



Office Use Only  
Application Number:

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:

Dianne & Croyden Thompson

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:

Northland Planning and Development

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 to this 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: Croydon & Dianne Thompson

Property Address/ Location: 93 Motutangi Rd, Northern Aupouri

**7. Application Site Details:**

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

Site Address/ Location: \_\_\_\_\_

Legal Description: Lot 2 DP 449597 Val Number: \_\_\_\_\_

Certificate of Title: 570162  
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.**

Please contact applicants prior to any site visit as the gate is locked.

**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.

Variation to consent conditions

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)

Dianne Thompson

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: D Thompson (please print)

Signature:  (signature of bill payer – mandatory) Date: \_\_\_\_\_



## 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: D Thompson (please print)

Signature:  (signature)

Date: \_\_\_\_\_

(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**

**Variation of Consent Conditions  
For RC2300517-RMAVAR/A  
Mataroa Partnership  
93 Motutangi Road, Pukenui**

Date: 15 July 2024

Please find attached:

- an application form to change consent conditions pursuant to Section 127 of the Resource Management Act;
- an Assessment of Environmental Effects in support of the change to conditions 1, 3(a)(i)-(iv), 3(b), 4(a), 4(b), 4(c) - (f) and 4(i) - (iv) of RC2300517-RMAVAR/A.

The application has been assessed as a **Discretionary Activity** under Section 127 of the Resource Management Act 1991.

Regards,



Sheryl Hansford

Director/Senior Planner

Reviewed by:



Rochelle Jacobs

Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**



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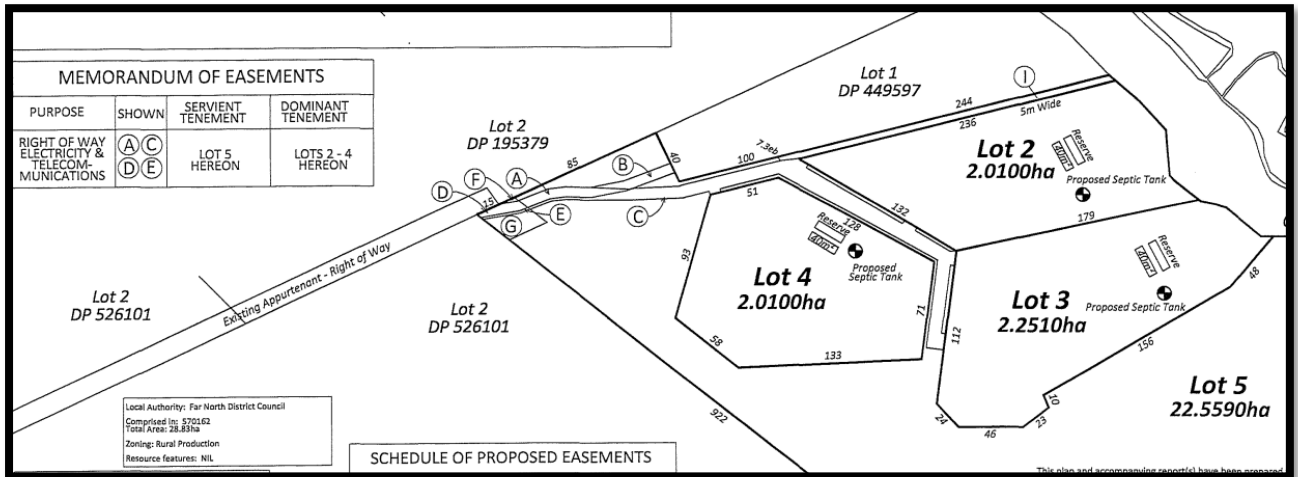
1. **FNDC Application Form signed**
2. **Record of Title NA63C/447 – LINZ**
3. **Consent notices & easements - LINZ**
4. **Amended Plan– Von Sturmers**
5. **Revised Wastewater concept – Eric Wagner**
6. **RC2300517 Approved Decision – FNDC**
7. **RC2300517 Approved Plans – FNDC**
8. **CDM Minutes – FNDC**



## Assessment of Environment Effects Report

### 1. Description of the Proposed Activity

- 1.1. The proposal is seeking to vary the lot configuration which also results in a change to the rights of ways for access to the lots. The subdivision was recently granted approval under RC2300517 and a consequent variation.
- 1.2. The applicants live locally and have purchased this land with the intention of completing this subdivision while retaining the characteristics of the existing landscape as much as possible. The applicants have recently completed the adjoining subdivision located on Mataroa Way which is also accessed via Motutangi Road.
- 1.3. During the detailed design phase an alternative configuration of the lots was looked at which requires a reduced amount of excavation and vegetation clearance. The lot sizes will remain the same size with just the configuration changing to a more uniform shape which is consistent with other lots in the vicinity. The revised concept significantly reduces the need for clearance with the right way following an existing farm track.
- 1.4. The proposal will result in a better outcome for access with reduced physical works to be carried out on the site. The proposal is therefore within the scope of a change to consent conditions pursuant to Section 127 of the Resource Management Act 1991.
- 1.5. A Concept Development meeting was held on 31 May 2024 with Swetha Maharaj who confirmed that the application falls within the scope of a variation application.



*Figure 1: Approved RC23005178 scheme plan.*



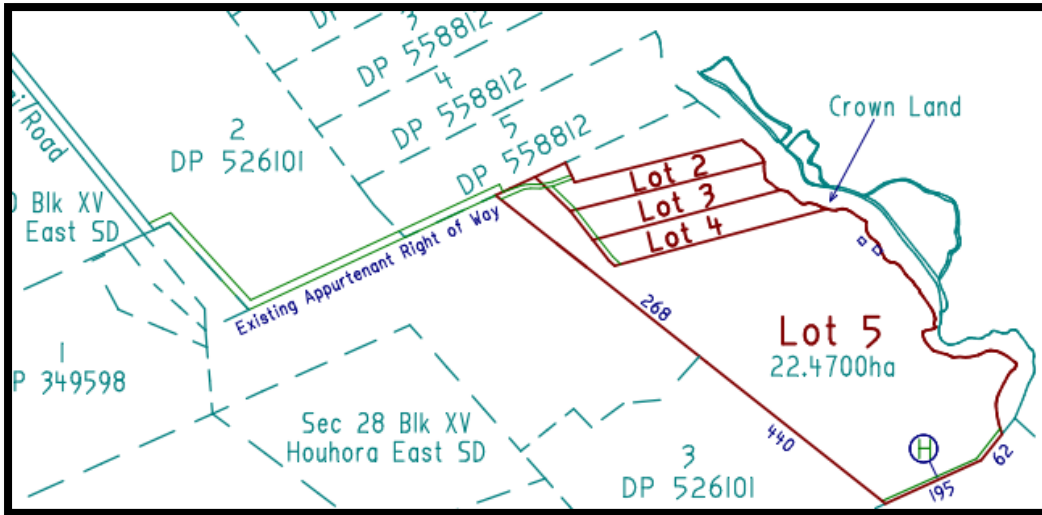


Figure 2: Proposed variation scheme plan

## 2. Site Description

- 2.1. The subject site is located at the end of Motutangi Road amongst farming blocks and smaller lifestyle blocks. The property is currently used as grazed farmland that has small pockets of bush, scrub and gorse.
- 2.2. The topography of the land is mainly flat and contains a residential dwelling within the large balance lot.

## 3. Activity Status

- 3.1. The previous application (RC2300517) resulted in approval to subdivide the site to create 3 additional lots in the Rural Production Zone. The variation that was granted in 2022 removed the road to vest and corresponding amalgamation condition.
- 3.2. This proposal to vary the configuration of the lots and associated right of ways, retains the same activity status as previously assessed. Overall, the proposal was assessed as a **Restricted Discretionary activity**, therefore, there will be no change in activity status as a result of the variation.

### Section 127 of the RMA

- 3.3. The following section of the Resource Management Act (RMA) is relevant to the proposed change to consent conditions.

**127 Change or cancellation of consent condition on application by consent holder**

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under





*section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*

*(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*

*(2) [Repealed]*

*(3) Sections 88 to 121 apply, with all necessary modifications, as if—*

*(a) the application were an application for a resource consent for a discretionary activity; and*

*(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

*(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*

*(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*

*(a) made a submission on the original application; and*

*(b) may be affected by the change or cancellation.*

3.4. Consent is sought to change **the following conditions** of RC2300517-RMAVAR/A.

- Condition 1 – change to reference amended plan, showing new lot configuration and associated right of ways.
- Conditions 3(a)(i)-(iv) – delete as works have been completed under RC 2300022 and there are no works to vest in Council and right of way 'C' location and configuration has changed.
- Condition 3(b) – delete as works have been completed under RC230022.
- Condition 4(a) - delete as per above
- Condition 4(b)(i) – Delete reference to ROW 'D'
- Condition 4(b)(iii) – amend to refer to ROW C, D & E
- Condition 4(c), (d), (e), (f)– delete as works have been completed under RC2300022.
- Condition 4(i)(iv) – amend to refer to updated TP58 report

3.5. The amendment to the consent conditions is therefore a **Discretionary Activity** as per Section 127 of the RMA.

## 4. Variation to consent conditions

4.1. The variation conditions are shown below, with the amendments shown in red.

4.1.1. Condition 1 states the following:

*The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Variation to the Subdivision of Lot 2 DP*



~~449597, dated 14.12.21, Von Sturmers Surveyors, referenced Proposed Subdivision of Lot 2 DP 449597, dated July 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.~~

The change to this condition refers to the amended scheme plan with the new lot configuration and associated rights of ways.

4.1.2. Condition 3(a)(i) -(vi) states the following:

~~(a) Submit plans and details of all works which are to vest in Council that serve the development for the approval of the Council's Resource Consents Engineer or designate prior to commencing construction. Such works shall be designed in accordance with Council's current Engineering Standards and Guidelines and NZS4404:2004.~~

~~In particular, the plans and details shall show:.....~~

~~(i) ——— (vi)~~

This condition is requested to be deleted in its entirety due to the works having already been completed under RC230022. The applicants developed the sites under this consent where all conditions of consent have been met with titles now issued. The upgrading of Motutangi Road has been completed and the proposal does not have works to vest in Council.

4.1.3. Condition 3(b) states the following:

~~(b) Following approval of the plans as required for Condition 3(a) and selection of the contractor, provide to Council:  
a — e through to I — VII~~

This condition is requested to be deleted as it is not relevant with condition 3(a) being cancelled.

4.1.4. Condition 4(a) states the following:

~~(a) — Complete construction work in general accordance with the council approved plans and details submitted to meet the requirements of Condition 3(a) and (b).~~

The condition is requested to be delete as it is not relevant with conditions 3(a) being cancelled.

4.1.5. Condition 4(b) states the following:

*Provide formed and metalled access on proposed Right of Way easements as follows:*

- (i) ROW 'A' and 'D' on the scheme plan to a 5m finished metalled carriageway width,*
- (ii) 'B' to a 3m finished metalled carriageway width*



- (iii) 'C' 'D' & 'E' to a 3m finished metalled carriageway width, ~~with passing bays~~ to comply with Rule 15.1.6C.1.3 of the FN District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

The reference to right of way 'D' is requested to be deleted within (i) as the right of way configuration has changed. This portion of the right of way is shown as ROW 'A'.

Right of ways 'D' & 'E' have been added to (iii) due to the revised right of way configuration with the requirement for passing bays deleted as the right of ways are less than 100m as per condition 15.1.6C.1.3.

4.1.6. Condition 4(c)- (f) states the following:

- ~~(c) Provide the formation details for Motutangi Road, in a suitable format for inclusion in the Council's RAMM database.~~
- ~~(d) Provide to Council As-built plans complying with schedule 1D of NZS4404:2004 and section 1.5.2.5 of council's Engineering standards and guidelines.~~
- ~~(e) Upon completion of the works specified in condition 3(a) and (b) above, provide certification (PS3 / Schedule 1b) of the work from contractor(s) that all works has been completed in accordance with the approved plans.~~
- ~~(f) Provide evidence that a road name sign has been installed for Motutangi Road.~~

It is requested conditions (c) - (f) are deleted in their entirety as this has already been satisfied under RC2300022.

4.1.7. Condition 4(i)(iv) states the following:

*In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council a TP58 report prepared by a chartered professional engineer or an approved TP58 writer. The design of the wastewater treatment and disposal system shall be generally in accordance with the report from Effluent Drainlayers Ltd, dated-19/3/21 and included with RC2300517 ~~and amendment from Effluent Drainlayers Ltd dated 19/02/2024~~. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. [Lots 2-4]*

The condition has been amended to reference the updated report that covers the amended lot configuration.





## 5. Assessment of Environmental Effects

- 5.1. For the purposes of this assessment, consideration of the effects of the proposal has been limited to the proposed change rather than re-visit the effects of the original application.
- 5.2. The proposal includes altering the lot configuration to a more uniform shape that is consistent with the adjoining lot and other lots recently approved in the vicinity. The new configuration of the lots retains the allotment size of 2ha or more, including the balance lot remaining more than 22 hectares.
- 5.3. The new lot configuration will also alter the rights of ways to the lots to follow an existing farm track which results in retaining the regenerated bush areas and significantly less excavation work being required.
- 5.4. The applicants are the new owners of this land and are committed to completing the subdivision in a superior way. Additional planting and spraying of the gorse and woolly nightshade to encourage the native vegetation regrowth within each proposed allotment has already been started.
- 5.5. An updated wastewater report has been provided by Effluent DrainLayers Ltd to show that wastewater disposal can be achieved within the new lot configuration.
- 5.6. The alternative concept is not considered to change the original assessment of the proposal and it is considered that the proposal can still achieve the intent of what was sought under the consent that was granted.
- 5.7. Changes to the conditions are related to the change in reference to the amended plan set and the revised access and wastewater concepts. There are no effects that are increased adversely or exacerbated by the variation.
- 5.8. Overall, it is considered that the proposal will result in no more than minor environmental effects. Access and wastewater will be adequately managed and controlled as per the revised reports.

## 6. Statutory Assessment

### Section 104B of the Act

- 6.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

### Section 104(1)(a) of the Act

- 6.2. Section 104(1) of the Act states that when considering an application for resource consent –  
*“the consent authority must, subject to Part II, have regard to –*



- (a) Any actual and potential effects on the environment for allowing the activity; and*  
*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) Any relevant provisions of –*
- (i) A national environmental standard*
  - (ii) Other regulations*
  - (iii) A national policy statement*
  - (iv) A New Zealand Coastal Policy Statement*
  - (v) A regional policy statement or proposed regional policy statement*
  - (vi) A plan or proposed plan; and*
- (c) Any other matter the consent authority considers relevant and reasonable necessary to determine the application.'*

- 6.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the act). As assessed in Section 5 above, the proposal will have actual and potential effects that are acceptable.
- 6.4. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 6.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in Section 7 below.
- 6.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

## 7. Policy Documents

- 7.1. Section 104(1)(b) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to:

- Any relevant provisions of –
- i. A national environmental standard;
  - ii. Other regulations;
  - iii. A national policy statement;
  - iv. A New Zealand coastal policy statement;
  - v. A regional policy statement or proposed regional policy statement;



- vi. A plan or proposed plan
- 7.2. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.
- 7.3. An assessment of the Proposed District Plan has been included below, as it is now relevant to the proposal.

### National Environmental Standards

- 7.4. There are no National Environmental Standards considered applicable to this application.

### National Policy Statements

- 7.5. There are currently eight National Policy Statements in place. These are as follows:
  - National Policy Statement on Urban Development 2020
  - National Policy Statement for Freshwater Management 2020
  - National Policy Statement for Renewable Electricity Generation 2011
  - National Policy on Electricity Transmission 2008
  - New Zealand Coastal Policy Statement 2010
  - National Policy for Highly Productive Land 2022
  - National Policy Statement for Indigenous Biodiversity 2023
  - National Policy Statement for Greenhouse Gas Emissions from Industrial Process 2023

### National Policy Statement for Highly Productive Land.

- 7.6 The subject site contains soils that are classified as 6e15 with a small strip along the southern boundary being 3w4. The soils classified is 3w4 will be contained within the balance lot of lot 5 which is over 22 hectares in area and will remain in productive use.
- 7.7 The subject site is zoned as Rural Production and has been assessed as a Restricted Discretionary Activity under Resource consent 2300517-RMASUB granted 10 August 2021 which was prior to this NPS. Although the site does contain soils which are classified as LUC 1, 2 or 3, it is considered that the NPS for HPL is not relevant to this application and no such assessment will be undertaken as part of this report due to the activity status of the proposal.

### New Zealand Coastal Policy Statement 2010

- 7.8 The New Zealand Coastal Policy Statement 2010 is relevant to the application as the subject site is located within the coastal environment under the NRC Regional Policy Statement. Assessment of the relevant objectives and policies was undertaken as part of the consent application. Due to the nature of the variation, it is considered that re-assessment of the NZCPS is not considered necessary. It has been determined that the proposal is consistent with the NZCPS.





## Regional Policy Statement

- 7.9 The role of The Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northlands natural and physical resources.
- 7.10 The proposal is considered to create less than minor effects on the character of the locality. The proposal will not compromise the sustainable management of natural and physical resources of the environment. The proposal is considered to have negligible effects on the life supporting capacity of air, water, soil and ecosystems. As such, it is considered the proposal is compatible with the intent of the RPS.

## Far North District Plan

- 7.11 A full assessment of the relevant objectives and policies within the Operative District Plan was undertaken as part of the recent consent application. As the proposal will not alter the number of allotments, it is considered that the statements made within the recent application are relevant to this proposal and will not change as a result of the variation.

## Proposed District Plan

### Relevant objectives and policies

- 7.12 Under the Proposed District Plan, the site is zoned Rural Production and within the Coastal Environment. An assessment of the relevant objectives and policies has been undertaken below:

### Rural Production Zone

#### Objectives

***RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.***

***RPROZ-O2 - 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.***

***RPROZ-O3 - Land use and subdivision in the Rural Production zone:***

- (a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;***
- (b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;***
- (c) does not compromise the use of land for farming activities, particularly on highly productive land;***
- (d) does not exacerbate any natural hazards; and***
- (e) is able to be serviced by on-site infrastructure.***

***RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained.***



It is proposed to change the configuration and shape of the lots while still retaining the 2 hectare or more land area. The shape of the lots will be consistent with the lot that directly adjoins the site which is also consistent with a recent development just north of the subject site. The proposed lots are of a size that can cater for rural productive activities, as well as retaining some of the area to regenerate back to native bush. This will provide long term protection for current and future generations while providing housing. The proposed lot sizes are anticipated to be utilised for some form of rural productive use which is considered to be compatible with activities in the environment as well as have a functional need to be located within the Rural Production Zone.

The majority of the site is not classified as being highly versatile soils nor classified as being highly productive land under the NPS for HPL. There is a small band of soils classified as 3w4 which is highly versatile which follows the southern boundary. This area is contained within proposed lot 5 which is over 22 hectares in area and will remain in productive use. The proposal will result in allotments which can each contain rural productive use as well as be developed with a residential dwelling. The lots are of similar area and dimensions to adjoining allotments. It is considered that the proposal does not result in sterilisation of land. Some isolated areas within proposed Lot 5 are shown to be susceptible to localized flooding; however, the subdivision will not result in exacerbating natural hazards as proposed lot 5 is over 22 hectares and has ample room outside of any areas that may be subject to a natural hazard for a future house site and associated infrastructure. No reverse sensitivity effects are anticipated due to the existing use of the site, and the use of adjacent properties. The use of the land for productive uses can be retained on the lots.

The rural character and amenity will be maintained as the lots will be utilised for some form of productive use. The proposed lot sizes are not objectionable to those in the surrounding environment.

### **Policies**

***RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.***

***RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:***

***(a) enabling primary production activities as the predominant land use;***

***(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.***

***RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.***

***RPROZ-P4 - 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:***



- (a) a predominance of primary production activities;*
- (b) low density development with generally low site coverage of buildings or structures;*
- (c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- (d) a diverse range of rural environments, rural character and amenity values throughout the District.*

**RPROZ-P5 - Avoid land use that:**

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;*
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- (c) would result in the loss of productive capacity of highly productive land;*
- (d) would exacerbate natural hazards; and*
- (e) cannot provide appropriate on-site infrastructure.*

**RPROZ-P6 - Avoid subdivision that:**

- (a) results in the loss of highly productive land for use by farming activities.*
- (b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
  - 1. the type of farming proposed; and*
  - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- (c) provides for rural lifestyle living unless there is an environmental benefit.*

**RPROZ-P7 - 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:**

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*
- (d) location, scale and design of buildings or structures;*
- (e) for subdivision or non-primary production activities:
  - i. scale and compatibility with rural activities;*
  - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
  - iii. the potential for loss of highly productive land, land sterilisation or fragmentation**
- (f) at zone interfaces:
  - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
  - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;**
- (g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- (h) the adequacy of roading infrastructure to service the proposed activity;*





- (i)Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;***  
***(j)Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.***

- 1.1.1. The proposal is not considered to create any adverse effects. All effects can be adequately managed within the proposed lot boundaries.
- 1.1.2.** The proposal will create allotments that can contain some form of productive activity.
- 1.1.3. No sensitive activities are anticipated to arise from the proposal, with the intended uses existing in the surrounding environment.
- 1.1.4. The rural character will be maintained by the proposal as each lot can accommodate some form of rural productive activity. The proposal is considered to be of low density.
- 1.1.5. The proposal is not considered to create any incompatible land use activities. Due to the size of the lots which can enable rural productive use, it is considered the proposed lots have a functional need to be located in the zone. The proposal is not considered to result in the loss of highly productive land. The proposed lot sizes are such that each will be able to contain productive activities, as is shown within similar lot sizes in the surrounding environment.
- 1.1.6. No adverse effects on historic heritage, cultural values, natural features, landscapes or indigenous biodiversity are anticipated.

### **Summary**

- 7.13 The assessment above demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

## **8 Consideration of potentially affected parties**

- 8.6 Sections 95D and 95E (shown below) detail the requirement of consideration of likely effects on any person or party by the consenting authority to determine if a person is considered to be an “affected” by the proposed activity.

### **95D Consent authority decides if adverse effects likely to be more than minor**

*A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—*

*(a) must disregard any effects on persons who own or occupy—*

*(i) the land in, on, or over which the activity will occur; or*

*(ii) any land adjacent to that land; and*

*(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*

*(c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*

*(d) must disregard trade competition and the effects of trade competition; and*



*(e) must disregard any effect on a person who has given written approval to the relevant application.*

- 8.7 The proposal includes assessment of the effects, that demonstrates that the actual and potential adverse effects of the proposal are no more than minor on the environment.

**95E Consent authority decides if person is affected person**

*(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*

*(2) The consent authority, in making its decision, —*

*(a) may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and*

*(b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

*(3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if—*

*(a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or*

*(b) it is unreasonable in the circumstances to seek the person's written approval.*

*The application must be limited notified to the relevant persons if the following are determined, as specified by section 95B(2) and (3):*

*(2) (a) affected protected customary rights groups; or*

*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#); and*

*(b) whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).*

- 8.8 There are no rules or NES that permit the activity. The variation is not a controlled or restricted discretionary activity. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application as per the assessment undertaken in RC2300517.

- 8.9 Other affected persons must be notified in the following circumstances specified by section 95B(7) and (8):

*(7) Determine whether, in accordance with section 95E, the following persons are affected persons:*

*(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and*



*(b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.*

*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

8.10 The proposal is not for a boundary activity nor is it a prescribed activity.

*In deciding who is an affected person under section 95E, a council under section 95E(2):*

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*

*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*

*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

8.11 A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.

8.12 With respect to section 95B(8) and section 95E, the effects of the proposal was considered as part of the assessment of environmental effects undertaken in Section 5 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on and the following comments made:

- The proposed changes are not considered to be contrary to the objectives and policies under the District Plan or the Proposed District Plan.
- The proposed changes are not contrary to the National Coastal Policy Statement or the Northland Regional Policy Statement.
- The variation can still achieve the intent of the original subdivision consent.
- The proposal will result in a better outcome for access with reduced physical works to be carried out on the site.
- The proposal will not result in any adverse effects on adjoining sites.

8.13 Taking into account the intent of the original subdivision consent and the consent conditions that are in place to mitigate the various effects; it is considered that no persons or parties are considered to be actually or potentially affected by the proposal. Overall, the adverse effects on any persons are considered to be less than minor.

## 9 Conclusion

9.6 The proposed variation is considered suitable in the context of the site and surrounding environment. The amendment to the relevant conditions will still achieve the intent of the original land use.

9.7 No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity





are considered to be managed within the property boundaries. Overall, it is considered that the proposal will result in no more than minor effects on the environment.

- 9.8 Written approval has not been sought from any parties, given that the proposal is not considered to adversely affect adjacent property owners/occupiers.
- 9.9 As a Discretionary Activity, the application has been assessed under the matters specified under Section 127 of the Resource Management Act 1991. It is considered that that the proposal results in no more than minor effects on the environment, and that the activity is generally consistent with the relevant objectives and policies of the Operative District Plan and the Proposed District Plan. In accordance with sections 104 and 104B of the Act, it is considered that the variation should be granted on a non-notified basis.

## 10 LIMITATIONS

- 10.6 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 10.7 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 10.8 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 10.9 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **570162**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 June 2012

**Prior References**

NA123B/765

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**Estate** Fee Simple  
**Area** 28.8300 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 449597  
**Registered Owners**  
Croydon Jerry Thompson and Dianne Margaret Thompson

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**Interests**

Subject to Section 8 Mining Act 1971

Subject to Section 168A Coal Mines Act 1925

Subject to a drainage right (in gross) over part marked H on DP 449597 in favour of Her Majesty the Queen created by Transfer 641771.1 - 27.4.1977 at 10:25 am

D404736.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 30.6.1999 at 1.54 pm

Appurtenant hereto is a right of way and telecommunication and electric power supply rights specified in Easement Certificate D404736.5 - 30.6.1999 at 1.54 pm

The easements specified in Easement Certificate D404736.5 are subject to Section 243 (a) Resource Management Act 1991

9086695.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.6.2012 at 9:06 am

Subject to a right of way and a right to convey electricity and telecommunications over part marked A on DP 449597 created by Easement Instrument 9086695.3 - 20.6.2012 at 9:06 am

The easements created by Easement Instrument 9086695.3 are subject to Section 243 (a) Resource Management Act 1991



DA04736.2  
CONO

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING:

The subdivision of Sections  
78 and 83 Block XV  
Houhora East  
SD and Section 82 Block XV  
Houhora East SD

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the Schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan

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Prior to lodging a building consent for a dwelling on the proposed lots, the applicant shall submit a satisfactory on-site effluent disposal report, in respect of a selected building site on Lots 1 - 3 carried out by a Registered Engineer, a Registered Drainlayer or other suitably qualified person, in accordance with the terms and criteria of the Auckland Regional Council Technical Publication 58, to prove that adequate capability for effluent disposal is available and can be contained within the respective boundaries of the proposed allotment; and that such discharge would be in compliance with the Regional Council discharge rules and permitted activity criteria.

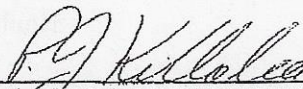
SCHEDULE 2

- (1) Condition (1) in Schedule (1) refers to Lot 1 DP 195379 being contained in C.T. 123B/763 and Lot 2 DP 195379 in CT 123B/764 and Lot 3 DP 195379 in CT 123B/765



- (iv) All buildings shall require at the time of building consent, a specific design for stormwater management by a suitably qualified Chartered Professional Engineer, or another approved Independently Qualified Person, which addresses those issues in terms of the building and impermeable surfaces being proposed in the application.
- (v) All buildings shall require at the time of building consent, a specific design for foundations, prepared by a Chartered Professional Engineer (or MIPENZ) with geotechnical expertise.

SIGNED:

  
Mr Patrick John Killalea  
By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

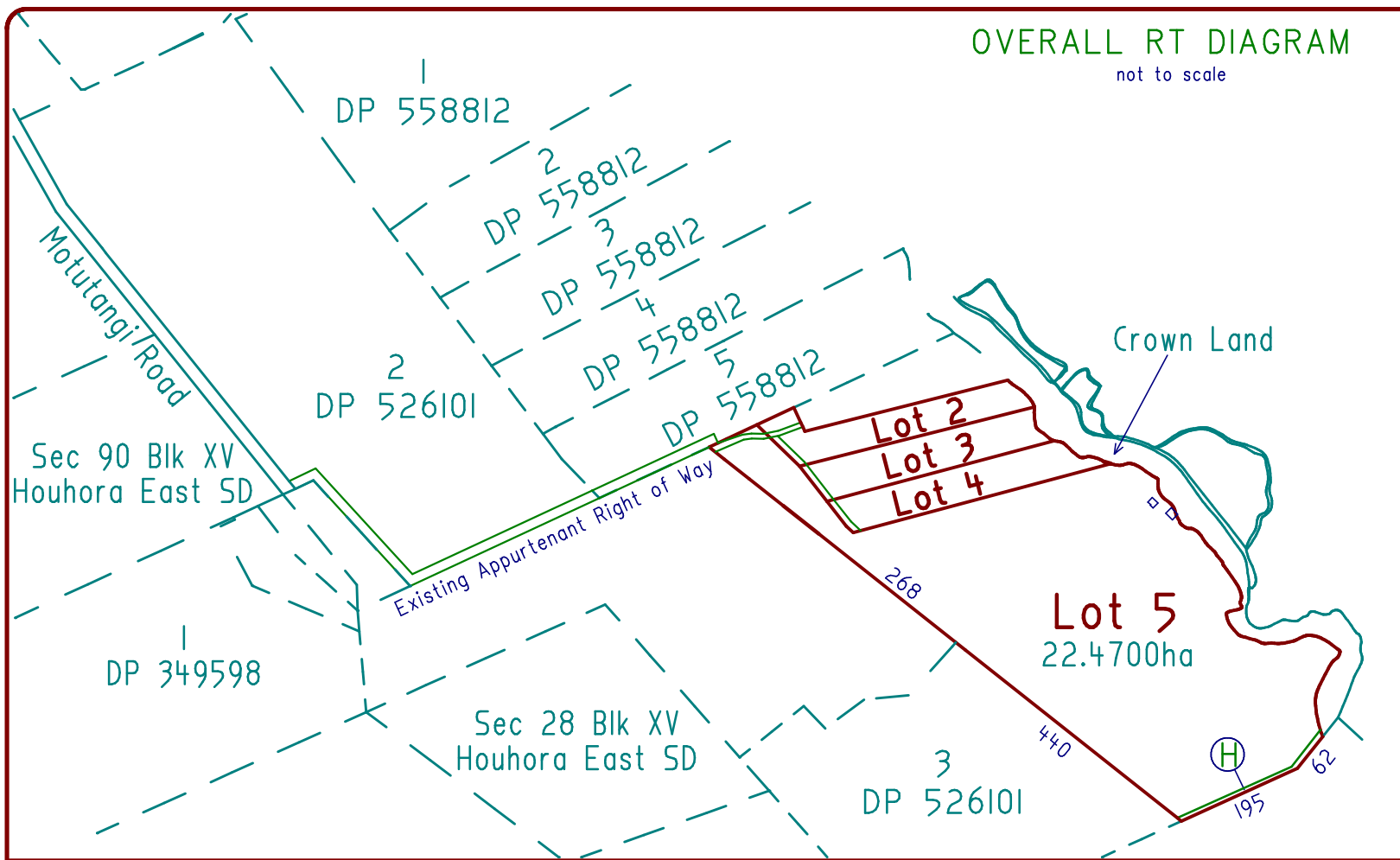
DATED at KERIKERI this

25<sup>th</sup>

day of

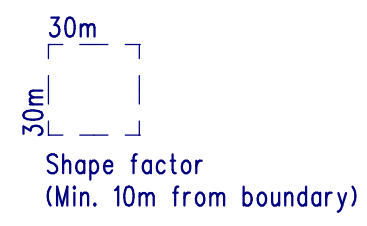
May

2012.

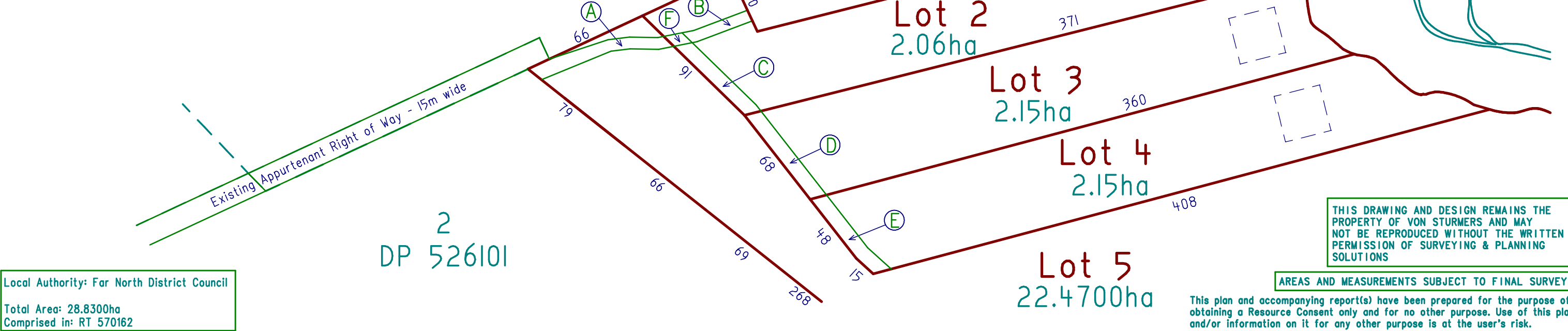


EXISTING EASEMENTS			
Purpose	Shown	Burdened Land	Created By
Right of way Electricity & Telecommunications	(A)	Lot 5 hereon	EI 9086695.3
	(B)(F)	Lot 2 hereon	

EXISTING EASEMENTS IN GROSS			
Purpose	Shown	Burdened Land	Created By
Drainage right	(H)	Lot 5 hereon	641771.1



MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	(A)	Lot 5 hereon	Lots 2-4 hereon
Right to convey	(F)(C)	Lot 2 hereon	Lots 3-5 hereon
Electricity &	(D)	Lot 3 hereon	Lot 4 & 5 hereon
Telecommunications	(E)	Lot 4 hereon	Lot 5 hereon



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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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Local Authority: Far North District Council  
Total Area: 28.8300ha  
Comprised in: RT 570162



**VON STURMERS**  
Registered Land Surveyors, Planners &  
Land Development Consultants  
Ph: (09) 408 6000    131 Commerce St  
Email: kaitaia@saps.co.nz    P.O. Box 128  
Kaitaia

## PROPOSED SUBDIVISION OF LOT 2 DP 449597

PREPARED FOR: D & C THOMPSON

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Drawn	SH	Aug 2023		
Rev	SH	Dec 2023		
Rev	SH	Feb 2024		
Rev	SH	July 2024		

Surveyors  
Ref. No:  
**15321**  
Series  
Sheet of



Effluential DrainLayers Ltd  
3778 Main North Road  
R.D.4  
Kaitaia 0484

Phone 09 409 8854 Fax 09 409 7720 Mobile 0274 8855 84

19/02/2024  
Croydon & Dianne Thomson  
Motutangi Pa Road  
R.D.4  
Kaitaia  
Re Subdivision Lot 2 DP 449597

Dear Croydon,  
Here is the TP58, Environmental report & Attenuation documentation.

As discussed I have evaluated the condition of the existing septic disposal on the existing housing which use a basic septic tank system. The evaluation showed that the system is working within design parameters and that effluent will be contained within the proposed new boundaries.

The new bare sections have been designed to utilise primary treatment from a dual partition septic tank.

The stormwater attenuation is again a simple solution with the over flow from the water tanks being directed into either a pit with overflow from this to a spreader.

The attenuation calculations support the conclusion that attenuation is possible on all Lots being created that require this.

The cost estimate for the septic installations is approximately \$12,500.00 plus Gst. Each.

There is no reason from these evaluations why the subdivision should not go ahead.

Should you have any queries I am always happy to discuss matters.

Regards  
Eric



Eric Wagener Certifying Registered Drainlayer 05877  
Calcs Robert Wagener Engineer



**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON APPLICATION TO CHANGE CONDITIONS OF A RESOURCE CONSENT  
(Section 127)**

**Resource Consent Number: 2300517-RMAVAR/A**

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

**Mark Stephen Tattley**

**The activity to which this decision relates:**

To change the conditions of RC 2300517 RMAVAR which was a proposal to create three additional lots in the Rural Production Zone.

**Subject Site Details**

Address: 93 Motutangi Road, Northern Aupouri 0484

Legal Description: Lot 2 DP 449597

Certificate of Title reference: CT-570162

**The following changes are made to the consent conditions:**

Condition 1 amended to read:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Variation to the Subdivision of Lot 2 DP 449597 and road to vest over Lot 2 DP 526102 and Lot 2 DP 195376, , dated 12.07.21, 14.12.21, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Conditions 2 (b) and (c) deleted:

~~(b) — Lots 6, 8 & 11 as Road to Vest~~

~~(c) — The endorsement of the following conditional amalgamation, pursuant to Section 220(1)9b)(ii) of the Resource Management Act 1991~~

~~That Lots 9 and 10 hereon be held in the same record of title~~

Condition 3 (a) (ii) amended to read:

3(a) (ii) The upgrading of Motutangi Road and Lots 6, 8 and 11 that is proposed Road to Vest and existing appurtenant Right of Way (as shown on the Scheme Plan referenced in condition 1) to a Type A rural metalled standard with a turning head at the end to allow for turning by trucks and graders-

Condition 4 (b) amended to read:

Provide formed and metalled access on proposed Right of Way easements as follows:



(i) ROW 'A' and 'D' on the scheme plan to a 5m finished metalled carriageway width ....

**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 Thomson Survey, referenced Proposed Variation to the Subdivision of Lot 2 DP 449597, dated 14.12.21, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements in the memorandum to be duly granted or reserved.
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 which are to vest in Council that serve the development for the approval of the Council's Resource Consents Engineer or designate prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and Guidelines and NZS4404:2004.

In particular, the plans and details shall show:

- i. Design statement from the engineer (PS1/Schedule 1A)
  - ii. The upgrading of Motutangi Road and Existing Appurtenant Right of Way (as shown on the Scheme Plan referenced in condition 1) to a Type A rural metalled standard with a turning head at the end to allow for turning by trucks and graders-
  - iii. Vehicle Tracking curves to confirm sufficient passage for heavy rigid vehicles on Right of Way easement "C". If sufficient passage is not possible, provide details of the measure(s) required to meet tracking curves required for heavy rigid vehicles.  
  
*Note: Curb and channelling may be required if horizontal alignment can't be met with the proposed ROW.*
  - iv. The proposed stormwater control works to be in place prior to and during construction.
  - v. Storm water drainage and construction for vested road and disposal to control structures.
  - vi. Pre and post overland flow paths.
- (b) Following approval of the plans as required for Condition 3(a) and selection of the contractor, provide to Council:
    - a. Details of the successful contract.

- b. Details of the planned date and duration of the contract.
- c. Details of the supervising engineer.
- d. A Traffic Management Plan.
- e. A Construction Management Plan.

The Construction Management Plan shall contain information on, and site management procedures, for the following (for example):

- I. The timing of civil construction works, including hours of work, key project and site management personnel.
- II. The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
- III. The excavation works, including retaining structures (if any).
- IV. Control of dust and noise on-site and any necessary avoidance or remedial measures.
- V. Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
- VI. Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other users or Road.
- VII. Erosion and sediment control measures to be in place for the duration of the works.

All construction works on the site are to be undertaken in accordance with the approved Construction Management Plan.

- (c) Provide an assessment and recommendations for improvements (if any), from a Chartered Professional Engineer, for approval of Council's Resource Consents Engineer or designate, of the existing creek crossing located on ROW "A" which is adjacent to and provides access to Lot 2-5 and Lot 1 DP 449597. The assessment should cover whether the crossing is safe, suitable and reasonable for residential and rural type use including under flood conditions.

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

- (a) Complete construction work in general accordance with the council approved plans and details submitted to meet the requirements of Condition 3(a) and (b).
- (b) Provide formed and metalled access on proposed Right of Way easements as follow:
  - (i) ROW "A" and "D" on the scheme plan to a 5m finished metalled carriageway width,
  - (ii) "B" to a 3m finished metalled carriageway width,
  - (iii) "C" to a 3m finished metalled carriageway width, with passing bays

to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

- (c) Provide the formation details for Motutangi Road, in a suitable format for inclusion in the Council's RAMM database.
- (d) Provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines.
- (e) Upon completion of the works specified in condition 3(a) and 4(b) above, provide certification (PS3 / Schedule 1b) of the work from contractor(s) that all work has been completed in accordance with the approved plans.
- (f) Provide evidence that a road name sign has been installed for Motutangi Road.
- (g) Provide written confirmation that recommendations for improvements (if any required) to the stream crossing contained within the Chartered Engineer's assessment supplied to meet condition 3(c) have been completed to the satisfaction of the said Engineer.
- (h) Provide confirmation from the New Zealand Transport Agency is satisfied that the works required in Condition 1 of their correspondence dated 8 April 2021 and referenced 2021-0307 has been carried out to the NZTA standards. When contacting NZTA to obtain this confirmation, please ensure you quote the following NZTA reference number PID 2021-0307.
- (i) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
  - (i) Reticulated power supply or telecommunications services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[Lots 2-5]**
  - (ii) In conjunction with the construction of any dwelling on the lot, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of a storage tank(s) positioned so that it is safely accessible for this purpose or firefighting provided by other approved means. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[Lots 2-5]**
  - (iii) In conjunction with the construction of any building on the lot, the lot owner shall submit with the application for Building Consent, a report prepared by a suitably qualified Chartered Professional Engineer, recommending foundation requirements and finished floor levels with the required freeboard above any localised ponding that may occur on the lot where building is proposed. **[Lots 2-5]**
  - (iv) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The design of the wastewater treatment and disposal system shall be generally in

accordance with the report from Effluent Drainlayers Ltd, dated 19/03/21 and included with RC2300517. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. **[Lots 2-4]**

- (v) The operation of agricultural and horticultural equipment, including sprays and chemicals subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development, the occupiers of any such dwelling shall install an approved water filtration system. **[Lots 2-4]**

### **Post-construction Compliance**

1. The Applicant is to inform the NZ Transport Agency once the upgrade has been completed for a final compliance check to be undertaken and to confirm that all the conditions have been met to the NZ Transport Agency's satisfaction.

### **Advice Notes**

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.

### **Reasons for the Decision**

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed changes are no more than minor and that there are no affected persons or affected order holders.
2. There have been no changes to objectives and policies in the Operative District Plan since the original consent was issued, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative District Plan.

Relevant Regional planning provisions include:

- (a) The Northland Regional Policy Statement 2016;
- (b) The Northland Regional Plan 2019;



3. No other matters considered relevant in making this decision
4. 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 for changes to consent conditions, achieves the purpose of the Act.
5. In summary it is considered that the proposed changes are consistent with the sustainable management purpose of the RMA.

### **Approval**

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



**Pat Killalea, Principal Planner**

**Date: 13<sup>th</sup> May 2022**

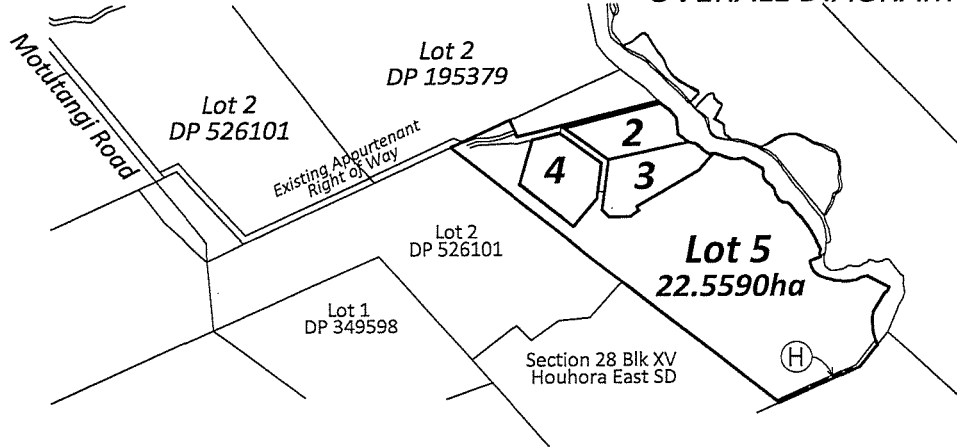
### **Right of Objection**

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.

**OVERALL DIAGRAM**



EXISTING EASEMENT IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
DRAINAGE RIGHT	(H)	LOT 5 HEREON	641771.1

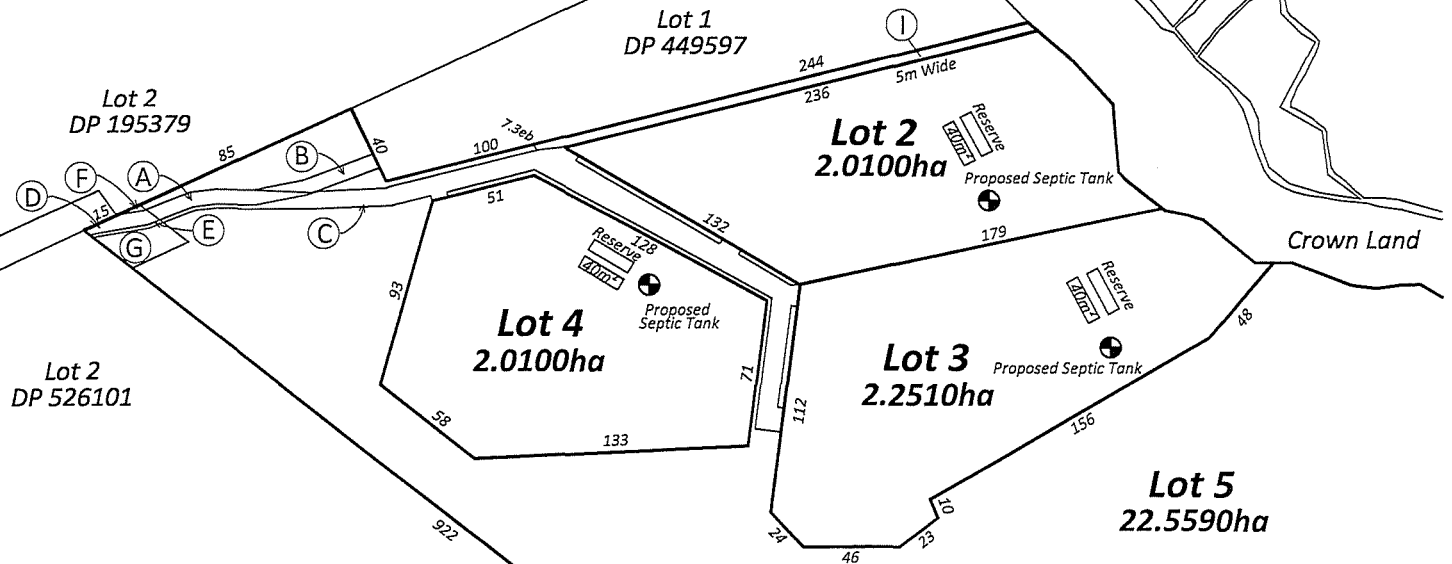
EXISTING EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY ELECTRICITY & TELECOM-MUNICATIONS	(A)(B)(D)	LOT 5 HEREON	E.I. 9086695.3

**APPROVED PLAN**

**Planner: pkillalea  
RC: 2300517VAR/A  
Date: 13/05/2022**

**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY ELECTRICITY & TELECOM-MUNICATIONS	(A)(C)(D)(E)	LOT 5 HEREON	LOTS 2 - 4 HEREON



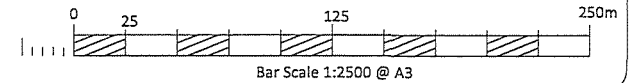
Local Authority: Far North District Council  
Comprised In: 570162  
Total Area: 28.83ha  
Zoning: Rural Production  
Resource features: NIL

**SCHEDULE OF PROPOSED EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(I)(F)(G)	LOT 5 HEREON	LOT 4 HEREON LOTS 2 - 4 HEREON

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315 Kerikeri Rd  
P.O. Box 372 Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077960  
www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED VARIATION TO THE  
SUBDIVISION OF LOT 2 DP 449597  
MOTUTANGI ROAD, PUKENUI**

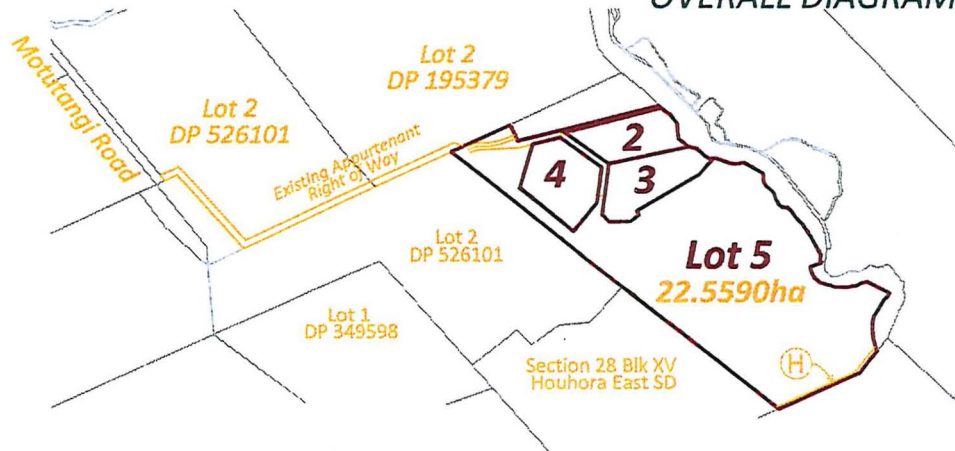
PREPARED FOR: TATTLEY

Survey	Name	Date	ORIGINAL
Design			SCALE SHEET SIZE
Drawn	PJH	17.12.20	1:2500 A3
Approved			
Rev	KY	14.12.21	
9912 Scheme REV I 20211116.lcd			

Surveyors Ref. No:  
**9912**  
Sheet 1 of 1



### OVERALL DIAGRAM

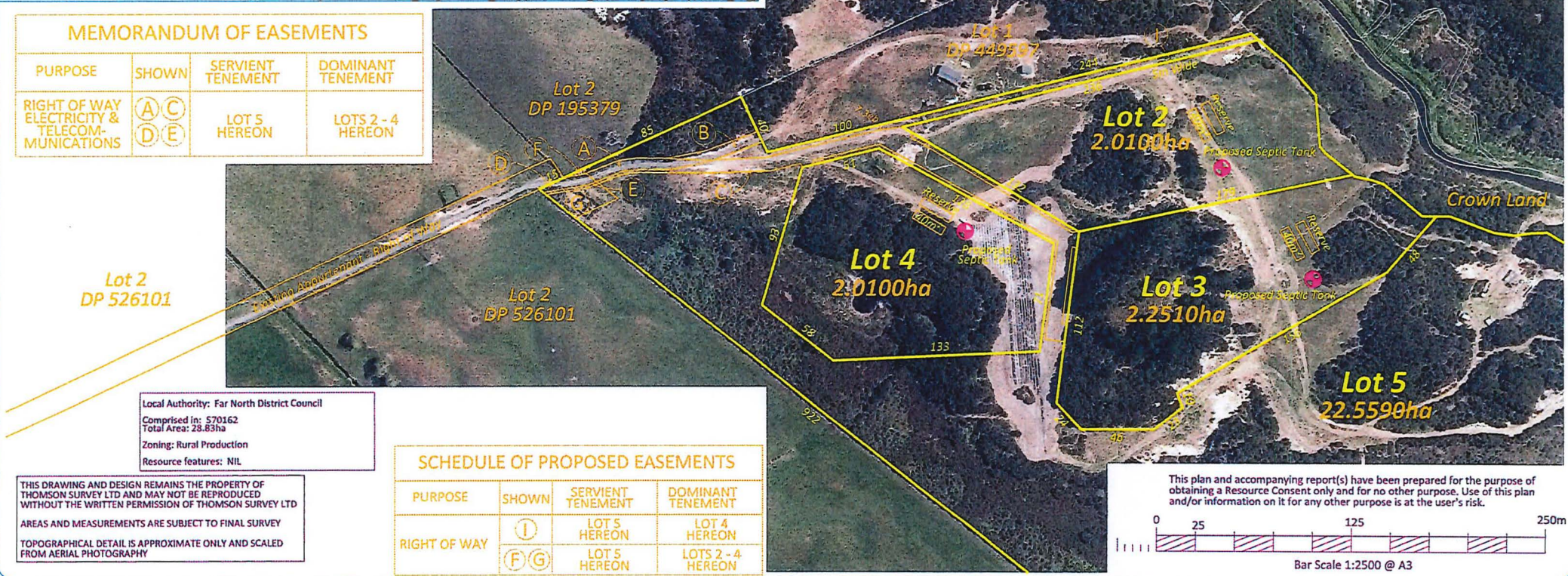


EXISTING EASEMENT IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
DRAINAGE RIGHT	(H)	LOT 5 HEREON	641771.1

EXISTING EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY ELECTRICITY & TELECOM-MUNICATIONS	(A)(B)(D)	LOT 5 HEREON	E.I. 9086695.3

**APPROVED PLAN**  
 Planner: pkillalea  
 RC: 2300517VAR/A  
 Date: 13/05/2022

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY ELECTRICITY & TELECOM-MUNICATIONS	(A)(C)(D)(E)	LOT 5 HEREON	LOTS 2 - 4 HEREON



Local Authority: Far North District Council  
 Comprised in: 570162  
 Total Area: 28.83ha  
 Zoning: Rural Production  
 Resource features: NIL

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(I)	LOT 5 HEREON	LOT 4 HEREON
	(F)(G)	LOT 5 HEREON	LOTS 2 - 4 HEREON

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Bar Scale 1:2500 @ A3

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 www.tsurvey.co.nz  
 Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED VARIATION TO THE SUBDIVISION OF LOT 2 DP 449597**  
 MOTUTANGI ROAD, PUKENUI  
 PREPARED FOR: TATTLEY

Survey	Name	Date	ORIGINAL	SHEET SIZE
Design			SCALE	
Drawn	PJH	17.12.20	1:2500	A3
Approved				
Rev	KY	14.12.21		
9912 Scheme REV1 20211116.lcd				

Surveyors Ref. No:  
 9912  
 Sheet 1 of 1



# Concept Development Meeting Minutes

**Date:** 31<sup>st</sup> May 2024

**Concept Number:** CDM-2024-29

**Address :** Lot 2 DP 449597

**Duration of meeting:** 10mins

## 1. Attendees:

### Council

Swetha Maharaj- FNDC planner

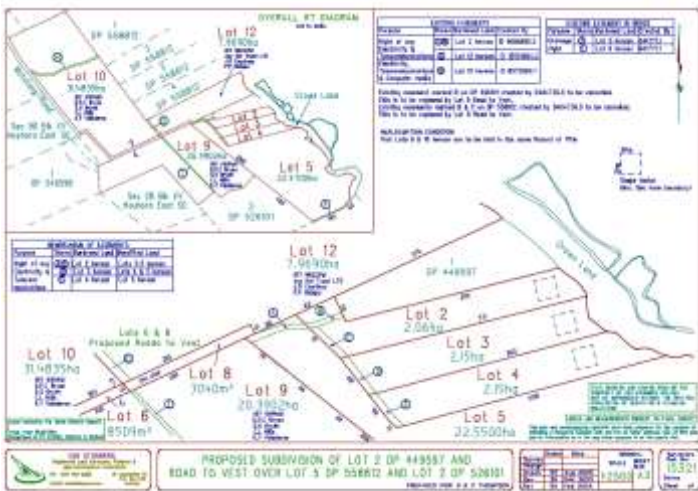
### Applicant

Sheryl Hansford- applicants planner

## 2. Proposal & documents submitted for CDM

Variation to RC2300517 to change the shape, of the proposed lots, discuss NPS HPL and delete conditions.  
Scheme plan

## 3. Detail of proposal – as outlined by the applicant at the meeting



#### 4. Discussion – at the meeting

Sheryl

- Change the location and shape of those lots.
- Long rectangle lots, which is consistent where the couple of lots next door
- Follows the same pattern of the as those adjoining lots.
- By changing the location, they don't then need the requirement for lot 11 which is listed as road to vest.
- Remains RDA status cause of a lot sizes.
- Legislation for highly productive land- Soil report prepared already. All versatile soil contained within Lot 5, which is the balance lot of 22 hectares.
- Excavation maybe reduced.

Swetha

- 93 Motutangi Road, 2300517-RMAVAR-A- To change the conditions of RC 2300517 RMASUB which was a proposal to create three additional lots in the Rural Production Zone. Amendments to condition 1, 2 b & c, 3a(ii), and 4b. (emailed to Sheryl).
- Councils' discretion is limited/no discretion for NPS HPL for RDA applications.
- It is noted that approved Lot 4 was larger and then proposed lot 4. No other significant changes are noted.
- Overall, the VAR is acceptable given no additional infringements to any rules.

#### 5. Conclusion and next steps

- Order property file if required.
- The proposed changes will remain RDA status.
- NPS HPL assessment has been undertaken by applicant however Council has limited/no discretion for RDA applications.

#### **Please note**

The views and opinions by Council Officers at the Concept Development Meetings and in these associated notes provide their preliminary view only. A final determination on whether Council can support the consent or not, and whether the resource consent application will be processed on a notified or non-notified base can only be made upon receipt of a formal application, site visit and review.