



<b>Office Use Only</b> Application Number:
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**APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT**

**(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))**

**(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)**

*Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council’s web page.*

**1. Pre-Lodgement Meeting**

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? Yes / No

**2. Type of Consent being applied for (more than one circle can be ticked):**

- Land Use
- Fast Track Land Use\*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) \_\_\_\_\_

**\*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

**3. Would you like to opt out of the Fast Track Process? Yes / No**

**4. Applicant Details:**

Name/s: Natalie Jecentho

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: (or alternative method of service under section 352 of the Act)



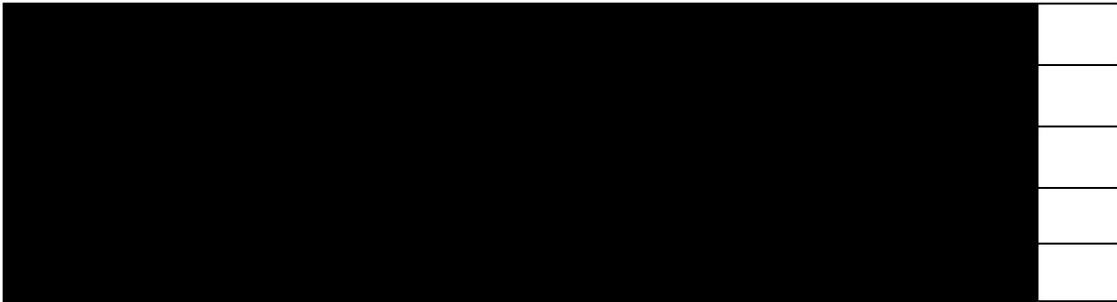
**5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).**

Name/s: Wendy Wickens

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: (or alternative method of service under section 352 of the Act)



**All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.**

**6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)**

Name/s: Douglas & Corinna Cameron

Property Address/ Location: 259 Mangatoetoe Rd  
Fairburn  
Kaitaia

**7. Application Site Details:**

Location and/or Property Street Address of the proposed activity:

Site Address/ Location: See 6 above

Legal Description: Pt Allotment 113 Psh of Kaiaka Val Number: 00037-13900

Certificate of Title: NA1384/75

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site Visit Requirements:

Is there a locked gate or security system restricting access by Council staff? Yes / No

Is there a dog on the property? Yes / ~~No~~

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. **This is important to avoid a wasted trip and having to re-arrange a second visit.**

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**8. Description of the Proposal:**

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

See Separate Report

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If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

**9. Would you like to request Public Notification** Yes/No

**10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):**

- Building Consent (BC ref # if known)
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

**11. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:**

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)  yes  no  don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).  yes  no  don't know

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- Removing or replacing a fuel storage system

**12. Assessment of Environmental Effects:**

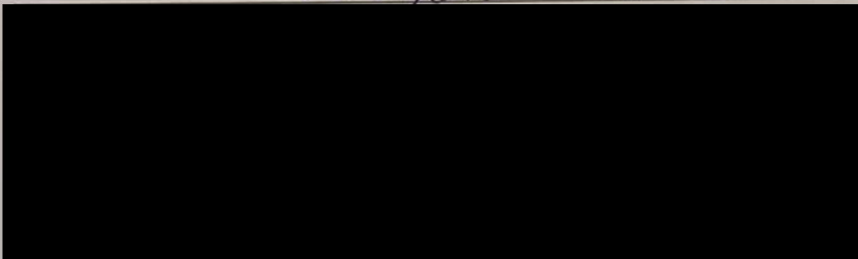
Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

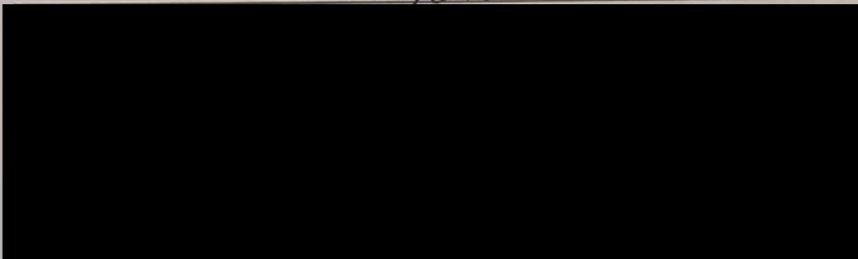
**Please attach your AEE to this application.**

**13. Billing Details:**

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write all names in full) Natalie Jacenitho Douglas Cameron

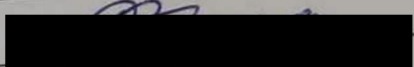
Email: 

Postal Address: 

Phone Numbers: 

**Fees Information:** An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20<sup>th</sup> of the month following invoice date. You may also be required to make additional payments if your application requires notification.

**Declaration concerning Payment of Fees:** I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: Natalie Jacenitho (please print)  
Signature:  (signature of bill payer - mandatory) Date: 30 - 8 24

## 14. Important Information:

### Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

**Declaration:** The information I have supplied with this application is true and complete to the best of my knowledge.

Name: Wendy Wickens (please print)

Signature: \_\_\_\_\_ (signature)

Date: 7/8/2024

(A signature is not required if the application is made by electronic means)

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

*Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.*

**Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:**

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**

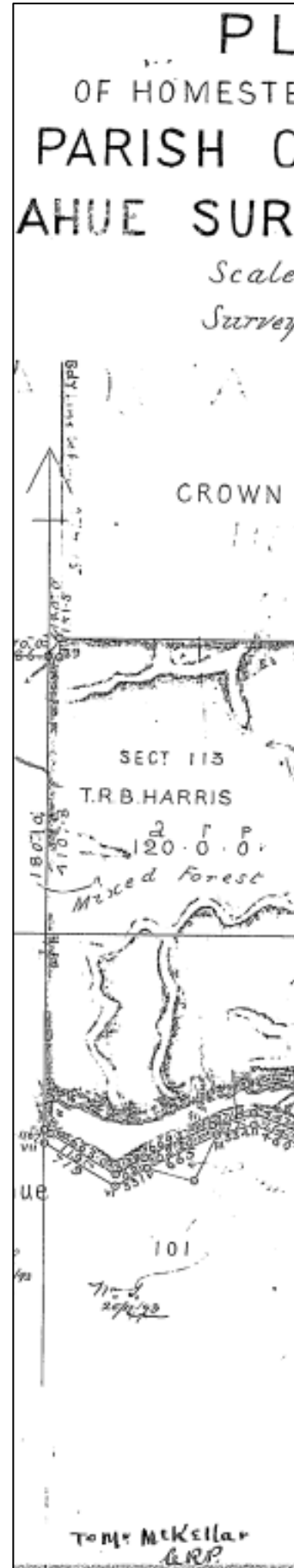
**Section 127  
Change of Consent Conditions**

**Natalie Jecentho**

**259 Mangatoetoe Road  
Fairburn**

**PLANNING REPORT  
INCLUDING AN  
ASSESSMENT OF  
ENVIRONMENTAL EFFECTS  
to Far North District Council**

**Sapphire Surveyors Ltd**  
Surveyors and Land Development Specialists  
8 Karamea Rd, Mangonui  
Phone (09) 406-0001  
Email: wendy@sapphiresurveyors.co.nz





# 1. Summary

Applicant:	Natalie Jecentho
Location:	259 Mangatoetoe Road, Fairburn
Consent for:	Section 127 RMA change of conditions for RC 2220828-RMACOM (see <b>Appendix 3</b> )
Legal Description:	RT NA1384/75 – Pt Allotment 113 Parish of Kaiaka
Zone:	Rural Production
Resources:	None
Activity Status:	Discretionary activity
Consultation:	See original RCA application report – no changes proposed that affect consultation.
Supporting Reports:	None
Pre-lodgment Discussions:	Discussion with Trish Routley who decided that the removal of covenant areas is best dealt with in conjunction with the application for s127 to change the Lot 1 boundary.
Other Resource Consents:	None required
Address for Service:	Wendy Wickens  Sapphire Surveyors Ltd PO Box 318 Mangonui 0442  Ph. 09-406-0001  wendy@sapphiresurveyors.co.nz

*This assessment accompanies the Resource Consent Application made by our clients, and is provided in accordance to Section 88 of the Resource Management Act 1991.*

*It is intended to provide the necessary information for an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.*

## 2. Overview of Proposal

### 2.1 Changes Proposed to Subdivision

The purpose of the proposal is to change the design and approved *Scheme Plan* for this subdivision to add more land to Lot 1 and to remove requirements to covenant non-SNA areas of bush.

Changes are as follows:

- Lot 1 has increased in size from 5800m<sup>2</sup> to 2.9ha.
- Lot 2 has correspondingly decreased in size from 26.2ha to 23.9ha.
- Areas Y & Z have been removed from the approved Scheme Plan as they are not recorded SNAs.
- The plan annotation regarding covenants no longer refers to Areas X & Y.

There is no change to access or building areas.

A revised *Scheme Plan* is attached in **Appendix 1**. All areas and dimensions are subject to final survey.

Suggested changes to wording of the Resource Consent are provided in Section 6.11 of this report.

# 3. Site Description

## 3.1 Location

The application site is located on the northern side of Mangatoetoe Road, approximately 1km southeast of the intersection with Switzer Road. The site has road frontage to Mangatoetoe Road. A location map is presented in Figure 1 (below).



Figure 1: Location Map

## 3.2 Legal Description

The application site is legally described as Part Allotment 113 Parish of Kaiaka, and is held in the record of title (RT) NA1384/75. The title was issued in 1957. (See **Appendix 2.**)

## 3.3 Existing Uses, Structures & Topography

There is an existing older dwelling and associated buildings up the hill, as well as stockyards and other sheds around the property.

There is a new dwelling in the southwest corner of the site, which is in the process of being permitted.

The site consists of rolling to steep hills, in mainly pasture but with patches of bush.

## 3.4 Access

The property has access off Mangatoetoe Road via two existing metalled vehicle crossings.



### 3.5 Services

The application site is not serviced with reticulated water, wastewater or stormwater systems.

The older house is currently connected to telecommunications and electricity. The newer house has power supplied from the older house.

### 3.6 Natural & Recorded Features

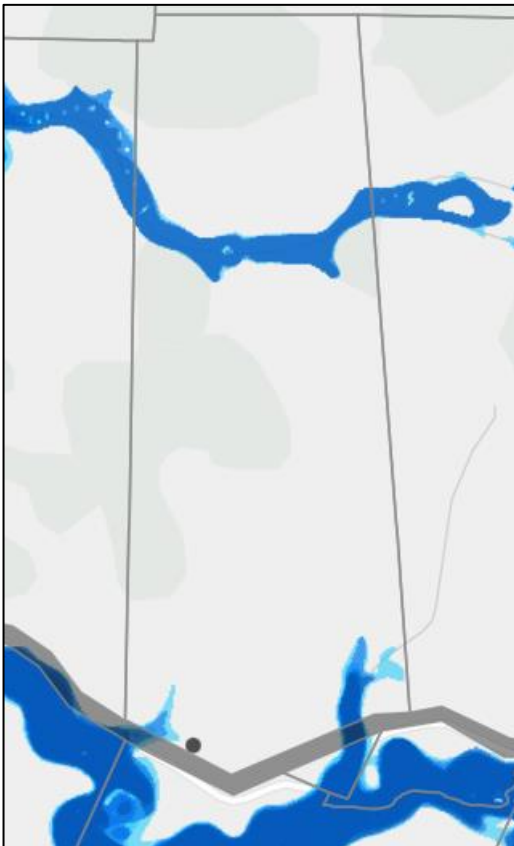
The site is not subject to any Resource Features.

There are two areas to the rear of the property which are recorded as Significant Natural Areas (SNAs) in the Department of Conservation Natural Areas of Maungataniwha Ecological District booklet<sup>1</sup>. The areas are shown on the *Scheme Plan* and recorded as Fairburn "199" (O04/108) and Mangatoetoe Wetlands (O04/107).

The site does not contain any high-quality soils (classified as I, II or III in the Land Resource Inventory Worksheets). Soil (LUC) classifications are: 4, 5 and 6.

The FNDC Maps indicate that the site has Kiwi present, but not in concentrations.

There are no District Plan heritage features recorded on the property. There are no NZAA registered sites in the vicinity.



The property is recorded as being susceptible to flooding and subject to the River Flood Hazard, but is not known to be subject to any other natural hazards. See Figure 2.

Figure 2: NRC River Flood Hazard Zones

<sup>1</sup> Conning, L. (2002): Natural areas of Maungataniwha Ecological District Reconnaissance Survey Report for the Protected Natural Areas Programme. Department of Conservation Northland Conservancy, Whangarei, New Zealand.

## 4. Details of Proposal & AEE

### 4.1 Boundaries & Titles

The new boundary is to follow some old fence lines at the rear, deviates to include the effluent field, then cuts across west of the small old corrugated iron shed near the road.

The subdivision creates one additional title, the same as the original subdivision application.

### 4.2 Traffic & Property Access

The proposed changes make no difference to the access proposed in the original subdivision application.

As such, it is considered that the effect of the proposed changes in this regard will be nil.

### 4.3 Hazards

The site is not known to be affected by any other natural hazards other than flooding, and there are no evident issues with slippage or erosion.

The *Stormwater Report* provided with the original application deals with the flood hazard and confirms that the building platform on Lot 1 is more than 4m above the 100-year flood level.

The proposed changes make no difference to hazards, so it is considered that the effect of the proposed changes in this regard will be nil.

### 4.4 Water Supply and Stormwater

The proposed changes make no difference to stormwater runoff or impermeable surfaces. Therefore, the mitigation and attenuation provided in the original *Stormwater Report* remains suitable and applicable.

*Note that Lot 1 is now over 2ha and if the application was "fresh" then no stormwater assessment or attenuation would be required under the ODP.*

The proposed changes make no difference to stormwater or water supply, so it is considered that the effect of the proposed changes in this regard will be nil.

### 4.5 Wastewater

The proposed changes make no difference to wastewater disposal, so it is considered that the effect of the proposed changes in this regard will be nil.

### 4.6 Power & Telecommunications

The proposed changes make no difference to power and telecommunication connections, so it is considered that the effect of the proposed changes in this regard will be nil.

## 4.7 Heritage

The proposed changes make no difference to heritage, so it is considered that the effect of the proposed changes in this regard will be nil.

## 4.8 Ecology

In the processing of the original application the covenanting of addition areas of trees over grazing land was applied, despite our objections during processing and after the issuing of the consent. These areas constitute 2 to 3ha of grazing land, but more importantly, areas of shade for stock, in some cases the only shade available in certain paddocks.

These areas are not recorded as SNAs in the *DOC Natural Areas of Maungataniwha Ecological District booklet*.

The unfairness of this was raised at the time with the processing planner and her team leader, and I was assured that this was standard practice, despite never having seen it before or since. Since then, I've seen many Resource Consents approved where this unusual application has not been applied, eg. RC 2230046-RMASUB, RC 2220719-RMASUB and RC 2230430-RMASUB.

My conclusion is that this has been unfairly applied. I emailed Trish Routley about resolving this matter. After a couple of discussions, her decision was that the best way was to rectify this matter was to incorporate it into the s127 application that was intended, rather than the initially suggested (by her) s133a.

I affirm that the non-SNA covenant areas have been applied outside of usual practice and without jurisdiction, and as such we are requesting that Areas Y & Z be removed from the approved Scheme Plan and the requirement for covenanting.

The proposal creates no change to the effects on Kiwi or vegetation clearance.

It is considered that the effect of the proposed changes in this regard will be positive in terms of the continued productivity of the farm and health of the stock on the property. The effect on the ecology of these areas is less than minor.

## 4.9 Soils

Soil (LUC) classifications on the property are 4e7 and 6e2, and therefore there are no highly productive soils.

While there is a change in areas, the changed area will continue to be used for farming purposes, and the removal of fenced off covenant areas reinstates a similar area for grazing, so we consider that any effects on life supporting capacity of the soil will be less than minor.

## 4.10 Earthworks

The proposed changes make no difference to earthworks, so it is considered that the effect of the proposed changes in this regard will be nil.

#### **4.11 Land Use Compatibility**

The surrounding environment mainly consists of rural and rural residential allotments, some of which have been developed and others that are vacant. It is considered that the lots created by the proposal, and their anticipated rural / rural residential use will be consistent with the existing pattern and mix of lot sizes and land uses in the area. No incompatibility or reverse sensitivity issues are anticipated.

#### **4.12 Visual Landscape, Character and Amenity**

As there will be no increase in development as a result of these changes, the proposed changes make no difference to visual landscape, character and amenity, so it is considered that the effect of the proposed changes in this regard will be nil.

#### **4.13 Other Effects**

The proposal allows for people to provide for their economic and social wellbeing by not imposing significant fencing costs and loss of grazing area on the farm.

There are no cumulative effects of the proposal.

There is no precedent effect of approving these changes. Lot 1 is now larger than before, and the request to only covenant recorded SNA areas is actually on the basis of the precedent set by other applications.

#### **4.14 Summary of Environmental Effects**

As discussed in Sections 4.1 – 4.13 above, the actual and potential adverse effects of the proposed changes are considered to be less than minor.

# 5. Activity Status

## 5.1 FNDC Operative District Plan (ODP)

The application site is zoned Rural Production and is not subject to any Resource Features in the District Plan.

Our assessment of relevant District Plan Rules is summarised below.

### 5.1.1 Subdivision

**Table 13.7.2.1** sets out minimum area requirements for subdivisions in the Rural Production Zone. As the title for the site was issued in 1957, the application is a restricted discretionary activity according to this table, and as set out in Rule 13.8.1, shown here.

*13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE*

*Subdivision is a restricted discretionary activity where:*

*(b) a maximum of 3 lots in any subdivision, provided that the minimum size of any lot is 4,000m<sup>2</sup> and there is at least one lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000.*

The application continues to meet with this criterion. However, under *Section 127* applications are to be processed as discretionary activities.

**Rules 13.6.2 & 13.6.12** – Sections of the RMA relevant to this proposal are discussed in Section 6 of this report.

**Rule 13.6.3** - Other relevant chapters of the District Plan are discussed below in Sections 5.1.2-4.

**Rule 13.6.5** – All new allotments will still be provided with frontage to a legal road.

**Rule 13.6.7** – We propose a change to the consent conditions in relation to the new Scheme Plan (which reflects a change to Lot 1 and the deletion of covenant areas) and consequent consent notice wording. See *Section 6.11* of this report.

**Controlled activity Rule 13.7.2.2** - An allotment dimension of 30m by 30m that does not encroach into the permitted activity setbacks for the Rural Production Zone (10 metres) is still able to be accommodated by each proposed allotment (see *Scheme Plan*).

The application must make provision (where relevant) for the matters listed under **Rules 13.7.3.1 to 13.7.3.12**, and these matters are applicable to Council's consideration of this proposal. These matters, where relevant, have been addressed in Section 4 of this report.

In considering whether or not to grant consent or impose conditions on applications for discretionary (subdivision) activities, the Council will have regard to **s104, s105 and s106** of the Act, the **objectives and policies of the District Plan**, and to the assessment criteria set out in **Rule 13.10**. These are addressed in Sections 4 and 6 of this report.

### **5.1.2 Rural Production Zone**

Both lots are already developed consistent with the permitted standards of the zone.

Lot 1 previously had a breach of the permitted Stormwater Management rule, but due to the larger lot areas, the impermeable surfaces area now complies.

#### **Summary**

The activity is Discretionary due to it being under s127 of the RMA.

### **5.1.3 Natural and physical resources**

Relevant sections of Chapter 12 [Natural and Physical Resources] have been considered.

#### **Section 12.1 Landscapes & Natural Features**

N/A – The site does not contain an outstanding landscape feature.

#### **Section 12.2 Indigenous Flora and Fauna**

N/A – No indigenous vegetation clearance is required.

#### **Section 12.3 Soils and Minerals**

N/A – No additional earthworks are proposed.

#### **Section 12.4 Natural Hazards**

N/A – The site is not identified as a Coastal Hazard.

#### **Section 12.5 Heritage**

N/A – The site contains no heritage features.

#### **Section 12.7 Lakes, Rivers, Wetlands and the Coastline**

N/A – The site is not in the vicinity of notable water areas.

Therefore, the proposal complies with the permitted rules of Chapter 12.

### **5.1.4 Transportation**

The proposed changes don't affect any aspects of transportation or access.

### **5.1.5 Overall activity status**

Overall, the proposal has been assessed a discretionary activity due to its application under s127.

## 5.2 FNDC Proposed District Plan (PDP)

The Proposed District Plan is not yet fully operative. Within the Proposed District Plan, the site is zoned Rural Production. Under s86B of the Resource Management Act 1991 a rule in a Proposed District Plan has legal effect only once a decision on submissions have been made, unless the criteria under s.86B(3)(a) to (e) apply. An assessment of the relevant matters relating to the Proposed District Plan that have immediate legal effect has been undertaken below: There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

Rules/Standards	Performance
<b>Natural Hazards</b>	
<i>No rules have legal effect.</i>	
<b>Heritage Area Overlays</b>	
<i>All rules have immediate legal effect (HA-R1 to HA-R14). All standards have immediate legal effect (HA-S1 to HA-S3).</i>	N/A as the site is not located within a Heritage Area Overlay.
<b>Historic Heritage</b>	
<i>All rules have immediate legal effect (HH-R1 to HH-R10). Schedule 2 has immediate legal effect.</i>	N/A as the site does not contain any areas of historic heritage.
<b>Notable Trees</b>	
<i>All rules have immediate legal effect (NT-R1 to NT-R9). All standards have legal effect (NT-S1 to NT-S2). Schedule 1 has immediate legal effect.</i>	N/A as the site does not contain any notable trees.
<b>Sites and Areas of Significance to Maori</b>	
<i>All rules have immediate legal effect (SASM-R1 to SASM-R7). Schedule 3 has immediate legal effect.</i>	N/A as the site does not contain any sites or areas of significance to Maori.
<b>Ecosystems and Indigenous Biodiversity</b>	
<i>All rules have immediate legal effect (IB-R1 to IB-R5).</i>	Permitted. The site does contain areas of SNA (previously recorded, but not scheduled in the PDP). No vegetation pruning, trimming, clearance or land disturbance within the SNA areas is proposed. These areas will be protected by proposed bush/wetland protection land covenants by consent notice. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
<b>Natural Character</b>	
<i>No rules have legal effect.</i>	
<b>Natural Features &amp; Landscapes</b>	
<i>No rules have legal effect.</i>	



<b>Public Access</b>	
<i>No rules have legal effect.</i>	
<b>Subdivision</b>	
<i>The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17.</i>	N/A as the subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Maori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
<b>Coastal Environment</b>	
<i>No rules have legal effect.</i>	
<b>Earthworks</b>	
<i>The following rules have immediate legal effect: EW-R12, EW-R13. The following standards have immediate legal effect: EW-S3, EW-S5.</i>	N/A as the proposed changes do not create additional earthworks.
<b>Treaty Settlement Land</b>	
<i>No rules have legal effect.</i>	
<b>Mineral Extraction</b>	
<i>No rules have legal effect.</i>	

### 5.3 Other Consents Required

No other consents are required in association with this proposal.

# 6. Statutory Assessment

## 6.1 Weighting of District Plans

Due to the fact that hearings have only just begun on the PDP, and no PDP rules are operative that would affect the activity status of this proposal, the ODP will hold the most weight in relation to this application.

## 6.2 Operative District Plan Objectives and Policies

The relevant Objectives and Policies of the Operative District Plan can be found in the Rural Environment, Rural Production zone and Subdivision Chapters. An assessment of the proposal against the relevant Objectives and Policies of the Operative District Plan has been undertaken below, which confirms that the proposal is not contrary to the objectives and policies.

### 6.2.1 Subdivision

Objectives:
<i>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.</i>
<i>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.</i>
<i>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.</i>
<i>13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).</i>
Policies:
<i>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:</i> <i>(a) natural character,</i> <i>(b) ecological values;</i> <i>(c) landscape values;</i> <i>(d) amenity values;</i> <i>(g) existing land uses.</i>
<i>13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.</i>
<i>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.</i>

<i>13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.</i>
<i>13.4.8 That the provision of water storage be taken into account in the design of any subdivision.</i>
<i>13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:</i> <i>(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;</i> <i>(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;</i> <i>(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.</i>
<b>Comments:</b> <ul style="list-style-type: none"> <li>• The proposed changes make no changes to access, stormwater, wastewater, water supply, hazards and services to the lots.</li> <li>• The proposed changes do not create any additional effects on amenity, rural character, visual amenity.</li> <li>• The changes still ensure that previously recorded SNAs are protected, but allow the farm to continue to operate in a productive manner that provides for the health of stock, without adversely affecting the large trees that exist on the property.</li> </ul> <p>Overall, the proposal is consistent with these objectives and policies.</p>

**6.2.2 Rural Environment**

<b>Objectives:</b>
<i>8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.</i>
<i>8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.</i>
<i>8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.</i>
<i>8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i>
<i>8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.</i>
<i>8.3.9 To enable rural production activities to be undertaken in the rural environment.</i>
<i>8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.</i>
<b>Policies:</b>
<i>8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment</i>
<i>8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result</i>

<i>the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.</i>
<i>8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.</i>
<i>8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).</i>
<i>8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.</i>
<i>8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.</i>
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• The proposed changes have a positive effect on the productivity of the land by providing a grazing paddock in the smaller lot and by enabling the main farm to continue operating effectively (retaining pasture and shade for stock). We have stated previously that the original requirements to covenant non-SNAs was contrary to these objectives and policies.</li> <li>• Recorded SNAs are still protected.</li> </ul> <p>Overall, the proposal is consistent with these objectives and policies.</p>

### 6.2.3 Rural Production Zone

<b>Objectives:</b>
<i>8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.</i>
<i>8.6.3.2 To <b>enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.</b></i>
<i>8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the <b>productive intent of the zone.</b></i>
<i>8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.</i>
<i>8.6.3.8 To <b>enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.</b></i>
<i>8.6.3.9 To <b>enable rural production activities to be undertaken</b> in the zone.</i>
<b>Policies:</b>
<i>8.6.4.1 That the Rural Production Zone <b>enables farming and rural production activities</b>, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are <b>not to the detriment of rural productivity.</b></i>

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.
8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• The proposed changes enable the farm (being an essential rural activity) to continue operating efficiently and economically, providing for the needs of the owners. Without these changes, the conditions of the subdivision were detrimental to the productivity of the farm, without creating any additional protection for trees that are already thriving.</li> <li>• The proposed changes continue to protect SNAs but allow for established native trees around the property to still be utilised for shelter and the grass beneath them to continue to be utilised for grazing.</li> </ul> <p>Overall, the proposal is <b>very much</b> consistent with these objectives and policies.</p>

### 6.3 Proposed District Plan Objectives and Policies

As already stated, under s86B of the Resource Management Act 1991 a rule in a Proposed District Plan has legal effect only once a decision on submissions have been made, unless the criteria under s.86B(3)(a) to (e) apply. In the first instance, no decisions have yet been made on submissions under the Proposed District Plan. In the second instance, a review of both the application and Proposed District Plan shows that there are no provisions that relate to water, air or soil, significant indigenous vegetation, significant indigenous habitats of fauna, historic heritage or aquaculture activities that are relevant to this application and / or require resource consent.

Given the above, and until such time as the PDP advances further through the statutory process, the objectives and policies within the PDP have only peripheral relevance for the purposes of a s.104 assessment, and consequently are unlikely to be determinative. For the sake of completeness these are set out below.

#### 6.3.1 Subdivision

<b>SUB-01</b>
<p><i>Subdivision results in the efficient use of land, which:</i></p> <ol style="list-style-type: none"> <li><i>achieves the objectives of each relevant zone, overlays and district wide provisions;</i></li> <li><i>contributes to the local character and sense of place;</i></li> <li><i>avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;</i></li> <li><i>avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;</i></li> <li><i>does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and</i></li> <li><i>manages adverse effects on the environment.</i></li> </ol>
<p><b>Comments:</b></p> <p>The proposed changes:</p> <ul style="list-style-type: none"> <li>• are in keeping with the intent of the rural production zone and other provisions.</li> <li>• Ensures that the farm continues to be productive and economical.</li> <li>• Continues to protect SNAs and address flooding and stormwater effectively.</li> </ul>

<b>SUB-02</b>
<p><i>Subdivision provides for the:</i></p> <ul style="list-style-type: none"> <li><i>a. Protection of highly productive land; and</i></li> <li><i>b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.</i></li> </ul>
<p><b>Comments:</b> The site is not highly productive land. Recorded SNAs are to be covenanted.</p>
<b>SUB-03</b>
<p><i>Infrastructure is planned to service the proposed subdivision and development where:</i></p> <ul style="list-style-type: none"> <li><i>a. there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and</i></li> <li><i>b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.</i></li> </ul>
<p><b>Comments:</b> There is no change to the servicing of the lots.</p>
<b>SUB-P3</b>
<p><i>Provide for subdivision where it results in allotments that:</i></p> <ul style="list-style-type: none"> <li><i>a. are consistent with the purpose, characteristics and qualities of the zone;</i></li> <li><i>b. comply with the minimum allotment sizes for each zone;</i></li> <li><i>c. have an adequate size and appropriate shape to contain a building platform; and</i></li> <li><i>d. have legal and physical access.</i></li> </ul>
<p><b>Comments:</b> The proposed changes do not change the character of the land development, continue to meet minimum lot sizes and provide a suitable building area, and make no changes to access.</p>
<b>SUB-P6</b>
<p><i>Require infrastructure to be provided in an integrated and comprehensive manner by:</i></p> <ul style="list-style-type: none"> <li><i>a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and</i></li> <li><i>b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.</i></li> </ul>
<p><b>Comments:</b> There are no changes to power and telecommunication connections proposed.</p>
<b>SUB-P8</b>
<p><i>Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:</i></p> <ul style="list-style-type: none"> <li><i>a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and</i></li> <li><i>b. will not result in the loss of versatile soils for primary production activities.</i></li> </ul>
<p><b>Comments:</b> The site contains two SNAs which are to be protected by consent notice. There are no versatile soils on the site.</p>

<b>SUB-P9</b>
<i>Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.</i>
<p><b>Comments:</b> The proposed subdivision is not reliant on the management plan subdivision provisions.</p>
<b>SUB-P11</b>
<p><i>Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:</i></p> <ol style="list-style-type: none"> <li><i>consistency with the scale, density, design and character of the environment and purpose of the zone;</i></li> <li><i>the location, scale and design of buildings and structures;</i></li> <li><i>the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</i></li> <li><i>managing natural hazards;</i></li> <li><i>Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values.</i></li> </ol>
<p><b>Comments:</b> Scale and design remain consistent with other properties in the area. Lot sizes are sufficient to accommodate dwellings and on-site wastewater disposal. Stormwater is to be managed as per the previous RC. SNAs are to be covenanted.</p>

### 6.3.2 Rural Production Zone

<b>RPROZ-01</b>
<i>The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.</i>
<p><b>Comments:</b> The small area to be added to Lot 1 is to continue to be used for farming purposes. Removing unnecessary and unjustified covenants over grazing land and shelter trees ensures the land is available for primary production.</p>
<b>RPROZ-02</b>
<i>The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.</i>
<p><b>Comments:</b> Removing unnecessary and unjustified covenants over grazing land and shelter trees ensures the land is available for primary production.</p>
<b>RPROZ-03</b>
<p><i>Land use and subdivision in the Rural Production zone:</i></p> <ol style="list-style-type: none"> <li><i>protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;</i></li> <li><i>protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</i></li> <li><i>does not compromise the use of land for farming activities, particularly on highly productive land;</i></li> </ol>



<p>d. does not exacerbate any natural hazards; and</p> <p>e. is able to be serviced by on-site infrastructure.</p>
<p><b>Comments:</b></p> <p>The proposed changes enable the farm to continue to be used for primary production. Flooding and wastewater disposal has already been addressed in the previous RC.</p>
<p><b>RPROZ-O4</b></p>
<p><i>The rural character and amenity associated with a rural working environment is maintained.</i></p>
<p><b>Comments:</b></p> <p>The resulting lots are still of a size and character consistent with others in the area and typical for the rural production zone.</p>
<p><b>RPROZ-P2</b></p>
<p><i>Ensure the Rural Production zone provides for activities that require a rural location by:</i></p> <ul style="list-style-type: none"> <li>a. enabling primary production activities as the predominant land use;</li> <li>b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.</li> </ul>
<p><b>Comments:</b></p> <p>Removing the additional covenants enables the farm to continue to operate a primary production activity.</p>
<p><b>RPROZ-P4</b></p>
<p><i>Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:</i></p> <ul style="list-style-type: none"> <li>a. a predominance of primary production activities;</li> <li>b. low density development with generally low site coverage of buildings or structures;</li> <li>c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and</li> <li>d. a diverse range of rural environments, rural character and amenity values throughout the District.</li> </ul>
<p><b>Comments:</b></p> <p>Rural character and amenity will be maintained if the farm is enabled to continue to operate economically.</p>
<p><b>RPROZ-P6</b></p>
<p><i>Avoid subdivision that:</i></p> <ul style="list-style-type: none"> <li>a. results in the loss of highly productive land for use by farming activities;</li> <li>b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account: <ul style="list-style-type: none"> <li>1. the type of farming proposed; and</li> <li>2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</li> </ul> </li> <li>c. provides for rural lifestyle living unless there is an environmental benefit.</li> </ul>
<p><b>Comments:</b></p> <p>The increase in Lot 1's size (which is still to be used for grazing) is offset in Lot 2 by the grazing land that is to be removed from the need to be covenanted. Removal of grazing and land with shade is uneconomical (due to the expense of fencing) and reduces the productive viability of the farm.</p>

<b>RPROZ-P7</b>
<p><i>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</i></p> <ul style="list-style-type: none"> <li><i>a. whether the proposal will increase production potential in the zone;</i></li> <li><i>c. consistency with the scale and character of the rural environment;</i></li> <li><i>e. for subdivision or non-primary production activities:</i> <ul style="list-style-type: none"> <li><i>i. scale and compatibility with rural activities;</i></li> <li><i>iii. the potential for loss of highly productive land, land sterilisation or fragmentation</i></li> </ul> </li> <li><i>i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</i></li> </ul>
<p><b>Comments:</b> The proposed changes increase the productivity of the farm while continuing to protect SNAs. The increase in the area of Lot 1 makes it more compatible with the scale of surrounding lots.</p>

### 6.3.3 Ecosystems & Indigenous Biodiversity

<b>IB-01</b>
<p><i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.</i></p>
<p><b>Comments:</b> SNAs on the property are already identified and are to be covenanted. The covenanting and fencing of non-SNA native trees is contrary to precedent, common sense and the productive capacity of the District.</p>
<b>IB-02</b>
<p><i>Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.</i></p>
<p><b>Comments:</b> The non-SNA areas previously to be covenanted are not in danger and have been maintained under their current land use, which is not likely to change. This in turn allows the owner to continue farming in an economic way.</p>
<b>IB-05</b>
<p><i>Restoration and enhancement of indigenous biodiversity is promoted and enabled</i></p>
<p><b>Comments:</b> This can be achieved by the fencing off the two SNA areas which will be able to naturally restore themselves in the absence of cattle.</p>
<b>IB-P1</b>
<p><i>Identify Significant Natural Areas by:</i></p> <ul style="list-style-type: none"> <li><i>a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity;</i></li> <li><i>b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable;</i></li> <li><i>c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;</i></li> <li><i>d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and</i></li> </ul>

<p>e. <i>requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.</i></p>
<p><b>Comments:</b> The land owner does not “agree” to the additional areas being defined as SNAs on the basis of an aerial photo. No “encouragement” or “assistance” was given.</p>
<p><b>IB-P3</b></p>
<p><i>Outside the coastal environment:</i></p> <ul style="list-style-type: none"> <li>a. <i>avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas to ensure adverse effects are no more than minor; and</i></li> <li>b. <i>avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.</i></li> </ul>
<p><b>Comments:</b> The proposed changes do not affect the recorded SNAs.</p>
<p><b>IB-P4</b></p>
<p><i>If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:</i></p> <ul style="list-style-type: none"> <li>a. <i>biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and</i></li> <li>b. <i>environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.</i></li> </ul>
<p><b>Comments:</b> The subdivision does not create any adverse effects on areas of indigenous biodiversity, yet mitigation has still been provided through covenanting.</p>
<p><b>IB-P5</b></p>
<p><i>Ensure that the management of land use and subdivision to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that:</i></p> <ul style="list-style-type: none"> <li>a. <b><i>does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils.</i></b></li> </ul>
<p><b>Comments:</b> The proposed changes reverse the unreasonable restriction that has been placed on the farm by the existing RC.</p>
<p><b>IB-P6</b></p>
<p><i>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of:</i></p> <ul style="list-style-type: none"> <li>a. <i>assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</i></li> <li>b. <i>reducing or waiving resource consent application fees;</i></li> <li>c. <i>providing, or assisting in obtaining funding from other agencies and trusts;</i></li> <li>d. <i>sharing and helping to improve information on indigenous biodiversity; and</i></li> <li>e. <i>working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</i></li> </ul>
<p><b>Comments:</b> None of these methods were offered.</p>

## **6.4 Regional Planning Documents**

### **6.4.1 Regional Water and Soil Plan for Northland**

The property is not recorded as Erosion Prone or as being subject to any hazards in the Northland Regional Water and Soil Plan (“RWSP”) Maps.

There are no changes to the proposed wastewater disposal.

We therefore believe that on-site wastewater disposal is sustainable in compliance with the permitted activity rules of the RWSP.

### **6.4.2 Regional Policy Statement for Northland**

The Regional Policy Statement for Northland, whilst not directly considered, its Policies have been used to help form the Operative District Plan, of which the Objectives, Policies and Rules are discussed in this application.

### **6.4.3 Proposed Regional Plan (NRC)**

The property is not recorded as Erosion Prone or as being subject to any hazards by the Northland Regional Council, other than flooding which has been addressed in the original application.

## **6.5 Other Legislation & National Policy Documents**

### **6.5.1 National Environmental Standard for Contaminants in Soil**

In regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, we have been advised by the applicant that to the best of their knowledge, the application site is not currently, or has not historically been, used for an activity on the Hazardous Activities and Industries List (HAIL).

The property is not recorded as a HAIL site as on the Northland Regional Council Selected Land-use Register.

Therefore, the proposed subdivision activity is not considered to be covered by the above National Environmental Standard.

### **6.5.2 National Environmental Standard for Freshwater Management**

The National Environmental Standard for Freshwater Management (NES-FM) addresses natural wetlands. There is a wetland area at the rear of Lot 2 which is to be covenanted and fenced.

The wetland is a long way from the area of development and earthworks. No diversion, damming or draining of water is proposed. No vegetation clearance is required.

Therefore, this NES has no implications for the proposed changes or the subdivision in general.

### **6.5.3 National Policy Standard for Highly Productive Land (Sept 2022)**

The National Policy Standard for Highly Productive Land (NPS-HPL) addresses the protection of highly productive land for use in land-based primary production.

The application site does not contain any mapped highly productive land, so this NPS does not apply.

## 6.6 Part II Matters

### 6.6.1 Sustainable Management (Section 5)

The purpose of the RMA is the sustainable management of natural and physical resources by managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

The proposal achieves this purpose by allowing the farmer to continue farming without the significant cost (money and loss of grazing land) of fencing off his shade trees, while still protecting the recorded SNAs on the property.

### 6.6.2 Matters of National Importance (Section 6)

The matters of national importance relevant to this application are:

*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*

These matters should be recognised and provided for in the consideration of this application.

The proposal achieves this by covenanting the recorded SNAs.

### Other Matters (Section 7)

Other matters relevant to this application are:

*(b) the efficient use and development of natural and physical resources*

*(f) maintenance and enhancement of the quality of the environment*

*(g) any finite characteristics of natural and physical resources*

Particular regard is to be given to these matters in the consideration of this application.

The proposal achieves these aims by restoring grazing land and shade trees to the farm, which maintains its quality and finite characteristics.

### 6.6.3 Treaty of Waitangi (Section 8)

The principles of the Treaty of Waitangi are to be taken into account in the consideration of this application.

These principles are integrated into the other planning documents that have been discussed in this application in relation to the proposal, the District Plan in particular. The site does not contain any Maori heritage sites.

### 6.6.4 Part II Considerations Summary

It is considered that the proposal has given due consideration to the Purpose and Principles in Part II of the RMA.

In addition, the planning documents relevant to this application (including the Far North District Plan) have been developed such that adequate controls are in place to ensure that the matters in Part II of the RMA 1991 are adequately addressed. Therefore, the matters in Part II of the RMA 1991

have also been addressed earlier in this application where the proposal has been assessed in relation to these documents.

## 6.7 RMA Section 127 – Change or cancellation of consent condition on application by consent holder

This application is made under Section 127 on the following basis:

- (1) (a) The application is being made before the survey plan has been lodged.  
(b) The application is not for a change relating to the duration of the consent.
- (3) (a) The application has been made as if it were a **discretionary activity**.  
(b) Only the effects of the change have been assessed, which are not materially different from the original subdivision application.
- (3A) N/A – not an application for a Coastal Permit.
- (4) (a) No submissions were made on the original application.  
(b) No parties are materially affected by the change – the change to the boundary locations is negligible and does not constitute a significant change in relation to any adjoining neighbours.

## 6.8 RMA Section 104 – Consideration of Applications

In terms of sections 104 and 104B of the Act, we consider that:

- Sufficient information has been provided for Council to assess the application.
- The effects of the proposal are considered to be less than minor.

## 6.9 Section 95 - Notification and Consultation

The proposed changes result in no effects on other parties, including adjacent landowners, so no parties require notification of this proposal. As a result, we respectfully request that the application not be publicly notified.

## 6.10 Section 106 – Refusal of consent

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:

- (a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

All lots have been provided with legal and physical access. The *Stormwater Report* provided with the original application addresses the flooding hazard on site.

## 6.11 Section 220 –Conditions of Consent

We request the following changes shown in bold text be made to the following sections of the existing resource consent.

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1. *The activity shall be carried out in accordance with the approved plans prepared by Sapphire Surveyors Ltd, referenced Lots 1 & 2 being a Proposed Subdivision of Pt Allotment 113 Psh of Kaiaka, **Version C** dated ~~18/11/2022~~ **2/08/2024**, 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. Areas shown as W,X,~~Y,Z~~ are to be subject to land covenants for bush and wetland protection.*

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

*a. Provide evidence stock proofing fencing has been provided, where appropriate to prevent stock incursion along the proposed bush covenant area, and existing wetlands identified as W,X,~~Y,Z~~.*

*e. 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 consent holder:*

*i. No building/structural development or vegetation removal shall occur on areas W,X,~~Y,Z~~ as shown on the survey plan. The owner shall preserve the indigenous trees and bush areas, and wetlands identified as W,X,~~Y,Z~~ as indicated on the survey plan 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 of 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. [Lot 2]*

*ii. Management of activities on Lot 2, with respect to the natural wetland areas ~~as indicated by drawing as per Condition (2)(a) above~~ **W as shown on the survey plan**, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. [ Lot 2 ]*

---

Please note that the change to 4.e.ii. has nothing to do with our proposed changes, but just made sense as a simple correction so that it matches the wording of the previous item in the consent notice.

***It would be greatly appreciated if draft conditions of consent could be forwarded to wendy@sapphiresurveyors.co.nz prior to confirming the final resource consent wording. Please do not ask for a s37 for this.***



## 7. Conclusion

The proposed change to the size of Lot 1 makes no material changes to effects of the subdivision, but provides some grazing area for that lot.

The proposed change to the covenanting of non-SNA areas creates positive changes to the productivity and economic viability of the farm (Lot 2) whilst still providing good protection for recorded SNAs on the property.

This application has been discussed previously with Trish Routley and it was agreed that the covenant changes would be best addressed through the s127 process, since the applicant did wish to change the Lot 1 boundaries anyway.

The proposal is not contrary to the relevant objectives and policies of the Operative and Proposed District Plans, nor the relevant objectives and policies of the National and Regional Policy Statements. The proposal aligns with Part 2 of the Resource Management Act. There is no District Plan rule or National Environmental Standard that requires the proposal to be publicly notified.

It is requested that the Council give favourable consideration to this application and grant consent on a non-notified basis.

# 8. Appendices

**APPENDIX 1 SCHEME PLAN**

**APPENDIX 2 RECORD OF TITLE**

**APPENDIX 3 APPROVED RC**

# **Appendix 1**

# **Scheme Plan**



**Sapphire Surveyors Ltd**



Surveyors &  
Land Development Specialists  
Doubtless Bay, NZ  
Ph. 09-406-0001  
info@sapphiresurveyors.co.nz

**Lots 1 & 2 being a Proposed Subdivision of Pt Allotment 113 Psh of Kaiaka (259 Mangatoetoe Rd, Kaitaia)**

Job Ref	<b>0059S</b>	
A3	1:3000	
Surveyed:		
Drawn:	WW	18/02/2022
Version:	C	
Status:	Final	2/08/2024
Sheet:	1 of 1	

## **Appendix 2**

# **Record of Title**



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** NA1384/75  
**Land Registration District** North Auckland  
**Date Issued** 27 May 1957

**Prior References**  
NA84/221

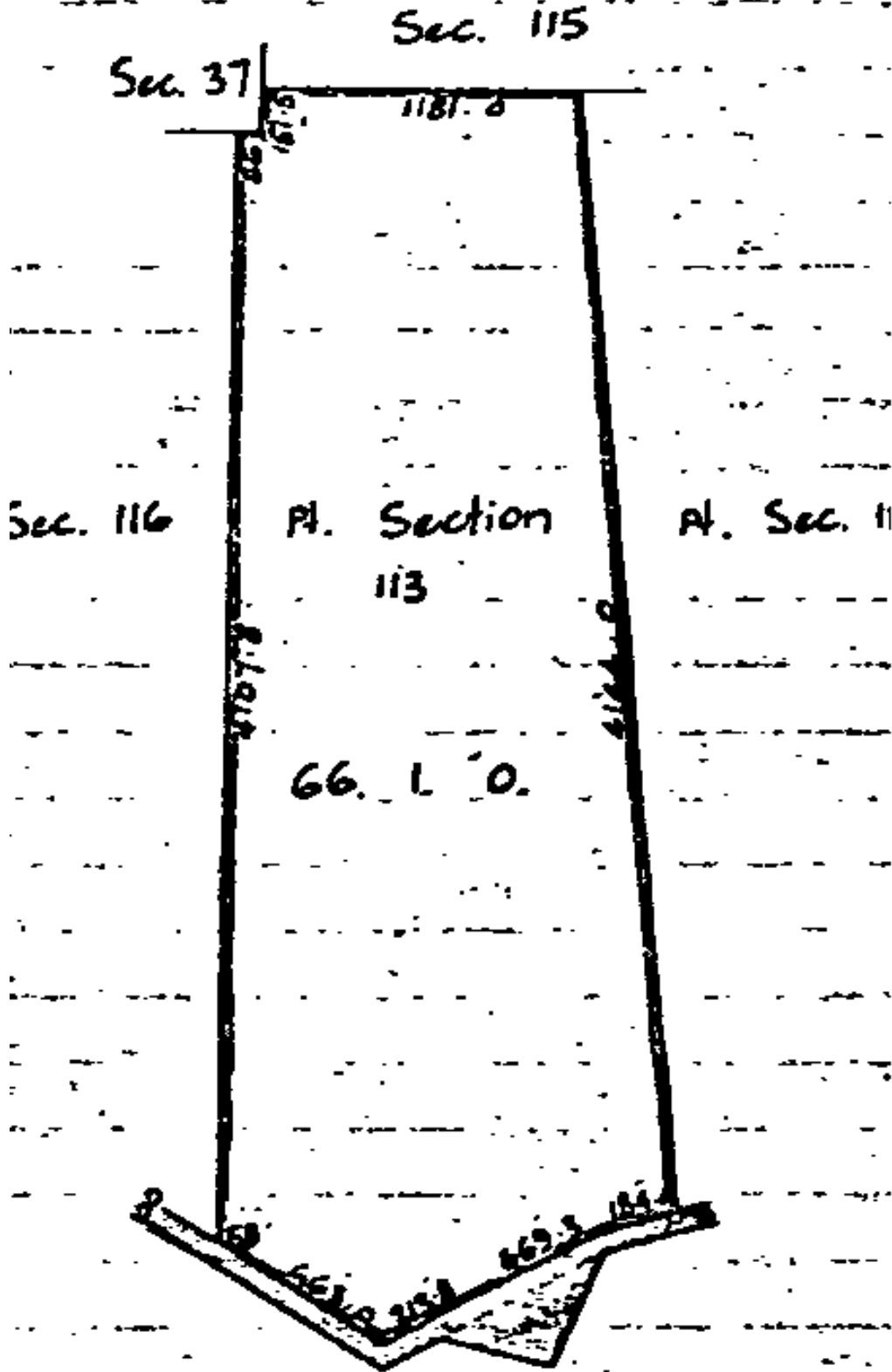
---

**Estate** Fee Simple  
**Area** 26.8104 hectares more or less  
**Legal Description** Part Allotment 113 Parish of Kaiaka

**Registered Owners**  
Douglas Stuart Cameron and Corinna Yvonne Cameron

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**Interests**  
C299343.1 Mortgage to The National Bank of New Zealand Limited - 29.8.1991 at 2.41 pm





## **Appendix 3**

# **Approved RC (RC 2220828-RMACOM)**

**DECISION ON COMBINED RESOURCE CONSENT APPLICATION  
UNDER THE RESOURCE MANAGEMENT ACT 1991**

**Decision**

Pursuant to section 34(1) and sections 104, 104B, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use and subdivision resource consent for a Restricted Discretionary, subject to the conditions listed below, to:

**Council Reference:** 2220828-RMACOM  
**Applicant:** Natalie Jecentho  
**Property Address:** 259 Mangatoetoe Road, Kaitaia 0482  
**Legal Description:** Pt Allot 113 Kaiaka Psh Blk VIII Takahue SD

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

**Part A - Subdivision**

The proposal seeks to subdivide Pt Allotment 113 Parish of Kaiaka to create one additional allotment within the Rural Production Zone

**Part B – Land use**

Proposed Lot 1 contains an existing residential dwelling. Land use consent is required due to breaching rule 8.6.5.1.3 Stormwater Management

**Subdivision Conditions**

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following conditions:

1. The activity shall be carried out in accordance with the approved plans prepared by Sapphire Surveyors Ltd, referenced Lots 1 & 2 being a Proposed Subdivision of Pt Allotment 113 Psh of Kaiaka, dated 18/11/2022, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. Areas shown as W,X,Y,Z are to be subject to land covenants for bush and wetland protection.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - a. Provide a report and plan from a Council approved TP58 writer or Chartered Professional Engineer which confirms the effluent disposal field and reserve disposal area can be fully contained within Lot 1 boundaries.
  - b. Any encroachment of the road onto private property shall be surveyed off and vested in Council, such that the legal road boundary along the road frontage of the subject site is

at least 6m from the centreline of the carriageway or 2m from the edge of the carriageway (Whichever is the greater).

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
- a. Provide evidence stock proofing fencing has been provided, where appropriate to prevent stock incursion along the proposed bush covenant area, and existing wetlands identified as W,X,Y,Z.
  - b. Provide a formed single-width entrance to the Lot 1 which complies with the Councils Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004.
  - c. Provide evidence that a building consent has been obtained and an effluent disposal system installed within Lot 1 in accordance with the report and plan required by Condition 3.a. above.
  - d. As per the Stormwater Management and Flood Hazard Assessment by Haigh Workman Civil & Structural Engineers Ltd. (Refer: 22108 Rev B dt. 13/06/2022), Location 3 - replacing the existing culvert of  $\varnothing$  300 mm to  $\varnothing$  675 mm, which shall comply with section 4.3.3 of the FNDC Engineering Standards & Guidelines in conjunction with NZS4404:2004 and Location 1 & Location 2 culverts shall be removed to make an open channel.
  - e. 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 consent holder:
    - i. No building/structural development or vegetation removal shall occur on areas W,X,Y,Z. as shown on the survey plan. The owner shall preserve the indigenous trees and bush areas, and wetlands identified as W,X,Y,Z. as indicated on the survey plan 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 of 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. **[Lot 2]**
    - ii. Management of activities on Lot 2, with respect to the natural wetland areas indicated by drawing as per Condition (2)( a) above, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. **[ Lot 2 ]**
    - iii. The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. **[All Lots]**

## **Subdivision Advice Notes**

### **Lapsing of Consent**

1. 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;
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
  - b) 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.

### **General**

2. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).

### **Land Use Conditions**

1. No conditions imposed.

### **General Advice Notes –**

1. The site is accessed off an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively the applicant may consider sealing their road frontage to remove the issue.
2. Any earthworks through the construction of crossings, shall have erosion and sediment control measures in place in accordance with GD05. If works do not comply with GD05 a resource Consent may be required to meet rule requirements under FNDC proposed District Plan.
3. 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.
4. The existing ancillary building located along the road frontage of Lot 2 is located within the road reserve. Therefore, a license to occupy is required if the building is to remain. Alternatively the building can be removed.

### **Lapsing of Consent**

5. 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;
  - a) The consent is given effect to; or
  - b) 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.

### **General Advice Notes**

### **Right of Objection**

6. *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.*

### **Reasons for the Decision**

1. 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.
2. Positive effects of the proposal:  
Under s104(1)(a) the positive and potential effects of the proposal are:
  - a) Formal protection of existing wetlands on the subject site.
3. Objectives and policies of the District Plan:  
The following objectives and policies of the District Plan have been considered:
  - a) Chapter 8, Section 6 - Rural Production Zone
  - b) Chapter 13 - Subdivision

The proposal is not contrary to the relevant objectives and policies of the District Plan. The proposal is considered to be generally consistent with the relevant objectives and policies. It is considered that the proposed allotments are of sufficient size to accommodate residential activity whilst maintaining sufficient pastoral land for productive use. The sites are surrounded by a mixture of lifestyle and large farm allotments. The subdivision will not restrict neighbouring rural production activities to occur, and still allows for farming activities. The rural character of the site will therefore not be eroded by the proposed subdivision. The proposal is not contrary to the relevant objectives and policies of the District Plan.
4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
  - a. National Environmental Standards
  - b. National Policy Statement,
  - c. Northland Regional Policy Statement 2016,
  - d. Operative Far North District Plan 2009,
5. In accordance with an assessment under s104(1)(c) of the RMA. No other non – statutory documents were considered relevant in making this decision.
6. No other matters were considered relevant in making this decision.
7. **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.
8. 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 Whitney Peat, Senior Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.

*P. J. Killalea.*

**Name: Pat Killalea**

Date: 28<sup>th</sup> February 2023

**Title: Principal Planner**



**APPROVED PLAN**  
 Planner: Whitney Peat  
 pp: ENathan  
 RC: 2220828-RMACOM  
 Date: 28/02/2023

Areas marked X, Y, Z are subject to a bush protection covenant by consent notice.  
 Area marked W is subject to a wetland protection covenant by consent notice.

THIS PLAN & ACCOMPANYING REPORT(S) HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT ONLY AND FOR NO OTHER PURPOSE. USE OF THIS PLAN AND/OR INFORMATION ON IT FOR ANY OTHER PURPOSE IS AT THE USER'S RISK.  
 THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF SAPHIRE SURVEYORS LTD AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

AREAS & MEASUREMENTS SUBJECT TO FINAL SURVEY  
 LOCAL AUTHORITY: FAR NORTH DISTRICT COUNCIL  
 TOTAL AREA: 26.8104 HA  
 COMPRISED IN: RT NA1384/75  
 PLAN PREPARED FOR: N Jecentho

**Sapphire Surveyors Ltd**  
  
 Surveyors & Land Development Specialists  
 Doubtless Bay, NZ  
 Ph. 09-406-0001  
 info@sapphiresurveyors.co.nz

**Lots 1 & 2 being a Proposed Subdivision of Pt Allotment 113 Psh of Kaiaka (259 Mangatoetoe Rd, Kaitaia)**

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Sheet:	1 of 1	