



**Far North  
District Council**

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**Application No: 2180624-RMASUB**

*Te Kōwhiri o Tai Tokerau Ki Te Raki*

9 October 2018

Strachan Family Trust  
C/- Thomson Survey Ltd  
Att: Warwick Pascoe  
PO Box 372  
Kerikeri 0245

Dear Sir / Madam,

**Re: RESOURCE CONSENT APPLICATION BY Strachan Family Trust**

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

A handwritten signature in blue ink, appearing to read 'Chris Rowse'.

Chris Rowse  
Planning Support  
**Resource Consents Department**





**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2180624-RMASUB**

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

**Strachan Family Trust**

**The activity to which this decision relates:**

**Subdivision in the Rural Production Zone to create 7 lots from three titles (4 additional).**

**Subject Site Details**

Address: Tapapanui A4D, Whakataha Road, Waimate North 0472  
Legal Description: Tapapanui A4D  
Certificate of Title reference: NA-51D/363, NA-19C/426, NA-15D/1110

**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 Ltd referenced 'Proposed Subdivision of Tapapanui A4D, Tapapanui B4D1 and Lot 1 DP 59183', referenced as No. 9285, dated 27/04/18 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) Bush covenant areas X, Y, and Z.
  - (c) Land covenant area A being a restrictive private covenant.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) The consent holder shall submit to Council an Onsite Wastewater Report for Lots 2-7. The Report shall be prepared by a Chartered Professional Engineer or Council approved Report Writer. The Report shall identify the type of wastewater treatment required for each lot, a suitable area necessary for disposal plus a 100% reserve disposal area, all contained within their respective lot boundaries.

- (b) The consent holder shall submit to Council's Resource Consents Engineer or designate for approval, plans, specifications and details of all works to form the ROW access road, stormwater drainage, and stormwater mitigation works prior to commencing construction. Such works will be designed by a Chartered Professional Engineer in general accordance with the Far North District Plan Section 15.1, Appendix 3B-1, Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- (i) Road formation drawings including site layout, contour plans, the extent and volume of earthworks, and typical cross and long sections.
  - (ii) An access turning head at the end of ROW B.
  - (iii) Access road construction on ROW B to a minimum of 5m finished carriageway width. The formation is to consist of a minimum of 200mm of compacted hardfill, 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.
  - (iv) Stormwater drainage and construction for access road and disposal to permanent control structures.
  - (v) Stormwater management system, pre and post overland flows, mitigation measures to a pre-development level up to a 10% AEP + climate change event for the proposed access road stormwater control.
  - (vi) The proposed stormwater control works to be in place prior to and during construction.
  - (vii) Earthworks including proposed erosion and sediment control measures required to undertake the development on the site.
- (c) Provide for Council's approval a preferred road name and two alternatives for the private way, ROW B. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the area.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) Provide to Council written confirmation from a Licensed Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
- (b) Provide confirmation that \$6,000.00 has been paid to Council for upgrade works on Whakataha Road.
- (c) Upgrade the existing entrance to Lot 1 to provide an entrance which complies with the Councils Engineering Standard FNDC/S/6 and 6B, Section 3.3.17 and NZS4404:2004.
- (d) Provide a Construction Review Certificate (PS4 / Schedule 1C) from a Chartered Professional Engineer confirming that the subdivision stormwater management system and access road have been constructed in general accordance with the approved plans and details submitted to meet Condition 3(b).
- (e) Provide for Councils approval a legal document which apportions future maintenance of the stormwater system as approved by Council to meet Condition

3(b), including the detention and silt control pond on Lot 4 (shown as E on the scheme plan) amongst the owners of Lots 2-7 and provide a solicitors undertaking to register the document against the titles of the allotments.

- (f) Provide for Council's approval a legal document that details the proposed shelter-belt to be planted within land covenant area A to mitigate the effects of dust and noise from traffic and provide a solicitor's undertaking to register the legal document against the titles for the proposed allotments.
- (g) Provide documentation that the service providers of electric power to the sites are satisfied with the arrangement made for the provision of these services.
- (h) Install road signage as approved in Condition 3(c) and in accordance with Council's Engineering Standards and Guidelines.
- (i) 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.

#### **Lots 2 - 7**

- (i) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank 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 Supply Code of Practice SNZ PAS 4509.
- (ii) No carnivorous animals (such as cats, dogs, or mustelids) which have the potential to be kiwi predators shall be introduced or kept on Lots 2-7. Working stock dogs shall be permitted on Lot 7.
- (iii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit for Council approval an Onsite Wastewater Report prepared by a Chartered Professional Engineer or a Council approved Report Writer. The Report shall reference the Report supplied to satisfy condition 3(a) of RC 2180624, identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
- (iv) The lot owners shall maintain, on an ongoing basis, the stormwater control and mitigation system which includes the detention and silt control pond and outfall on Lot 4 (shown as E on the scheme plan), to a reasonable and operational standard as is required through the legal document prepared and approved under Condition 4(e) of RC 2180624.
- (v) Reticulated telecommunication services are not a requirement of this subdivision consent. The responsibility for providing telecommunication services will remain the responsibility of the property owner.

#### **Lots 2-3 and 5-6**

- (i) In conjunction with the construction of any building greater than 100m<sup>2</sup>, or where the combined impermeable surfaces on site exceed 600m<sup>2</sup>, the owner shall submit, in conjunction with obtaining a building consent, for the approval of Council, a report prepared by a suitably qualified practitioner, detailing appropriate mitigation measures that will limit the stormwater flows from the site to pre-development levels for rainfall events up to those with a 10% AEP including an allowance for climate change.

#### **Lot 4 and 7**

- (i) The owner shall preserve the indigenous vegetation and bush within areas X, Y, and Z on Lot 4 and 7 as shown on survey plan DP [XXXXX] 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 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.

#### **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. The consent holder shall, when conducting the upgrade or construction of vehicle crossings in or close to Whakataha Road reserve, submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP) from Council prior to any excavation or works commencing. This is particularly relevant for the proposed heavy metalling of Whakataha Road to be undertaken by the applicant.
3. The road names submitted to Council for the purposes of Condition 3(c) shall be submitted via a an 'Application for Road Naming/Renaming'. Consideration of the Naming and Property Addressing Policy #2125 and Section 3.2.3.1 of the Far North District Council Engineering Standards should also be undertaken before submitting the road names for Community Board approval.
4. The road upgrade works along Whakataha Road as required under condition 4(b) are to be discussed and agreed with the Far North District Council's Roads Department before commencing.

#### **Reasons for the Decision**

1. **Description of the Activity**  
The proposal seeks to undertake a subdivision in the Rural Production Zone to create seven lots from 3 existing titles (4 additional). Lot 1 (existing) is proposed to be 1.442ha;

Lot 2 and 3 are 1.0ha; Lot 4 is 4.05ha; Lot 5 is 6,800m<sup>2</sup>; Lot 6 is 6,700m<sup>2</sup> and Lot 7 is 15.99ha.

2. **District Plan Rules Affected**

The proposed land use activity is a Non-Complying Activity in accordance with Rule 13.11 of the Operative Far North District Plan 2009.

3. **Principal Issue(s) in Contention and Main Findings on Those Issues:**

The main issues in contention related to potential and actual effects on versatile soils, indigenous flora and fauna, archaeology, natural and other hazards, infrastructure and servicing, visual, character, amenity values and open space, reverse sensitivity and land use incompatibility, sites of significance to Maori, Maori land and cultural heritage and cumulative and precedent effects. These matters were carefully assessed in Section 10 of the s 95A-95G Assessment Report where it was determined that, subject to the recommended conditions of consent being imposed, 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.

4. **Relevant Statutory Provisions**

**Policy Statements & Plan Provisions**

**The Northland Regional Policy Statement 2016 (RPS)**

The application references and contains an appraisal of the relevant objectives and policies of the RPS. These matters have been considered when assessing the effects of the proposal. Policy 5.1.1 – Planned and coordinated development is of particular relevance to this consent, particularly elements associated with versatile soils. While the proposal is found to affect versatile soils, the proposal is not considered to materially reduce the potential for soil-based primary production. In conclusion, the proposed activity is consistent with the objectives and policies of the RPS.

**The Proposed Regional Plan (PRP) and Regional Water and Soil Plan**

There are no relevant matters within the Proposed Regional Plan or Regional Water and Soil Plan that are of concern to this application. Earthworks associated with carrying out the subdivision are not at a level covered by these Plans. In terms of wastewater disposal, conditions of consent require site specific suitability reports to be commissioned for each lot. Through this process, compliance with the above Plans will be undertaken and confirmed.

**The Operative Far North District Plan 2009**

The application references and contains an appraisal of the relevant objectives and policies for the Rural Production Zone, Parts of Chapter 12 District Wide and Subdivision sections. These matters have been considered when assessing the effects of the proposal. In summary, the overall appraisal contained within the application is agreed with leading to the conclusion that the proposed activity is consistent with the objectives and policies of the Operative Far North District Plan 2009.

5. **Part 2 Matters**

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

**6. Section 104D Consideration**

Pursuant to s104D of the Resource Management Act 1991, if a proposal is a non-complying activity, it must pass at least one of the gateway tests of either s104D(1)(a) or s104(1)(b) before an application can be assessed to make a decision under s 104B of the Act. If the application does not pass either test of s104D then the application must be declined.

**Assessment of Effects**

As already described above, the potential and actual effects resulting from the proposed subdivision have been carefully considered. It is considered that the resulting effects will not be more than minor.

**District Plan Objectives and Policies**

As already described above the proposal is deemed to be consistent with and not contrary to the objectives and policies in the district plan. As such, the gateway tests of s104D are passed.

**Precedent Effects**

As a Non-Complying Activity, precedent effects are a matter that should be considered under s104(1)(c) Other Matters. There is a risk that, unless the subdivision can be set apart from other similar future applications, it may be used as justification for future similar applications.

The application addresses precedent effects. Given the Non-Complying nature of the application and the relevant physical characteristics associated with the site, any precedent issues must be carefully considered. There are a range of distinguishing features of this application that are considered to be sufficient to avoid any significant precedent effect being set. They are:

- The immediate area and surrounding area exhibits a development pattern that is distinguished from the typical lot sizes foreseen by the Plan;
- Protection measures are provided for indigenous flora and fauna (vegetation and Kiwi);
- The subdivision design acknowledges on site characteristics such as potential flooding, vegetation protection and the Top Energy transmission lines by promoting smaller lots away from these features and retaining larger balance areas where these features are present.
- The subdivision is situated in the vicinity of Maori Land with the subdivision seeming to promote access, via the boundary adjustment, to users of the Maori Land in and around the subject site.
- The subdivision could have been progressed via two separate Restricted Discretionary applications with a likely similar result.

**7. 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.

**8. Overall Evaluation**

The application for a Non-Complying Activity has been considered against the relevant provisions of the Act and the District Plan. It is considered that as the proposed satisfies

Section 104 of the Act, the application can be considered for granting under section 104B.

**Approval**

This resource consent has been prepared by Steven Sanson, Consultant 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: 8<sup>th</sup> October 2018**

**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

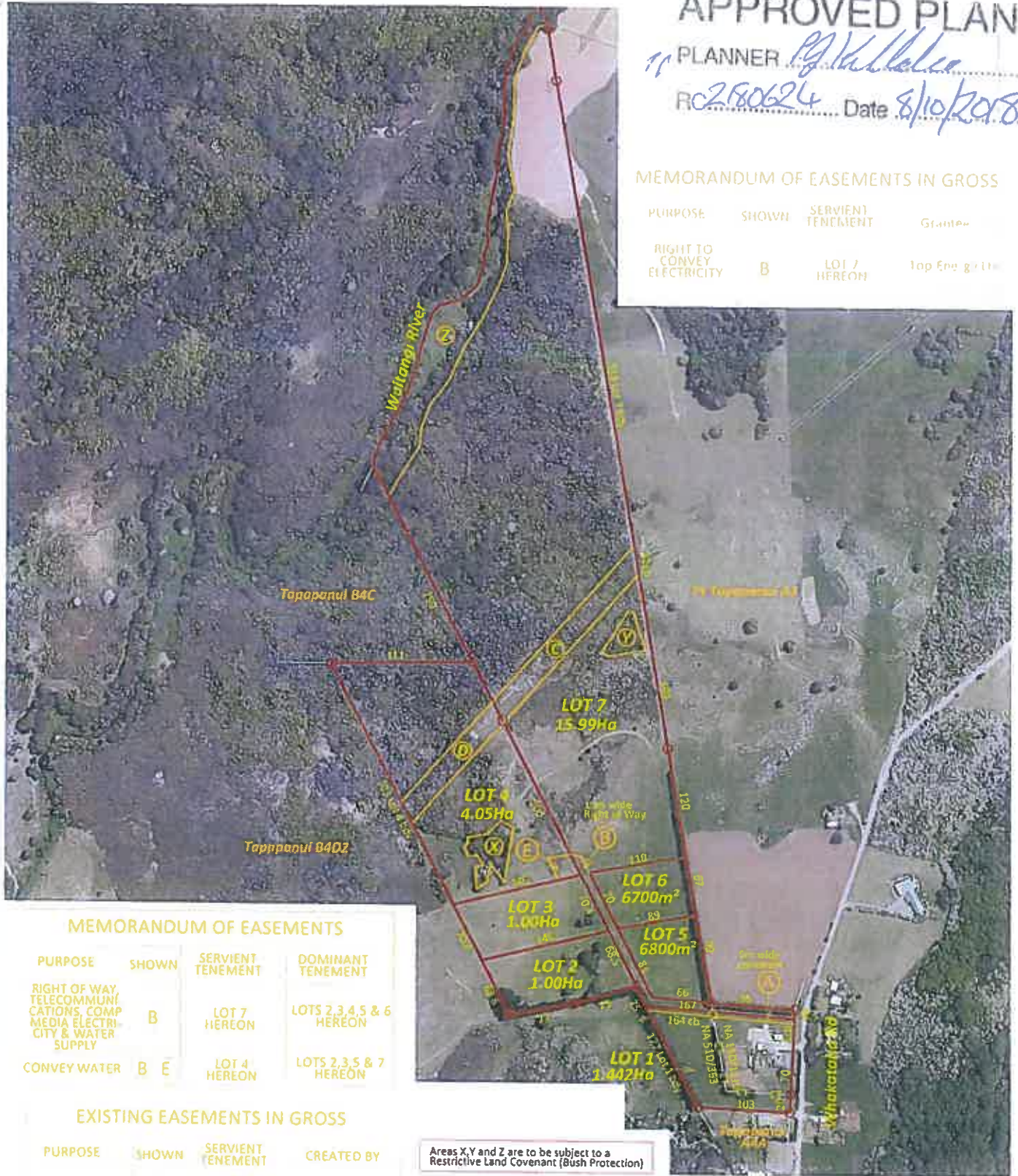


# APPROVED PLAN

PLANNER *PJ Kelleher*  
 RC *280624* Date *8/10/2018*

## MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	Dominant
RIGHT TO CONVEY ELECTRICITY	B	LOT 7 HEREON	Top Energy Ltd



## MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, COMP MEDIA, ELECTRICITY & WATER SUPPLY	B	LOT 7 HEREON	LOTS 2, 3, 4, 5 & 6 HEREON
CONVEY WATER	B E	LOT 4 HEREON	LOTS 2, 3, 5 & 7 HEREON

## EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
TELECOMMUNICATIONS, ELECTRICITY & COMP MEDIA	C	LOT 7 HEREON	EI 10313519 2
	D	LOT 4 HEREON	(Top Energy Ltd)

Areas X, Y and Z are to be subject to a Restrictive Land Covenant (Bush Protection)

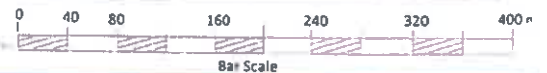
Area A to be subject to a restrictive covenant

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

Local Authority: Far North District Council  
 Survey Block & District:

Total Area: 24.8294Ha  
 Comprised in: HA 350/1110, S1D/363  
 Zone: Rural Production

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Registered Land Surveyors, Planners & Land Development Consultants

## PROPOSED SUBDIVISION OF TAPANUI A4D, TAPANUI B4D1 AND LOT 1 DP 59183

PREPARED FOR: PROMAX PLASTICS

Survey	Name	Date
Design	PJK	18-01-18
Approved		
Rev	PJK	22-08-18
9285 Scheme 20180427		

ORIGINAL  
 SCALE SHEET SIZE  
 1:4000 A3

Surveyors Ref. No.  
 9285

Series  
 Sheet 1 of 1

