

**DECISION ON SUBDIVISION CONSENT APPLICATION
UNDER THE RESOURCE MANAGEMENT ACT 1991
Amended under S133A pursuant to the RMA**

Decision

Pursuant to section 34(1) and sections 104, 104A, 106, 220, and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Controlled activity, subject to the conditions listed below to:

Applicant:	Simon David McLeavey
Council Reference:	2250217-RMASUB
Property Address:	10 Arkles Way, Taipa
Legal Description:	Lot 12 DP 323635 having 1/5 th share in Lot 15 DP 323635 & 2/155 th share in Lots 31-32 DP 195263 (RT 95163)

The activity to which this consent relates is:

Subdivision to create one additional allotment in the rural living zone as a controlled activity.

Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Sapphire Surveyors Ltd, referenced Lots 1 & 2 being a Proposed Subdivision of Lot 12 DP 323635, dated 1/11/2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

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 following conditional amalgamation pursuant to Section 220(1)(b)(ii) of the RMA 1991:
 - i. Lot 1 hereon, 1/155 share of Lots 31-32 DP 195263 and 1/10 share of Lot 15 DP 323635 be held in the same Record of Title. **[LINZ Request Number 1931925]**

- ii. Lot 2 hereon, 1/155 share of Lots 31-32 DP 195263 and 1/10 share of Lot 15 DP 323635 be held in the same Record of Title. **[LINZ Request Number 1931925]**
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
 - a. Provide evidence from a Licenced Cadastral Surveyor and/or approved TP58 Writer regarding the location of the existing onsite wastewater system, including any effluent disposal fields or trenches, on Lot 2. If the onsite wastewater system is functional, suitable for the existing dwelling and fully contained within the boundaries of Lot 2, it may continue to operate. If any connections of the onsite wastewater system, including disposal fields or trenches, extends beyond the Lot 2's boundaries, the consent holder must either relocate and/or upgrade the system within the Lot, or amend the boundaries of the lot to accommodate the system.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide a formed and concreted access point from ROW A to Lot 1 in accordance with Appendix 3B-1 Standards for Private Access with a 3.0 m width carriageway, which is required for 1 Household Equivalent to comply with Rule 15.1.6C.1 of the FNDC Operative District Plan. The access shall include a 300mm diameter culvert for the newly formed open drain running alongside the driveway.
 - b. Provide evidence from a qualified engineer to the Council Engineer or duly designated officer confirming that the stormwater runoff from Lot 2 has been diverted and discharged in accordance with the drainage channels as outlined in the Haigh Workman Engineering Assessment Report, reference 24 099, dated 13 August 2024.
 - c. Provide documentation that the service providers of electric power are satisfied with the arrangements made for the provision of these services to the boundary for Lot 1.
5. 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 consent holder:

Lot 1

- a. The provision of telecommunication services to the boundary of Lot 1 are not a requirement of this subdivision consent. The responsibility for providing telecommunication services will remain the responsibility of the property owner.
- b. In conjunction with the construction of a habitable building on Lot 1, 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 tanks or other approved means and 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, otherwise by written approval from Fire and Emergency New Zealand.

- c. In conjunction with an application for a building consent for any building and impermeable surfaces on Lot 1, the lot owner shall submit for the approval of Council the design of stormwater mitigation measures to limit stormwater flows from the lot to the predevelopment level for rainfall events plus climate change in accordance with latest FNDC engineering standard. The report shall be prepared by a Chartered Professional Engineer or a suitably qualified and experienced practitioner and shall be in general accordance with the recommendations outlined in the 'Engineering Assessment for Proposed Subdivision' prepared by Haigh Workman Ltd, reference 24 099, dated 13 August 2024 and provided with RC 2250217-RMASUB.
- d. In conjunction with an application for a building consent for any building, the Lot owner shall provide a report prepared by a suitably qualified and experienced Chartered Professional Engineer, which addresses the location and foundations of the building and shall be in general accordance with the recommendations outlined in the 'Engineering Assessment for Proposed Subdivision' prepared by Haigh Workman Ltd, reference 24 099, dated 13 August 2024 and provided with RC 2250217-RMASUB.
- e. The Building Line Restriction is set back 38.5 meters from the northern boundary of Lot 1. If a building is to be located within the setback, a further geotechnical assessment and modelling shall be prepared by a suitably qualified and experienced Chartered Professional Engineer for Councils duly delegated officers satisfaction and approval.

Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - b) 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 Act.

Right of Objection

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

Archaeological Sites

3. *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.*

General Advice Notes

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*
6. *The site is identified as being within a 1-kilometre buffer of 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.*
7. *Consent notice condition e. was offered by the applicant as recommended by the technical engineering reports which supported the application for RC 2250217-RMASUB.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Controlled resource consent as such under section 104A the Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are found in Chapter 13 – Subdivisions under 13.7.3 Controlled (Subdivision) Activities: Other Matters to Be Taken into Account of the Operative District Plan.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a) The proposed lots are sized and shaped to accommodate all the existing and future developments. The proposal is consistent with the surrounding land use and does not pose any concerns relating to reverse sensitivity or land use compatibility.

- b) The ratio of buildings to open space that may be enabled as a result of any future development on the lots is considered appropriate for the surrounding area and the underlying Rural Living Zone.
 - c) Councils Roading Department and RC Engineer have reviewed the access to Lot 1 and 2 and satisfied that the Lots can achieve safe access from Taipa View Road via the access lot. The crossing has been recently concreted to an adequate standard and it would seem remiss to require marginal widening to 3m, especially since the length of ROW A is not more than 10m. Additionally, the access lot currently serves 5 lots and the Lot 1 will be the 6th and due to Lot 1 being proposed for rural development in the future, the additional traffic is not anticipated to create adverse effects on the transportation network and the access lot in which Lots 10 – 14 DP 323635 have an equal share.
 - d) The subject sites do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscape, nor outstanding natural/landscape feature that would make the Department of Conservation, Heritage New Zealand Pouhere Taonga or iwi an affected party. Local iwis were circulated the application to provide commentary on and no comments were received at the time of writing this report.
 - e) The Resource Consents Engineer has assessed the proposal and has recommended the imposition of a condition which will enable any adverse stormwater management effects created by the proposal to be managed within the boundaries of Lot 1 and 2 and will not be contrary to the objectives and policies of the District Plan.
 - f) Each lot is adequately sized and has ample available land to provide for future residential development as well as on-site infrastructure such as on-site wastewater disposal, water supply, and stormwater disposal.
 - g) Lot 2 has existing plantings/vegetation which can adequately screen the buildings and soften the development into the rural lifestyle landscape to retain the rural amenity values and Lot 1 has ample open space available for landscaping to screen development should that be required.
 - h) The proposal will result in limited positive effects however will allow for the landowners to subdivide their land which will subsequently add to the housing capacity in the Taipa area.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
- a. Northland Regional Policy Statement 2016,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

Given the activity status is Controlled, the environmental outcome of the proposal is entirely anticipated by all the relevant planning documents listed above. Therefore, the proposal is considered to be consistent with all the relevant objectives and policies in the documents listed above.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

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



Tianxu (Brian) Huang

Date: 18 December 2024

Team Leader – Resource Consents

Approval

This Decision has been amended pursuant to S133A of the Resource Management Act on 19 December 2024. Details of the changes can be found on the resource consent property file.



Tianxu (Brian) Huang

Date: 19 December 2024

Team Leader – Resource Consents

Accidental Discovery Protocol (ADP)

From Heritage New Zealand Pouhere Taonga

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

Under the *Heritage New Zealand Pouhere Taonga Act 2014* 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 12,000 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:



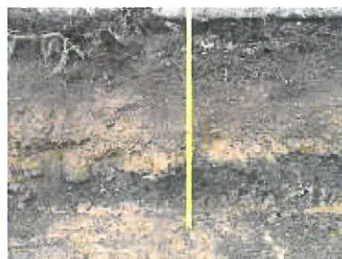
Shell midden



Historic bottle



Animal bone



Archaeological stratigraphy



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 Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies¹ if this has not already occurred.
4. Heritage New Zealand – Pouhere Taonga advise the use of 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 *Heritage New Zealand Pouhere Taonga Act 2014*, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga 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 Heritage New Zealand – Pouhere Taonga, 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 AREA ARCHAEOLOGIST

Contact details for the Area Archaeologist in Northland is:

Dr James Robinson, Archaeologist
Heritage New Zealand – Pouhere Taonga
PO Box 836, Kerikeri 0245
PH: (64 9) 407 0470 - DDI. (64 9) 407 0473 - MOBILE 027 249 0864
jrobinson@heritage.org.nz

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



Memorandum of Proposed Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right of way; Right to drain stormwater and convey power & telecommunications.	A B	Lot 1 hereon	Lot 2 hereon

Schedule of Existing Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Created by
Right to convey power, telecommunications & computer media	B	Lot 1 hereon	EI 5983862.1
	C	Lot 2 hereon	

IMPERMEABLE SURFACES		
Structure (m ²)	Lot 1	Lot 2
Dwelling Roof		117
Decks/Steps		38
Sheds		12
Paving		12
Metal Driveway		246
Concrete	35	221
Total Imp.	35	646
Lot Area	4277	5168
% Imp Area	0.8%	12.5%

APPROVED PLAN
 Planner: ENathan
 RC: 2250217-RMASUB
 Date: 19/12/2024

AMALGAMATION CONDITIONS:
 Pursuant to Section 220(1)(b)(ii) of the RMA 1991, that Lot 1 hereon, 1/155 share of Lots 31-32 DP 195263 and 1/10 share of Lot 15 DP 323635 be held in the same Record of Title.
 Pursuant to Section 220(1)(b)(ii) of the RMA 1991, that Lot 2 hereon, 1/155 share of Lots 31-32 DP 195263 and 1/10 share of Lot 15 DP 323635 be held in the same Record of Title.

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LOCAL AUTHORITY: FAR NORTH DISTRICT COUNCIL
 COMPRISED IN: RT 95163
 TOTAL AREA: 9445 sqm
 PLAN PREPARED FOR: SD McLeavey

Sapphire Surveyors Ltd
 Surveyors & Land Development Specialists
 Doubtless Bay, NZ
 Ph. 09-406-0001
 info@sapphiresurveyors.co.nz

Lots 1 & 2 being a Proposed Subdivision of Lot 12 DP 323635

Job Ref	0117S	
A3	1:500	
Surveyed:		
Drawn:	WW	29/04/2024
Version:	A	
Status:	Final	1/11/2024
Sheet:	1 of 1	