



014

PERMITS & DECISION



**Far North
District Council**

FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2150068-RMASUB

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

Kingi

The activity to which this decision relates:

Subdivision in the Rural Production Zone to create three allotments being 6770m² [Lot 1], 10.1509Ha [Lot 2], and 5.3595Ha [Lot 3] in area and a waiver from esplanade requirements for Lot 1. Lot 3 is to be amalgamated with two adjoining lots to create a new title with an area of 50.09Ha.

Subject Site Details

Address: 193 Peria Road, Peria
Legal Descriptions: Lot 2 DP 34669 and Middle Portion Section 59 Parish of Mangataniwha and Part Section 4 Block I Manngataniwha Survey District,
Certificate of Title references: NA-887/132, NA-170/80, NA61D/42

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 plans of subdivision prepared by Shane Stratton Surveying Limited, referenced "Proposed Subdivision of Allot M59 Parish of Maungataniwha", dated 15/05/2014 and 06/11/2014, and attached to this consent with the Council's "Approved Stamp" affixed to them.
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.
 - (b) The amalgamation condition as shown below:

"That Lot 3 hereon, Pt Section 3 Blk I Mangataniwha SD (NA61D/42) and Lot 2 DP (NA887/132) be held in the same CFR." [DLR Reference 1244679]
3. Prior to the issuing of a certificates 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) In conjunction with the construction of a new dwelling, a roof water collection system with minimum tank storage of 45,000 litres shall be provided. The tank(s) shall be positioned so that they are safely accessible 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 fittings compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council, or have access to an alternative fire fighting water source as set out in SNZ PAS 4509:2003 Appendix B.

[Lots 2 and 3]

- (ii) Reticulated power supply or telecommunication services were not a requirement of the subdivision consent creating this lot. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. Please note that power supply may be required for a secondary treatment on-site effluent disposal system.

[Lots 2 and 3]

- (iii) In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and submit for Council approval a TP58 Report (wastewater report) prepared by a Chartered Professional Engineer or an approved TP58 writer. The report shall identify a suitable method of wastewater treatment and an identified effluent disposal area plus a reserve area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water and Soil Plan Permitted Activity Standards.

[Lot 2]

- (iv) Prior to the construction of a habitable building on Lot 2, a vehicle crossing permit shall be obtained from the Council for the construction of a new crossing place as per the approved plan referenced "Plan of Alternative Vehicle Crossing for Lot 2", dated 06/11/2014, and attached to RC 2150068. The existing crossing place (as shown on this approved plan) shall be fenced off and removed upon the construction of the new vehicle crossing place.

[Lot 2]

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.

2. Present and future owners of Lots 1 and 2 shall note that the property is located within a medium density kiwi habitat. Care should be taken with the keeping of domestic cats, dogs and mustelids, as these animals may cause adverse effects on the Kiwi population that may inhabit the area. It is recommended by the Department of Conservation that if any dogs or cats are present on these sites, that they are tied up or kept inside at night. Kiwi aversion training for dogs is also recommended.
3. The existing shed within Lot 1 is located partially with the Legal Road. A License to Occupy the Road Reserve should be applied for from Council's Roading Department for this building to occupy the road reserve.

Reasons for the Decision:

1. Description of the Activity:

The proposal is a subdivision in the Rural Production Zone to create three allotments being 6770m² [Lot 1], 10.1509Ha [Lot 2], and 5.3595Ha [Lot 3] in area and also a waiver from esplanade requirements for Lot 1. Lot 3 is to be amalgamated with two adjoining lots to create a new title with an area of 50.09Ha.

2. District Plan Rules Affected:

The proposed activity does not comply with controlled activity rule 13.7 'Controlled (Subdivision) Activities', or rule 14.6.1 'Esplanade Areas' of the Operative District Plan.

The lot sizes comply with restricted discretionary subdivision rule 13.8.1 'Subdivision in the Rural Production Zone', however due to the waiver of the esplanade reserve area in accordance with rule 14.6.3 'Waivers and Reductions' of the Plan the overall activity status of the application is considered to be a discretionary activity.

3. Principal Issues in Contention and Main Findings on those Issues:

Main Issues:

- (a) Indigenous Flora and Habitat of Indigenous Fauna
- (b) Access to Waterways
- (c) Traffic Safety

Main Findings:

- (a) Pt Section 3 Blk I Maungataniwha SD (to be amalgamated with Lot 3) contains a 35.56Ha area of existing indigenous bush that is protected by way of a QEII covenant area. This QEII covenant will be transferred to the new title that will be created and the proposal will not result in the removal of any of this native vegetation or other vegetation on the subject sites. The QEII covenant is considered to provide protection of a large area of indigenous flora and potential habitat of indigenous fauna.

The Department of Conservation provided comments on the proposal requesting that a 'no cats or dogs' covenant be placed on proposed Lot 3 and that an advice

note be placed on proposed Lots 1 and 2 of kiwi in the area. The application will not result in any additional titles being provided and will not result in any indigenous vegetation being removed, therefore in this instance an advice note with regard to the potential for kiwi in the area and that cats or dogs be kept inside at night was applied to inform the applicant and future owners such that the potential effects on indigenous flora and habitats of indigenous fauna can be avoided.

- (b) The northern most boundary of Lot 1 is defined by a stream. Proposed Lot 1 is under 4ha in area and the stream is greater than 3m in width, therefore the stream fits the definition under Section 230(4) of the Resource Management Act 1991 and an esplanade strip or reserve may be requested by Council pursuant to rule 14.6.1 of the District Plan.

The application requested that the requirement to vest an esplanade reserve area be waived. In this instance it is not considered that an esplanade strip or reserve is required. In terms of the criteria under rule 14.6.3 'Waivers and Reductions' of the District Plan, the reserve or strip is not considered to result in preservation of ecological values, the stream is not within an area of demand for public access to the waterway, and the physical attributes, location and connection with surrounding features is not considered to provide significant benefit in terms of any public use.

- (c) Lot 2 is currently used for rural grazing purposes and this use is not proposed to change as a result of the subdivision. The applicant requested that a consent notice condition be imposed for the formation of the new crossing place for Lot 2 when a dwelling is constructed on it as the existing crossing place can continue to be utilised for the current rural use.

The current vehicle crossing place for Lot 2 does not have adequate sight distances to avoid potential adverse traffic safety effects associated with the residential use of the site. The applicant proposed a new location for the vehicle crossing place that improved sight distances from entrance along Peria Road. A consent notice condition is included that requires that the vehicle crossing place to Lot 2 is formed at the time that an application is made for building consent for a habitable building on the site. With this condition of consent given effect to, it is considered that the proposal will have no more than minor traffic and access issues on the receiving environment.

4. Relevant Statutory Provisions:

Policy Statements & Plan Provisions:

- (a) The Operative Far North District Plan;

The proposal is considered to result in lots that are consistent with the rural character of the surrounding area. The proposal will not result in any additional titles being created and is considered to have less than minor effects on the receiving rural environment. The development is considered to be consistent with objectives and policies of Chapter 13 'Subdivision', Chapter 8 'Rural Environment', and Chapter 8.6 'Rural Production Zone' of the Far North Operative District Plan.

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

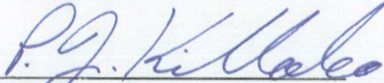
The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

Overall, it is considered that subject to conditions of consent, the proposal will have no more than minor effects on the receiving environment. The proposal will not result in any additional allotments, is a restricted discretionary activity, and is considered to be generally consistent with the objectives and policies of the Far North District Plan. The proposal is also considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.

Approval

This resource consent has been prepared by Felicity Foy, 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 Kiffalea, Principal Planner, Resource Consents

21st November 2014.

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

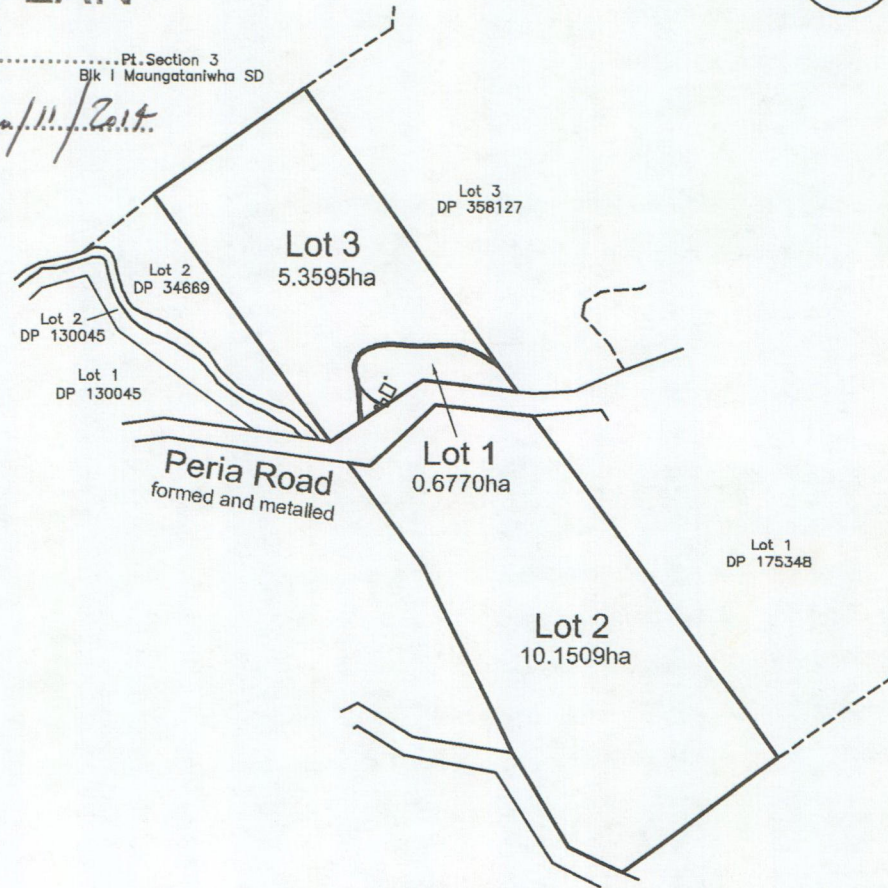
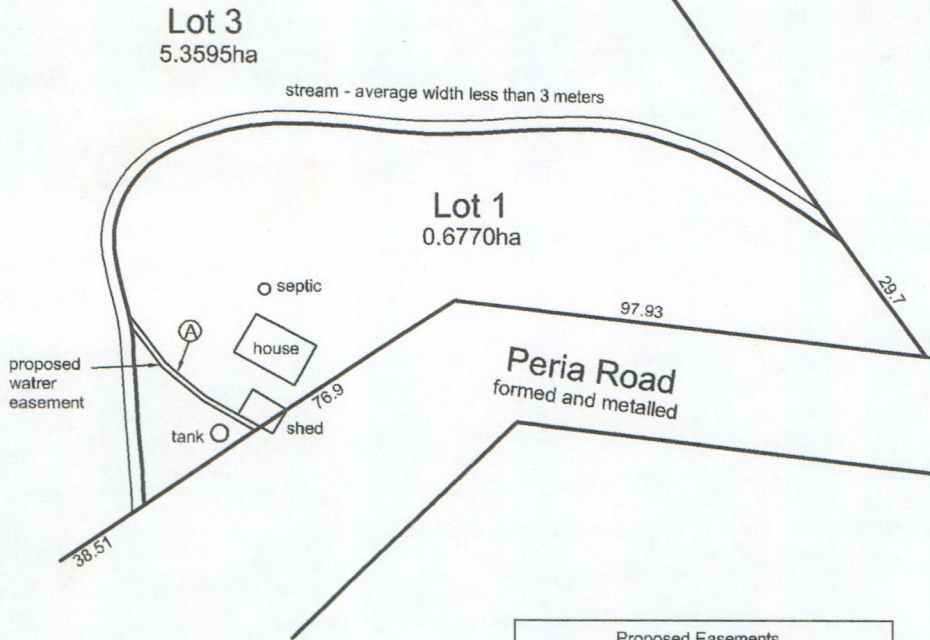
An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

CAUTION:

- This is a Concept Plan. Areas & Dimensions are approximate only and are subject to Final Survey.
- The Vendor & Purchaser must contact the Surveyor if a Sale & Purchase Agreement(s) are entered into using this Plan.
- This Plan is copyright to Shane Stratton Surveying Ltd. No part of this Plan may be reproduced in any form without the prior permission of the above Mentioned.
- All topographical features are approximate only,

APPROVED PLAN

PLANNER *F. Foy*
 RC. 2150068 Date *20/11/2014*



Proposed Easements			
Purpose	shown	dominant tenement	servient tenement
water supply	(A)	Lot 2 hereon	Lot 1 hereon

Amalgamation Condition
 That lot 3 hereon, Pt Section 3 Block I Maungataniwha SD (NA61D/42) and Lot 2 DP 34669 (NA887/132) be held in the same CFR.

Shane Stratton
 Licenced Cadastral Surveyor

SHANE STRATTON SURVEYING LIMITED

Ph : 0274390092
 PO Box 7144 Tikipunga Whangarei
 shane@sbsurveyors.co.nz

PROPOSED SUBDIVISION OF ALLOT M59 PARISH OF MAUNGATANIWHA

PREPARED FOR: Kingi

TOTAL AREA 161874ha COMPRISED IN NA170/80, NA887/132, NA61D/42

Scale 1:5000 (A3)

SHEET NUMBER
 954-1

FILE REF.
 SSS954

DATE: 15/05/14

Lot 3
5.3595ha

stream - average width less than 3 meters



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APPROVED PLAN

PLANNER *F. Jay*
 RC...2150068... Date *20/11/2014*

Lot 1
0.6770ha

Peria Road
formed and metalled

50m sight distance

30m sight distance

20m sight distance

120m sight distance

existing vehicle crossing (farm use only)

proposed future crossing to be constructed at time of building consent application

Lot 2
10.1509ha

Shane Stratton
Licenced Cadastral Surveyor

Plan of Alternative Vehicle Crossing for Lot 2
 PROPOSED SUBDIVISION OF ALLOT M59 PARISH
 OF MAUNGATANIWHA

Scale 1:500 (A3)

Shane Stratton
Surveying Limited

Ph : 0274390092
PO Box 7144 Tikipunga Whangarei
shane@sbsurveyors.co.nz

PREPARED FOR: Kingi

TOTAL AREA 16.1874ha COMPRISED IN NA170/80, NA887/132, NA61D/42

SHEET NUMBER
954-1

FILE REF.
SSS954

DATE: 6/11/14



Far North
District Council

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Website: www.fndc.govt.nz

Application No: 2150068-RMASUB

21 November 2014

Kingi
C/- Shane Stratton Surveying
PO Box 7144
Tikipunga
Whangarei 0144

Te Kaunihera o Tai Tokerau Ki Te Raki

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

Dear Sir/Madam

Re: RESOURCE CONSENT APPLICATION BY Kingi

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 20th 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

From: Sharon Tipene
Sent: Friday, 21 November 2014 2:05 p.m.
To: 'Shane Stratton'
Subject: Decision for: RC 2150068
Attachments: 21112014130101-0001.pdf

Hi Shane

Please find attached a copy of the approved decision for RC 2150068 (Kingi)

The signed original decision and approved plans will follow via this evenings post. Councils final invoice is still to be processed and will be posted out in due course.

Should you require any futher assistance, you may email Sharon.Tipene@fndc.govt.nz or phone 0800 920 029 Ext 7413.

Regards

Sharon Tipene

RMA Support Officer

Enviromental Management

Ph. 09 401 5200 or 0800 920 029

PRE CHECKLIST

Date Application Received: **08 September 2014** Date Lodged: **09 September 2014**

Precheck Number: 89537-PRECHK

X

RC 2150068

Application type:

LUC / **SUB** / COM / VAR / DIS / EXT / OBJ / NES / DES / OUT / EWK / OTH

Allocated Planner/Officer: Sheng /

Section 88 check:

Checklist	YES / NO
Deposit/Instalment fee paid	Cheque attached \$1725 ✓
Completed Form 9 (application form) or suitable equivalent If no, what information is missing?	✓
Signature of Bill Payer	✓
Signature of Applicant or Agent	✓
Applicants name & contact details	✓
Site owners name & contact details (if different from Applicant)	✓
Description of the activity If no, what information is missing?	✓
Location of the activity	✓
Certificate of Title (less than 6 months old)	✓
Relevant interests on the Title If no, what is missing, e.g. Consent Notice? <i>Pt Section 3 9518151.1 open pole convenient.</i>	<i>please save, attach + bill to applicant</i>
Correct Type of Consent specified If not, what is wrong, and what is missing?	✓
Other consents required specified	✓
An Assessment of Environment Effects in sufficient detail to satisfy the purpose for which it is required If no, what is information is missing?	✓

*done &
printed
5/12*

Any information required to address a National Environmental Standard If no, what is missing?		✓
Adequate site plan, elevations, floor plans, contour information, subdivision scheme (if relevant) If no, what is missing?		✓
Is Application Complete If no, is s88 letter required? Summarise matters to be addressed in a s.88 letter		✓
Administration Use Only		
Is property file required?		Yes please.
Are any historic RCs required? If yes please list:		no.
Does application need to be circulated to Interested Parties? If so, specify:		
✓	Resource Consents Engineer	NZ Transport Agency
✓	Development Engineer	✓ Department of Conservation
	Reserves Manager	Heritage New Zealand Pouhere Taonga
	Legal Services	Northland Regional Council – general / NES
	Environmental Health Officer	Iwi - area:
	Monitoring Team	Kerikeri Irrigation Company
	Building Team (PIM)	Top Energy / Transpower
	Community Board – Te Hiku / E / W	✓ QEII <u>Craig Blunden</u>
	Rural Fire Officer	✓ NZ Kiwi Foundation/Northland Kiwi Forum (circle which)
	Other:	Orongo Bay Delivery Centre (marine farm)
		Other:
Comments: <u>DLR letter required</u>		
<u>See also 89506 (regarded 1st time)</u>		

Check undertaken by: MMN (initials) Date: 11-9-14

allocated - 11-9-14 SFG