

FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2190542-RMACOM

Pursuant to section 104B of the Resource Management Act 1991 (the Act), and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, the Far North District Council hereby grants resource consent to:

Paul Whitehead and Ruth Whitehead

The activities to which this decision relates are listed below:

**(A) - Subdivision consent**

To subdivide a 9096m<sup>2</sup> land to create three (3) lots in the Rural Living Zone.

**(B) - Consent under NES Regulations 2011**

To remediate an area of identified soil contamination within the site as a restricted discretionary activity under NES Regulations 2011.

**(C) - Land use consent**

To allow each lot of the subdivision to exceed the permitted and controlled activity standards for 'Stormwater Management' rule in the Rural Living Zone.

**Subject Site Details**

Address: 27A Access Road, Kerikeri 0230  
Legal Description: LOT 2 DP 355929  
Certificate of Title reference: CT - 228174

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

**Decision A - Subdivision**

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, titled ' Proposed Subdivision of Lot 2 DP 355929 and Easements over Lot 1 & Lot 3 DP 355929', referenced 22374, dated September 2018, as 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 memorandums on the approved scheme plan to be duly granted or reserved.

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) Provide for the approval of Council's duly delegated officer a Remediation Action Plan (RAP) and Site Management Plan (SMP) in respect of the remediation required for the identified hotspot at sample ES15/AS1 as recommended in the Detailed Site Investigation Report, dated March 2019, prepared by Haigh Workman Ltd. [Note: Soil disturbance undertaken to complete vehicle access and trenching should not be carried out until the RAP has been approved]
  - (b) Provide for Councils approval a preferred road name and two alternatives for the private access road. 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) Upgrade the existing entrance off Access Road to provide a formed double width entrance to the lots which complies with the Councils Engineering Standard FNDC/S/6, 6B, and section 3.3.17 of NZS4404:2004. Seal the entrance plus splays for a minimum distance of 6m from the existing edge.
  - (b) Upgrade the existing access on ROW easements A, C and J to provide a 6m finished metalled or concreted or sealed carriageway width. Upgrade access on ROW easements B, D, E, F, G & H to 3m wide metalled or sealed carriageway width plus passing bays to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill 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.
  - (c) Provide a Site Validation report certified by a suitably qualified person confirming that the risk to human health has been appropriately remediated.
  - (d) Provide documentation that the service providers of electric power and telecommunications are satisfied with the arrangements made for the provision of these services to Lots 2 and 3.
  - (e) Provide evidence that the playhouse located above the existing soakage field on Lot 1 has been removed or relocated away from the soakage field area.
  - (f) Pay to Council the cost of purchasing and installing a road name sign for the private access road.
  - (g) 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 allotments. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
    - i. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system, the lot owner shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or a FNDC approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. The report shall confirm that all of the treatment

& disposal system can be fully contained within the lot boundary and comply with the permitted activity standards of the Regional Water & Soil Plan (and/or any operative Regional Plan in existence). **[Lots 2 & 3]**

- ii. Resource consent has been issued pursuant to RC 2190542 RMASUB providing for up to 35% impermeable surfaces coverage on each of Lot 2 and Lot 3 in conjunction with the construction of any building and associated impermeable surfaces on the respective lot. The lot owner shall submit for the approval of Council's Stormwater Engineer a detailed stormwater management report prepared by a suitably qualified Chartered Professional Engineer or registered IQP. The report shall, with calculations, detail the on-site detention and flow attenuation of stormwater from the site. The flow shall be limited to the pre-development level for rainfall events up to those with a 10% AEP with a climate change allowance of 2.5° C included and shall not exceed 1.2 litres/second in accordance with Haigh Workman report HW Ref 18 308 dated March 2019 section 6.15. The detention storage shall be installed within 1 month of the roof being constructed and evidence of the tank installation is to be provided to the FNDC Resource Consents Monitoring Officer (Email to: Consents Monitoring [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz)). **[Lots 2 & 3]**

(Note: The impermeable surfaces on the existing carriageway on ROWs A, B & E for Lot 2, and ROWs C, D & F for Lot 3 may be considered as pre-development impermeable surfaces, and therefore can be excluded from the impermeable surfaces calculations).

- iii. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed, which may create a flow obstruction, on any area of the site which is a secondary / overland (Q100) flow path. **[Lots 1, 2 & 3]**
- iv. The owner of Lot 3 shall maintain on an ongoing basis the stormwater control and mitigation system which includes the stormwater retention area within easement I to a reasonable and operational standard. **[Lot 3]**
- v. In conjunction with the construction of any dwelling on Lots 2 and Lot 3, 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 Water Supply Code of Practice SNZ PAS 4509. **[Lots 2 & 3]**

### **Decision B - Consent under NES Regulations 2011**

Pursuant to Regulation 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, consent is granted to remediate an area of identified soil contamination within the site subject to the compliance with Conditions 3(a) and 4(c) imposed under Decision A - Subdivision Consent.

### **Decision C - Land Use Consent**

- 1 Dispensation is granted for the existing development to breach Stormwater Management permitted and controlled activity rule within new boundaries of Lot 1 created under the subdivision consent.

- 2 Dispensation is granted for any future development on Lot 2 and Lot 3 to breach Stormwater Management rule of the Rural Living Zone provided that the maximum impermeable surfaces shall be 35% of the gross site area of each of Lot 2 and Lot 3.
- 3 This land use consent is valid for 10 year period in respect of future developments on Lots 2 & 3.

### **Advice Notes**

1. Prior to the commencement of earthworks adjacent to Access Road, a Corridor Access Request (CAR) application will need to be applied for, and works are not to commence until a Work Access Permit is granted from Councils Roading Engineer or designate.
2. 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.
3. The consent holder and subsequent lot owners are advised that the property is located within a 'kiwi present' area. Care should be taken with the keeping of domestic cats and dogs, as these animals may cause adverse effects on the kiwi population that may inhabit the area. Any dogs that are present to these sites shall be tied up or kept inside at night and any cats shall be kept inside at night.

### **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 no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The proposed activities are considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including the objectives and policies in Chapters 8 (Rural Environment), 8.7 (Rural Living) and 13 (Subdivision) of the Operative Far North District Plan.

Most relevant objectives and policies being;

#### Chapter 8.7 (Rural Living Zone).

##### Objectives

*8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.*

*8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment.*

##### Policies

*8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for onsite effluent disposal.*

*8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.*

*8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites*

Rural Living zone is described in the District Plan as an area of transition between town and country where transition is expressed mainly in terms of residential intensity and lot sizes. The above objectives and policies seek to enable measured development within the Rural Living zone whilst ensuring the effects of such development are minimised or appropriately mitigated. It is considered that the proposal achieves the purpose of the Rural Living zone. The allotment sizes are compatible with rural living properties in the area. The subdivision can adequately support on-site services for the proposed lots which have sufficient outdoor area, and adequate access to sunlight and daylight. Whilst Lot 1 comprising existing house complies with setback and sunlight rules, Lots 2 and 3 are able to be developed in such a way that provides suitable setbacks from new boundaries ensuring reasonable level of privacy for inhabitants of adjoining sites.

### Chapter 13 - Subdivision

#### Objectives

- 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.*
- 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*
- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.*
- 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.*

#### Policies

- 13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.*
- 13.4.4 That any subdivision where provision is made for connection to utility services, the potential adverse impacts of these services are avoided.*
- 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.*
- 13.4.8 That the provision of water storage be taken into account in the design of any subdivision.*

It is considered that the proposed subdivision and related land use activities are consistent with the objectives and policies outlined above. Whilst the proposal has been assessed as a discretionary activity, the sale of the subdivision is considered to be appropriate for this particular location in the Rural Living zone as it is compatible with the prevailing subdivision pattern in the surrounding area.

The potential adverse effects of the proposal are considered to be no more than minor subject to the imposed conditions of consent in particular those relating to access, wastewater disposal, stormwater management and water storage.

4. Relevant National planning provisions include:

- (a) National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.

The site is subject to the above legislation due to its historic use as orchard and market garden. The recommendations of the Detailed Site Investigation Report submitted with the application have been considered, and appropriate conditions are included in this consent.

- 5 Relevant Regional planning provisions include:

- (a) The Regional Policy Statement (RPS) for Northland;

Having assessed the proposal against the relevant objectives and policies, it is considered that the proposal is consistent with the provisions of the Regional Policy Statement.

- (b) Regional Water & Soil Plan for Northland;  
(c) Proposed Regional Plan for Northland

The above plans were considered and there appears to be no matters of concern.

- 6 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.

- 7 In summary, it is considered that the activities are consistent with the sustainable management purpose of the RMA. Subject to conditions of consent, the proposed activity will not result in any adverse effects that could be considered to impact upon the site's surroundings.

### **Approval**

This resource consent has been prepared by **Leonard Dissanayake**, 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: 30<sup>th</sup> July 2019**

### **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, the subdivision resource consent and land use consent will lapse 5 years and 10 years respectively 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.