

FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2300452-RMACOM

**Pursuant to sections 104B and 220 of the Resource Management Act 1991 (the Act),
the Far North District Council hereby grants resource consent to:**

Ryan Baxter

The activity to which this decision relates:

Proposal for a subdivision in the Residential Zone of two lots to create three lots being a discretionary activity under TABLE 13.7.2.1: MINIMUM LOT SIZES (v) RESIDENTIAL ZONE and 13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES.

Retention of a private access lot with non-compliant legal width in breach of 15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES and a non-compliant vehicle crossing in breach of 15.1.6C.1.6 VEHICLE CROSSING STANDARDS IN URBAN ZONES being a discretionary activity under Rule 15.1.6C.2.

Subject Site Details

Address: 14, 16A and 16B Rowsell Heights, Kaikohe
Legal Description: Lot 12 DP 116078 and 1/5 share of Lot 3 DP 116078, Lot 13 DP 116078 and 1/5 share of Lot 3 DP 116078
Certificate of Title reference: RT- NA66A/313, RT- NA66A/314

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 Williams and King, referenced 22415.02, dated Feb 21, 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) The following amalgamation condition:

THAT Lots 1, 2 and 3 are to have 2/15th share in the existing access lot, being Lot 3 DP 116078. (DLR reference 1713772)

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) That the consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with FNDC Engineering Standards Revised March 2009, District Plan requirements and any other requirements that apply at the time and show any necessary easements on the survey plan to the approval of the subdivision officer.
- (b) That the consent holder must create easements over services and overland stormwater flow paths where such infrastructure is located on private property to the approval of Council's Resource Consent Engineer.
- (c) That prior to any works commencing on site the consent holder must submit a detailed set of engineering plans of all works for the approval of Councils Resource Consent Engineer and Development Engineer or designate prior to commencing construction. Such works are to be designed in accordance with Far North District Council: Engineering Standards & Guidelines 2004 – Revised 2009 and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. In particular the plans shall show:
 - i. Upgrade the access lot from 4.6m wide to 5.0m wide carriageway, up to the access point of Lot 1, or
 - ii. A single passing bay on the 4.6m wide carriageway section. The passing bay shall be in accordance with section 15.1.6C.1.3 of the Far North District Plan.

Advice Note: Barrier kerbs shall be installed on the downslope edge of the carriageway to contain and convey surface water on carriage way to stormwater inlet structure.

- (d) Provide for Council's approval a preferred road name and two alternatives for the private access. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the area. Preference is that the name be no more than 10 letters long.

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

- (a) No construction works are to commence on site until engineering plans required by condition 3(c) have been approved and all associated plan inspection fees have been paid. Note: A copy of the approved engineering plans and consent conditions are to be kept on site at all times.
- (b) All work on the approved engineering plans in condition 3(c) is to be carried out to the approval of Council's Resource Consent Engineer. Compliance with this condition shall be determined by the way of site inspection by Council's Development Engineer or their delegated representative.

- (c) Provide evidence that a Traffic Management Plan (TMP) has been approved by Councils Corridor Access Engineer and a Corridor Access request (CAR) obtained prior to commencement of any construction work, where such construction work have an effect on public traffic, as defined by the Code of practice for temporary traffic management (CoPTTM). Traffic management shall extend to the private access to ensure access is maintained for other users during the works.
- (d) The applicant is to provide suitable evidence by way of as-built plans and certification from a Chartered Professional Engineer (CPEng), an independent qualified person (IQP) or FNDC Development Engineer or his authorized representative, to illustrate that the access ROW upgrade has been completed in accordance with the approved plans, to the satisfaction of Council.
- (e) Pay to Council the cost of purchasing and installing a road name sign for the private access, the name being approved as a condition of this subdivision, in accordance with Council's Engineering Standards.
- (f) The consent holder shall provide to the Council written confirmation from a licensed cadastral surveyor that all services and access carriageways are contained within the easements provided.
- (g) The consent holder is responsible for arranging for buried services to be located and marked prior to commencing works and is also responsible for the repair and reinstatement of any underground services damaged as a result of any works on site.
- (h) Secure the condition 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 respect of Lots 1 to 3, the consent holder and or any future titleholder shall not increase the impermeable surface to exceed 50% of the net site area, without implementing stormwater management and mitigating measures in accordance with the Far North District Council: Engineering Standards & Guidelines 2004 – Revised 2009 and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. The design and development of such stormwater management and mitigating measures must be undertaken by Chartered Professional Engineer (CPEng), an independent qualified person (IQP) or Certified Drainlayer with proven track record in stormwater management and attenuation.

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.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are less than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. District Plan Rules Affected:

TABLE 13.7.2.1: MINIMUM LOT SIZES (v) RESIDENTIAL ZONE and 13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES

15.1.6C.1.1, 15.1.6C.1.6 and Rule 15.1.6C.2 DISCRETIONARY ACTIVITIES
3. Adverse effects will be minor:
It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor for the following reasons:
 - a) The proposal involves residential development of residential zoned sites at an appropriate density around existing lawfully established dwellings.
 - b) The proposal involves existing connections to Council infrastructure for water, wastewater and stormwater as approved by building consent.
 - c) There is sufficient capacity in the roading network to support the subdivision.
 - d) The existing vehicle access arrangements are considered adequate subject to widening works on the private access.
4. Positive effects of the proposal:
Under s104(1)(a) the positive and potential effects of the proposal are:
 - a) The subdivision of residential lots will provide for the economic and social well-being of the applicants.
 - b) The subdivision will provide for additional housing in the area.
5. Objectives and policies of the District Plan:
The following objectives and policies of the District Plan have been considered:

Chapter 7: Urban Environment

7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.

7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.

7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.

7.3.5 To achieve the development of community services as an integral and complementary component of urban development.

7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.

7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.

7.4.5 That new urban development avoid:

(a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;

(b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;

(c) adversely affecting outstanding natural features, landscapes and heritage resources;

(d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

(e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;

(f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;

(g) adversely affecting the safety and efficiency of the roading network;

(h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.

7.4.6 That the natural and historic heritage of urban settlements in the District be protected (refer to Chapter 12).

7.4.7 That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.

Chapter 7.6: Residential

7.6.3.1 To achieve the development of new residential areas at similar densities to those prevailing at present.

Chapter 13: Subdivision

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

(a) natural character, particularly of the coastal environment;

(b) ecological values;

(c) landscape values;

(d) amenity values;

(e) cultural values;

- (f) heritage values; and
- (g) existing land uses.

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

Chapter 15: Transportation

15.1.3.4 To ensure that appropriate and efficient provision is made for loading and access for activities.

15.1.3.5 To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.

15.1.4.6 That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.

The proposal is not contrary to the relevant objectives and policies of the District Plan. The subdivision will enable residential development on land zoned for this purpose. The landscape and residential amenity outcome of the finished works will be in character with the density pattern and form of the surrounding area and the expectations of the District Plan. Appropriate infrastructure for water, stormwater and wastewater is existing. The existing vehicle access arrangements are deemed adequate subject to conditions for the proposed widening works to the private access lot.

6. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018
 - b) Northland Regional Plan 2019
 - c) National Environmental Standards (NESCS)
7. No non – statutory documents were considered relevant in making this decision.
8. Section 106
In respect of s106 of the Act, the site is not subject to natural hazards, and the lots will gain physical and legal access to Rowsell Heights via an existing private access lot.
9. 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, as the proposal involves residential development on land zoned for residential purposes, with appropriate infrastructure to protect receiving environments and the roading network.
10. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Katrina Roos (Cato Bolam) Senior 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: 1st April 2021

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.