Address: 2 Cochrane Drive, Kerikeri

127 Commerce Street, Kaitaia

Phone: 09 407 5253

Email: office@bayplan.co.nz



To: District Plan Team – Attention: Greg Wilson Strategic Planning & Policy 5 Memorial Avenue Private Bag 752 Kaikohe 0440 Email: greg.wilson@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. Details of persons making submission

Ken Lewis Limited C/- Bay of Islands Planning (2022) Limited Attention: Steven Sanson PO Box 318 PAIHIA 0247

2. General Statement

Ken Lewis Limited are directly affected by the Proposed Far North District Plan. They seek to remove the Rural Residential Zone that covers their landholding on Donald Road and Allen Bell Drive, Kaitaia.

Ken Lewis Limited cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.



3. Background & Context

<u>Background</u>

Ken Lewis Limited owns a substantial holding of some 64ha which has frontage to Donald Road and Allen Bell Drive, Kaitaia. Currently the land is used for dry stock farming and part of the property contains the Far North District Council potable water storage tank which serves the Kaitaia community. The property has a gentle rolling contour and commands panoramic views across Kaitaia through to Ninety Mile Beach.

Site Descriptions

The land to which this submission relates comprises the following Record of Title:

• ROT NA105B/60 (Lot 1 DP 173052).

A plan showing the location of the land is provided at **Figure 1**.



Figure 1 - Site



Operative and Proposed District Plan Zoning

The Operative District Plan reveals the site is zoned **Rural Living**.



<u>ODP Zone Map</u>

The PDP seeks to apply the **Rural Residential Zone** over the site and those adjoining to the south with the General Residential Zone being applied to the existing residential sites adjoining the common northern and western boundaries. The PDP also indicates the property is influenced at a very limited degree by a 1:100-year flood event. This event does not impact on any onsite facilities nor any practical future development of the site.

The site is also impacted by Airport Protection Structures in relation to the Kaitaia Airport.





PDP ZONE MAP

- 4. The specific provisions of the Proposed Far North District Plan that this submission relates to are:
 - Proposed Planning / Zone Maps which relate to the landholding referred to in Section 3 of this submission.
 - The Rural Residential and General Residential Zone Minimum allotment sizes under Rule SUB-S1.



5. Ken Lewis Limited seek the following amendments/relief:

This submission requests that the Proposed Far North District Plan:

S9.001

- Removes the Rural Residential Zone and replace with the General Residential Zone as they are provided for on the PDP E-Maps.
- S9.003 S9.002
 The subdivision standards for Rural Residential and General Residential Zones are retained in the PDP.

6. The reasons for making the submission on the Proposed DistrictPlan are as follows:

- The submitters property adjoins the General Residential Zone along its western and northern boundaries and has direct access onto Allen Bell Drive and Donald Road. The site represents a future urban possibility for supplying Kaitaia with urban allotments.
- This property has access to main traffic routes with access to both Allen Bell and Donald Road.
- Residential subdivision approvals have been granted to enable the creation of seven residential sites as Non-Complying activities. A copy of this approval although lapsed is found in Attachment 1.
- The elevation of the property enables efficient use of gravity to allow connection to the Councils three waters services. These are near the site, with potential connections available pending infrastructure upgrades. A priority within Council's 30-Year Infrastructure Strategy is to reduce stormwater infiltration and a \$13.4million upgrade to ensure higher quality wastewater discharge from the Kaitaia system. These upgrades may assist



further connections to the site. However, the key point here is ensuring that the land is appropriately zoned now to allow for such potential.

- The land is not identified as containing any high class soils or being defined as highly productive. This avoids the use of these soils proposed to be subdivided within the PDP.
- The inclusion of the land within the General Residential Zone is a coherent extension of the residential area which creates the urban area of the Kaitaia town centre.
- A central issue for the Kaitaia township is the impacts of flooding. Despite the evidence within the s32 Reports and supplementary information relating to population growth and latent supply of land in Kaitaia. The key factor which seems to be lacking in the analysis is the appropriate location of future urban land. Rather the Plan focuses on existing land to enable growth and this, in our view has not been undertaken with all relevant considerations in mind. Hazards in this particular instance are considered as a legitimate threat to the latent residential supply in Kaitaia meeting future population growth estimates. The submitters property is located on elevated land and presents a bona fide future residential opportunity for the township that is located away from the current flooding hazard that covers the large majority of the Kaitaia township.
- The other matter to consider in terms of genuine residential development under the PDP is the approach to use the mixeduse zone for multi-level commercial and residential development. Whilst the intent behind the rules is clear and the Plan does enable such uses, there is no widespread evidence that Kaitaia is ready for apartment type – or above town centre living. Again, this compromises the latent capacity



figures provided in Council s32 Reports and accompanying documentation.

 The subdivision standards reflect efficient use of land and maintain an intensity and scale found with urban areas of the District. These are supported for the Rural Residential and General Residential Zones.

7. Ken Lewis Limited wish that the Far North District Council to address the above issue by:

- Amend the proposed zone for the subject site from Rural Residential to the General Residential Zone.
- 2. Retain the **Minimum allotment sizes** for the **Rural Residential** and General Residential Zones.
- 3. Any other relief to achieve the outcomes sought by this submission.
- 8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,

Steven Sanson Director | Consultant Planner

Jan

Reviewed by



Jeff Kemp

Principal Planning Consultant

On behalf of Ken Lewis Limited

Dated this $O1^{st}$ Day of September 2022



Attachment 1: Existing Approval







FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN DECISION ON RESOURCE CONSENT APPLICATION (Section 127)

Resource Consent Number: 2110103-RMAVAR/A

Pursuant to section 127 of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants consent to:

KEN LEWIS LTD

To change the conditions of consent for RC 2110103, being a consent to subdivide Lot 1 DP 173052 to create 8 additional rural lifestyle blocks plus a Road to Vest.

Subject Site Details

Address:	Donald Road, Kaitaia
Legal Description:	Lot 1 DP 173052
Certificate of Title reference:	NA-105B/60

The following changes are made to the consent conditions:

The changes to conditions sought relate to the extension of the proposed Road to Vest (Lot 9) to include all of the land formally proposed to be covered by Right of Way Easement A.

The following conditions require amending or deletion as a result of this request to change conditions.

- 1. Amend condition 1 to reflect the revised scheme plan and new reference date.
- 2. Amend condition 2(c) to make reference to easements for wastewater and stormwater for all lots within the subdivision.
- 3. Amend condition 2(d) to reflect Road to Vest rather than Right of Way Easement A.
- 4. Amend condition 3(a) as required (bullet point references) to reflect the ROW Easement changing to Road to Vest.
- 5. Delete condition 4(e) as the ROW formation is now covered by Road to Vest and addressed under conditions 3(a) and 4(a).
- 6. Delete condition 4(g) relating to the turning head now to be covered by conditions 3(a) and 4(a).

For the purpose of clarity the complete amended conditions of consent are as follows:

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

1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Von Sturmers, referenced 12137.01 Rev. 1, dated 17/07/12, 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) Lot 9 as Road to Vest.
 - (c) Easements for wastewater and stormwater purposes where required.
 - (d) Lot 9 (Road to Vest) having sufficient space at its termination for a turning head as required by condition 3(a).
- 3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - a) Submit plans and details of all works on Council Road and works which are to vest in Council. The plans and details shall be approved by Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines: 2009 and NZS4404:2004.

In particular the plans shall show:

- The new road to vest complying with the Council Type A Urban Roading Standard. Provide a turning head at the termination of the Road to Vest to facilitate the turning of a Heavy Rigid Vehicle.
- The intersection of the new road with Donald Road
- A reticulated sanitary sewer with connections servicing Lots 1-4
- Provision for the collection, control, and disposal of stormwater
- Details of earthworks and associated erosion and sediment control measures
- Reticulated water supply with metered connections for each lot
- Signage and road marking as required.
- 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 contract
 - details of the supervising engineer
 - a traffic management plan.
- c) Provide for Councils approval a preferred road name and two alternatives for the road to vest. The applicant is advised that in accordance with Community Board policy that road names should reflect the history of the area.
- 4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - a) Upon completion of the works in 3(a) above provide certification of the work from a Chartered Professional Engineer that all works have been completed in accordance with the approved plans.
 - b) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work on legal road or road which is to vest in

Council for a minimum period of 12 months. The minimum value of the bond or money held in lieu of a bond is to be 10% of the construction cost.

- c) Provide to Council as-built plans complying with Schedule 1D of NZS4404:2004.
- d) Pay to Council the cost of purchasing and installing a road name sign for the road to vest. The road name is to reflect the outcome of condition 3 (c) above.
- e) Provide a formed and sealed entrance to each lot which complies with the Engineering Standards FNDC/S/6 & 6B.
- f) Provide evidence that electrical and telecommunication services have been reticulated to the boundary of each lot.
- g) Provide to Council a cost estimate for the supply and installation of the treatment system and effluent disposal system or an equivalent system described in the site suitability report prepared by Effluential Drainlayers Ltd for Lots 5-8 and submitted within the application. The costing shall include all interconnecting pipe work, fitting and valves and electrical wiring if the treatment system requires power to operate. The costing shall be valid for a period of 6 months from the date of issue of the 224(c) certificate.
- h) 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.

All Lots

(i) The applicant shall submit for the approval of Council an on-site Stormwater Management Plan. The plan shall detail the on-site retention of stormwater from impermeable surfaces with flow attenuated discharge such that the total stormwater from the respective lot is no greater than discharged predevelopment runoff for rainfall events up to and including a 1 in 50 year ARI. The report shall be prepared by a Chartered Professional Engineer and submitted in conjunction with any Building Consent application.

Lots 5, 6, 7, & 8

(ii) In conjunction with the erection 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 (or an equivalent system) as required by condition 4(g) of RC 2110103/A and detailed in the report prepared by Effluential Drainlayers Ltd.

The installation shall include an agreement with the system supplier, or their authorised agent, for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Where a wastewater treatment and disposal system differs from that described in the above mentioned report, a new site and soil evaluation report will be required to be submitted with a Building Consent.

The cost estimate of the installed system is \$_____+GST. The costing is valid for a period of 6 months from the date of issue of the Section 224(c) certificate.

Advice Notes

- 1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the New Zealand Historic Places Trust. 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).
- 2. Details of wastewater treatment and effluent disposal system and its cost will be conveyed to a prospective purchaser by Consent Notice. Where a disposal area is chosen which differs from that described in the TP58 / site and soil evaluation report a new site and soil evaluation report will be required to be submitted for approval prior to the installation of the system.

Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision

1. Description of the Activity:

The proposed subdivision of Lot 1 DP 173052 to create 8 additional rural lifestyle blocks plus a Road to Vest. The variation requests that proposed ROW Easement A be changed to Road to Vest and that related conditions be modified accordingly.

2. District Plan Rules Affected:

Any application under Section 127 seeking to change conditions of consent are treated as a Discretionary activity for the purposes of the Act.

3. Principal Issue[s] in Contention and Main Findings on those Issues:

The principal issue in contention and main finding on those issues were:

- (a) Issue
 - Extension of the Road to Vest
- (b) Main Findings

Road to Vest

The proposed changes to conditions see the previously small stub road to vest being extended to incorporate all of what was previously ROW Easement A. The changes to the conditions requested do not alter the physical formation requirements such as the need for a turning head at the access termination. The changes do not increase the number of lots being served by the new road. The biggest difference is from a legal perspective with a ROW Easement now proposed to be Road to Vest.

Council's Roading team are comfortable with the request and note that the proposed road is likely to serve other properties in the future. The initial design of the original ROW and now new Road to Vest is consistent with the Council's Engineering Standards and Guidelines with respect to legal and formation widths. The overall effects of the request to change from ROW and to extend the Road to Vest is considered to be minor.

4. Relevant Statutory Provisions:

Policy Statements & Plan Provisions:

The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objectives 13.3.1, 13.3.5, and 13.3.10 and policies 13.4.2, 13.4.5, and 13.4.14 seek to ensure that a subdivision's design including the size of proposed lots, access, and servicing of the proposed lots are effective and efficient. All works are noted as having to be in accordance with the Council's Engineering Standards and Guidelines.

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.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

The application seeks to change conditions of an approved subdivision by essentially change a ROW Easement A to now be Road to Vest. The resultant changes slightly amend related conditions and references but the physical works required remain the same. The Council's Roading staff are comfortable with the requested changes and raise no concerns or objection to the request.

The effects are considered to be minor and the application is consistent with Part 2 of the Act and is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Wayne Smith, Senior Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

Pat Killalea, Principal Planner

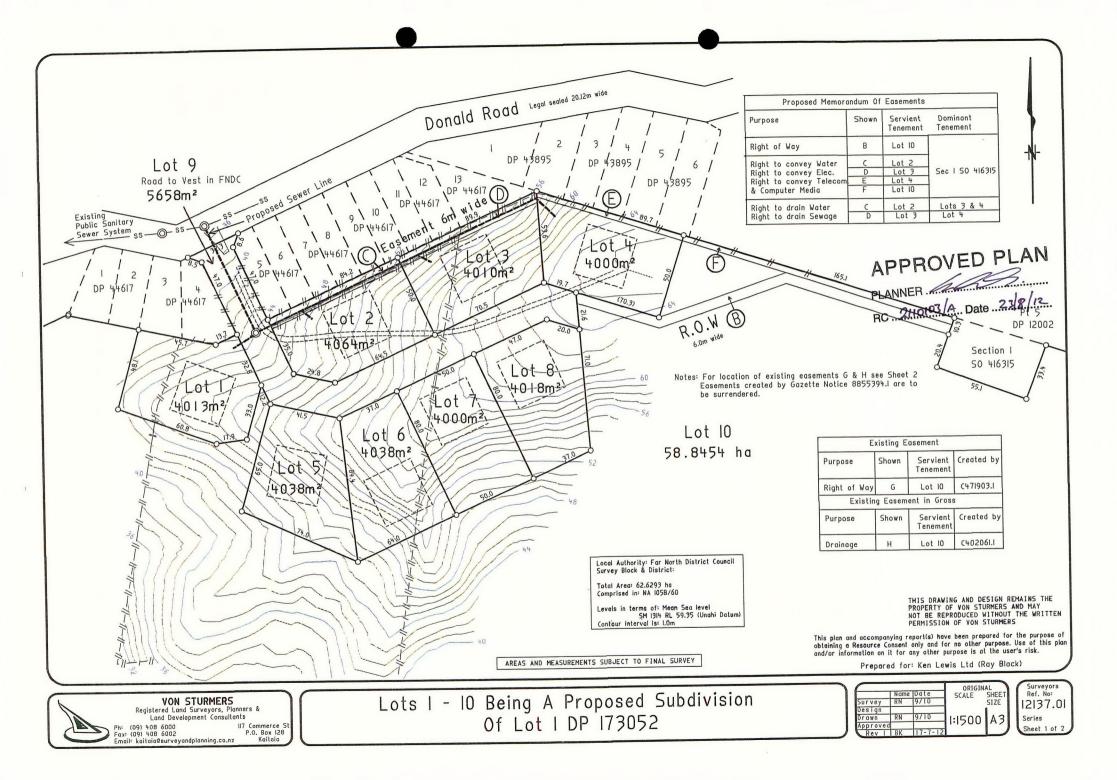
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Right of Objection

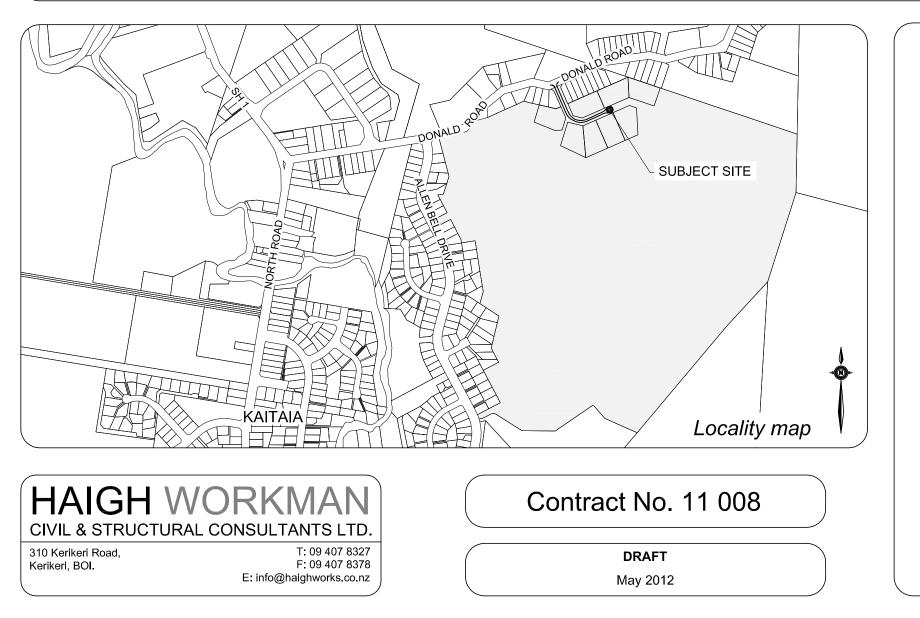
If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing Of Consent

You should note that the granting of this consent for a change or cancellation of conditions does not affect the lapsing date of the underlying consent for the proposed activity.



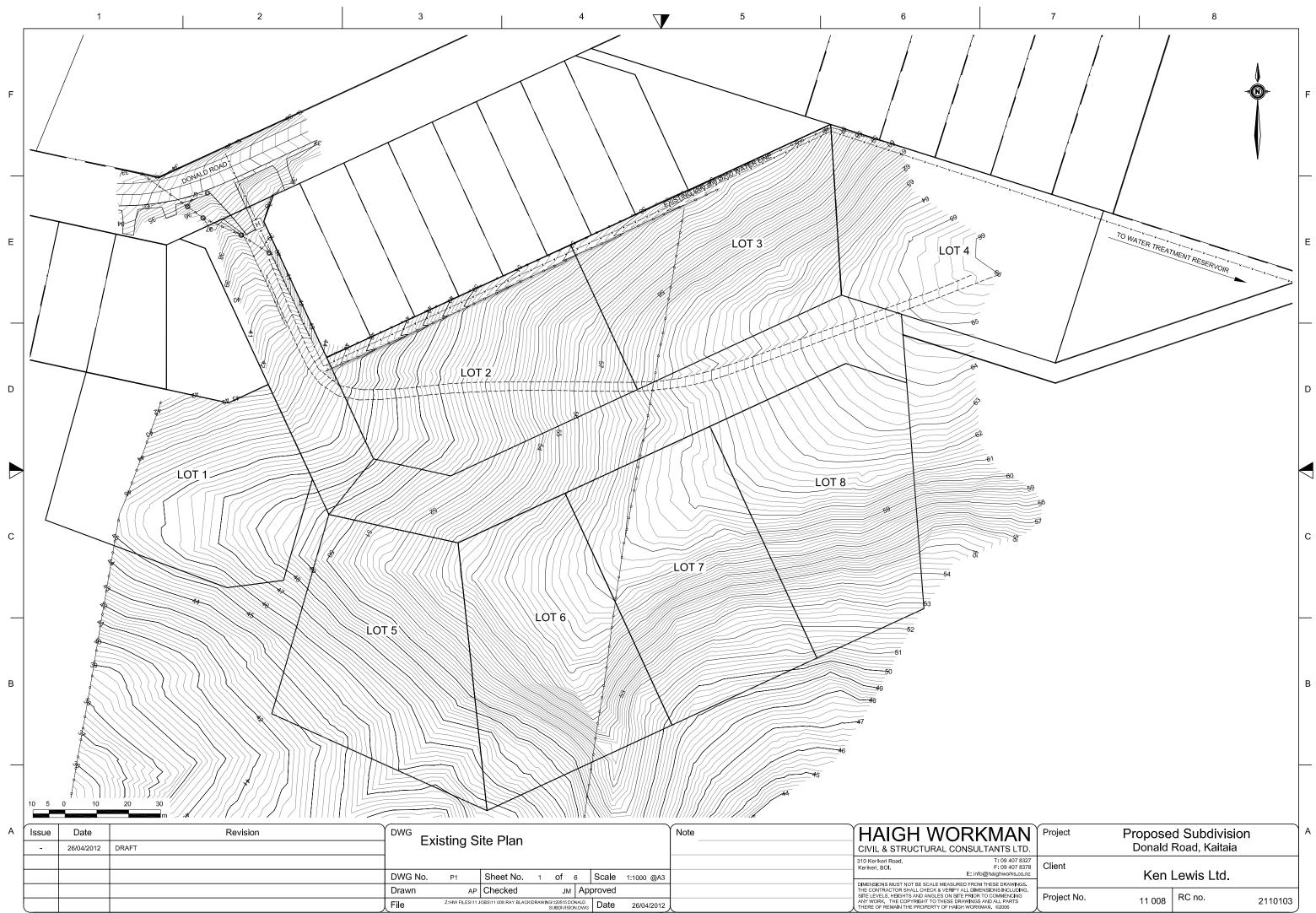
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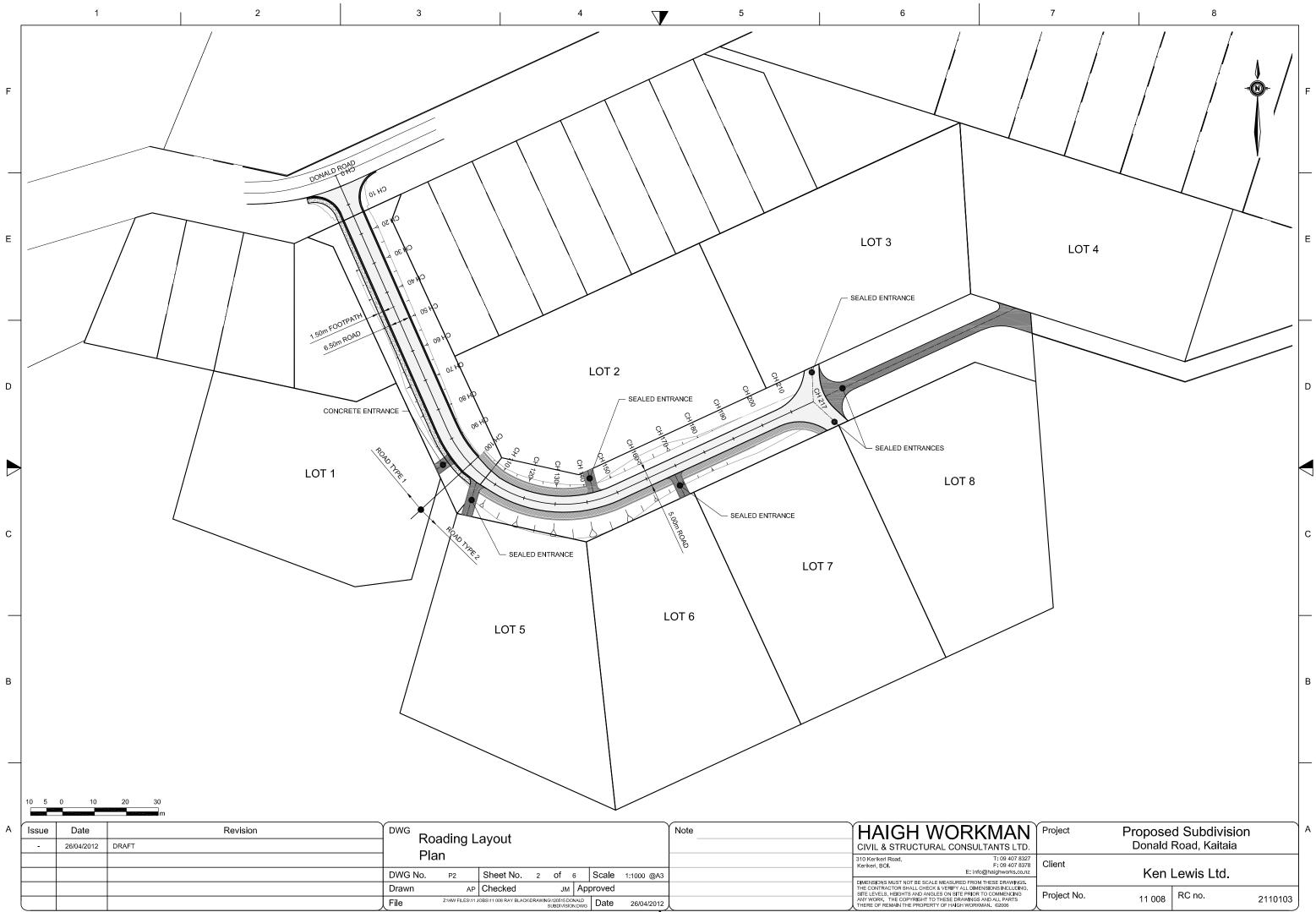
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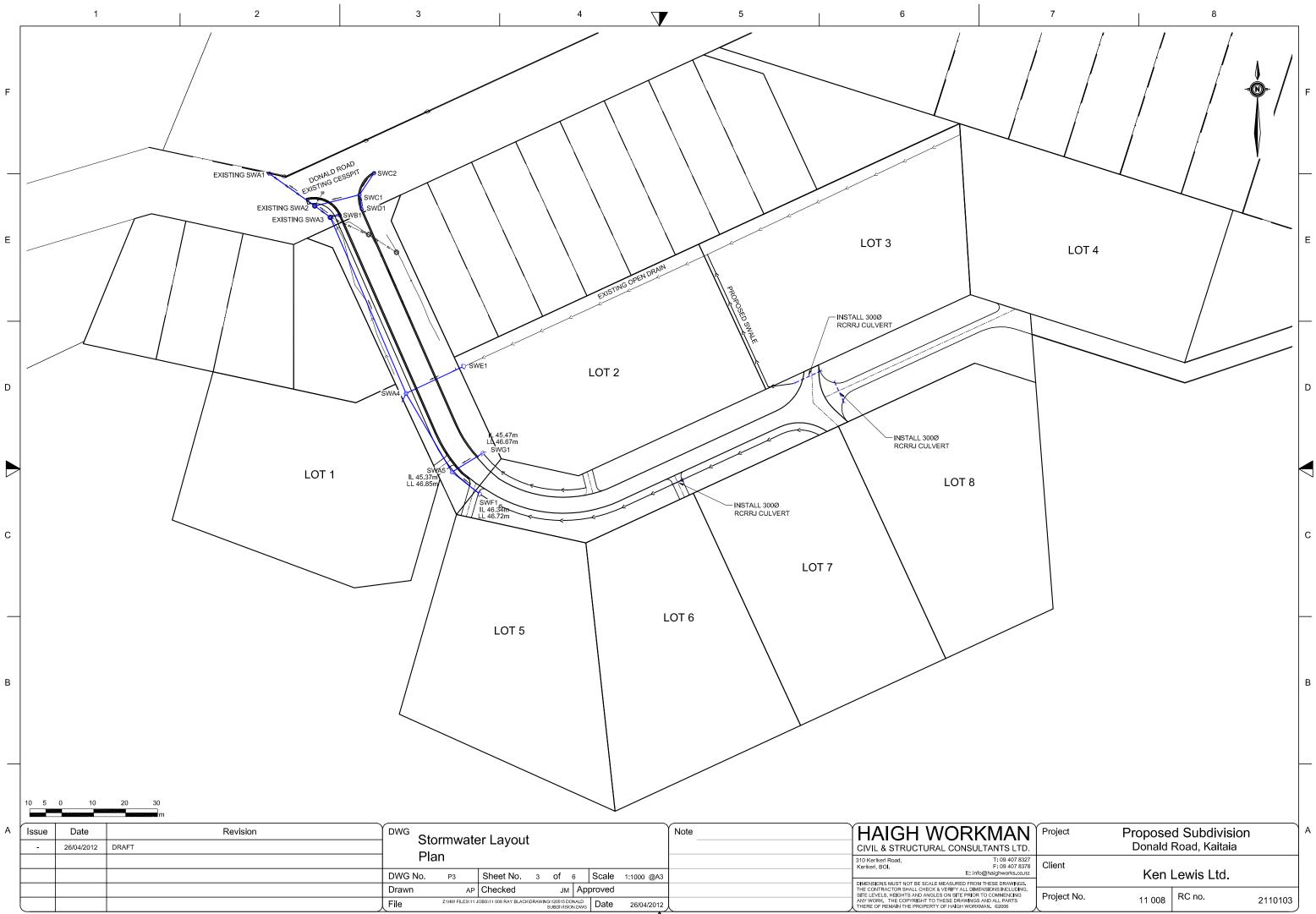
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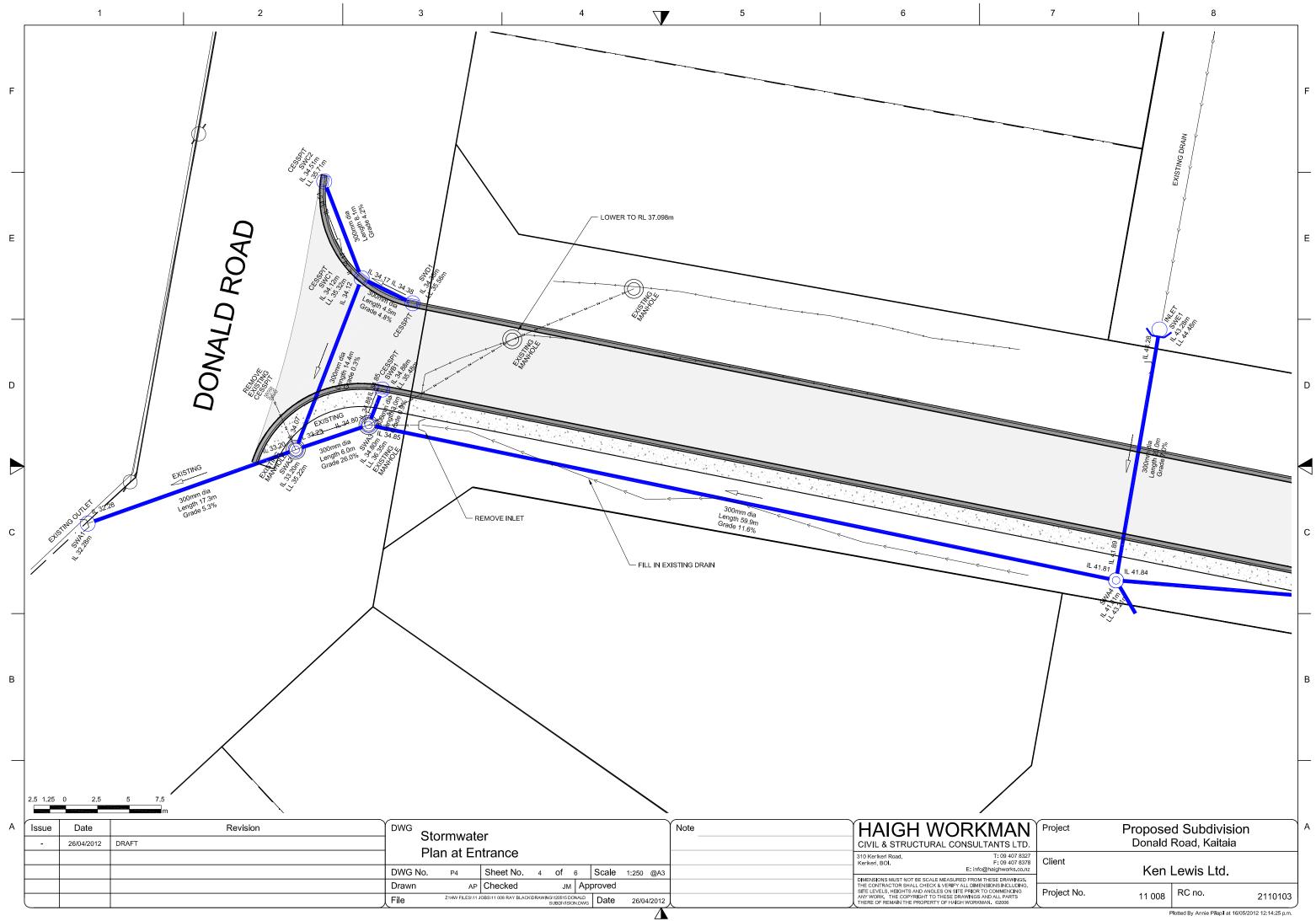
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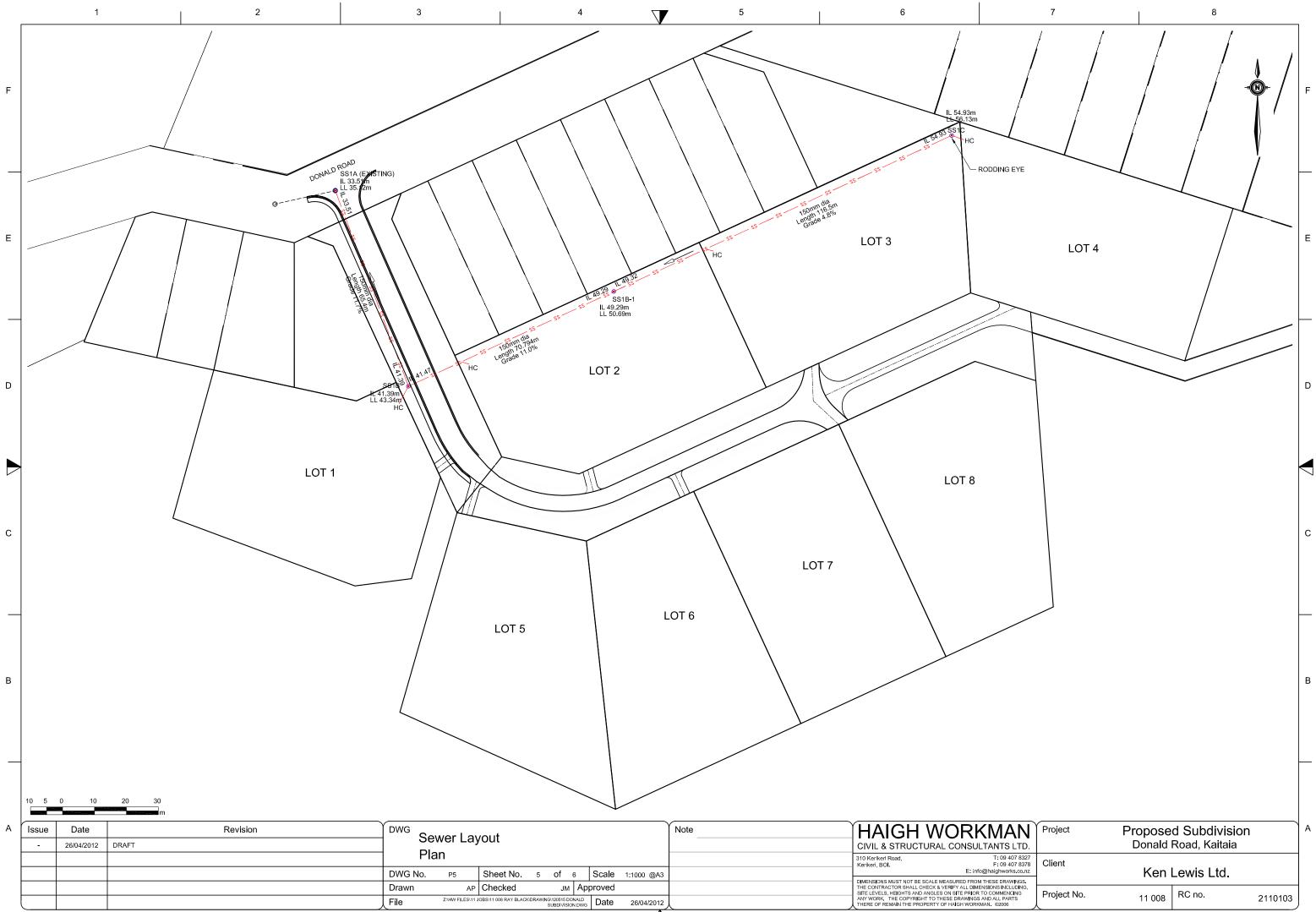


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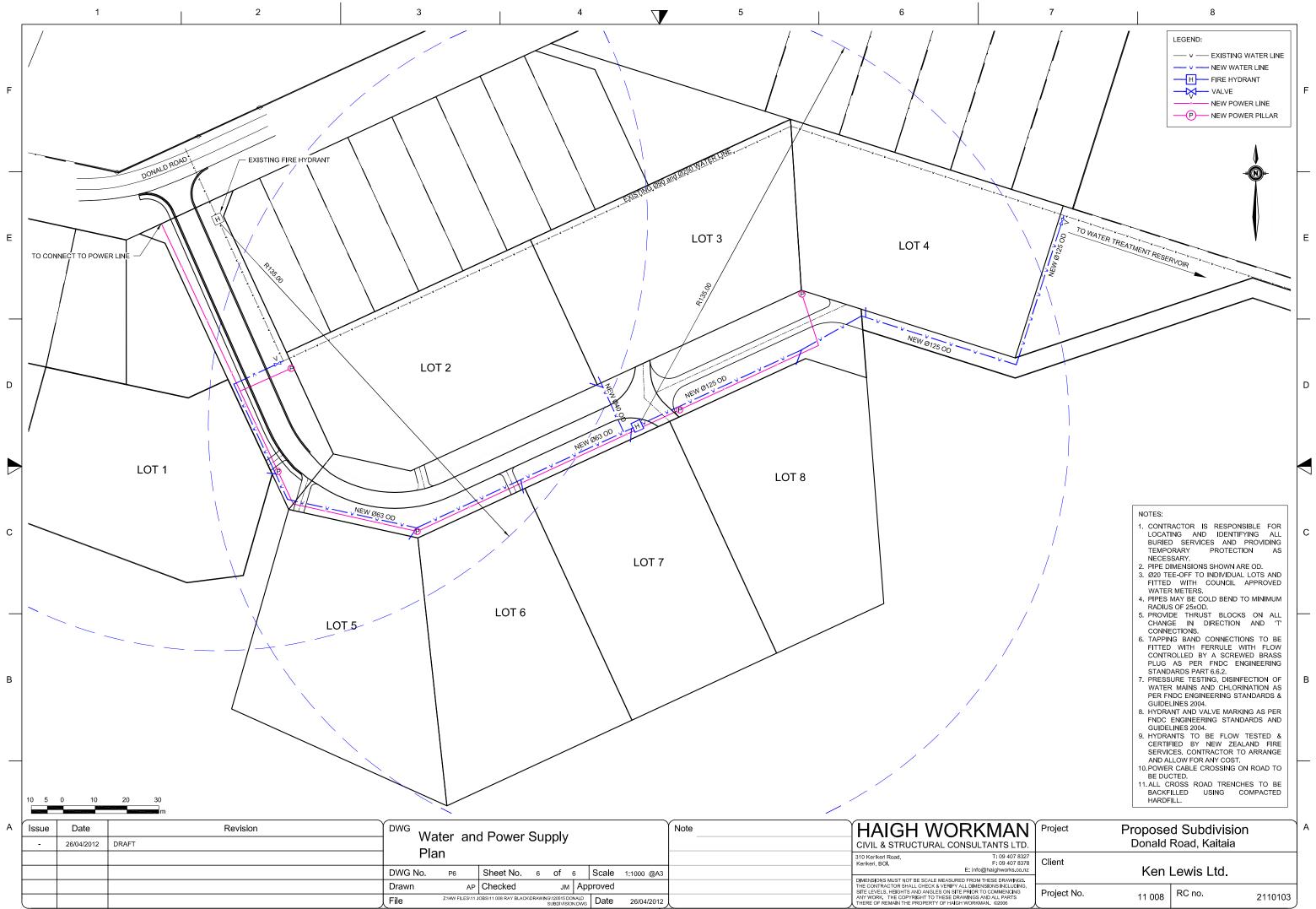


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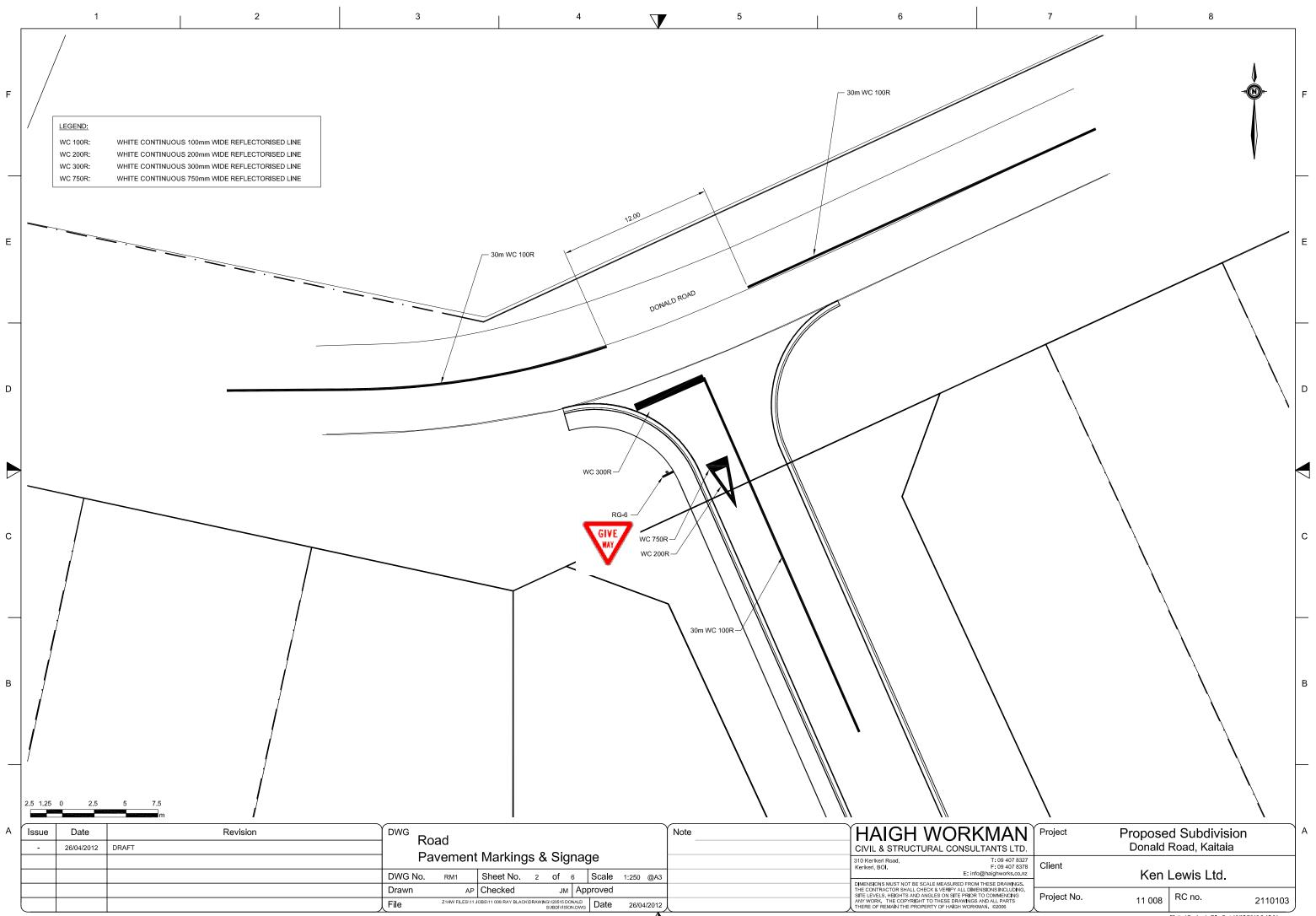


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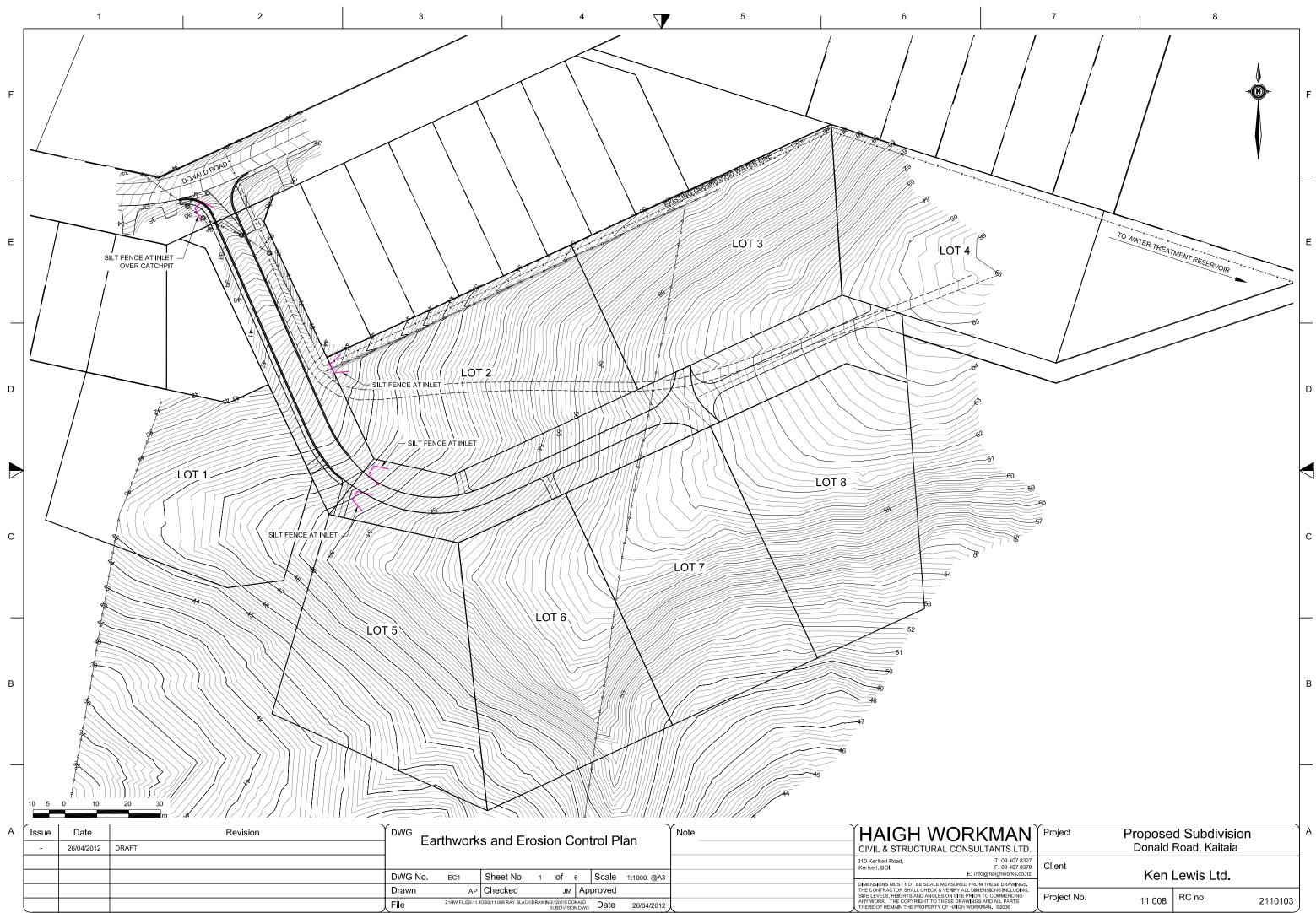


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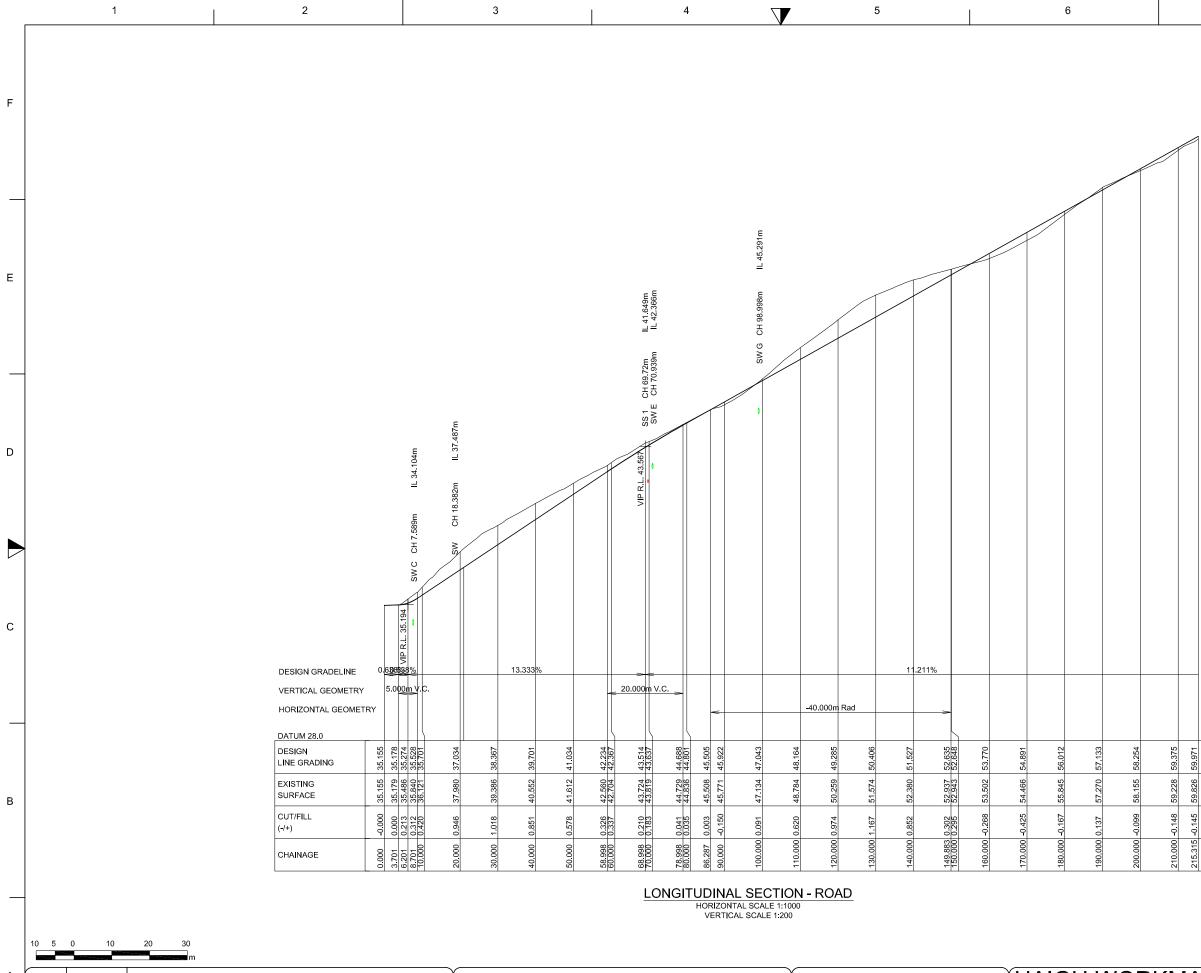
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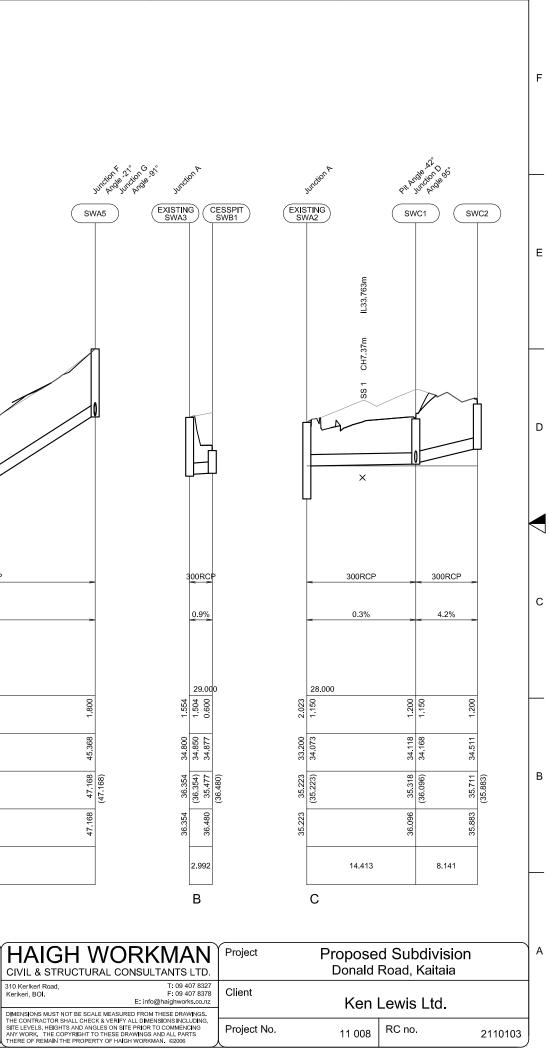
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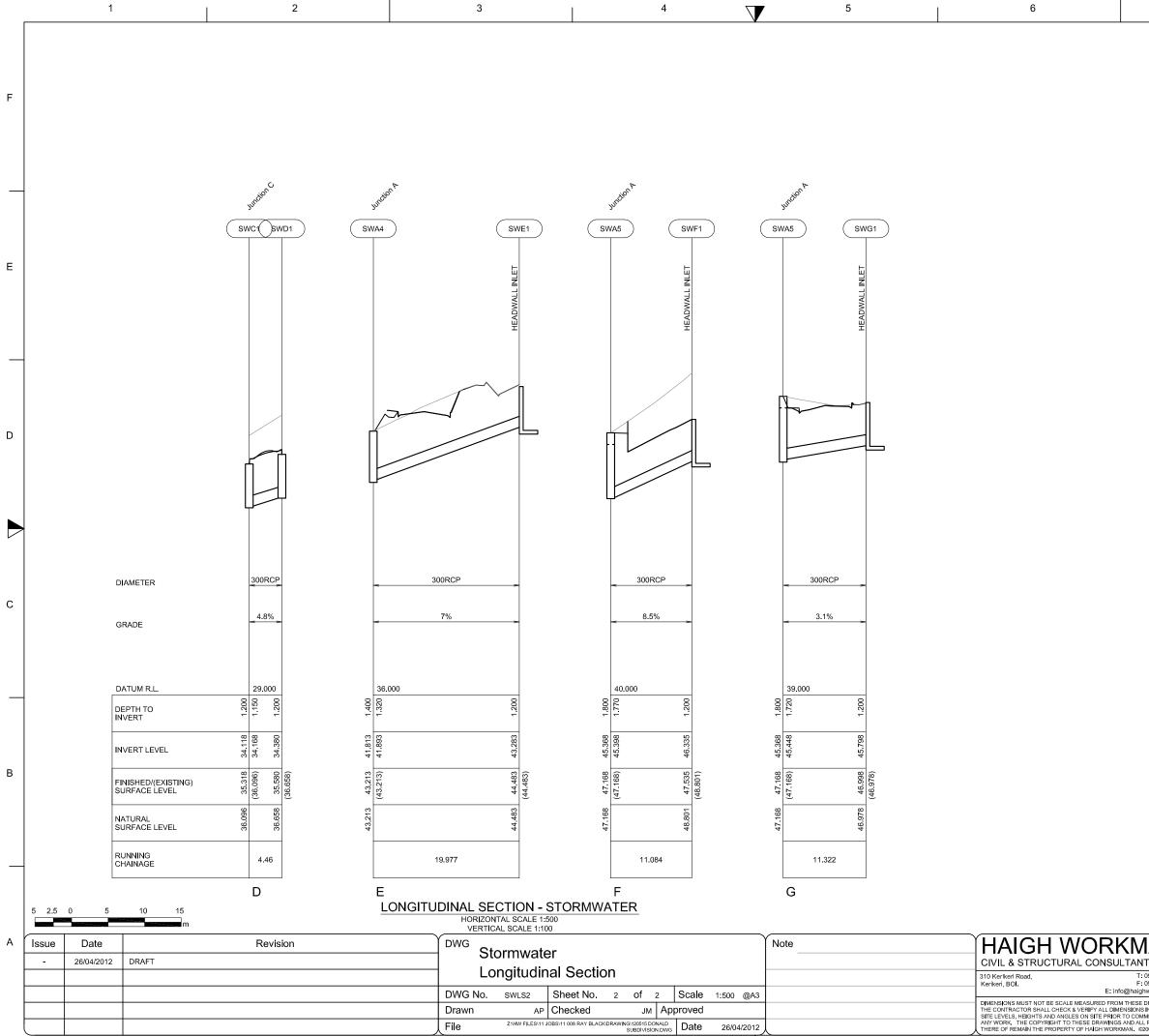
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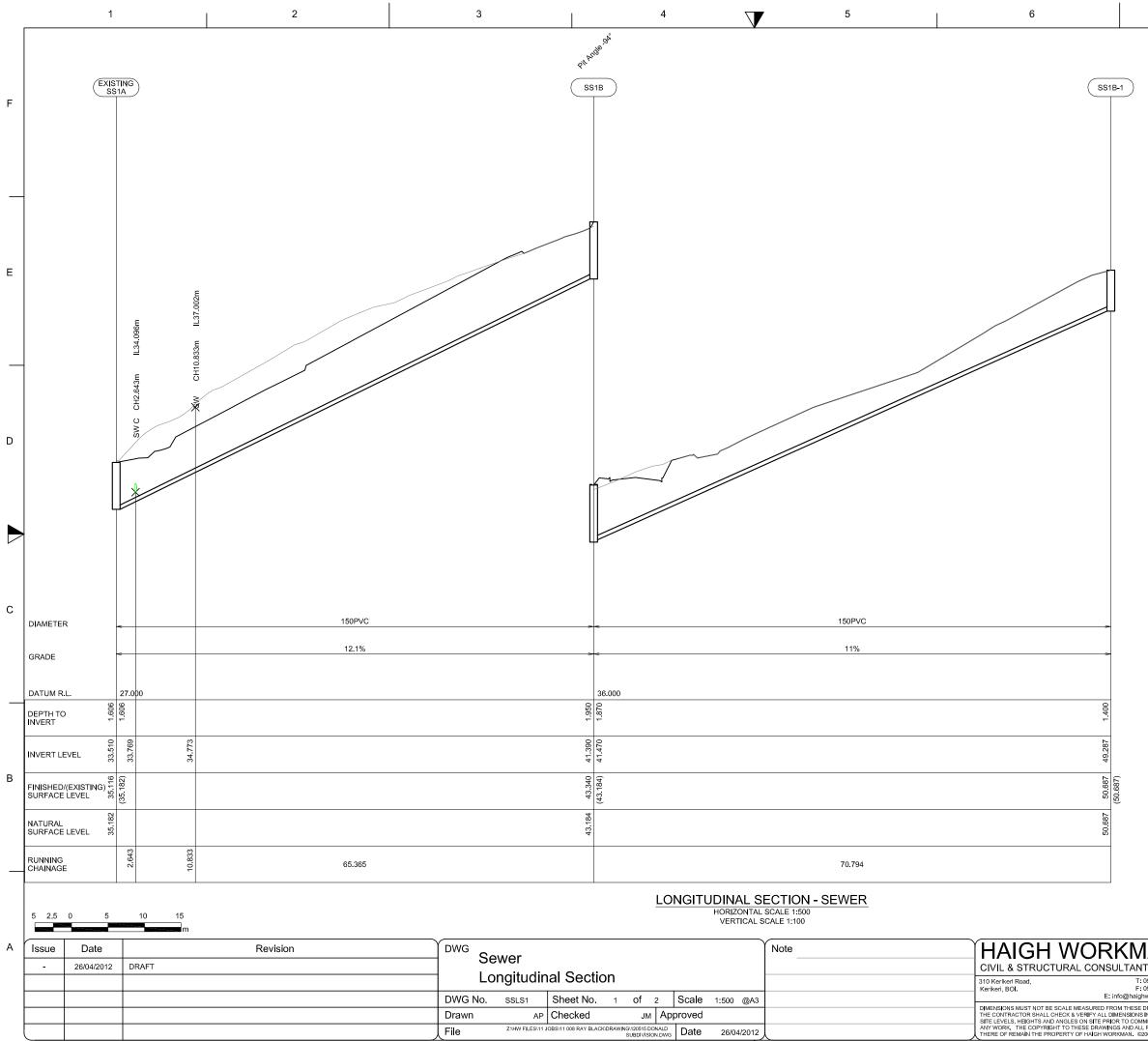
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DESIGN HEIGHT	38.057 37.027 36.937 36.937 37.034 37.034 37.037 36.937 37.027		DESIGN HEIGHT	41.844 41.027 40.937	41.034	41.027	DESIGN HEIGHT
EXISTING SURFACE	38.057 37.947 37.914 37.980 37.794 37.794		EXISTING SURFACE	41.844 41.844 41.556 41.027 41.555 40.937	41.612	41.473	EXISTING SURFAC
DESIGN OFFSET	-5.761 -3.250 -3.250 0.000 3.250 3.250		DESIGN OFFSET	-5.334 -3.700 -3.250	0.000 3.250	5.464	DESIGN OFFSET
	CHAINAGE 20.000			СН	AINAGE 50.000		
Centreline Data	111111111111111111111111111111111111111	Z IL 36.277		1002	3%	//296/2	Centreline Data
X = 263551.72 Y = 996711.779 Z = 35.927	• SS 150dia.	00dia. 877 OSW 300dia. IL 34.800	X = 263563.1 Y = 996685.868 Z = 39.701			SS 150dia. OSW 300dia. IL 38.195	X = 263575.165 Y = 996658.401 Z = 43.637
Datum 33	L 34.321 ∑	92	Datum 37	33 33 44	3 3	L 37.794	Datum 41
DESIGN HEIGHT	33.927 33 35.927 35.320 35.320 35.320	26 36.426	DESIGN HEIGHT	77 40.577 54 39.693 38 39.603		19 40.219	DESIGN HEIGHT
EXISTING SURFACE) 36.493 36.493 36.487 36.487 36.487	3 36.426	EXISTING SURFACE	8 40.577 0 40.354 0 40.338		2 40.219	EXISTING SURFAC
DESIGN OFFSET	<u>3.560</u> <u>3.550</u>	6.013	DESIGN OFFSET	-5.468 -3.700 -3.250		6.052	DESIGN OFFSET
	CHAINAGE 11.	/01		Cł	AINAGE 40.000)	
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		Cross Sec	ctions			310 Kerlkerl Road, T: 09 407 832 Kerikeri, BOI. F: 09 407 837
		DWG No. RCS1	Sheet No. 1 of 3	Scale 1:200 @A3		E: info@haighworks.co.n
		Drawn AP	Checked Jм Ар	proved		DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING
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CONCRETE ENTRANCE AT CH 95m

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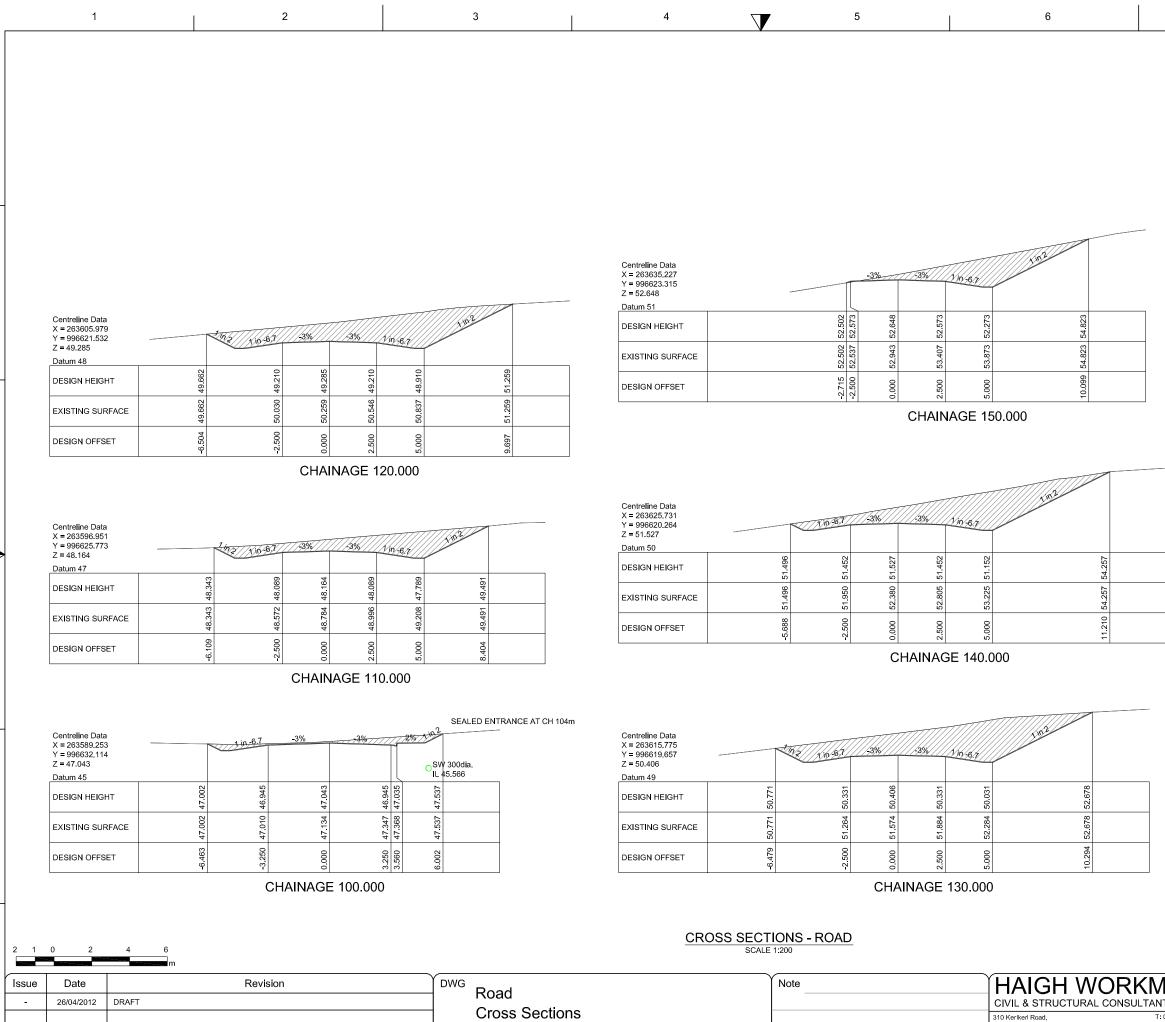
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	45.860	45.850 45.914	45.824	45.771	45.838	45.844	45.870							-
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JM Approved

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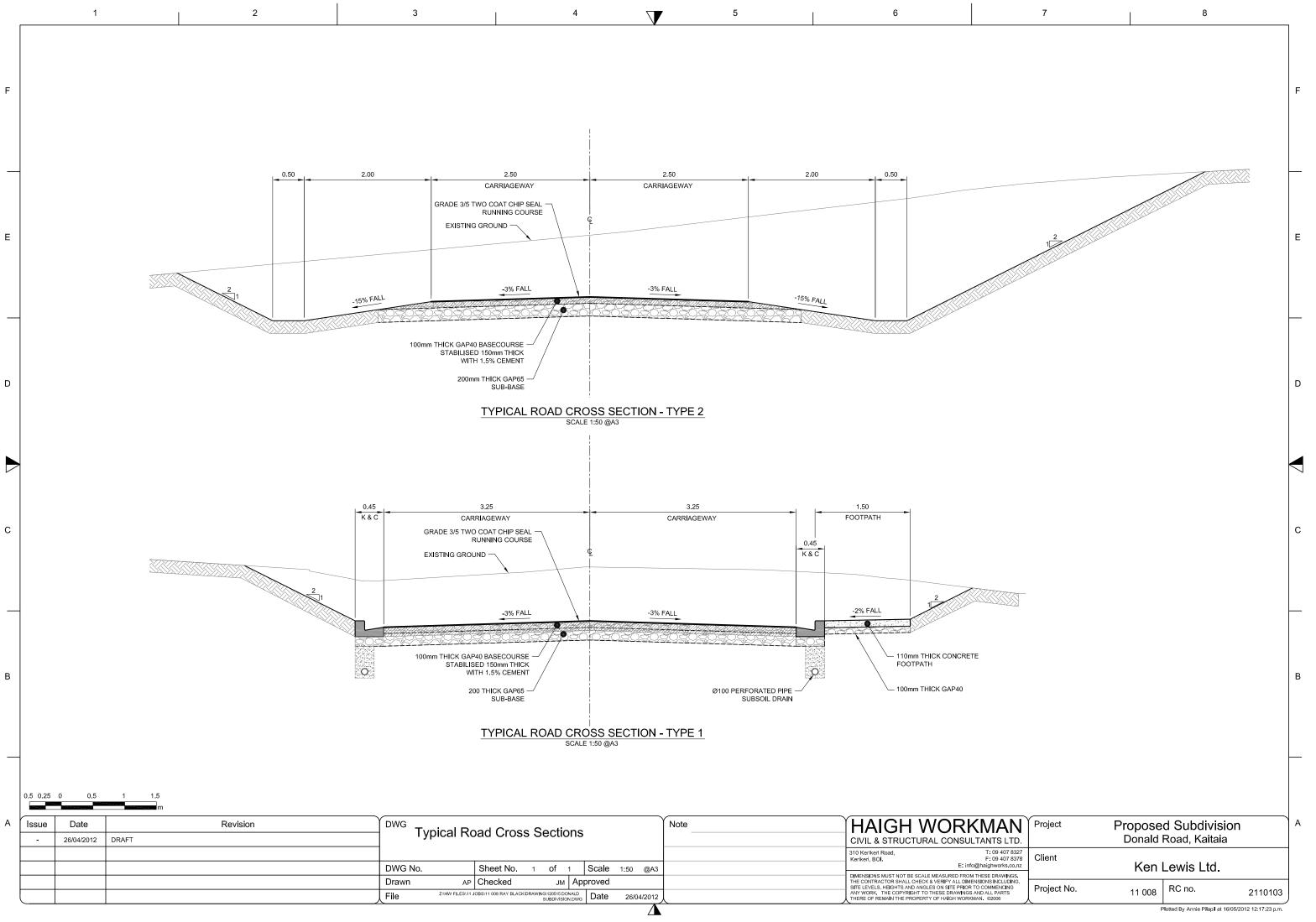
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09 407 8327 09 407 8378 hworks.co.nz	Client	Ken	Lewis Ltd						
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	Centreline Data X = 263662.458 Y = 996635.902 Z = 56.012 Datum 54	110	<u>-3 -3% -3% 1.ip.677</u>							
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	Centreline Data X = 263653.381 Y = 996631.706		-3% -3% 1 in -6.7/	SELAED ENTRANCE AT CH 169m						
	Z = 54.891 Datum 53	5 55 Ti		0135	Centreline Data X = 263676.3663% Y = 996642.33 Z = 57.73 Datum 56	-3%				
	EXISTING SUR	FACE 25	54.180 54.466 54.466 54.787 54.787	55.354 55	DESIGN HEIGHT	.759 57.655 943 57.655 219 57.355 494 58.494				
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						HAINAGE 195.322				
	Centreline Data X = 263644.304 Y = 996627.511 Z = 53.77		-3% -3% 170-6.7/		Centreline Data X = 263671.536 Y = 996640.097 Z = 57.133		-			_
в	Datum 52 DESIGN HEIGH	225.869 Tł		54.773	Datum 56 DESIGN HEIGHT 66 26 26 26 26 26 26 26 26 26 26 26 26	57.058 57.058 56.758 56.731				В
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					Sheet No. 3 of 3 Scale 1:200 @ AP Checked JM Approved JM Support 26/04/20 SUBJ JOBS/11 JOBS/11 0008 RAY BLACK/DR/WING1200515 DONALD SUBDIVISION DWG Date 26/04/20		E: Ind@hai DIMENSIONS MUST NOT BE SCALE MEASURED FROM THES THE CONTRACTOR SHALL CHECK & VERIPY ALL DIMENSION SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO CO ANY WORK, THE COPYRIGHT TO THESE DRAWINGS AND A THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN.	MMENCING Project No.	Ken Lewis Ltd. 11 008 RC no. 2 ⁻	110103
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Ţ					UOBS\11 008 RAY BLACK/DRAWING\120515 DONALD SUBDIVISION.DWG Date 26/0	4/2012	ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PA THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN. ©2000