

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2300249-RMASUB

Pursuant to section 104 C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

**Scott Hills Limited**

The activity to which this decision relates: Proposal for a subdivision and boundary adjustment in the Rural Production Zone

**Stage 1**

*create five lots from an existing Record of Title, resulting in four additional titles being created. Lots 1, 2, 4 and 5 have areas of 7.3520ha, 6.3880ha, 2.8750ha and 2.2500ha respectively, while Lot 3 is the balance lot with an area of 41.2000ha;*

**Stage 2**

*undertake a boundary adjustment between Lot 4 of stage 1 and Lot 2 DP 338904 by way of subdivision of Lot 2 DP 338904 to create Lots 6 and 7, and amalgamation of Lot 6 with Lot 4 Stage 1.*

**Subject Site Details**

Address: 44 Taratara Road, Kaeo 0478

Legal Description: Lot 3 DP 167100, Lot 2 DP 338904

Certificate of Title reference: NA-101B/774, 160270

**Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:**

**Stage 1**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of lot 3 DP 167100 & Easements over Lot 2 DP 338904, dated Nov 2020, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements in the memorandum to be duly granted or reserved.
  - (b) Show on the survey plan any areas of Hobbs and Taratara Road carriageways that encroach into Lot 7 on the scheme plan as Road to Vest. The new road boundary shall be a minimum of 10 metres from the centreline of the existing carriageway.
  - (c) Show on the survey plan the final alignment of right of way easements A and H taking account of the requirements of the approved engineering plans for the formation and upgrading of the same.
  - (d) The remnants of PNA O04161 to be subject to land covenants for bush protection.
3. Prior to the issuing of a certificate pursuant to Section 223(c) of the Act, the consent holder shall provide:
  - (a) Detailed plans for the construction of right of way H shown on the scheme plan. The plans shall demonstrate, by way of tracking curves, that a heavy rigid vehicle can negotiate the curves on the access, including that where right of way H diverges from right of way A. The plans shall also show the passing bays to be provided within right of way H, where it serves three lots, in accordance with Rule 15.1.6.1.2 of the Far North District Plan. The plans shall include a longitudinal section of the right of way carriageway to confirm where, if necessary, seal or concrete surfacing is required to meet the requirements of Appendix 3B - 1 of the District Plan.
  - (b) Detailed plans for the construction or upgrading of rights of way A to E shown on the scheme plan, in accordance with the conditions of consent and Appendix 3B - 1 of the District Plan.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) The Consent Holder shall ensure that the following works are constructed in accordance with the Councils Engineering Standards and Guidelines 2004 to the approval of the Council's Development Engineering Officer :-
  - (b) Upgrade the existing crossing to right of way A to a double width crossing, to a metalled standard, which complies with the Councils Engineering Standard FNDC/S/6, 6B and section 3.3.17 of the Engineering Standards and NZS4404:2004. Upgrade ROW easement A to have a 5m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All culvert discharges and watertable cut outs are to flow over dispersal devices to ensure no scouring.
  - (c) Upgrade ROW easements B, C & D to a 3m finished metalled carriageway width with passing bays provided to comply with Rule 15.1.6.1.2 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All culvert

discharges and watertable cut outs are to flow over dispersal devices to ensure no scouring.

- (d) Provide a formed and metalled access on ROW easements E & H to a 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All culvert discharges and watertable cut outs are to flow over dispersal devices to ensure no scouring.
- (e) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
  - (i) Any habitable building erected on the lot shall have foundations, earthworks and retaining specifically designed by a suitably qualified Chartered Professional Engineer. The details of design shall be submitted in conjunction with the Building Consent application. **[Lots 1, 2,4,5]**
  - (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[Lots 1, 2,4,5]**
  - (iii) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[All Lots]**
  - (iv) The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. **[All Lots]**
  - (v) The site is adjacent to an existing consented quarrying operation and may be subject to blasting vibration, noise from excavation and crushing, and dust from quarrying and truck traffic. Any future lot owner should consider the proximity of the consented quarrying operation, and the effects of that operation, when carrying out any new development on the site. **[Lot 1]**
  - (vi) The owner shall preserve the indigenous trees and bush area identified as the remnants of PNA O04161 as indicated on the survey plan and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. **[ Lots 1 & 2 ]]**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Lot 2 DP 338904 by way of Boundary Adjustment , dated Nov 2020, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements in the memorandum to be duly granted or reserved.
  - (b) The endorsement of the following conditional amalgamation, pursuant to Section 220(3) of the Resource Management Act 1991

*That Lot 6 hereon be transferred to the owners of Lot 4 DP (Stage 1) and that one record of title be issued to include both parcels (CSN Request 1689558)*
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
    - (i) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[All Lots]**
    - (ii) The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. **[All Lots]**
    - (iii) The owner shall preserve the indigenous trees and bush area identified as the remnants of PNA O04161 as indicated on the survey plan and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.**[All Lots]**

### **Advice Notes**

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

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

### Reasons for the Decision

- The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
- The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matters are:

Rule # & Name	Non Compliance Aspect	Activity Status
<b>Stage 1</b>		
Table 13.7.2.1 – Minimum Allotment Sizes	Proposed Lots 1 – 5 comply with clause 4 of restricted discretionary activity rule 13.7.2.1(i) and Rule 13.8.1(c): “a maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of lots is 2ha, and where the subdivision is created from a lot that existed at or prior to 28 April 2000”	Restricted Discretionary activity
<b>Stage 2</b>		
Table 13.7.2.1 – Minimum Allotment Sizes	Stage 2 is a boundary adjustment between Lot 4 / Stage 1 and Lot 2 DP 338904. This proposed activity does not comply with controlled activity standards 13.7.1, as Lot 7 is within 100m of a Minerals Zone.	Restricted Discretionary activity

- District Plan Rules Affected:  
Adverse effects will be minor:

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

#### Objectives and policies of the District Plan:

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

- Chapter 13 – Subdivision
- Chapter 8, Section 6 – Rural Production Zone

The proposal is not contrary to the relevant objectives and policies of the District Plan.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
  - a) The Northland Regional Policy Statement 2018
  - b) Northland Regional Plan 2019
5. In accordance with an assessment under s104(1)(c) of the RMA. No other non – statutory documents were considered relevant in making this decision.
6. No other matters were considered in relevant in making this decision.
7. Part 2 Matters  
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
8. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

#### **Approval**

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



**Pat Killalea, Principal Planner**

**Date: 27<sup>th</sup> November 2020**

#### **Right of Objection**

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

#### **Lapsing of Consent**

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

The consent is given effect to; or

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