

**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2190424-RMACOM**

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

Timothy Giles

**The activities to which this decision relates are listed below:**

Activity A – Subdivision:

To create five additional lots and an access lot in the Rural Living zone.

Activity B – Landuse:

To breach the Stormwater Management rule by up to 20%, the Excavation rules and the Road Formation rule in the Rural Living Zone.

Activity C – Cancellation of Consent Notice:

To cancel consent notice 8858375.1 on Lot 3 DP 432903.

**Subject Site Details**

Address: Lot 3, Spicer Road, Mangonui 0420  
Legal Description: Lot 3 DP 432903  
Certificate of Title reference: CT-525840

**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 Von Sturmers, referenced Lots 1 – 7 being a proposed subdivision of Lot 3 DP 432903 – Rev 2, dated 26 November 2018, 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 to be duly granted or reserved.
  - (b) Private land covenant areas 'B' and 'C'.
  - (c) The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(iv) of the Resource Management Act 1991:

*That Lot 7 hereon (Legal Access) be held as to six undivided one sixth shares by the owners of Lots 1, 2, 3, 4, 5 and 6 hereon as tenants in common in the*

*said shares and that individual Computer Freehold Registers be issues in accordance therewith. (LINZ Reference 1583990)*

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

### **Road Upgrading**

- (a) The consent holder shall submit plans & details of all works on legal road and works which are to vest in Council for the approval of Council prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- The road upgraded to extend from the Morey Road/Ocean View Road intersection to be sealed a further 80m. The remaining road to be formed and upgraded to comply with the Council standard for a Type A Rural Road to the entrance to Lot 7.
  - Provision for a "L" turning manoeuvre as per NZS 4404 Figure 3.4 at the end of Morey Road.
  - Road markings & Signage in accordance with Manual of traffic signs and markings (MOTSAM) Part 1 and 2
  - Earthworks including proposed erosion and sediment control measures required to undertake the development of the site.
- (b) Following approval of the plans and selection of the contractor, provide to Council:
- Details of the successful contractor;
  - Details of the planned date and duration of the contract;
  - Details of the supervising engineer; and
  - A traffic management plan.

- (c) Construction Management Plan

That, prior to the commencing any physical site works, a construction management plan shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:

- (i) The timing of construction works, including hours of work, key project and site management personnel.
- (ii) The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
- (iii) The excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.

- (iv) Control of dust and noise on-site and any necessary avoidance or remedial measures.
- (v) Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.

All construction works on the site are to be undertaken in accordance with the approved construction management plan.

- (d) Provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines.
- (e) Upon completion of the works specified in conditions 4(a), 4(b) and 4(c) above, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.

### **Access**

- (f) Provide a formed double width entrance to Lot 7 which complies with the Councils Engineering Standard FNDC/S/6/B, section 3.3.17 of the Engineering Standard and NZS4404:2004.
- (g) Provide for Councils approval a preferred road name and two alternatives for the private way/access lot. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the area. Provide evidence that the road sign has been purchased and installed.

### **Entrance**

- (h) Provide a formed entrance to each of the lots which complies with the Councils Engineering Standard FNDC/S/6, 6B, and section 3.3.17 of the Engineering standards and NZS4404:2004.

### **Internal Access**

- (i) Provide formed and metalled access on ROW easement A to 5m finished metalled carriageway width. 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.

### **Stormwater**

- (j) The detention pond on Lot 1 is to be constructed to the details specified in table 9.6 as a minimum, and as outlined in the Haigh Workman report, referenced Site Suitability Report for Proposed Subdivision Lot 3, Spicer Road, Coopers Beach for Morey Road Ltd - Ref 18 237, dated January 2019 and submitted with the application for RC 2190424-RMACOM.

### **Earthworks & Permits**

- (k) An Erosion and Sediment Control Plan is required to be submitted to Council for approval prior to start of Earthworks for the detention pond to be

constructed on the eastern side of Lot 1 and for Lot 7 jointly owned access carriageway, before construction.

- (l) Prior to constructing a vehicle access point to Lot 7, the consent holder is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's control of Vehicle Crossings Bylaw 2004.

### **Energy & Telecommunications**

- (m) Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the boundary of the Lots.
- (n) 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) No building shall be erected or relocated onto the lot without the prior approval of the Council to specific designs for foundations, prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise.

#### **[Lot 1, 2 & 3]**

- (ii) In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the Haigh Workman report, referenced Site Suitability Report for Proposed Subdivision Lot 3, Spicer Road, Coopers Beach for Morey Road Ltd - Ref 18 237, dated January 2019 and submitted with the application for RC 2190424-RMACOM.

Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above mentioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

#### **[Lots 1 to 6]**

- (iii) The design of the storm water detention basin/pond on the Lot provides for storm water attenuation for 564m<sup>2</sup> impermeable surfaces on the Lot and for 605m<sup>2</sup> of carriageway on the jointly owned access lot (Lot 7). At the time of development, if the proposed area of impermeable surfaces on Lot 1 exceeds 564m<sup>2</sup> a storm water management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak storm water runoff from the developed lot does not exceed the runoff anticipated from 564m<sup>2</sup> impermeable surfaces on the Lot

during a design 10% annual exceedance probability storm event including an allowance for climate change.

**[Lot 1]**

- (iv) The maintenance of the stormwater detention basin/pond on the Lot remains the responsibility of the Lot owner. Detention capacity of the stormwater detention basin/pond shall be maintained to the details specified in table 9.6 as a minimum, and as outlined in the Haigh Workman report, referenced Site Suitability Report for Proposed Subdivision Lot 3, Spicer Road, Coopers Beach for Morey Road Ltd - Ref 18 237, dated January 2019 and submitted with the application for RC 2190424-RMACOM.

**[Lot 1]**

- (v) Development of the Lot may exceed the permitted threshold for Stormwater Management up to 20% total impermeable surfaces. Prior to the granting of any building consent, the Lot owner shall submit for the approval of Council a report prepared by a suitably qualified practitioner, detailing appropriate stormwater mitigation measures that will limit the stormwater flows from the allotment to the predevelopment level for rainfall events up to those with a 10% annual exceedance probability storm event including an allowance for climate change.

Note: The jointly owned access lot (Lot 7) is attenuated by the stormwater detention basin/pond on Lot 1 and shall not be required to be included in calculations for stormwater attenuation for Lots 2 to 6.

**[Lots 2 to 6]**

- (vi) 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 Water Supply Code of Practice SNZ PAS 4509.

**[Lots 1 to 6]**

#### **Decision B – Landuse:**

1. The activity shall be carried out in accordance with the approved plan prepared by by Von Sturmers, referenced Lots 1 – 7 being a proposed subdivision of Lot 3 DP 432903 – Rev 2, dated 26 November 2018, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Decision C – Cancellation of Consent Notice:**

1. Pursuant to s221(3) of the Act, Council resolves to cancel consent notice 8858375.1 which is registered on the title of Lot 3 DP 432903.

#### **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 no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The following objectives and policies of the District Plan are considered relevant to the proposal:

### Chapter 8 – Rural Environment

Objectives: 8.3.1, 8.3.2, 8.3.6.

Policies: 8.4.4.

The activity is considered appropriate in the setting and promotes the sustainable management of natural and physical resources by clustering development and facilitating the improvement of local infrastructure. The clustering of residential development within the environment avoids potential conflicts with existing land use activities.

### Chapter 8.7 - Rural Living Zone

Objectives: 8.7.3.1, 8.7.3.2.

Policies: 8.7.4.1, 8.7.4.3, 8.7.4.7.

The subdivision is on the Cooper's Beach urban periphery and offers a low density residential development option transitioning from the high density associated with the area to the northern end of Morey Road to the rural areas to the west of the development. The sites are of a size whereby the provision of on-site servicing is readily achievable. Development on the sites is able to achieve a northerly aspect in the orientation of dwellings providing adequate access to sunlight and daylight.

### Chapter 13 – Subdivision

Objectives: 13.3.1, 13.3.2, 13.3.5, 13.3.9,

Policies: 13.4.1, 13.4.2, 13.4.3, 13.4.5, 13.4.8, 13.4.13,

The proposed subdivision is considered consistent with the purpose of the Rural Living zone and promotes the sustainable management of the natural and physical resources of the District by clustering low density residential development in a manner that does not compromise the life-supporting capacity of the ecosystem. On-site services for wastewater and stormwater are able to establish on the sites and operate successfully. Domestic water will be supplied via roof catchment attenuation and storage which will provide sufficient capacity for firefighting purposes. Safe and effective vehicular access is available to the site through the upgrade and forming of Morey Road. The existing slippage of land in the east of the site is acknowledged and provided for by requiring specific geotechnical input at such time building consent is applied for.

It is therefore considered that the proposal is not contrary to the relevant objectives and policies of the District Plan.

3. In accordance with an assessment under s104(1)(b) of the Act the proposal is consistent with the relevant statutory documents.
  - a) The Northland Regional Policy Statement 2018
  - b) Regional plans (including proposed)
  - c) The Far North District Plan.
4. In accordance with an assessment under s104(1)(c) of the Act no other non – statutory documents were considered relevant in making this decision.
5. Other matters considered relevant in making this decision.

**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.

**Approval**

This resource consent has been prepared by Esther-Amy Powell Intermediate Resource Planner and is granted under delegated authority (pursuant to section 34A of the Act) from the Far North District Council by:



**Pat Killalea, Principal Planner**

**Date: 03th May 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 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.

**Lapsing Of Consent**

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;

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 Act.

# APPROVED PLAN

PLANNER **E A POWELL**

RC 2190424 Date 2/5/19

Ocean View Road

DP 179236

Schedule of Easement In Gross			
Purpose	Shown	Servient Tenement	Grantee
Right to convey Electricity	A	Lot 7 hereon	Top Energy Ltd
Right to convey Telecommunications & Computer Media			Chorus NZ Ltd

DP 138219

Sec. 34  
Blk IV Mangonui SD

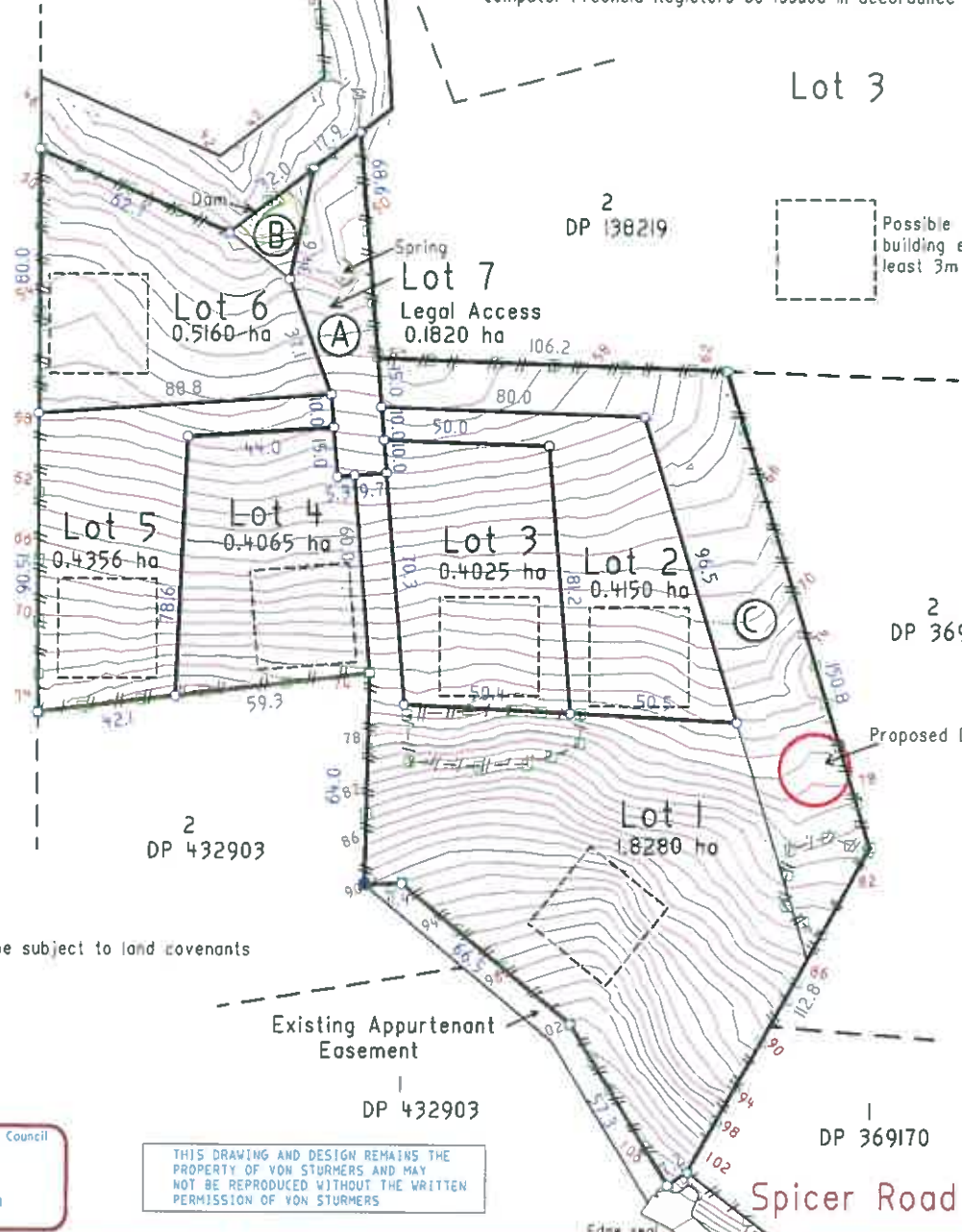
**Amalgamation Condition**  
That Lot 7 hereon (Legal Access) be held as to six undivided one sixth shares by the owners of Lots 1, 2, 3, 4, 5 and 6 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance therewith.

Lot 3

DP 138219

Possible 30m x 30m building envelope at least 3m from boundary.

Allot. 147  
Psh Of Mangonui



**Note**  
Areas B & C are to be subject to land covenants

Existing Appurtenant Easement

DP 432903

DP 369170

Local Authority: For North District Council  
Prepared For: T. Giles  
Total Area: 4.1856 ha  
Comprised in: CFR 525840  
Levels in terms of: Mean sea Level  
Contour Interval: 1.0m

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS

Surveyors Ref No: 14290



**Lots 1 - 7 Being A Proposed Subdivision Of Lot 3 DP 432903**

Survey	Date	Original Scale	Sheet Size
Design	14/10/18	1:500	A3
Urban	14/10/18		
Approved	2/5/19		