverse sensitivity are anticipated. The physical traits of the land will remain with only the boundaries being altered.
- 6.8.26. It is therefore considered that the proposal is not objectionable with lots in the surrounding environment and does not set a precedence given it is an application enabled as a Restricted Discretionary activity within the plan and lots of similar size and land use activities are already present in the surrounding environment.

PROXIMITY TO AIRPORTS

- 6.8.27. The subject site is not located in close proximity to any airport boundaries.

7. POLICY DOCUMENTS

- 7.1. In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.



National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- 7.2. In terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES), it is considered that the proposal does not trigger the requirement for investigation under the NES as detailed within Section 4 of this report.

Other National Environmental Standards

- 7.3. No other National Environmental Standards are considered applicable to this development.

National Policy Statements

- 7.4. There are currently 8 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- New Zealand Coastal Policy Statement.
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat

- 7.5. The NPS for Highly Productive Land and New Zealand Coastal Policy Statement are considered applicable to this proposal, which will be assessed below.

National Policy Statement for Highly Productive Land 2022

- 7.6. As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land (NPS-HPL), consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses. However, consideration of the effect of the activity on existing land use activities must be provided for.
- 7.7. As has been discussed within this report, no reverse sensitivity or incompatible land uses are anticipated. The proposal will result in lots consistent with the surrounding environment and the Rural Production zone in general. Lot 1 will contain the existing dwelling and is capable of managing wastewater and stormwater within the proposed lot boundaries such that no downstream effects are anticipated. Lot 2 will be the balance lot which will contain the existing productive activities. No additional access points will be required. Given that the proposal is creating lots of similar size to those in the surrounding environment, and the development on site is existing, no reverse sensitivity effects are anticipated.
- 7.8. As such, it is considered that the proposal will not create any reverse sensitivity effects or incompatible land uses and is consistent with the productive intent for the zone.



New Zealand Coastal Policy Statement

- 7.9. The New Zealand Coastal Policy Statement 2010, is relevant to the application as the subject site is partially located within the Coastal Environment under the NRC Regional Policy Statement.
- 7.10. The proposed will not alter the land within the coastal environment as this will remain as part of the larger balance lot, which will be over 82 hectares in area and remain as farmland. The dwelling on Lot 1 is existing and is not visible from the coastal environment due to the large separation distance of over 650 metres as well as the existing topography and natural features which separate the two. The proposal will not alter the existing use of the site, with the physical traits and use remaining unchanged. With the larger balance lot remaining and the existing use being able to continue, the proposal is considered to safeguard the integrity, form, functioning and resilience of the coastal environment. Natural character of the coastal environment is not anticipated to be affected due to the nature of the proposal. The proposal is considered to enable social, cultural and economic wellbeing by providing an additional allotment around the existing dwelling for the applicants family to reside in, whilst enabling a large balance lot to continue the existing farming activities. There are some areas of the site shown to be susceptible to coastal and flood hazards; however these will be held within the balance lot and do not affect the existing built development within Lot 1. The proposal is not anticipated to exacerbate natural hazards nor have any adverse effects on the downstream environment. It is therefore concluded that the proposal is consistent with the objectives and policies of the NZCPS.

Other National Environmental Standards

- 7.11. It is considered that there are no National Policy Statements applicable to this proposal.

Regional Policy Statement

- 7.12. The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.
- 7.13. The proposal will result in the dwelling being subdivided off from the larger farming unit, whilst not affecting the productive capacity of the subject site. No effects on ecosystems and biodiversity are anticipated as has been discussed throughout this report.
- 7.14. It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.

Far North Operative District Plan**Relevant objectives and policies**

- 7.15. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create



no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area, as development is existing. The proposal is considered to be consistent with the objectives and policies of the Plan.

7.16. The below assessment will cover the relevant objectives and policies within the FNDC ODP.

Assessment of the objectives and policies within the Subdivision Chapter

7.17. The following assessment is based upon the objectives and policies contained within Sections 13.3 and 13.4 of the District Plan.

Objectives

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

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

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

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

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

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

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

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

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

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

13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.



7.17.1. The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for a Restricted Discretionary Activity. The proposed new allotments will enable *farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other*. The subdivision is not considered to compromise the life supporting capacity of air, water, soil or ecosystems as the proposal will create allotments where all effects can be managed within the site boundaries. No reverse sensitivity effects are anticipated as has been discussed in detail within this report. The proposal is not considered to create or accelerate natural hazards, as what is currently in existence will remain unchanged with no new access points or building envelopes proposed. The portion of the site located within the coastal environment will remain within the larger balance lot, with no change of use proposed. There are no known heritage resources within the site or in close proximity. Onsite water storage is existing for Lot 1 and will remain unchanged. Water storage for Lot 2 is not considered applicable given the use of this lot will be for farming use, where existing provisions for water supply remain. The proposal will result in a superior outcome as the proposal will see a small area of land subdivided from the balance of the farm, whilst not affecting the productive use of the larger farming unit. The relationship of Māori and their ancestral lands are not anticipated to be affected. Electricity supply has not been a consideration of this application. Built development on Lot 1 is existing and no new built development on Lot 2 is anticipated. Access will remain unchanged. The site is not within the National Grid.

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- *natural character, particularly of the coastal environment;*
- *ecological values;*
- *landscape values;*
- *amenity values;*
- *cultural values;*
- *heritage values; and*
- *existing land uses.*

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

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

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

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of



indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

- (a) result in increased demands on car parking associated with non-residential activities; or*
- (b) result in increased demand for esplanade areas; or*
- (c) involve adverse effects on riparian areas; or*
- (d) depend on the assimilative capacity of the environment external to the site.*

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

13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.

13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.

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

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

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*



(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

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

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

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

(c) encouragement of pedestrian and cycle use;

(d) access to alternative transport facilities;

(e) domestic or community renewable electricity generation and renewable energy use.

13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:

(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;

(b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and

(c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.

7.17.2. The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage or existing land uses. Vehicular access will remain unchanged. Natural hazards have been discussed within this report, with no adverse effects anticipated. Connection to utility services is not a requirement of the Rural Production zone. No adverse effects are anticipated on neighbouring property, public roads and the natural and physical resources of the site. No vegetation removal is proposed as part of this application. The site is not known to contain any heritage resources, significant indigenous vegetation or habitats of fauna. The eastern portion of the site is shown to be within the coastal environment as well as adjoin the CMA, however this portion of the site will remain within the balance lot and the use will remain unchanged. Financial contribution is not considered necessary in this case. Water storage is existing for Lot 1. Bonus development and recipient areas are not considered relevant. The site is not located within the conservation area. The proposal is not considered to affect the relationship of Māori and their culture and traditions. NZAA maps do not show any archaeological sites within the subject site. The proposal is not considered to be an intensive subdivision, and a management plan is not considered relevant.

7.17.3. In regard to Policy 13.4.13, the proposal can comply with the RDA provisions for the zone. No effects on natural character or its elements are anticipated. No vegetation clearance is proposed as part of this application. No new built development is anticipated given the nature of the proposal. The balance lot does adjoin the CMA however the use of this area of the site



will remain unchanged as well as being held within the 82 hectare balance lot. The relationship of Māori with their culture, traditions and taonga are not anticipated to be affected. No planting of indigenous vegetation is proposed due to the existing use of the lots and the fact that this will not enhance any links. The site is not known to contain any areas of historic heritage. Natural hazards are not anticipated to be exacerbated as has been discussed throughout this report.

- 7.17.4. The objectives and policies of the Rural Production Environment will be undertaken below. Due to the proposal meeting the RDA provisions for the zone, it is considered consistent with the intent of the zone. No additional built development is anticipated however Lot 2 is of ample area to accommodate future built development. The proposal is not located within the National Grid.

Assessment of the objectives and policies within the Rural Environment

- 7.18. The following assessment is based upon the objectives and policies contained within sections 8.3 and 8.4.

Objectives

8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.

8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.

8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.

8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna

8.3.5 To protect outstanding natural features and landscapes.

8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.

8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.

8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

8.3.9 To enable rural production activities to be undertaken in the rural environment.

8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.

- 7.18.1. The proposal will promote the sustainable management of natural and physical resources as the productive use of the farming unit will remain. The life supporting capacity of soils is not considered to be compromised as has been discussed within this report. No adverse or cumulative effects are anticipated. The site does not contain any areas of significant vegetation nor any areas of outstanding natural features or landscapes. Conflicts between land use activities are not anticipated as the surrounding environment already contains allotments which are utilised for similar activities. The maintenance and enhancement of the amenity values of the zone will be promoted as the proposal can comply with the RDA



provisions for the zone and is therefore considered to be anticipated within the zone. Management plans are not considered applicable to this low-density development. Rural production activities can continue within the site and surrounding environment. Amenity values will be maintained.

Policies

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.

8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.

8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).

8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.

8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.

8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.

- 7.18.2. The proposal promotes the sustainable management of natural and physical resources by utilizing the land in a more efficient way. Furthermore, the proposal will see the productive capacity of the farming unit within Lot 2, remain. The proposal is not considered to create any adverse effects. No new infrastructure is proposed. The site does not contain any outstanding landscapes or features. Amenity values will be maintained. No incompatible land uses are anticipated nor any reverse sensitivity effects, as has been discussed in detail within this report. The site is not known to contain any areas of significant indigenous vegetation or fauna. No additional traffic movements are anticipated given the nature of the proposal. The intensity, scale and type of the proposal is considered to be consistent with other lots in the area and no adverse effects are anticipated. The proposal is considered to have a functional



need as it will maintain the productive capacity of the balance lot whilst providing a rural lifestyle allotment which is of high demand in the area. No cumulative effects are anticipated.

Assessment of the objectives and policies within the Rural Production Zone

- 7.19. The following assessment is based upon the objectives and policies contained within sections 8.6.3 and 8.6.4

Objectives

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

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural environment to a level that is consistent with the productive intent of the zone.

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

8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

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

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

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

- 7.19.1. The proposal will promote the sustainable management of natural and physical resources as the existing productive use of the balance lot will remain in production use. Social, economic and cultural well-being will be promoted by providing lots which can provide productive use to the owners whilst still being able to be easily maintained. Amenity values will be maintained. Significant natural values will be maintained. The site is not located along Kerikeri Road. No potential conflicts between land use activities are anticipated given the existing use of the site will remain unchanged. No incompatible use or development is anticipated. No establishment or operation of activities or services is anticipated given what is in existence will remain. Rural production activities will continue to be undertaken.

Policies

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

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



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

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

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

8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

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

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

- 7.19.2. Farming and productive activities will be maintained and enhanced. No off-site effects are anticipated. No adverse effects are anticipated. Amenity values will be maintained and enhanced. Physical and natural resources have been taken into account. The site is not located along Kerikeri Road. No conflicting land use activities are proposed. No reverse sensitivity effects are anticipated.

Proposed District Plan

- 7.20. Under the Proposed District Plan, the site is zoned Rural Production, and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Rural Production Zone

- 7.21. An assessment on the relevant objectives and policies within the Rural Production Zone has been addressed below.

Objectives

RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-O3 - Land use and subdivision in the Rural Production zone:



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

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

- 7.21.1. The proposal is considered to enable primary production activities and will enable this to be provided for future generations. The proposal is considered to protect HPL by enabling lots which can continue the existing productive activities. No reverse sensitivity effects are anticipated. Natural hazards are not anticipated to be exacerbated. No additional onsite infrastructure is proposed, with the existing infrastructure remaining.

Policies

RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:

- (a) enabling primary production activities as the predominant land use;*
- (b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

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

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

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

RPROZ-P5 - Avoid land use that:

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;*



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

RPROZ-P6 - Avoid subdivision that:

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

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

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

7.21.2. Each proposed lot is of a size where some form of rural productive activity can be accommodated within each lot. The proposal is not considered to create any new sensitive activities as the anticipated intended use of the lots are already existing within the surrounding environment. The rural character and amenity are considered to be maintained as the proposal will provide allotments which will enable current and any future owners to



live and produce on the land. The proposal is considered to be of low density as there is ample area to offset building coverage and impermeable surface coverage within the lots. Due to the existing activities in the surrounding environment and the fact that Lot 1 already contains built development, effects from odour, noise and dust associated with the rural working environment are not anticipated. The proposal will enhance the diverse range of character and amenity values by providing lots which current and future owners can live on as well as provide additional income or additional food source (such as vegetable gardens, livestock, rearing horses), increasing the economic and social aspects of the area. The proposal is considered to be consistent with the purpose, character and amenity of the Rural Production zone as has been discussed throughout this report. There is a functional need for the lots in the area and zone in general. Natural hazards are not anticipated to be exacerbated. No loss of HPL is anticipated. Some form of farming activities can be undertaken within each of the allotments, which will increase the productive use of the land. Scale and character are consistent with the surrounding environment. No reverse sensitivity effects are anticipated. The new lot is not located at a zone interface. Infrastructure is existing for Lot 1 with no new infrastructure anticipated for Lot 2 given the nature of the proposal. Access will remain unchanged with no additional traffic movements anticipated. No effects on historic heritage, cultural values, natural features or landscape and indigenous biodiversity are anticipated. The proposal is not considered to affect any historical, spiritual or cultural association held by Tangata Whenua.

Summary

- 7.22. The above assessment demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

8. SECTION 125 – LAPSING OF CONSENT

- 8.1. The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five-year provision be applied in this case.

9. NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

Public Notification Assessment

- 9.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified:



*(b) public notification is required under section 95C:
(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

- 9.1.1. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances.

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity:

(ii) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

(iv) [Repealed]

(6) [Repealed]

- 9.1.2. The application is for a Restricted Discretionary activity but not a boundary activity. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

Step 4: Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.



- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision within the rural environment where only one additional allotment will be created around the existing dwelling, with a large balance lot remaining, which is considered as neither exceptional nor unusual.

Public Notification Summary

- 9.1.5. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

Limited Notification Assessment

- 9.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

Step 1: Certain affected groups and affected persons must be notified.

(2) Determine whether there are any—

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

(a) whether the proposed activity is 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; and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

- 9.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application.

Step 2: Limited notification precluded in certain circumstances.

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 9.2.2. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

Step 3: Certain other affected persons must be notified

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application.



The proposal is not for a boundary activity nor is it a prescribed activity.

The proposal is not for a boundary activity.

In deciding who is an affected person under section 95E, a council under section 95E(2):

(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in.

9.2.3. A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval.

9.2.4. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on, and the following comments made:

- The size of the proposed allotments is consistent with the character of the allotments in the locality. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
- The proposal is not considered to create any reverse sensitivity effects.
- The proposal has been assessed as a Restricted Discretionary Activity and is therefore considered to be anticipated by the plan.
- There will be no change in built development, given the existing use of the sites will remain as well as no additional access points being required. What is physically in existence, as seen by the public, will remain unchanged.
- The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

9.2.5. Therefore, no persons will be affected to a minor or more than minor degree.

9.2.6. Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.



Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

- 9.2.7. The proposal is to subdivide the site to create an independent title around the existing dwelling whilst ensuring the productive use of the farming unit can remain. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

- 9.2.8. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

- 9.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

10. PART 2 ASSESSMENT

- 10.1. 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.
- 10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 10.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The eastern portion of the site is located within the coastal environment, however this will remain within the balance lot as a result of the proposal and no change of use within this portion of the site is anticipated. The proposal is not considered to adversely affect any areas of lakes, rivers, wetlands or the CMA. The site does not contain any areas of Outstanding Natural Features and Landscapes nor any indigenous vegetation. Public access is not considered applicable to this proposal. The site is not known to contain any areas of cultural significance and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The site is not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal does not increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.



- 10.4. 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, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

11. CONCLUSION

- 11.1. The proposal is to undertake a subdivision as a Restricted Discretionary Activity, where an independent title will be created around the existing dwelling, with a large balance lot containing the existing farming activities. The proposal will not create any reverse sensitivity effects on existing land use activities in the area.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.
- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Restricted Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104C, 105 and 106 of the Act in relation to Restricted Discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.



12. LIMITATIONS

- 12.1. 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.
- 12.2. 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.
- 12.3. 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.
- 12.4. 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.





**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

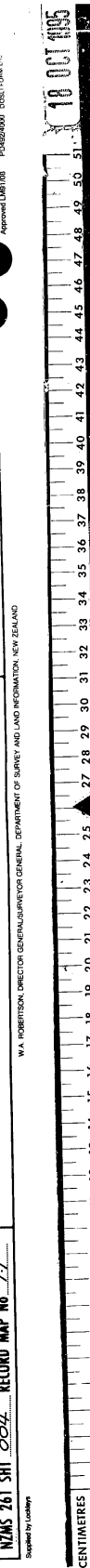
Identifier **NA97C/530**
Land Registration District **North Auckland**
Date Issued 11 October 1995

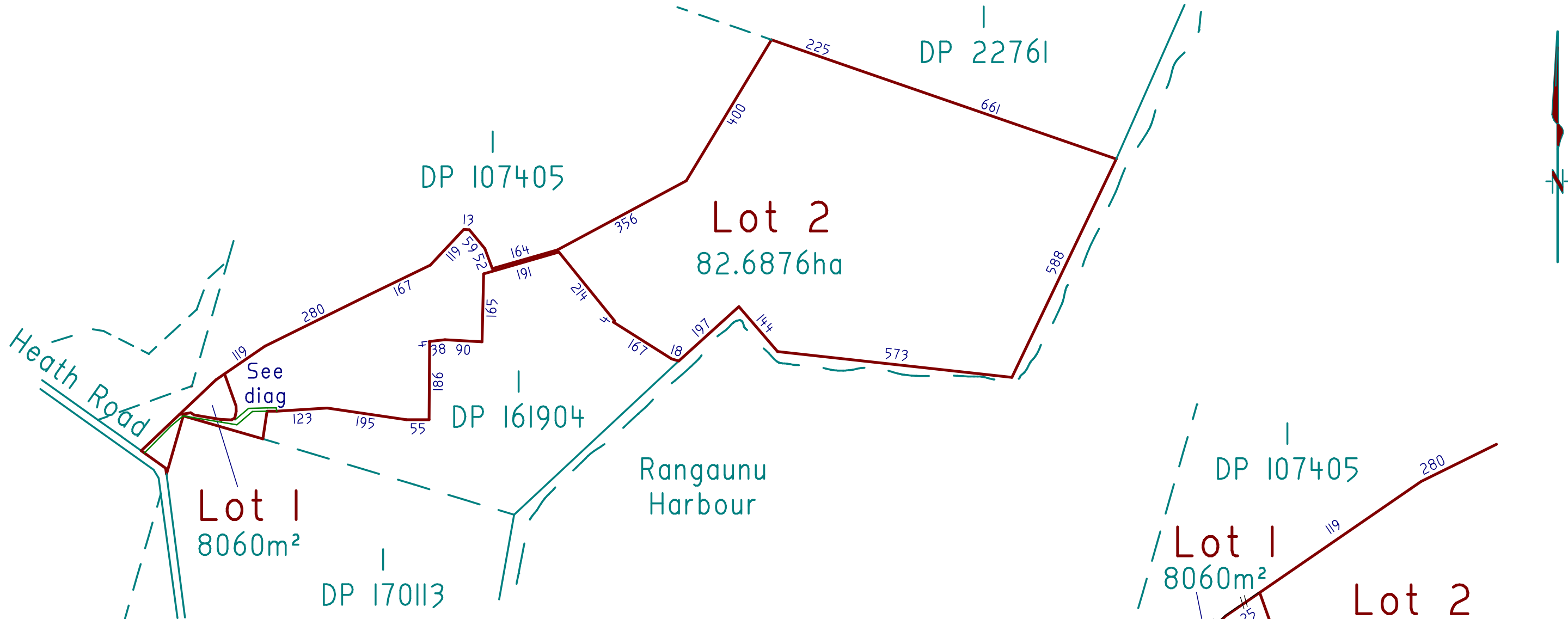
Prior References
NA59D/896

Estate Fee Simple
Area 83.4936 hectares more or less
Legal Description Lot 2 Deposited Plan 161904
Registered Owners
J V and M J Milich Limited

Interests

Subject to Section 59 Land Act 1948 (affects part)
Appurtenant hereto is a electric power supply right specified in Easement Certificate C563239.3
Subject to a right of way over part marked A on DP 161904 specified in Easement Certificate C906414.4 - 11.10.1995 at 1.03 pm
The easements specified in Easement Certificate C906414.4 are subject to Section 243 (a) Resource Management Act 1991
6563840.8 Mortgage to ANZ National Bank Limited - 7.9.2005 at 9:00 am





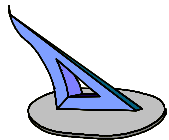
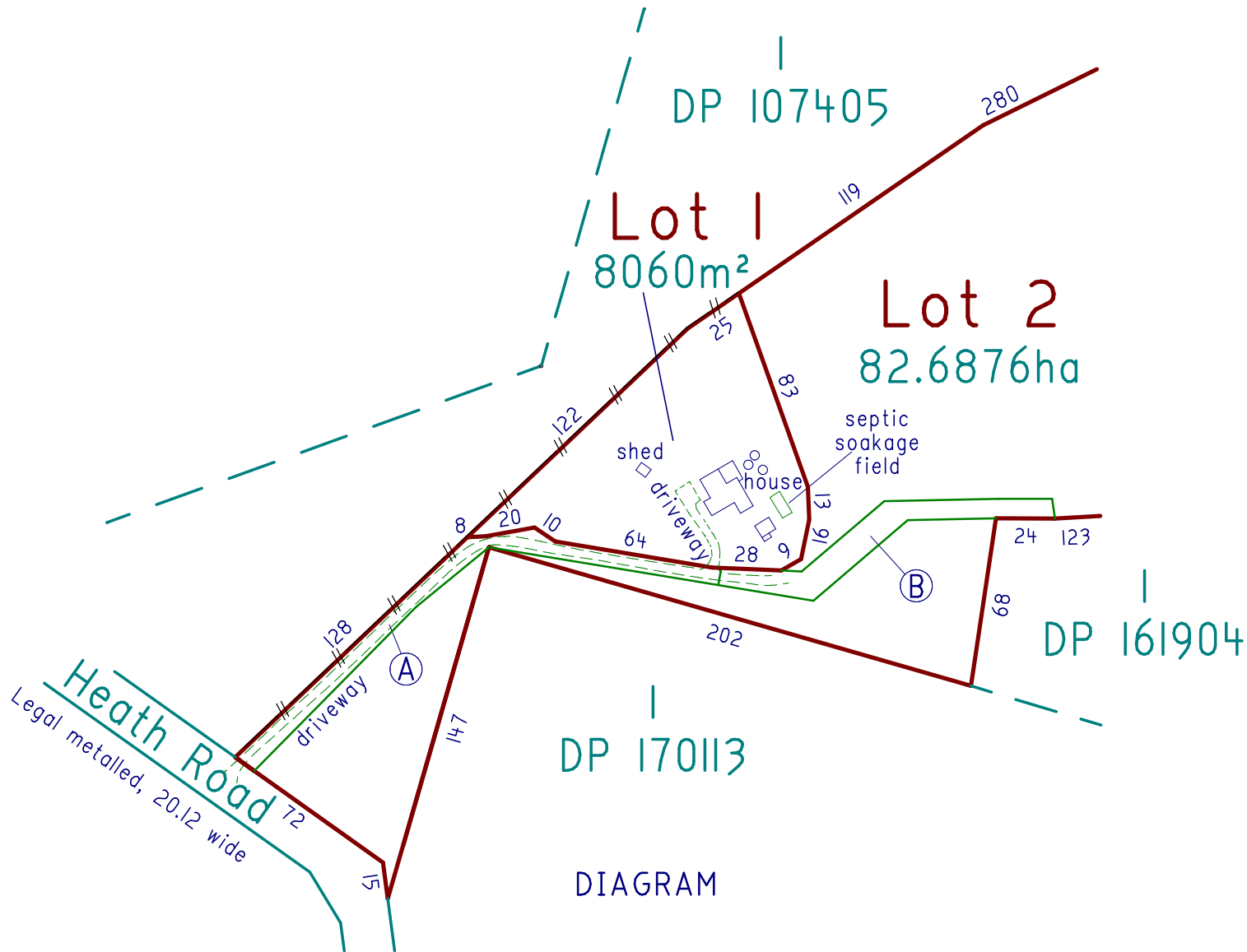
- NOTES:
- 1. All buildings are min. 10m from any new boundary.
 - 2. Impermeable area of Lot 1 is 6%
 - 3. Boundary of Lot 1 not fenced unless shown

LOCAL AUTHORITY: FAR NORTH DISTRICT COUNCIL
COMPRISED IN: RT NA97C/530
TOTAL AREA: 83.4936ha

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

EXISTING EASEMENTS			
Purpose	Shown	Burdened Land	Created by
Right of way	(A)(B)	Lot 2 hereon	EC C906414.4

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	(A)	Lot 2 hereon	Lot 1 hereon



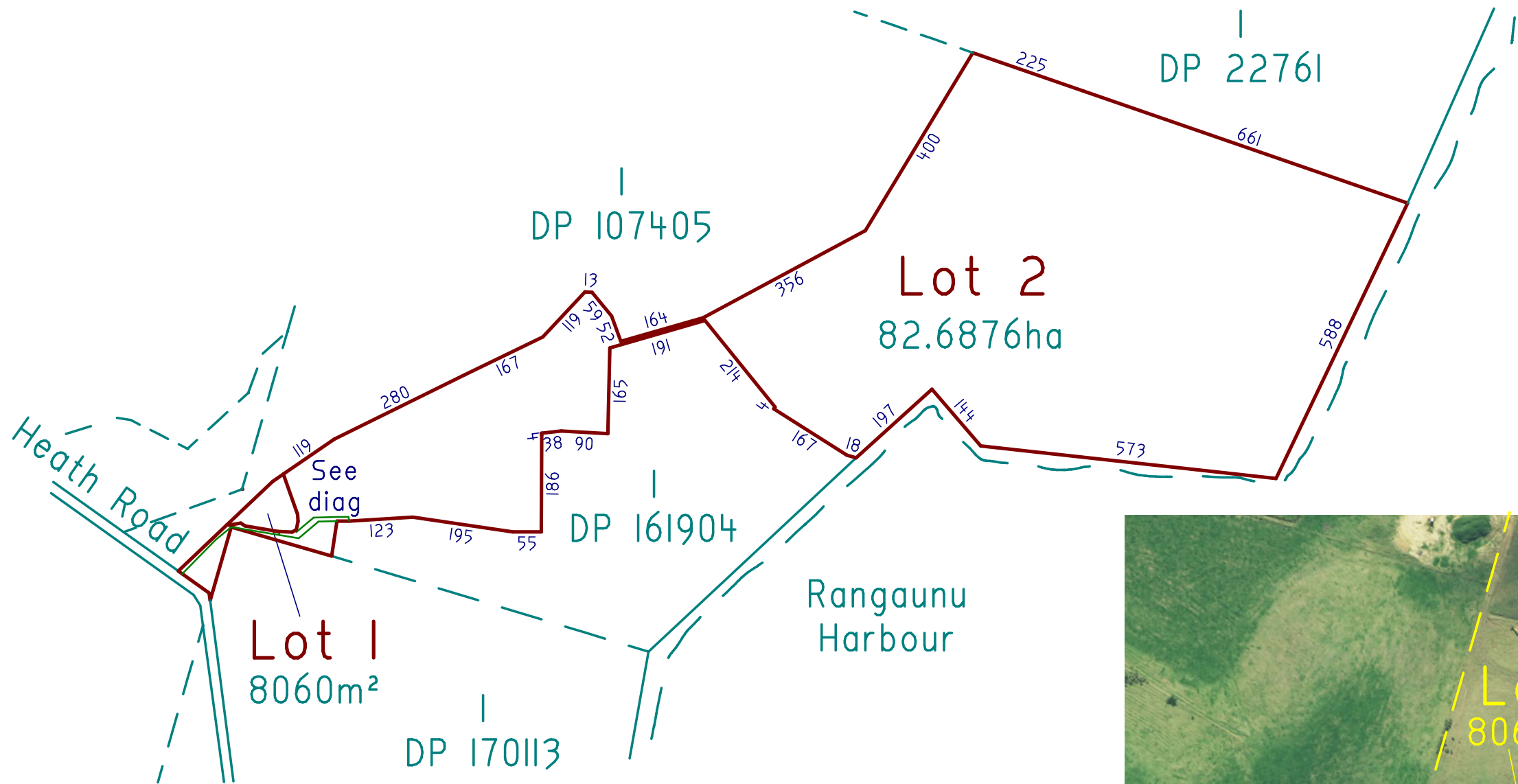
VON STURMERS
Registered Land Surveyors, Planners & Land Development Consultants
Ph: (09) 408 6000 131 Commerce Street, Kaitiaia
Email: kaitiaia@saps.co.nz

PROPOSED SUBDIVISION OF LOT 2 DP 161904

PREPARED FOR: JV & MJ MILICH LIMITED

	Name	Date	ORIGINAL	
Survey			SCALE NTS	SHEET SIZE A3
Design				
Drawn	SH	Mar 2025		
Rev				

Surveyors Ref. No:
15517
Series **.02**
Sheet 1 of 2



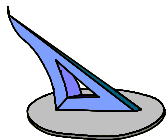
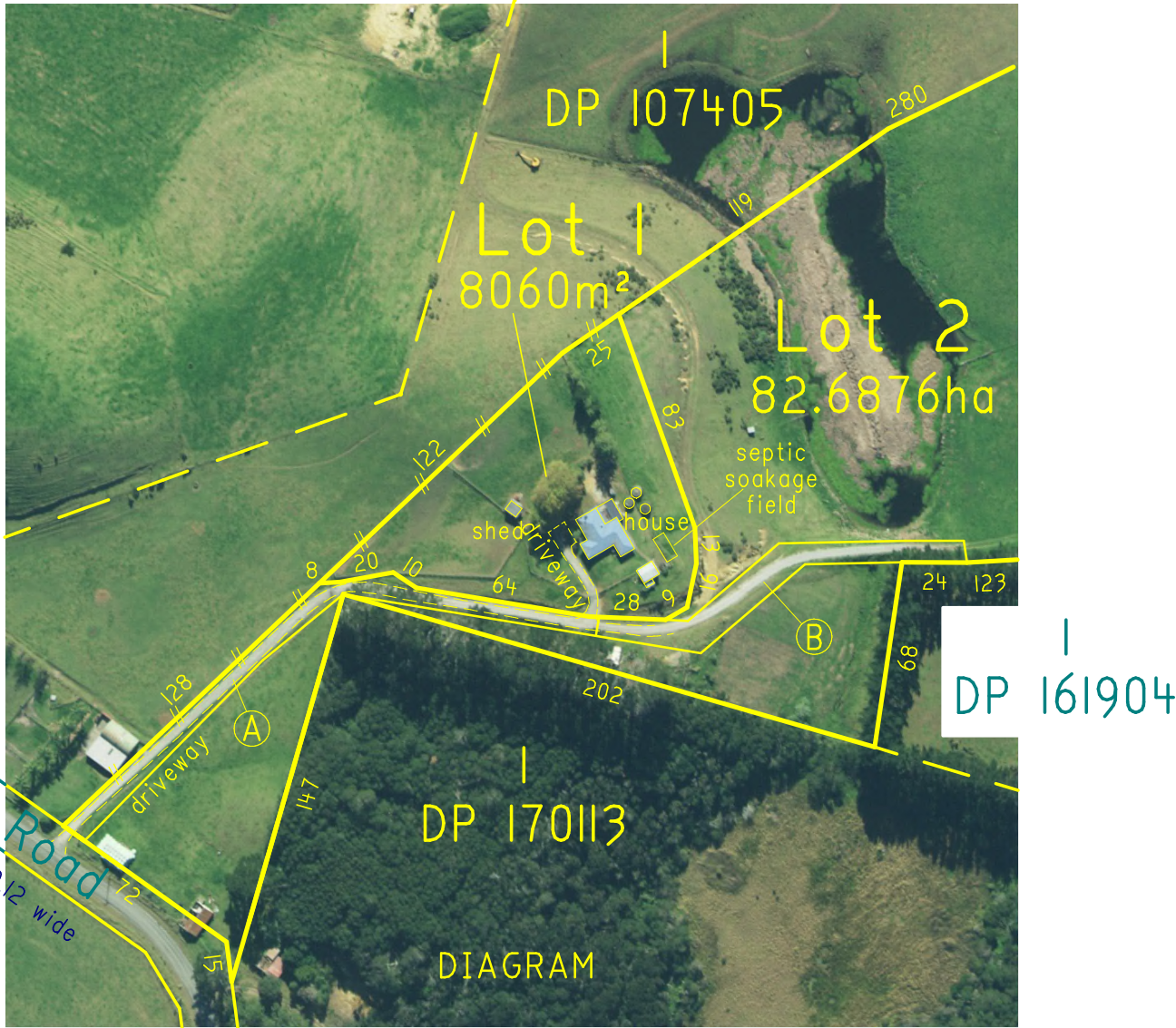
- NOTES:
1. All buildings are min. 10m from any new boundary.
 2. Impermeable area of Lot 1 is 6%
 3. Boundary of Lot 1 not fenced unless shown

LOCAL AUTHORITY: FAR NORTH DISTRICT COUNCIL
COMPRISED IN: RT NA97C/530
TOTAL AREA: 83.4936ha

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

EXISTING EASEMENTS			
Purpose	Shown	Burdened Land	Created by
Right of way	(A)(B)	Lot 2 hereon	EC C906414.4

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	(A)	Lot 2 hereon	Lot 1 hereon



VON STURMIERS
Registered Land Surveyors, Planners &
Land Development Consultants
Ph: (09) 408 6000 131 Commerce Street,
Kaitiaia
Email: kaitiaia@saps.co.nz

PROPOSED SUBDIVISION OF LOT 2 DP 161904



PREPARED FOR: JV & MJ MILICH LIMITED

Survey Design Drawn Rev	Name	Date	ORIGINAL	
			SCALE	SHEET SIZE
	SH	Mar 2025	NTS	A3

Surveyors
Ref. No:
15517
Series **.02**
Sheet 2 of 2

SITE 280A Heath Road, Awanui
LEGAL DESCRIPTION Lot 2 DP 161904
PROJECT 2-Lot Rural Production / General Coastal Zoned Subdivision
CLIENT JV & MJ Milich Ltd
REFERENCE NO. 139847
DOCUMENT Civil Site Suitability Memorandum
STATUS/REVISION NO. 01 – Resource Consent
DATE OF ISSUE 16th April 2025

Report Prepared For	Email
JV & MJ Milich Ltd	joemilich@icloud.com

Authored by	G.M. Brant <i>(Be (Hons) Civil)</i>	Civil Engineer	gustavo@wjl.co.nz	
Reviewed & Approved by	B. Steenkamp <i>(CPEng, BEng Civil, CMEngNZ, BSc (Geology))</i>	Senior Civil Engineer	bens@wjl.co.nz	

1 INTRODUCTION

1.1 SCOPE OF WORK

Wilton Joubert Ltd (WJL) was engaged by the client to undertake a desktop civil site suitability assessment (wastewater and stormwater) to support a 1-into-2 lot subdivision of Lot 1 DP 161904, as depicted in the Scheme Plan prepared by Von Sturmers Ltd (Ref No: 15517-02, dated: March 2025).

At the time of report writing, no architectural plans have been supplied to WJL for any future development.

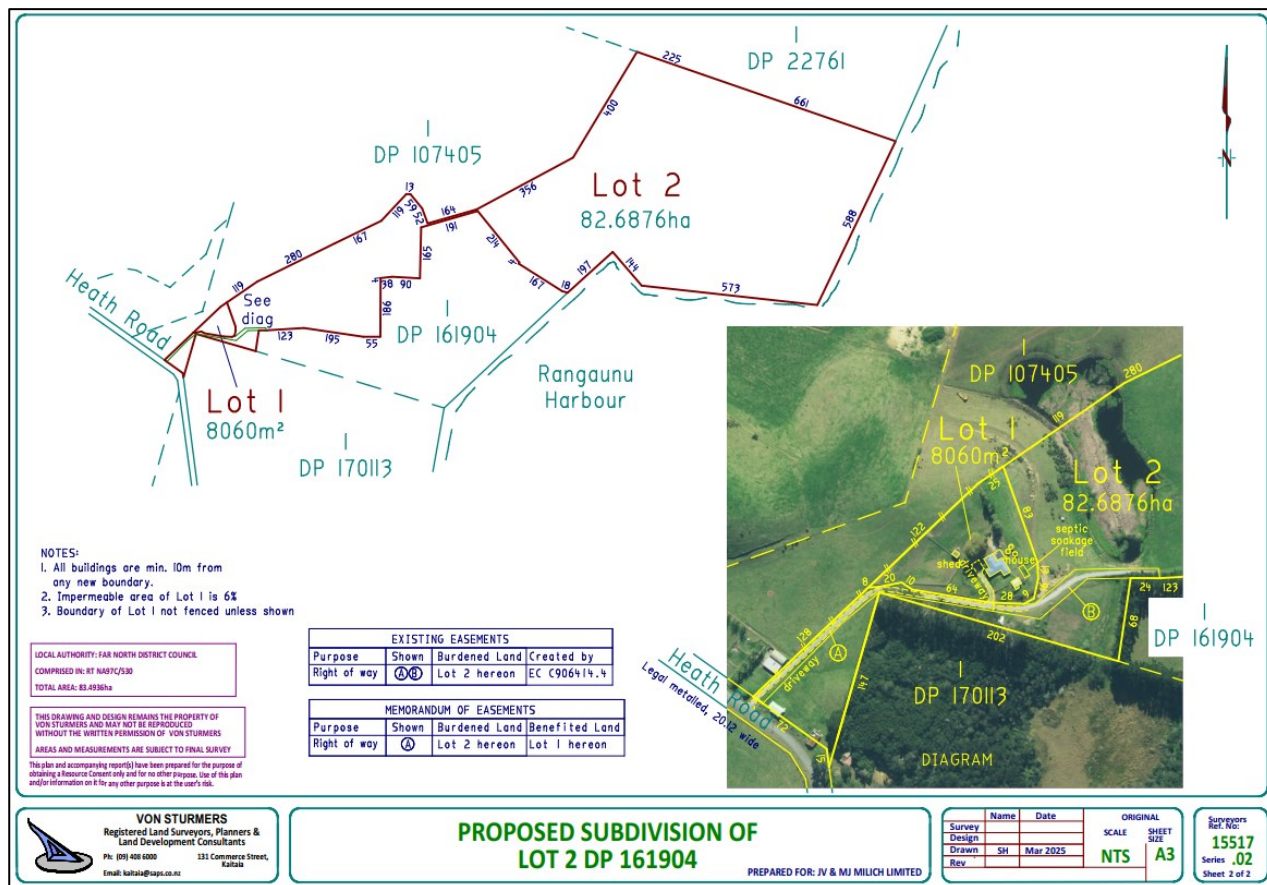


Figure 1: Subdivision Scheme Plan Prepared by Von Sturmers Ltd (Ref No: 15517-02, dated: March 2025).

Any revision of the supplied drawings and/or development proposals with wastewater and/or stormwater implications should be referred back to us for review. This report is not intended to support Building Consent applications for the future proposed lots, and any revision of supplied drawings and/or development proposals including those for Building Consent, which might rely on wastewater and/or stormwater assessments herein, should be referred to us for review.

1.2 PROPOSAL

In reviewing the supplied Subdivision Scheme Plan (Figure 1 above), it is our understanding that the client proposes to subdivide the existing property into two individual allotments, which are denoted as Lot 1 and Lot 2.

Lot 1 (8,060m²) will contain the existing dwelling and associated hardstand areas and will be the focus of this assessment and Lot 2 (82.6876ha) will remain as a balance lot.

No further development of either lot is proposed at this stage.

2 WASTEWATER

The existing dwelling located within Lot 1 is currently serviced by an existing on-site wastewater treatment and disposal system.

It has been confirmed by the client that the existing wastewater treatment and disposal systems are located within the newly proposed Lot 1 boundaries and appears to be operating as intended. As such, it is recommended that the existing wastewater disposal system continue to be utilised to service Lot 1's existing dwelling.

2.1 NORTHLAND REGIONAL PLAN ASSESSMENT

The existing wastewater disposal system should meet the compliance points below, stipulated within Section C.6.1.1 of the Proposed Regional Plan for Northland:

C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity	
The discharge of domestic type wastewater into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the onsite system, are permitted activities, provided:	
#	Rule
1	the discharge volume does not exceed:
	a) three cubic metres per day, averaged over the month of greatest discharge, and
	b) six cubic metres per day over any 24-hour period, and
2	the following reserve disposal areas are available at all times:
	a) one hundred percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or
	b) thirty percent of the existing effluent disposal area where the wastewater has received at least secondary treatment, and
3	the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and
4	wastewater irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area or are covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and
5	the discharge does not contaminate any groundwater supply or surface water, and
6	there is no surface runoff or ponding of wastewater, and
7	there is no offensive or objectionable odour beyond the property boundary.

We envision that there will be no issue meeting the Permitted Activity Status requirements as outlined above.

3 STORMWATER MANAGEMENT

3.1 ASSESSMENT CRITERIA

The site lies within the Far North District. The stormwater assessment has been completed in accordance with the recommendations and requirements contained within the Far North District Engineering Standards and the Far North District Council District Plan.

As below, the site resides in a Rural Production Zone.

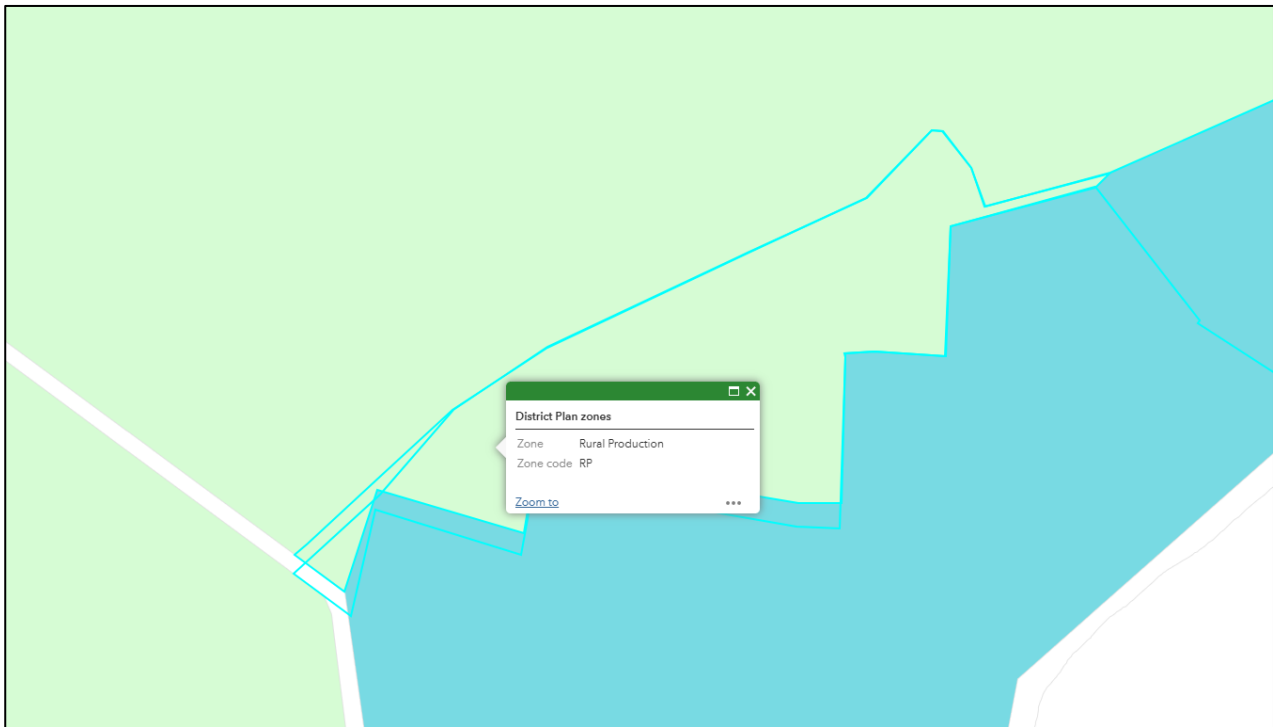


Figure 2: Snip of FNDC Maps Showing Site in Rural Production Zone.

The following Stormwater Management Rules Apply:

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

Controlled Activity: 8.6.5.2.1 STORMWATER MANAGEMENT – The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%.

To comply with the parameters of the Permitted Activity Rule (8.6.5.1.3), Lot 1 must not exceed an impermeable area of 15% (1,209m²).

In reviewing the supplied Subdivision Scheme Plan, it is our understanding that the existing impermeable areas within Lot 1's new boundaries amount to 6% of the site area and therefore complies with Permitted Activity Rule (8.6.5.1.3).

To appropriately mitigate stormwater runoff from the existing and future proposed impermeable areas, we recommend utilising Low Impact Design Methods as a means of stormwater management. Design guidance should be taken from 'The Countryside Living Toolbox' design document, and where necessary, 'Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual' Auckland Regional Council (2003).

Stormwater management recommendations are provided below.

3.2 PRIMARY STORMWATER

3.2.1 Stormwater Runoff from Roof Areas

It is our understanding that runoff from the existing roof areas is captured by a gutter system and directed to potable water tanks. It is recommended that the existing rainwater tanks continue to be utilised to provide the existing dwelling with a potable water supply.

It is recommended that overflow from the existing potable water tanks be directed via sealed pipes to a new dispersal device to the northeast of the existing dwelling. Refer to the appended Site Plan (139847-C001), Dispersal Device Detail (139847-C202) and calculation set for clarification. The 6m long dispersal device is to have the following specifications:

- Minimum 6m dispersal bar length and 100mm bar diameter,
- Dispersal bar to be installed parallel to property's topography,
- The dispersal bar is to be installed well clear and downslope of wastewater disposal area,
- Dispersal bar installed maximum 150mm above ground level via waratah standards & wire ties,
- 15mmØ outlet holes dripped at 100mm centres along the bar,
- Screw caps installed on dispersal bar ends for maintenance / cleaning access.

3.2.2 Stormwater Runoff from Hardstand Areas

There are no changes to hardstand proposed as part of this subdivision. As such, it is recommended that any existing hardstand stormwater management devices continue to be utilised.

Due to water quality concerns, runoff resulting from hardstand areas should not be allowed to drain to the potable water tanks.

3.3 SECONDARY STORMWATER

Where required, overland flows and similar runoff from higher ground should be intercepted by means of shallow surface drains or small bunds near structures to protect these from both saturation and erosion.

3.4 DISTRICT PLAN ASSESSMENT

This section has been prepared to demonstrate the likely effects of the activity on stormwater runoff and the means of mitigating runoff.

In assessing an application under this provision, the Council will exercise discretion to review the following matters below, (a) through (r). In respect of matters (a) through (r), we provide the following comments:

13.10.4 – Stormwater Disposal

<i>(a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.</i>	No discharge permits are required. No resource consent issued documents stipulating specific requirements are known for the subject site or are anticipated to exist.
<i>(b) Whether the application complies with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004).</i>	The application is deemed compliant with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009.
<i>(c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.</i>	The application is deemed compliant with the Far North District Council Strategic Plan - Drainage.

<i>(d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.</i>	Stormwater management should be provided for the subject lot by utilising Low Impact Design Methods. Guidance for design should be taken from 'The Countryside Living Toolbox' design document, and where necessary, "Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual" Auckland Regional Council (2003). All roof runoff will be / is collected by rainwater tanks for conveyance to a safe outlet point. No changes to existing hardstand areas is proposed as part of this subdivision.
<i>(e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.</i>	As above. Runoff from existing roof areas will be / is collected and directed to rainwater tanks and discharged in a controlled manner to a discharge outlet, reducing scour and erosion. No changes to existing hardstand areas is proposed as part of this subdivision.
<i>(f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.</i>	Runoff from roof areas is free of litter, chemical spillages, or contaminants from roads. No changes to existing hardstand areas is proposed as part of this subdivision.
<i>(g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.</i>	No alteration to waterways is proposed.
<i>(h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.</i>	Not applicable.
<i>(i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.</i>	Not applicable.
<i>(j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.</i>	Not applicable.
<i>(k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.</i>	Outlet location should not cause adverse effects on adjacent properties.
<i>(l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipe lines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.</i>	Not applicable.

<i>(m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.</i>	Not applicable.
<i>(n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.</i>	Not applicable.
<i>(o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.</i>	Not applicable.
<i>(p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.</i>	Not applicable.
<i>(q) The need for and extent of any financial contributions to achieve the above matters.</i>	Not applicable.
<i>(r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.</i>	Not applicable.

4 LIMITATIONS

We anticipate that this report is to be submitted to Council in support of a Resource Consent application.

This report has been commissioned solely for the benefit of our client, in relation to the project as described herein, and to the limits of our engagement, with the exception that the local Territorial Authority may rely on it to the extent of its appropriateness, conditions, and limitations, when issuing the subject consent.

Any variations from the development proposals as described herein as forming the basis of our appraisal should be referred back to us for further evaluation. Copyright of Intellectual Property remains with Wilton Joubert 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 other civil aspects of this site, nor for its use by any other person or entity, and any other person or entity who relies upon any information contained herein does so entirely at their own risk. 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.

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 and does not remove the necessity for the normal inspection of site conditions and the design of foundations as would be made under all normal circumstances.

Thank you for the opportunity to provide our service on this project, and if we can be of further assistance, please do not hesitate to contact us.

Yours faithfully,


WILTON JOUBERT LIMITED

Enclosures:

- Site Plan – C001 (1 sheet)
- Dispersal Device Detail – C201 (1 sheet)
- Calculation Set



- NOTES:**
1. SITE PLAN IS ONLY INDICATIVE FOR CONCEPT DESIGN. NO MEASUREMENTS MAY BE TAKEN FROM DRAWING.
 2. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.
 3. CONTOURS & LOCAL SERVICES ARE SHOWN INDICATIVELY ONLY.



WILTON JOUBERT
Consulting Engineers
Northland: 09 945 4188 Auckland: 09 527 0196
Christchurch: 021 824 063 Wanaka: 03 443 6209
www.wiltonjoubert.co.nz

ISSUE / REVISION			
No.	DATE	BY	DESCRIPTION
01	APR '25	GMB	CIVIL SITE SUITABILITY MEMORANDUM

DESIGNED BY:
GMB

DRAWN BY:
GMB

CHECKED BY:
BGS

SURVEYED BY:
N/A

SERVICES NOTE
WHERE EXISTING SERVICES ARE SHOWN, THEY ARE INDICATIVE ONLY AND MAY NOT INCLUDE ALL SITE SERVICES. WILTON JOUBERT LTD DOES NOT WARRANT THAT ALL, OR INDEED ANY SERVICES ARE SHOWN. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING SERVICES PRIOR TO AND FOR THE DURATION OF THE CONTRACT WORKS.

RESOURCE CONSENT
DESIGN / DRAWING SUBJECT TO ENGINEERS APPROVAL

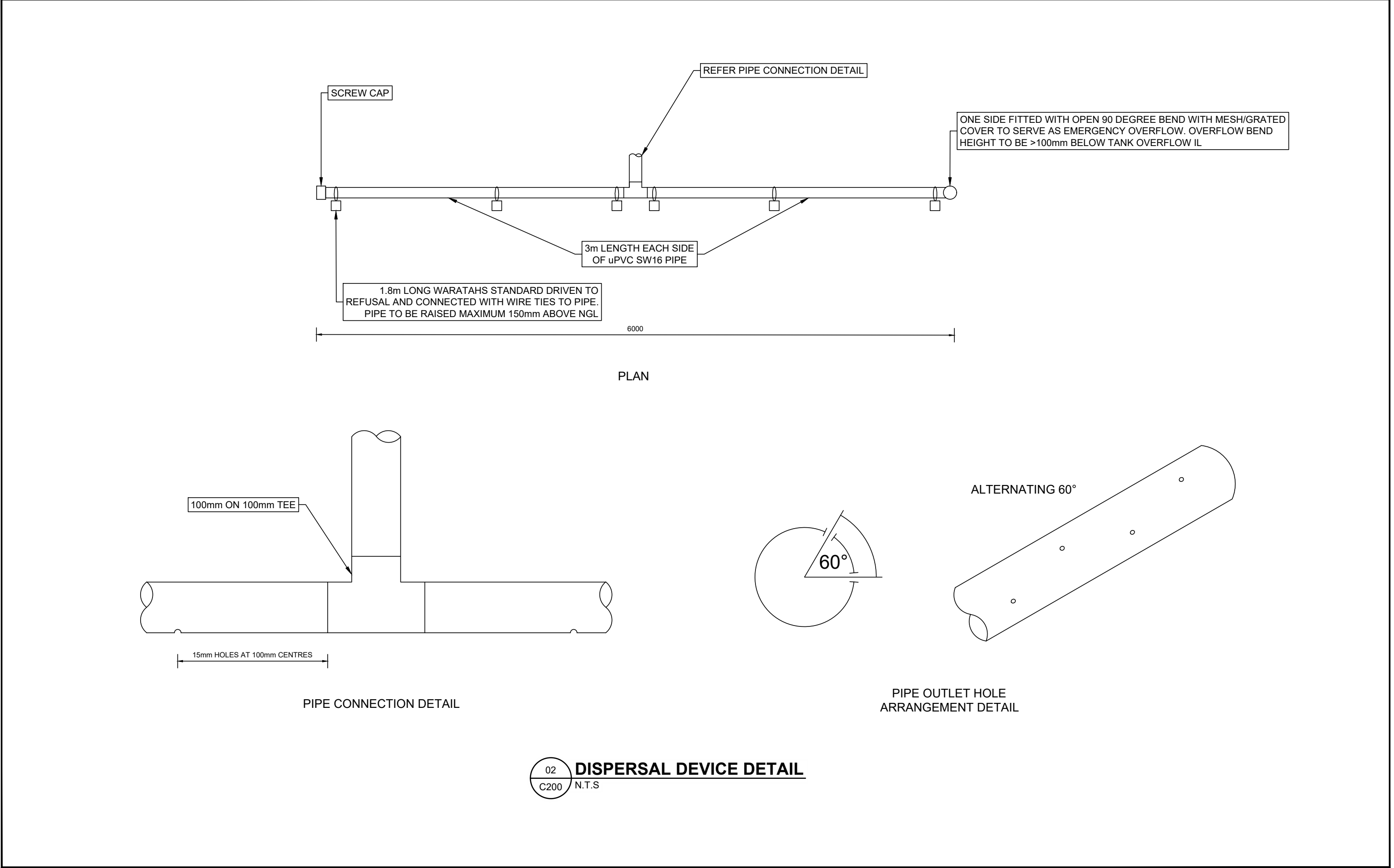
DRAWING TITLE:
SITE PLAN

PROJECT DESCRIPTION:
CIVIL SITE SUITABILITY MEMORANDUM

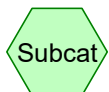
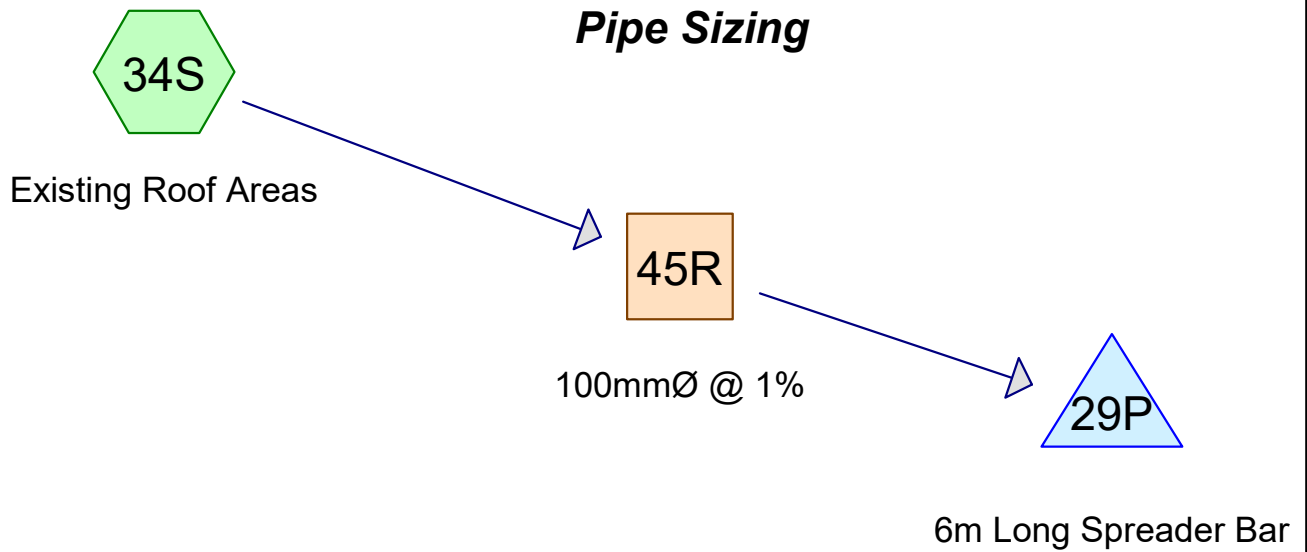
PROJECT TITLE:
**LOT 1 DP 161904
280A HEATH ROAD
AWANUI
NORTHLAND**

ORIGINAL DRAWING SIZE: A3	OFFICE: OREWA
DRAWING SCALE: 1:500	CO-ORDINATE SYSTEM: NOT COORDINATED
DRAWING NUMBER: 139847-C001	ISSUE: 01

COPYRIGHT - WILTON JOUBERT LIMITED



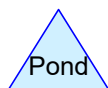
Pipe Sizing



Subcat



Reach



Pond



Link

Routing Diagram for 139847

Prepared by Wilton Joubert Limited, Printed 16/04/2025
HydroCAD® 10.00-26 s/n 10413 © 2020 HydroCAD Software Solutions LLC

139847

Type IA 24-hr 20% AEP + 20% CCF Rainfall=130 mm

Prepared by Wilton Joubert Limited

Printed 16/04/2025

HydroCAD® 10.00-26 s/n 10413 © 2020 HydroCAD Software Solutions LLC

Page 2

Time span=0.00-24.00 hrs, dt=0.05 hrs, 481 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind method - Pond routing by Stor-Ind method

Subcatchment 34S: Existing Roof

Runoff Area=326.0 m² 100.00% Impervious Runoff Depth>124 mm
Tc=10.0 min CN=98 Runoff=2.77 L/s 40.3 m³

Reach 45R: 100mmØ @ 1%

Avg. Flow Depth=0.05 m Max Vel=0.76 m/s Inflow=2.77 L/s 40.3 m³
100 mm Round Pipe n=0.011 L=10.00 m S=0.0100 m/m Capacity=6.10 L/s Outflow=2.77 L/s 40.3 m³

Pond 29P: 6m Long Spreader Bar

Peak Elev=-0.082 m Storage=0.0 m³ Inflow=2.77 L/s 40.3 m³
Outflow=2.77 L/s 40.3 m³

139847

Type IA 24-hr 20% AEP + 20% CCF Rainfall=130 mm

Prepared by Wilton Joubert Limited

Printed 16/04/2025

HydroCAD® 10.00-26 s/n 10413 © 2020 HydroCAD Software Solutions LLC

Page 3

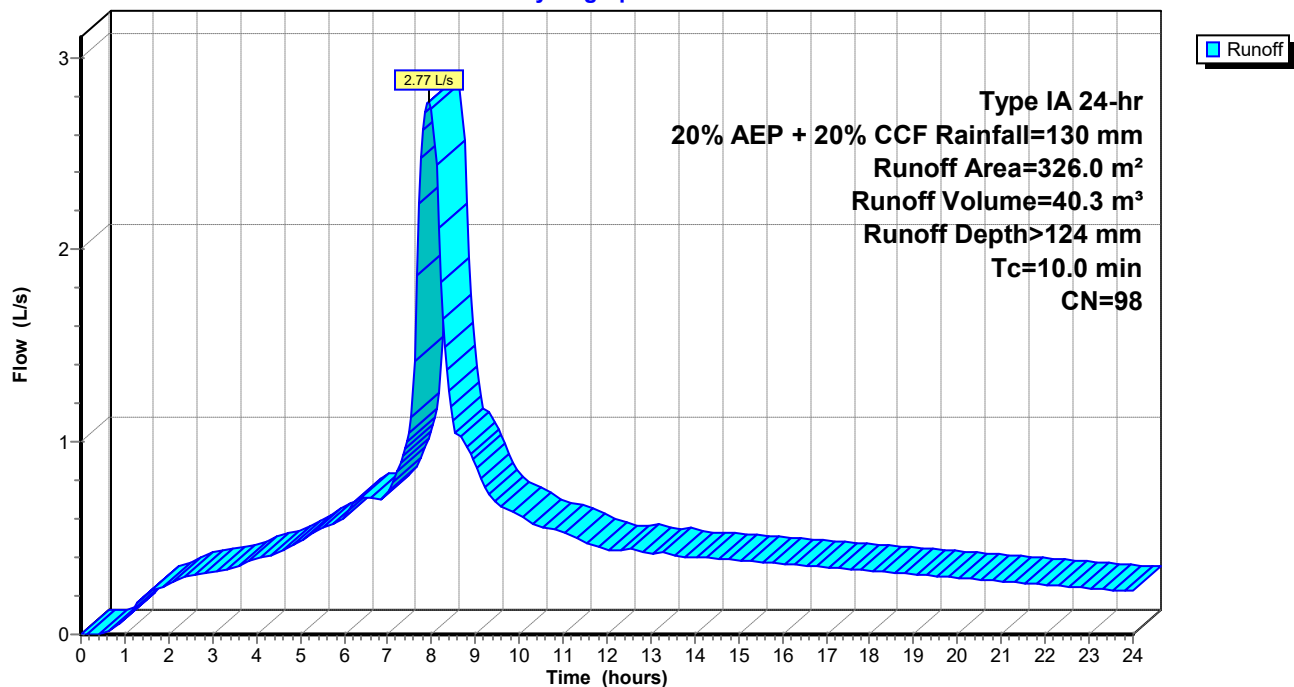
Summary for Subcatchment 34S: Existing Roof AreasRunoff = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³, Depth> 124 mmRunoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
Type IA 24-hr 20% AEP + 20% CCF Rainfall=130 mm

Area (m ²)	CN	Description
326.0	98	Roofs, HSG C
326.0		100.00% Impervious Area

Tc (min)	Length (meters)	Slope (m/m)	Velocity (m/sec)	Capacity (m ³ /s)	Description
10.0					Direct Entry,

Subcatchment 34S: Existing Roof Areas

Hydrograph



139847

Type IA 24-hr 20% AEP + 20% CCF Rainfall=130 mm

Prepared by Wilton Joubert Limited

Printed 16/04/2025

HydroCAD® 10.00-26 s/n 10413 © 2020 HydroCAD Software Solutions LLC

Page 4

Summary for Reach 45R: 100mmØ @ 1%

Inflow Area = 326.0 m², 100.00% Impervious, Inflow Depth > 124 mm for 20% AEP + 20% CCF event
Inflow = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³
Outflow = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³, Atten= 0%, Lag= 0.2 min

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs

Max. Velocity= 0.76 m/s, Min. Travel Time= 0.2 min

Avg. Velocity= 0.44 m/s, Avg. Travel Time= 0.4 min

Peak Storage= 0.0 m³ @ 7.94 hrs

Average Depth at Peak Storage= 0.05 m

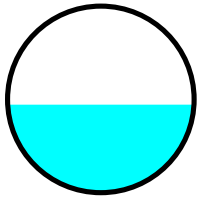
Bank-Full Depth= 0.10 m Flow Area= 0.01 m², Capacity= 6.10 L/s

100 mm Round Pipe

n= 0.011 PVC, smooth interior

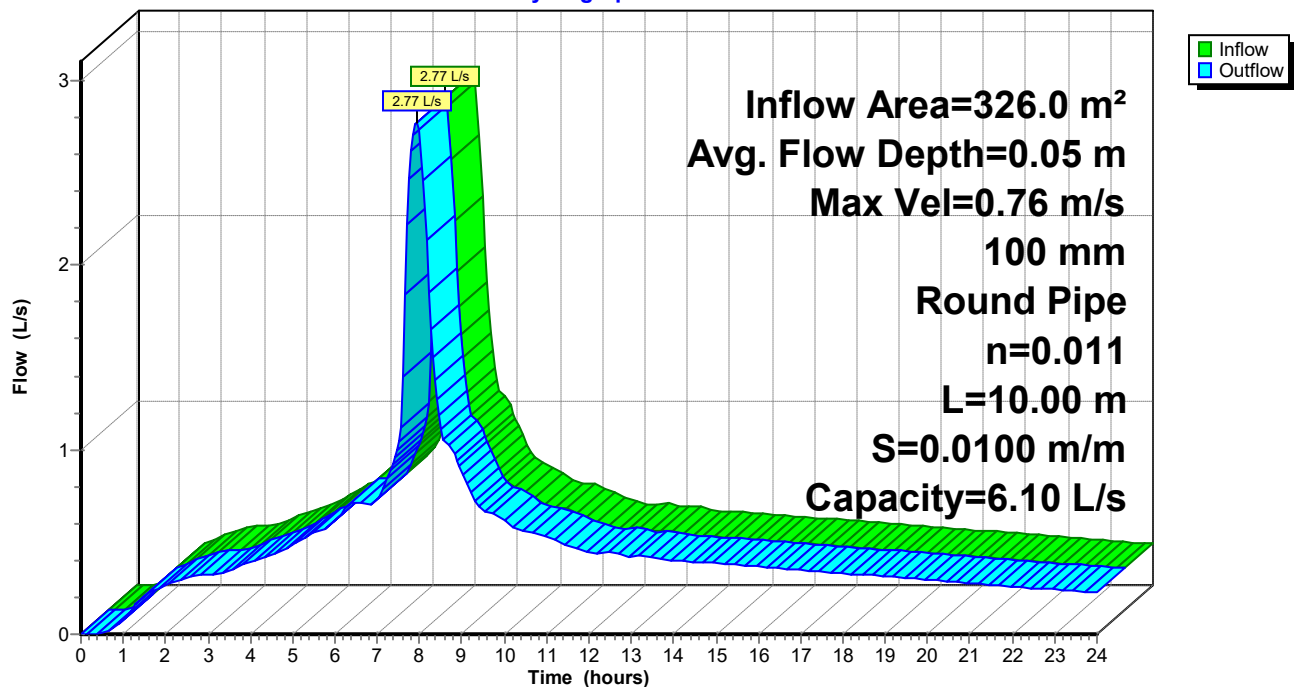
Length= 10.00 m Slope= 0.0100 m/m

Inlet Invert= 0.000 m, Outlet Invert= -0.100 m



Reach 45R: 100mmØ @ 1%

Hydrograph



139847

Type IA 24-hr 20% AEP + 20% CCF Rainfall=130 mm

Prepared by Wilton Joubert Limited

Printed 16/04/2025

HydroCAD® 10.00-26 s/n 10413 © 2020 HydroCAD Software Solutions LLC

Page 5

Summary for Pond 29P: 6m Long Spreader Bar

Inflow Area = 326.0 m², 100.00% Impervious, Inflow Depth > 124 mm for 20% AEP + 20% CCF event
 Inflow = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³
 Outflow = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³, Atten= 0%, Lag= 0.0 min
 Primary = 2.77 L/s @ 7.94 hrs, Volume= 40.3 m³

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs
 Peak Elev= -0.082 m @ 7.94 hrs Surf.Area= 0.5 m² Storage= 0.0 m³

Plug-Flow detention time= 0.0 min calculated for 40.3 m³ (100% of inflow)
 Center-of-Mass det. time= 0.0 min (656.4 - 656.4)

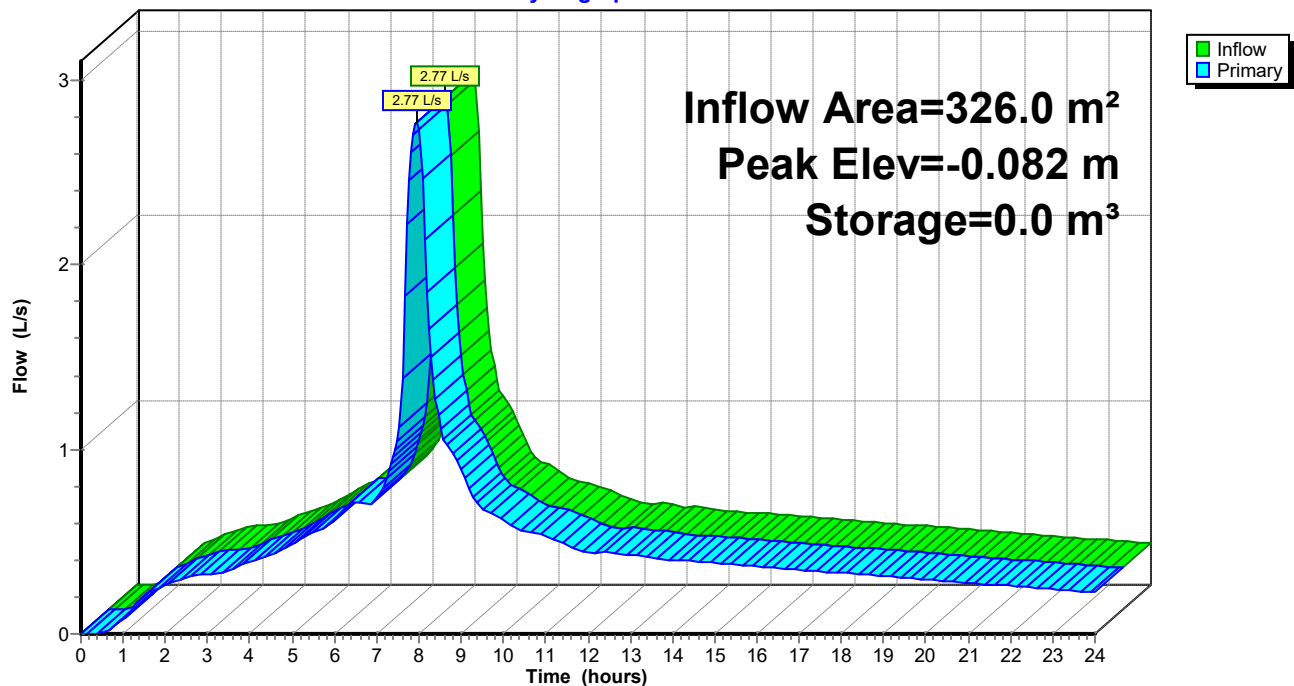
Volume	Invert	Avail.Storage	Storage Description
#1	-0.100 m	0.0 m ³	100 mm Round Pipe Storage L= 6.00 m

Device	Routing	Invert	Outlet Devices
#1	Primary	-0.100 m	15 mm Vert. Orifice/Grate X 58.00 C= 0.600

Primary OutFlow Max=2.77 L/s @ 7.94 hrs HW=-0.082 m (Free Discharge)
 ←**1=Orifice/Grate** (Orifice Controls 2.77 L/s @ 0.27 m/s)

Pond 29P: 6m Long Spreader Bar

Hydrograph



Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

C563239.3EC

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/~~we~~ DARIAN ANTHONY COOPER of Kaitaia, Farmer

being the registered proprietor(~~s~~) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at North Auckland on the day of 19 under No. 107405 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Electric Power Supply	Part Lot 1	Marked A	Lot 2	59D/895 59D/896

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

The following provisions shall apply in addition to the rights and powers as set out in the seventh schedule to the Land Transfer Act 1952:

The right for the registered proprietor of the dominant tenement and other authorised persons (in common with the registered proprietor of the servient tenement and all others having the like right) to lead and convey electricity without interruption or impediment (except during any periods of necessary renewal and/or repair) from the public road adjoining the servient tenement by means of conduits, cables or pipes laid or to be laid under the surface of and through the soil of the area marked "A" on Deposited Plan 107405 to the dominant tenement.

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

The registered proprietor of the dominant tenement shall be responsible for arranging:

- (a) the installation of the electricity supply; and
- (b) the repair and maintenance of the electricity supply so as to keep the same in good order repair and condition and to prevent the same becoming a danger or a nuisance.

Dated this 17th day of December 1993

Signed by the above-named

DARIAN ANTHONY COOPER

J.A. Cooper

in the presence of

Witness

Occupation

Address

Muguel


Servitor

Kintara

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

*Correct for the purposes of the
Land Transfer Act*



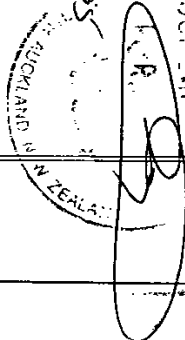
Solicitor for the registered proprietor

FOUNTAIN MANNING & CO.
SOLICITORS
KAITIAIA

2.47 28 JAN 94 C 568239.3

ARTICLE
IN RE
1994

592/895



C 906414.4 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/~~We~~ , DARLAN ANTHONY COOPER of Kaitaia, Farmer

being the registered proprietor(~~s~~) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at North Auckland on the day of 19 under No. 161604 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Lot 2	Marked A	Lot 1	97C/529 97C/530

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

Nil

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Nil

Dated this 24th day of February 1995

Signed by the above-named


DARIAN ANTHONY COOPER

D. A. Cooper.

in the presence of

Witness 

Occupation 

Address 

EASEMENT CERTIFICATE

DP 161904

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the
Land Transfer Act

The within easement when created
will be subject to Section 243(a)
Resource Management Act 1991


Solicitor for the registered proprietor


P. Manning
Solicitor

97C/529
97C/530

EC (dw/1)
12/1/95
1/1/95

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR

1.03 11.OCT.95 C906414



FOUNTAIN MANNING & CO.
SOLICITORS
KAITIAIA

