



016

INTERNAL ASSESSMENT

DETERMINATION AS TO WHETHER A RESOURCE CONSENT APPLICATION SHOULD BE NOTIFIED OR NON NOTIFIED UNDER SECTIONS 95A, 95B & 95C, OF THE RESOURCE MANAGEMENT ACT 1991

1. Application details

Council Reference: 2140223-RMASUB
Reporting Planner: Sheryl Hansford
Applicant: Jason Bill
Description of Application: Subdivison proposal to adjust the boundaries of two adjoining allotments with no additional Freehold Registers being created.
Property Address: 42 Metcalfe Road, Kaitaia
Legal Description: Lots 11 & 12 DP 198514
Date Received: 10 February 2014
Site Visit: Completed by engineer

2. Has the applicant requested that the application be publicly notified? (Section 95A(2)(a)).

No.

3. Does a rule in the district plan or a national environmental standard require public notification of the application? (Section 95A(2)(b)).

No.

4. Distributions

Internal: Date Sent: Comments Received:

Engineers: 12/2/2014 24/2/2014

External: Date Sent: Comments Received

NZHPT: 12/2/2014 20/2/2014

5. District Plan Zoning & Notations

Zone: Rural Production

Other Notations (OLU, Coastal hazard etc): None

6. Full description of application & reasons for the consent application

Description

The proposal is to adjust the boundaries of two existing properties which will result in separating the existing house within a 1.2ha lot, and the balance being 23.5ha that is intended to be sold to the adjoining owner and incorporated into his farming activity. No additional Freehold Registers will be created as a result of this proposal.

Operative District Plan Activity Status:

In terms of the proposal and the requirement for resource consent, the applicable rules are:

13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

Boundary Adjustments Performance Standards

Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

- (a) there is no change in the number and location of any access to the lots involved; and
- (b) there is no increase in the number of certificates of title; and
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer **Table 13.7.2.1**); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

The proposal is able to comply with criteria (a),(b) and (d)-(f) of Rule 13.7.1; but not criterion (c), as the resultant lot size of Lot 1 does not meet the controlled activity minimum lot size in the Rural Production Zone.

13.7.2.1 MINIMUM AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

(i) RURAL PRODUCTION ZONE

Controlled Activity Status	Restricted Discretionary Activity	Discretionary Activity Status
The minimum lot size is 20ha.	1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² 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; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; 5. Rules under clauses 3 and 4 provide two alternative options for the creation of a specified number of small lots from sites existing at 28 April 2000. Where an application under one of these clauses takes up only part of the total allowance, a subsequent application to take up the remainder of that particular allowance may be considered by Council, notwithstanding that the subsequent application involves a lot which no longer meets the existing at 28 April 2000 criterion.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum 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; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. 4. Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity.

With reference to the above rule the proposed allotment sizes are able to comply with the restricted discretionary provisions, however, the date of the title is younger than 28 April 2000, which makes the activity status non-complying. Proposed Lot 1 is already developed and complies with the Rural Production Zone land-use provisions. Furthermore, the boundary adjustment proposal in essence is not creating any further effects to what is already in existence.

The application is overall a *non-complying* activity.

7. Description of site

The subject site is located at 42 Metcalfe Road, Kaitaia.

The subject site is located approximately 11km east of Kaitaia and is mainly in grassed paddocks with some areas that contain dense bush. An existing dwelling and shed is accessed via Metcalfe Road.

This site was created as part of Subdivision RC1980523 that was granted 23/6/1998 to create 18 new allotments (from 9 existing titles) for rural purposes and boundary adjustment.

7A. Pursuant to section 95D, will the activity have, or is likely to have adverse effects on the environment that are more than minor?

An analysis of all of the effects of the proposal of the Resource Management Act 1991 has been undertaken. Effects on persons who own or occupy the land in, on, or over which the activity will occur or any land adjacent to that land must be disregarded (section 95D(a)). In the case of a controlled or restricted discretionary activity, adverse effects of the activity that do not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion must be disregarded. (Note all adverse effects for Discretionary/Non Complying Activities must be considered). Trade competition and the effects of trade competition must be also disregarded (section 95D(d) as must be any effect on a person who has given written approval to the application.

Possible Effects	Scale of Effect/Mitigation/Neighbour's Approval/Other Comments
Flora and fauna (including Kiwi Habitat) Landscape	Proposed Lot 1 contains a residential dwelling & shed, and contains no significant flora or fauna. With the change of boundaries Proposed Lot 2 will now contain an area of native bush that is located in the upper north western corner of Lot 11. This bush is subject to a consent notice to protect it from damage and to enhance and conserve the natural values of the vegetation and habitats. This consent notice will be carried down to the new allotment.
Water bodies	There are no known water bodies located within the property that could be affected by the proposal.
Site stability	The site is not recorded as containing erosion prone land in the Regional Water and Soil Plan maps. Council's Resource Consents Engineer has completed a site visit and has raised no concerns in relation to stability.
Shadowing / Sunlight / Privacy	The existing dwelling and shed on Proposed Lot 1 is within the permitted setback provisions of the Rural Production Zone and proposed Lot 2 is over 23ha and has sufficient area available to provide for a structure within the permitted provisions as well.
Visual Amenity/Character	The change of boundaries will not alter the character or visual effect to what is currently in existence.
Infrastructure	No reticulated Council services are available. Telecommunications & Power are all existing for Lot 1. Stormwater will be disposed of on site. Lot 1 contains an existing dwelling where rain water is collected from the roof surface and stored on site. The applicant has provided a report from Veron Plumbing verifying that the wastewater system within Lot 1 is working and wholly contained within the new lot boundaries. The report also verifies that proposed Lot 2 is suitable for on-site effluent disposal. Council's Resource Consents Engineer has no conditions to impose in relation to wastewater.
Traffic and Parking / Access including from State Highway	There are existing access locations that provide access to the newly created lots. Council's Resource Consents Engineer has no condition to impose in relation to access.

Cultural	NZHPT have advise in their correspondence dated 20/2/2014 that there is no recorded archaeology on the subject site or on adjoining properties and accordingly recommend proceeding on the basis of an Accidental Discovery Protocol of which will be included as an advice note.
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7B Overall effects consideration conclusion

Overall, it is considered that the proposal will have a no more than minor effect on the environment. In addition, the proposal is generally consistent with the policies and objectives of the Far North District Plan, and is consistent with the sustainable management purpose of the RMA.

8. Do any special circumstances exist which would lead to the conclusion that the application should be notified? (Section 95A(4))

No, special circumstances so not exist. It is considered that this proposal does not result in any unusual or exceptional circumstances that require public notification.

9. Recommendation:

That the application **need not be publicly notified** in accordance with Section 95A of the Resource Management Act 1991.

10. Are the activity's adverse effects on any person minor or more than minor (but not less than minor)? (Section 95E)

The proposal will not result in any adverse effects on any persons or parties.

11. Is a person an affected order holder? (section 95F)

No, there are no customary rights orders presently within the Far North District.


12. Limited notification or non-notification?

It is considered that there is no requirement for limited notification.

13. Recommendation:

That the application be processed on a **non-notified** basis as there are no affected persons or affected order holders, or a rule or national environmental standard precludes limited notification and the application does not require public notification.

Report & Recommendation prepared by: Sheryl Hansford, Assistant Planner



Dated: 5/3/14

14. Decision: That the above recommendation be adopted.



Dated: 6/03/2014

Pat Killalea

Principal Planner, Resource Consents
(ACTING UNDER DELEGATED AUTHORITY)

Sheryl Hansford

From: Rex Shand
Sent: Monday, 24 February 2014 1:58 p.m.
To: Sheryl Hansford
Subject: 2140223-RMASUB, 42 Metcalfe Road, Kaitaia 0482, RC
Attachments: Pathway_LAP.pth

no engineering conditions proposed

Additional Info:

Attachment links to 2140223-RMASUB, 42 Metcalfe Road, Kaitaia 0482



Far North
District Council

MEMO

To:	Sheryl Hansford	Department:	Environmental Management
From:	Rex Shand	Department:	Environmental Management
Date:	24-Feb-2014		
Subject:	ENGINEERING CONDITIONS & COMMENTS 2140223-RMASUB, 42 Metcalfe Road, Kaitaia 0482		

Site Visit Observation / Notes

As per Engineering Site Assessment Sheet
Hand written comments in the D.D.

Conditions to be imposed: Nil

Yours sincerely

Rex Shand
RC Engineer

ASPECT	COMMENTS/ CONDITIONS REQUIRED
Earthworks:	
Controls required etc	
Easements/encumbrances:	
ROW, water, drainage, power	
Services:	
Water, Irrigation, Power,	
Telephone	
Street Lighting	
Amenities/Reserves:	
Internal Accessways	
Surfacing of Car Parks etc	
Consent Notices:	
Other:	
NES	
Proposed Conditions:	
Signed: <i>[Signature]</i>	Date: <i>24/02</i> Mileage: <i>36</i> Time: <i>entire</i>

PROCESSING OFFICER CHECKLIST

Resource Consent Number:	2140223-RMASUB
Site Location:	42 Metcalfe Road, Kaitaia 0482
Site Legal Description:	Lots 1-21 23 DP 198514 Lot 9 DP 130806
Description of activity:	carry out a boundary adjustment between two rural lots

Now Lot 11 = 6.8194ha Lot 12 = 17.9047ha
 Prop Lot 1 = 1.22ha Lot 2 = 23.52

Plan Provisions Check - Far North District Plan

Classifications	Y/N	Classifications	Y/N
Residential Zone		Designation	
Commercial Zone		Outstanding Landscape	
Industrial Zone		Outstanding Natural Landscape	
Rural Production Zone	✓	Outstanding Landscape Feature	✓
Rural Living Zone		Heritage Precinct	
Minerals Zone		Heritage site, building or object	
Recreational Activities Zone		Coastal Hazards	
Conservation Zone		Airport 1.2km buffer area	
Russell Township Zone			
South Kerikeri Inlet Zone			
General Coastal Zone			
Coastal Living Zone			
Coastal Residential Zone			
Special Areas			

Other Checks:

Archaeological Site (NZAA)		NRC Hazards	
Protected Natural Area (DoC)		FNDC GIS Hazards	
Water bodies		National Environmental Standard or Policy	
Kiwi Habitat			
Other:			

Relevant Rules	Met/Not met	Degree of non-compliance
13.7.1	X	BS Adjust
Lot Size X Cont 20ha	X RDA	T.H.E is younger than 4/2000
	Non-complying.	

Status of Activity under Plan:**Other Consents Required**

Land Use	NRC coastal permit
Subdivision	NRC discharge permit
Discharge consent (FNDC)	NRC water permit
Earthworks permit	NRC bore permit
S348 / Variation / Objection	NRC land disturbance permit
Other:	

Site Visit Notes:

(e.g. existing buildings or features on-site; surrounding landuses; vegetation; waterbodies)

Mileage:

Time:

Ferry tickets:

Anticipated Adverse Environmental Effects

List of those anticipated by applicant *Have they been adequately addressed?*

HPT - Comments 20/2/14

Legal - Comments 13/2/14

What effects still need to be addressed and what information is required?

Consent Notice -

Is specialist advice required in relation to all or some effects? (list effects)

~~Consent Notice~~ - Consent Notice Already -

Power & telecom reticulation has not been connected.

NORTHLAND HERITAGE

S.F.Y. HAMLIN Dip. Agr.

CONSERVATION CONSULTANT

ASSESSMENT KEY

- 1) Scrub/regenerating native shrublands with nil subcanopy or groundcover. Heavily browsed by livestock with no identified habitat value except as "nurse crop". Status could change to 2 as affected by locality. Nil recommendation for Rates relief or Q.E.2. Covenant.
- 2) Regenerating native shrublands with emergents and some subcanopy sp. Some habitat or erosion control value. Rates relief or covenant recommended in high value localities; i.e. coastal, high value soils, underrepresented ecological types.
- 3) Upper canopy of broadleaf or podocarp sp. Less than 100% canopy but restorable if protected from threat. Modest subcanopy &/or groundcover. Recommended for Rates relief; priority 2 Q.E.2 Trust.
- 4) Upper canopy intact but degraded subcanopy. I.e. lightly browsed. Ecologically significant and sustainable. Significant habitat values. Priority 1 for Q.E. 2 Trust.
- 5) Most or all of the values associated with un-modified forest or wetland ecosystem already present or easily achievable by removing threat.

All of the above capable of being altered based on assessment of locality, size, threat, representativeness in local Ecological District and visibility. Wetlands assessed on similar basis.

That 60+22 be transfr
to the owner of. Atout
Mangate Parish.

Amalsamath: Cordito

That 60+22 be transferred to the owner of. A/c # 239

Affirmation Conditions

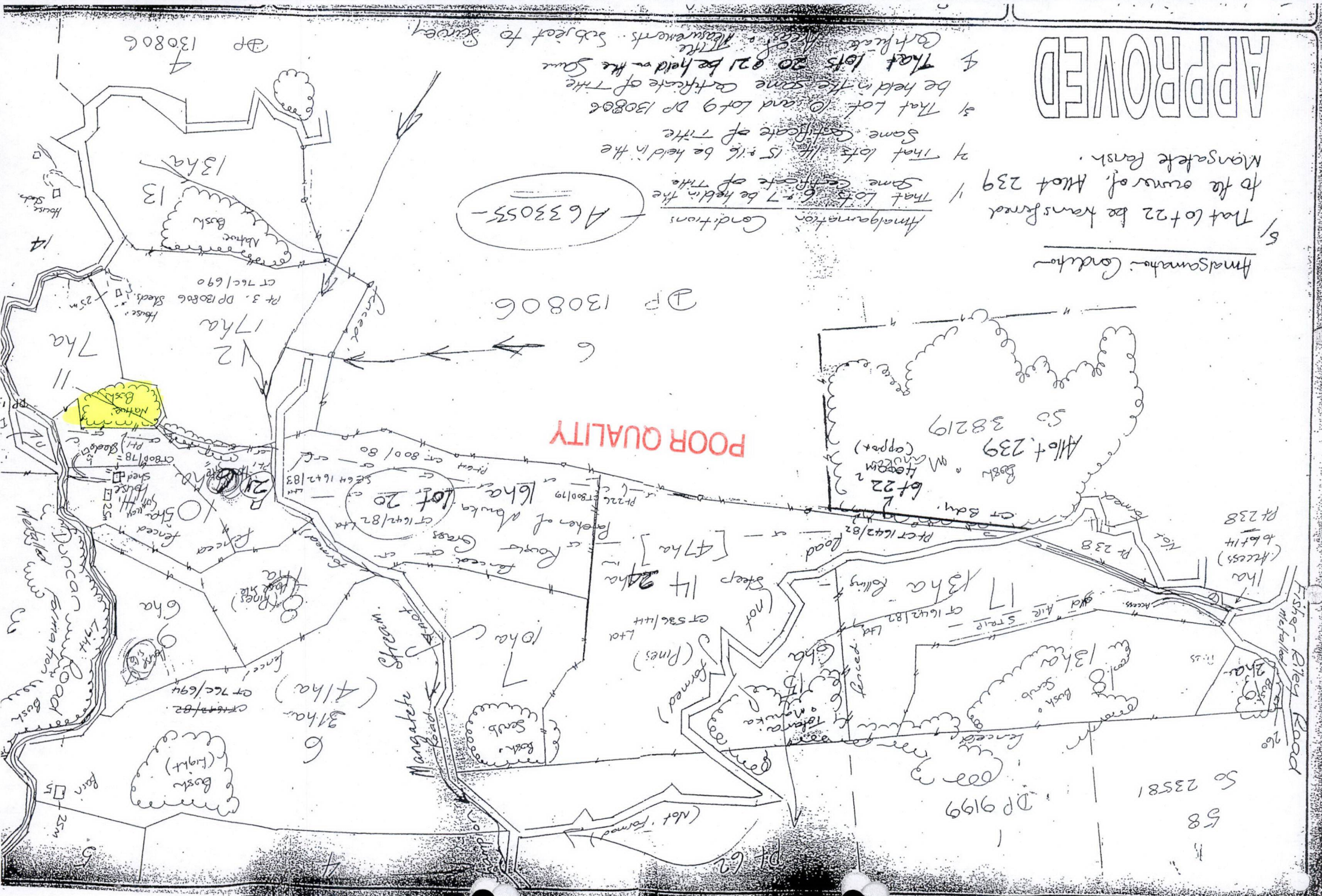
7 That lots 1/4, 1/2, 3/4 is & is be held in the same Certificate of title

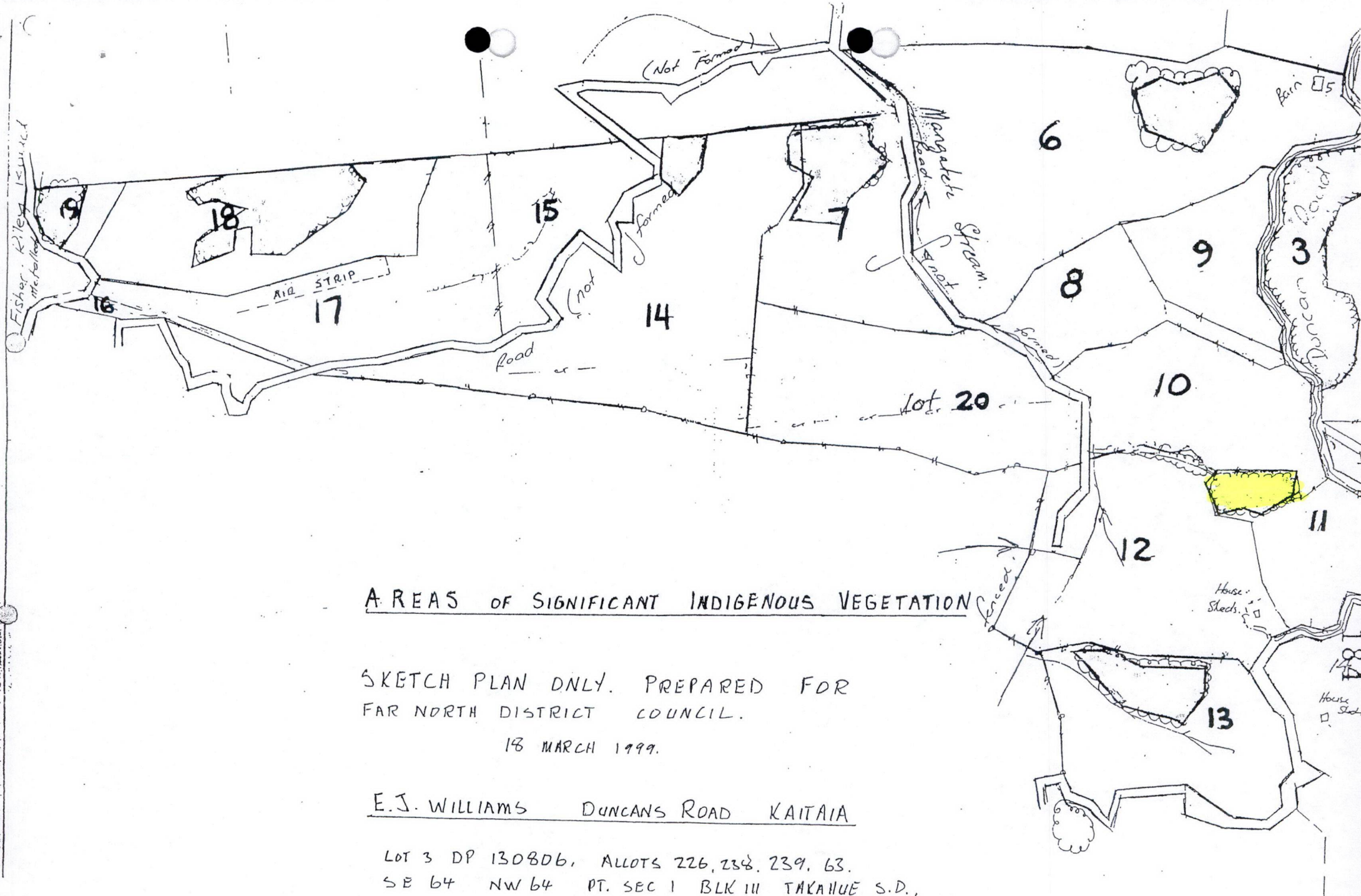
3/ That Lot 10 and Lot 9 DP 130806 be held in the same Certificate of Title
4 That Lots 20 & 21 be held on the same Certificate of Title
Certificate of Title Measurements. Subject

-A633055-

130806 ⑦

POOR QUALITY





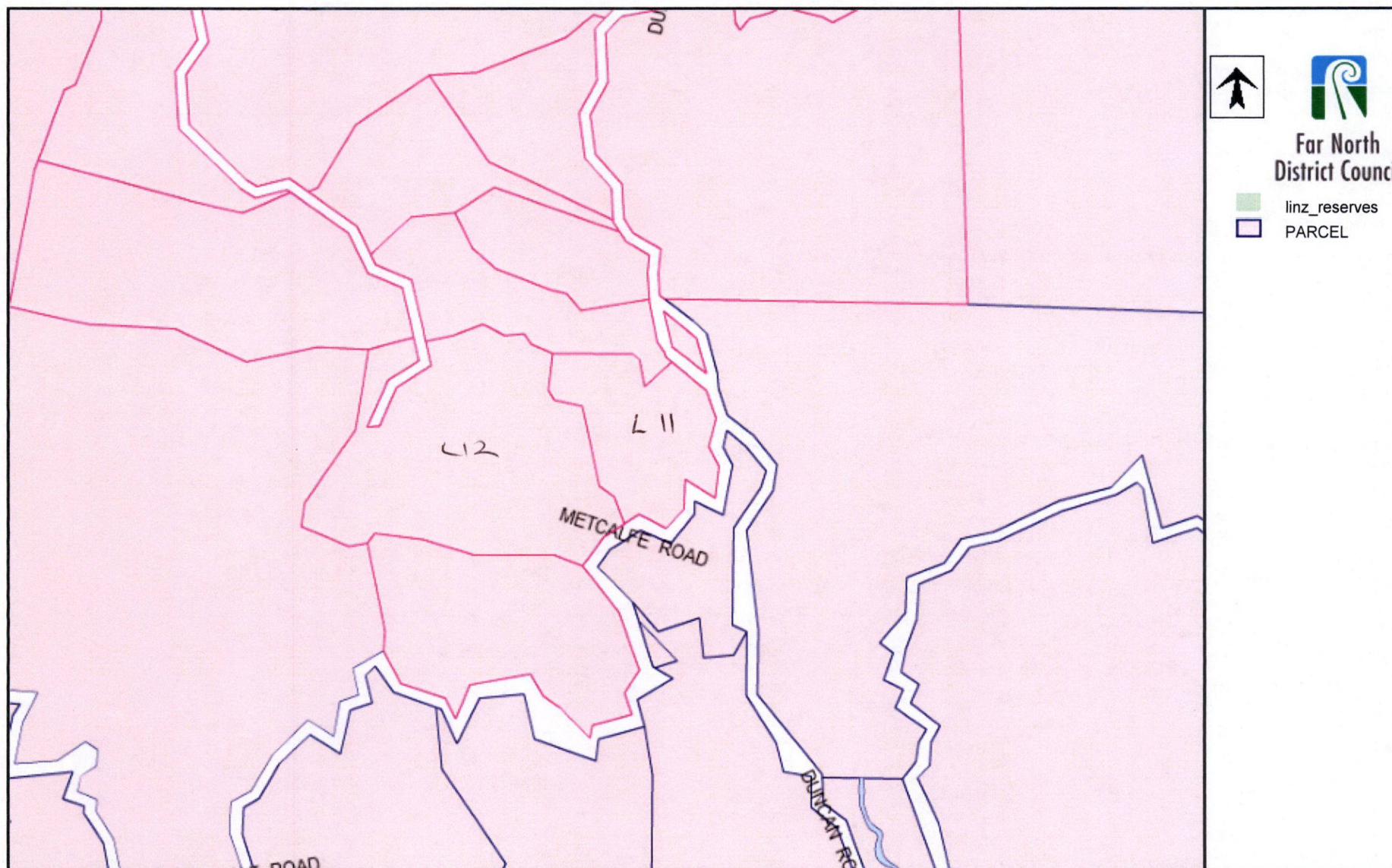
AREAS OF SIGNIFICANT INDIGENOUS VEGETATION

SKETCH PLAN ONLY. PREPARED FOR
FAR NORTH DISTRICT COUNCIL.

18 MARCH 1999.

E.J. WILLIAMS DUNCAN ROAD KAITIAKI

LOT 3 DP 130806, ALLOTS 226, 238, 239, 63.
SE 64 NW 64 PT. SEC 1 BLK III TAKAHUE S.D.,
4 LOT 2 SEC 7 BLK IV TAKAHUE S.D.



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5/03/2014

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20/02/2014

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PRE CHECKLIST

Resource Consent Number: 89316-PRECHK

Application type: LUC / SUB / COM / VAR / OBJ / DIS / OUT/W / NES

Checklist	YES / NO	Checklist	YES / NO
Section 88 check:			
Deposit fee	✓	Type of consent sought & other resource consents required e.g. NES & whether they have been applied for	✓
Completed Form 9 (application form)	✓	An AEE in such detail that corresponds to the scale & significance of the effects from the proposed activity & which addresses the matters outlined in Schedule 4	✓
Applicants name & contact details	✓	Any information required to be included or matters to be addressed by the Plan, National Environmental Standard or regulation	✓
Site owners name & contact details (if different from Applicant)	✓	Site plan, elevations, cross-sections & any other plans required by Council	✓
Description of the activity	✓	A Certificate of Title and any consent notices, encumbrances, easements etc	✓
Location of the activity	✓	Date & signature of Applicant or Agent	✓
Application Complete	✓	Application Incomplete	
		Section 88 Letter Required	

Allocated Planner: Sheryl

Property file or resource consents required? RC 1980523

Interested Parties:

✓ Resource Consents Engineer		Community Board – N / E / W
✓ Development Engineer	✓	Department of Conservation
Reserves Manager	✓	Historic Places Trust
Legal Services		Northland Regional Council
Kerikeri Irrigation Company		Iwi - area:
Environmental Health		QEII
NZTA		Building Team
Monitoring Team		Other

Comments: Need copy of plan referred to in consent notice

Check undertaken by: PJK (initials)

Date: 12/02/14