

# PERMITS & DECISION



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**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

**Resource Consent Number: 2140223-RMASUB**

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

**Jason Bill**

**The activity to which this decision relates: Subdivision proposal to adjust the boundaries of two adjoining allotments with no additional Freehold Registers being created.**

**Subject Site Details**

Address: 42 Metcalfe Road, Kaitaia  
Legal Description: Lot 11 DP 198514 & Lot 12 DP 198514  
Certificate of Title reference: Identifier 583321 & 583322

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

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced 8523, dated 13.09.13, 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 to be duly granted or reserved.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the title of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
    - (i) When a habitable building is constructed on Lot 2 it shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council. [Lot 2]



## Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the Historic Places Trust. 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 the Historic Places Trust's Accidental Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

## Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates may be subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at [www.fndc.govt.nz](http://www.fndc.govt.nz)

## Reasons for the Decision

### 1. Description of the Activity:

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.

### 2. District Plan Rules Affected:

The proposed activity does not comply with the Boundary Adjustment Rule 13.7.1 as the resultant lot size of Lot 1 does not meet the controlled activity minimum lot size of the Rural Production Zone. The proposed allotment sizes are able to comply with the restricted discretionary provision, however, the date of the title is younger than 28 April 2000 therefore the subdivision is a non-complying activity overall.

### 3. Principal Issue[s] in Contention and Main Findings on those Issues:

The principal issue that was in contention were the size of proposed Lot 1 relative to the minimum site size required for a controlled activity. Proposed Lot 1 is already developed and contains a residential dwelling with existing services. Council's Resource Consents Engineer has advised the access to both lots are adequate. The proposal in essence is not creating any further effects to what is already in existence. It was considered that the



proposal is generally consistent with the existing development in the surrounding area and would therefore not detract from the rural character of the area.

**4. Relevant Statutory Provisions:  
Policy Statements & Plan Provisions:**

(a) The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objectives 13.3.1, 13.3.2, 13.3.5 and Policies 13.4.5, 13.4.13, 13.4.14 of Chapter 13 Subdivision. In addition, the objectives and policies of Chapter 8.6 Rural Production are relevant.

**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.

**5. Notification and Affected Parties**

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 order holders.

**6. Overall Evaluation**

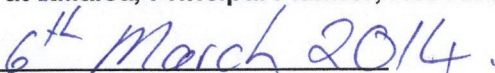
Regard has been had to the gateway tests of Section 104D. In this instance the proposal is considered to have no more than minor adverse effects on the environment, and is not contrary to the objectives and policies. As such, at least one of the gateway tests is satisfied and Council can consider granting consent.

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 objectives and policies of the Far North District Plan, and is consistent with the sustainable management purpose of the RMA.

**Approval**

This resource consent has been prepared by Sheryl Hansford, Assistant 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, Resource Consents

  
Date

**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.



Local Authority: Far North District Council  
 Comprised In: 583321 & 583322  
 Total Area: 24.7241Ha  
 Zoning: Rural Production

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOCUMENT
WATER SUPPLY	(L) (K)	LOT 2 HEREON	C127503.1
POWER SUPPLY	(L)	LOT 2 HEREON	C139590.1

LEGAL ROAD

LOT 2  
23.52Ha

SHED

APPROVED PLAN

PLANNER S HANSFORD

RC. 214.0223 Date 6/3/14

LOT 1  
1.2Ha

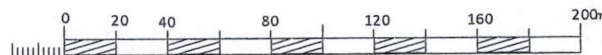
DWELLING

SHED

METCALFE ROAD

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This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



**THOMSON SURVEY**  
LIMITED

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 P.O. Box 372 Kerikeri  
 Email: kerikeri@tsurvey.co.nz  
 Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED BOUNDARY ADJUSTMENT OF  
 LOTS 11 & 12 DP 198514  
 METCALFE ROAD**

PREPARED FOR: BILL

Name	Date	ORIGINAL	SHEET SIZE
Survey		SCALE	
Design		1:2000	A3
Drawn	SL 13.09.13		
Approved			
Rev			
8523 SCHEME.LCD			

Surveyors  
 Ref. No:  
**8523**  
 Series  
 Sheet of

Appendix 1





## Accidental Discovery Protocol (ADP)

**Prior to the commencement of any works, a copy of this ADP should be made available to all contractors working on site.**

Under the *Historic Places Act* (1993) an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Over 11,000 archaeological sites have been recorded in Northland, and more are identified on a regular basis.

For Maori sites (the most common site types in Northland), the largest and most obvious site types are pa, pits and terraces. However, evidence may be of a smaller nature, in the form of bones, shells, charcoal, burnt stone etc; a midden is an archaeological rubbish tip, in which many of these items can be found consolidated together. Evidence of disturbance of a midden can be a scattering of shell across a wide area; this can be confusing if it is near a beach. Pieces of obsidian or chert, together with stone tools, may also be recovered.

In later sites of European origin artefacts such as bottle glass, iron/metal, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures.

Burials/koiwi tangata may be found from any period.

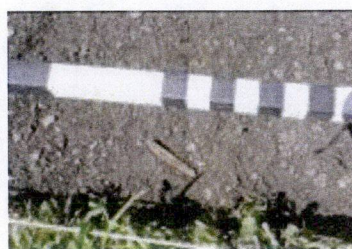
Some examples:



Shell midden



Historic bottle



Animal bone



Archaeological stratigraphy which shows historic artefacts



A flight of pits in forest



Shell midden uncovered in road scraping

In the event of an “accidental discovery” of archaeological material the following steps must be taken:



1. All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
2. The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
3. The contractor/works supervisor/owner will notify the Area Archaeologist of the Historic Places Trust (Northland Office), tangata whenua and any required statutory agencies<sup>1</sup> if this has not already occurred.
4. The New Zealand Historic Places Trust will appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, under the terms of the *Historic Places Act*, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from the Trust before work resumes.
6. If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of the Historic Places Trust, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
7. Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

**ADVICE TO ALL CONTRACTORS/SITE WORKERS/OWNERS:-**

***IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE NZHPT ARCHAEOLOGIST (details below)***

Contact details for the Area Archaeologist for Northland are:

Brooke Jamieson, Area Archaeologist Northland  
NZ Historic Places Trust  
PO Box 836, Kerikeri 0245  
Ph. +64 9 407 0473; mobile 027 249 0864; fax. +64 9 407 3454  
[bjamieson@historic.org.nz](mailto:bjamieson@historic.org.nz)

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<sup>1</sup> For example, the New Zealand Police in the event that human remains are found.



## RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

**Participants:**  
Pat Killalea  
Sheryl Hansford

**Decision Date:** 6/3/2014.....  
**Granted Date:** 6/3/14.....  
**Issued Date:**

**RMA Number** : 2140223-RMASUB  
**RFS Type** : Subdivision  
**Legal Description** : Lots 11 & 12 DP 198514  
**Applicant** : Jason Bill  
**Start Date** : 10 February 2014  
**Location** : 42 Metcalfe Road, Kaitaia  
**Hearing Date** : n/a  
**Activity** : Non complying  
**Outcome** : Approved under delegated authority  
**No. of lots** : Two (no additional)  
**Types of lots** : Fee simple  
**Zone** : Rural Production  
**Area of Site** : Lot 1 = 1.2ha Lot 2 = 23.52ha  
**Proposal** : carry out a boundary adjustment between two rural lots  
**Issues** : The principal issue that was in contention were the size of the proposed Lot 1 relative to the minimum site size required for a controlled activity. Proposed Lot 1 is already developed and contains a residential dwelling with existing services. The proposal in essence is not creating any further effects to what is already in existence. It was considered that the proposal is generally consistent with the existing development in the surrounding area and would therefore not detract from the rural character of the area.

Property File	Utilities	Roading	Com Fac	Finance	NZTA	DoC	Projects	Property Co-ordinator
✓								
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	PIMS	Comm. Brd	Kerikeri Irrigation Co / Doubtless Bay Water Supply Co





**Far North  
District Council**

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Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

**Application No: 2140223-RMASUB**

6 March 2014

Jason Robert Bill  
C/- Thomson Survey  
PO Box 372  
Kerikeri 0245

*Te Kaunihera o Tai Tokerau Ki Te Raki*

*The top place where talent  
wants to live, work and invest*

Dear Mr Bill.

**Re: RESOURCE CONSENT APPLICATION BY Jason Bill**

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Team Leader Resource Consents of the Far North District Council, pursuant to Section 34A of the Resource Management Act 1991.

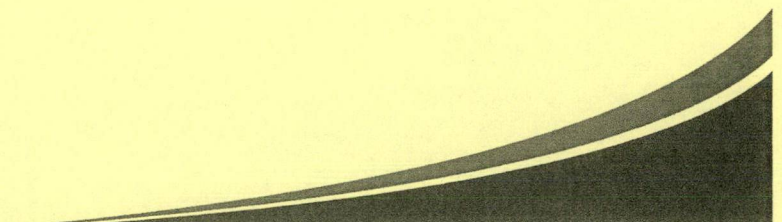
It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the planner who prepared the decision.

Please note that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid by the 20<sup>th</sup> of the month following the date of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

Sharon Tipene  
Customer Services Officer - Planning  
**Environmental Management**





## Sharon Tipene

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**From:** Sharon Tipene  
**Sent:** Thursday, 6 March 2014 4:28 p.m.  
**To:** 'Denis@tsurvey.co.nz'  
**Subject:** Copy of Decision - RC 2140223  
**Attachments:** 06032014152308-0001.pdf

Hi Denis

Please find attached a copy of the signed decision RC 2140223 (Jason Bill)

The signed original decision and approved plans will follow via post. Councils are still to process the final invoice and this will be posted to you in due course.

Should you require any further assistance, please do not hesitate to contact me via return email [Sharon.Tipene@fndc.govt.nz](mailto:Sharon.Tipene@fndc.govt.nz) or phone 0800 920 029 or 09 401 5200

Regards  
Sharon Tipene  
Technical Support Officer, Planning  
Enviromental Management  
Ph. 09 401 5200 or 0800 920 029