



Our Reference: 8848.1 (FNDC)

26 September 2024

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

**RE: Re-Approval of RC 2180035-RMACOM (new consent required) – Subdivision at
139 Matauri Bay Road – Williams**

I am pleased to submit application on behalf of Steven Williams, for the re-approval of RC 2180035-RMACOM – a subdivision of land zoned Rural Production at Matauri Bay Road, Kaeo. The application is a restricted discretionary activity.

The application is lodged following discussions with the RC Manager, with a fee of \$2,967 paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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 Schedule 4). 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 Discharge
 Fast Track Land Use* Change of Consent Notice (s.221(3))
 Subdivision Extension of time (s.125)
 Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
 Other (please specify) _____

* The fast track is for simple land use consents and is restricted to consents with a controlled activity status.

3. Would you like to opt out of the Fast Track Process?

Yes No

4. Consultation

Have you consulted with iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

met with RC manager

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Steven Williams

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

6. Address for Correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

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

7. 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:

Steven Williams ; Roger Williams ;

Property Address/
Location:

Hayley Hayes

9 - applicant

Postcode

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

S Williams

Site Address/
Location:

139 Maturangi Bay Rd
KAE0

Postcode

~~Pt Lot 2 DP 63620; Lot 1 DP 63620; Pt allots 4 + 28;~~

Legal Description:

Pt North Allot 27;

Val Number:

Certificate of title:

NA350/848; NA350/849; NA97B/21

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 tied up at house

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 applicant prior to any site visit
Should one be required.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Re-approval of RC 2180035-RNACOM with no change of conditions - a subdivision of land zoned Rural Production with small area of Outstanding Landscape Feature - as a ~~restricted discretionary activity~~

If this is an application for a 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), with reasons for requesting them.

10. Would you like to request Public Notification?

Yes No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

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

12. 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:

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? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. 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

13. 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.

Your AEE is attached to this application Yes

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? Yes No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? Yes No

14. 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 in full)

Steven Trevor Williams

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

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 20th 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: (please write in full)

Steven Williams

Signature:

(signature of bill payer)

Date 26/9/24

MANDATORY

15. 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. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

Steven Williams

Signature:

[Redacted Signature]

Date 26/9/24

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)
- Details of your consultation with Iwi and hapū
- 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.

Steven Williams

**PROPOSED RE APPROVAL OF SUBDIVISION
PURSUANT TO
FNDC OPERATIVE DISTRICT PLAN**

139 Matauri Bay Road, Kaeo

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Thomson Survey Ltd
Kerikeri

1.0 THE PROPOSAL

The back ground to this application is best explained by the consent history associated with the property (refer section 3.2 later in this report).

RC 2180035-RMACOM was a combined subdivision / land use consent issued to Mr Williams, dated 24th August 2017. A copy of this consent is attached in Appendix 4. The s223 TA Approval for the subdivision was issued 22nd November 2021. In summary, the consent is still 'live', but titles need to be deposited before 22nd November 2024.

This timeline is where the issue arises. Land in some of the new lots is Limited as to Parcels and adjacent land is in multiple owned Maori land. The process required to resolve the limitations to parcels and to then deposit new titles, whilst underway, cannot possibly be completed prior to 22nd November 2024 because of the complexities involved. The original consent was issued more than 5 years ago so cannot be extended under s125, and there is no ability to extend a s223. This leaves the consent holder with little choice other than to lodge an application for re-approval of their existing consent.

There are no changes proposed other than replacing a draft Scheme Plan (stamped approved in RC 2180035) with the already prepared draft LT Plan, a copy of which is attached in Appendix 1. Having progressed to the stage of preparing an LT Plan, and having had the s223 TA approval already issued, there are some minor differences in Lot areas, as well as in appellations and easement identifiers.

The application site is currently in three Records of Title – NA35D/848; NA35D/849 and NA97B/21. All titles are older than April 2000. Copies of these titles are attached in Appendix 3.

The table below sets out the Lot areas as shown on the draft LT Plan 567355, compared with the same / equivalent lots & appellations consented under RC 2180035-RMACOM:

Lot Number on LT 567355	Area	Lot Number & Appellation RC 2180035	Area
Lot 1	7.3767ha	Lot 1	7.36ha
Lot 2*	8.0898ha	Lot 2*	8.05ha
Lot 3*	1544m ²	Lot 3*	1000m ²
Lot 4*	7452m ²	Lot 4*	1.1ha
Lot 5*	19.7545ha	Lot 5 & Lot 1 DP 63620*	19.28ha
Lot 6	53.8887ha	Lot 6; Lot 7; Allotment 135*	43.7ha
Lot 7*	2.3261ha	Pt Allotment 25*	2.34ha
Lot 8	82m ²	Lot 8	100m ²

*subject to amalgamations – see below.

The subdivision re-approval includes the following amalgamations:

*That Lots 2 & 3 hereon be held in the one Certificate of Title; and
That Lots 4, 5 & 7 hereon be held in the one Certificate of Title*

The existing consent contains differently worded amalgamation conditions but these are now superseded by the more recently prepared LT Plan. Lot 5 on the LT Plan now incorporates what was previously Lot 1 DP 63620, so the latter no longer needs to be separately referred to in an amalgamation condition. Lot 7 on LT 567355 is what was identified as Pt Allotment 25 Psh of Kaeo on the stamped approved Scheme Plan for RC 2180035. Whilst the appellation / identifier of the land being held together by the second amalgamation condition has changed, the land involved has not.

The third amalgamation condition in the existing consent, reading "That Lots 6 & 7 hereon & Allotment 137 Psh of Kaeo be held in one certificate of title" is no longer required because the new LT Plan includes all of that land in new Lot 6, with no amalgamation required.

In summary, whilst there might appear to be differences between the stamped approved scheme plan of RC 2180035 and the recently prepared draft LT Plan in Appendix 1, the resulting number of new titles will not change from that approved in RC 2180035. The application site consists of three existing titles and will result in five new titles being created when amalgamations are taken into account (two additional). One of those new titles is effectively a 'utility lot', accommodating a cell tower (Lot 8).

Areas H & I on the LT Plan remain the same as on the existing stamped approved scheme plan and are covenant areas (no buildings or development). The Schedule of Existing Easements is unchanged from the existing stamped approved plan. The Memorandum of Easements, whilst now only containing C & G is actually unchanged from the stamped approved plan. Easements D & E on the stamped approved plan were separately identified because they were over different lots / legal descriptions. The land is now to all be in Lot 6 only and therefore separate identifiers are no longer required.

As stated in the original planning report Vodafone [One New Zealand] currently rent a small portion of the farm for a cell phone tower (on proposed Lot 8), and the Kaeo Clay Target Club leases an area within proposed Lot 1. The subdivision seeks to subdivide off appropriate portions of land, and make a number of minor boundary adjustments. The farm house is also to be separated off (proposed Lot 3) for possible future sale, as is proposed Lot 5.

The existing consent includes a land use consent for breaches of Sunlight, Setback from Boundaries and Stormwater Management rules in regard to the existing cell phone tower to be within Lot 8. This land use consent is not technically 'given effect to' yet due to Lot 8 not being regarded as an "existing site". This application therefore also includes a request for re-approval of the land use.

The application site hosts the Kaeo Clay Target Club. Gun clubs/ shooting ranges are classified as a HAIL site under the NES for Assessing and Management Contaminants in Soil to Protect Human Health (NES CS). The original consent recognises that the land in question is to remain a gun club and includes a Consent Notice in regard to the land owners' responsibilities should the land use ever change. No consent was required pursuant to the NES CS.

No changes to the existing conditions of consent are being sought, with the exception of updating references to the LT Plan instead of a scheme plan. To assist the Council, these conditions are repeated in section 6 of this planning report.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks re-approval consent for a discretionary activity subdivision & land use. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location:	139 Matauri Bay Road, Kaeo - location map in Appendix 2
Legal descriptions & RT's:	Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo, Lot 1 DP 63620, Pt Lot 2 DP 63620, Allotment 137 Parish of Kaeo & Pt Allotment 25 Parish of Kaeo
Records of Title:	NA35D/848; NA35D/849 and NA97B/21, with total area of 84.356ha. copies attached in Appendix 3.

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The site is zoned Rural Production in both the Operative District Plan (ODP) and the Proposed District Plan (PDP). The Oroteru Outstanding Landscape Feature extends into land in proposed Lot 6. Notably this same area is not mapped in the PDP as having any outstanding or high landscape or natural character values, possibly due to the fact that it is planted in pine trees – refer to comment later in this section.

Quoting from the original planning report:

The topography of the farm is flat to gently rolling at the northern end, sloping up towards the west, and down towards the south. The southern part of the farm is rolling to strongly rolling, with drainage towards the south-west and south-east. The south-western portion of the farm is steep, down towards SH10.

The soils on and around the application site are primarily Taraire gravelly friable clay, which is excessively to somewhat excessively drained. There are smaller areas of Hukerenui silt loam with a yellow sub-soil on Pt Allotment 25 and Otongaroa clay and sandy clay loam on proposed Lot 6, adjoining SH10, both of which are imperfectly to very poorly drained. Soils on the western end of the farm are Bream clay loams which are well to moderately well drained. The underlying geology is a mix of basaltic volcanics, and sedimentary rocks (Source: NZ Land Inventory).

Since the original application the NPS Highly Productive Land has been enacted. However, there are no LUC Class 1, 2 or 3 soils on the application site so no “highly productive land”. As such the NPS Highly Productive Land does not apply and need not be considered.

Again, quoting from the original planning report:

The property is largely in pasture with a small area of regenerating bush on proposed Lot 5, and the western end of proposed Lot 1. The southern corner of proposed Lot 7 [now 6], within [sic] an area recorded on Far North Maps as being an Outstanding Landscape Feature, possibly in error due to the small scale in which these areas were outlined, has been partially planted up in pine trees. There is also a site of cultural significance to Maori adjoining proposed Lot 1.

The surrounding properties are a mixture in size with smaller lots to the south, larger blocks to the east, and similar size blocks to the west and north.

The PDP maps that same Site of Cultural Significance to Maori – on the adjoining property and not the application site.

3.2 Legal Interests on Titles

As stated in the original planning report, there are existing rights to convey water and electricity on all three Certificates of Title. NA97B/21 also records a right to convey electricity and telecommunications (easement 'F'), while NA35D/849 has a Gazette Notice recording that a 2992m² part of Part Lot 2 DP 63620 has been vested in the Bay of Islands Electric Power Board (now Lot 1 DP 194404).

3.3 Consent History

The resource consent history of the property includes RC 2031010-RMALUC – land use consent for the cell tower to be within Lot 8, issued in May 2003; and RC 2180035-RMACOM the existing consent that this re-approval seeks to replace.

4.0 ACTIVITY STATUS

4.1 Operative District Plan

The site is zoned Rural Production and has a partial Outstanding Landscape Feature. Council's internal assessment of the original application concluded that all of what is now Lot 6 must be treated as Outstanding Landscape Feature for the purposes of determining subdivision category of activity.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; ...	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES...

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha except in the General Coastal Zone.	The minimum lot size is 20ha in the General Coastal Zone.	1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per Rule 13.9.2; ...

The consented subdivision utilised Option 4 of the above restricted discretionary activity options. Council assessed the subdivision component of RC 2180035-RMACOM as a restricted discretionary subdivision activity. The 'lot' containing the outstanding landscape feature is greater than 20ha and therefore meets the controlled activity threshold applying to land with an Outstanding Landscape Feature.

Other Rules:

The cell tower to be within Lot 8 was found to breach several zone rules and defaulted to discretionary activity category. The application was therefore regarded as a discretionary activity overall and consent was granted pursuant to Section 104B.

4.2 Proposed District Plan (PDP)

The original consent was granted before the FNDC publicly notified its PDP on 27th July 2022. Any new application must consider the PDP, both in terms of objectives and policies and in regard to any rules that might have immediate legal effect.

Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures.

RC 2180035 contained an Advice Note in regard to the ADP applying to any earthworks, as recommended by Heritage NZ and the same approach can be taken in this re-approval. Similarly an Advice Note can be included in regard to the need to ensure appropriate Erosion and Sediment Control measures are in place.

Signs – N/A – signage does not form part of this application.

Orongongo Bay Zone – N/A as the site is not in Orongongo Bay Zone.

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Given that there are no additional rule breaches under the PDP and the fact that this application for subdivision has already been assessed and granted in 2017 with no subsequent changes to the Operative District Plan, as well as the fact that the existing consent is still 'current', the following AEE is intentionally brief.

5.1 Allotment Sizes and Dimensions

The lots can easily accommodate 30m x 30m square building envelopes, or already do.

5.2 Natural and Other Hazards

The site is not mapped as being subject to any hazard.

5.3 Water Supply

The sites are located outside of Council's reticulated water supply area. Any future residential development will be reliant on water storage from roof catchment. In issuing RC 2180035, the Council imposed its standard consent notice on the titles requiring a fire fighting water supply when a habitable dwelling is built.

5.4 Energy Supply & Telecommunications

Power and phone is not a requirement for rural subdivision. Council imposed a consent notice to this effect on the existing consent.

5.5 Stormwater Disposal

All lots were considered by Council to be of a size that they would easily be able to cater for any stormwater runoff generated by activities on site. Refer to conditions of consent in section 6 of this planning report.

5.6 Sanitary Sewage Disposal

Lot 2 contains an existing dwelling and the original application contained a report from a registered drainlayer stating that the system was in good working order. The remaining lots were considered by the Council to be large enough to easily accommodate a future dwelling and associated wastewater system.

5.7 Property Access

Lot 1 is to gain access via an existing entrance off Whakaire Taraire Road. Lots 2 & 3 will gain access via the existing entrances off Matauri Bay Road and Matauri Link Road. The original application did not show the location of any future entrance(s) into Lots 4, 5 & 7. Lot 6 will gain access directly off Matauri Link Road via an existing entrance. Lot 8 will be accessed via an existing ROW.

Refer to Section 6 for conditions of consent regarding access.

5.8 Earthworks & Utilities

Minimal earthworks will be required to give effect to the subdivision.

5.9 Building Locations

The Council did not identify any constraints in regard to the future location of buildings on vacant lots, other than to comment that any future residential unit to be constructed on what was then Lot 1 DP 63620 and what will not be part of Lot 5, could readily be located so as to maximise distance between it and the shooting range at the gun club.

6.10 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

Vegetation, fauna and landscape

The site contains a small portion of the Orotere Landscape Feature as identified in the ODP. It also contains three areas of vegetation mapped by the Department of Conservation as PNA's (Protected Natural Areas). Two of these are only the fringes of the application site, whilst a third is entirely within the site's boundaries. This is a Level 2 site (the lower value level). The application site is within a kiwi present area.

The application includes areas H and I to be subject to a no build covenant, just as the original consent did.

When granting RC 2180035-RMACOM, the Council did not consider it necessary to require the identification or permanent protection of any areas of vegetation (with the exception of H and I) and no comment was received from DoC to the contrary. Neither was it considered necessary to impose any condition in regard to dogs or cats, with an Advice Note being included instead (requested by DoC).

Heritage/Cultural

The site does not contain any historic sites, nor any archaeological sites. Neither does the site contain any Sites of Cultural Significance to Maori (as scheduled in the ODP or PDP), albeit there is a Site of Cultural Significance to Maori on adjacent land. As part of the original application feedback from Hemirua Rapata, spokesperson at the time for Taumata Kaumatua O Ngati Kura Hapu was received. Whilst there was some concern expressed that the true extent of the Site of Significance might not be accurately portrayed in the ODP, this was not something the Council or the applicant could address as part of the subdivision process. The Council also consulted with the hapu but received no further comment. The hapu has had further opportunity to comment on boundaries of the site of significance both prior to the PDP being public notified and during the submission period. The PDP, as notified, made no apparent changes to the boundaries.

5.11 Soil

The proposal creates additional titles that (apart from Lot 8 which has a specific purpose) can continue to support some level of productive use. The application site contains no highly productive land as defined under the NPS Highly Productive Land.

5.12 Access to waterbodies

There is no qualifying water body along which, or around which, public access is required to be provided.

5.13 Land use compatibility (reverse sensitivity)

The only potential concern that the Council had in granting the existing consent, was the effect of the existing gun club on any new residential dwellings that might locate in close proximity. However, where lots are near or adjacent to the lot accommodating the gun club, there are alternative house sites that would be well away from the shooting range such that reverse sensitivity effects are adequately mitigated.

5.14 Proximity to Airports

The site is outside of any identified buffer area associated with any airport.

5.15 Natural Character of the Coastal Environment

The site is not within the coastal environment.

5.16 Energy Efficiency and renewable Energy Development/Use

The proposal has not considered energy efficiency. This is an option for future lot owners

5.17 Effects of bulk and location breaches in regard the cell tower within Lot 8

The neighbouring lot is the proposed Lot 6 (53.89ha in area) and will remain a large farm lot. There will be no adverse effects as a result of the bulk and location breaches.

6.0 SUGGESTED CONDITIONS OF CONSENT

Given that no real change is requested and there are no additional ODP or PDP rule breaches (nor any NPS or NES that are new or have changed and relevant to the application), it is suggested that the same conditions applied to the existing consent can be re-imposed as part of this re-approval. These are:

Decision A – Subdivision:

1. *The subdivision shall be carried out in accordance with the draft LT Plan 567355 prepared by Thomson Survey, referenced Lots 1-8 being a subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 parish of Kaeo, Pt Lot 2 DP 53520 and Redefinition of Lot 1 DP 63620, Allotment 137 Parish of Kaeo & Pt Allotment 25 Parish of Kaeo and Removal of Limitations, digitally generated on 14/06/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.
[updated to include reference to the LT Plan as opposed to a Scheme Plan]*
2. *The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:*
 - (a) *All easements with the Memorandum to be duly granted or reserved.*
 - (b) *Areas H & I as subject to a no building or development covenant.*

(c) The endorsement of the following conditional amalgamations, pursuant to Section 220(1)(b)(ii) and (iii) of the Resource Management Act 1991.

- i. That Lots 2 & 3 hereon be held in the one Certificate of Title; and
- ii. That Lots 4, 5 & 7 hereon be held in the one Certificate of Title.

See request number

[updated to reflect the LT Plan appellations]

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

(a) Upgrade the existing vehicle crossing to the house on Lot 2, accessed off Matauri Bay Road, to provide a crossing which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.

OR

Permanently close the existing vehicle crossing to the dwelling on Lot 2, accessed off Matauri Bay Road.

(b) Upgrade the existing vehicle crossing to Lots 1 & 6 to provide crossings which comply with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.

Note: the crossing to Lot 6 will require a concrete culvert pipe to be installed in the roadside watertable drain.

(c) 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) Prior to constructing a vehicle access point, the lot owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's control of Vehicle Crossings Bylaw 2004. **[Lots 4, 5 & 7]**

[Lot references updated – previously Lots 4, 5, Lot 1 DP 63620 & Pt Allotment 25 Parish of Kaeo, now to all be contained in Lots 4, 5 & 7].

- (ii) Reticulated power supply or telecommunication 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 1, 4, 5 & 7]**

[Lot references updated – previously Lots 1, 4, 5, Lot 1 DP 63620 & Pt Allotment 25 Parish of Kaeo, now to all be contained in Lots 1, 4, 5 & 7].

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the NZ Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[Lots 1, 4, 5, 6 & 7]**

[Lot references updated – previously Lots 1, 4, 5, Lot 1 DP 63620 & Pt Allotment 25 Parish of Kaeo, Lot 6, 7 & Allotment 137 Parish of Kaeo, now to all be contained in Lots 1, 4, 5, 6 & 7].

- (iv) In the event that Lot 8 ceases to be used for utility purposes the site shall be amalgamated with a contiguous site unless the prior approval of Council has been obtained by way of resource consent. **[Lot 8]**
- (v) Areas H & I shall not be subject to any building or development without the prior approval of Council by way of resource consent. **[Lot 6]**

[Lot references updated – previously Lots 6, 7 & Allotment 137 Parish of Kaeo, now to all be contained in Lot 6].

- (vi) Part of the site is confirmed as a verified Hazardous Activity and Industry List (HAIL) Site by the Northland Regional Council due to the Clay Target shooting which has occurred on Lots 1 and 4 DP 567355. Any development within the 'piece of land' as defined by the Resource Management Act (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 on site will need to address the above mentioned Regulation.

[Lots 1, 3, 4 & that part of Lot 5 previously Lot 1 DP 63620]

[Lot references updated – previously Lots 1, 3, 4 & Lot 1 DP 63620, where Lot 1 DP 63620 is not a part of Lot 5. Given that the consent notice is intended to only apply to Lot 1 DP 63620, I have suggested modifying the land description to which the clause applies, to only include a part of Lot 5].

Decision B – Landuse:

No conditions.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

The relevant objectives and policies in the ODP were assessed in the original application, firstly by the applicant's agent, and secondly by Council's reporting planner. I do not feel the need to comprehensively revisit these in light of the fact that there have been no changes to those objectives and policies and the property is not subject to the NPS Highly Productive Land.

Subdivision Objectives & Policies

Objectives

The subdivision is consistent with the purpose of the zone and promotes sustainable management of natural and physical resources 13.3.1). The Assessment of Environmental Effects and supporting report conclude that the proposed subdivision is appropriate for the site and that the subdivision can avoid, remedy or mitigate any potential adverse effects (13.3.2).

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site contains a small portion of outstanding landscape features and this area is to be subject to protection.

The lots will be required to be self sufficient in terms of on-site water storage and appropriate stormwater management (13.3.5 & 13.4.8). The subdivision adjoins Council roads (13.3.10).

The site itself does not contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have minimal, if any, impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga (13.3.7 and 13.4.11).

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;
- (b) ecological values;
- (c) landscape values;
- (d) amenity values;
- (e) cultural values;
- (f) heritage values; and
- (g) existing land uses.

In determining the layout, size and number of lots, the relevant values listed in Policy 13.4.1 have been had regard to.

Access was considered and resolved as part of the original consent, with conditions imposed as required (13.4.2 and 13.4.5). The site is not identified as being subject to any hazard (13.4.3).

The site does not contain any heritage resources. The Council did not consider it necessary to identify or protect the limited areas of indigenous vegetation within the site. The portion of outstanding landscape feature within the site is to be subject to protection (13.4.6).

S6 matters (National Importance) are addressed later in this report and any relevant matter listed in Policy 13.4.13 has been had regard to. The subdivision has had regard to the underlying zone's objectives and policies (13.4.14).

Rural Production Zone Objectives and Policies

Quoting from the original Planning Report:

The proposed subdivision is considered to promote the sustainable development of natural and physical resources as there will be no major changes over what is already in existence, being a well managed dairy farm with a low environmental impact (8.6.3.1).

The proposal enables the efficient use and development of rural land (including existing uses) (8.6.3.2 & 8.6.4.5). The proposed subdivision will not adversely affect the amenity values of the zone as there will be no major changes to the existing land use (8.6.3.3 & 8.6.4.4).

Protection of the Oroterre Landscape Feature will be promoted by the imposition of a protective covenant (8.6.3.4). I do not believe the proposal will generate any significant increased risk of reverse sensitivity issues arising (8.6.3.6 & 8.6.3.7; 8.6.4.7 & 8.6.4.8 & 8.6.4.9) and enables the ongoing utilisation of land for telecommunications network and gun club, as well as productive use (8.6.3.8 & 8.6.3.9).

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

7.2 Proposed District Plan Objectives and Policies

The original consent was granted prior to the Proposed District Plan (PDP) being publicly notified. Any new application must be assessed against any relevant objectives and policies in the PDP. These include those pertaining to Subdivision and those pertaining to the Rural Production Zone. The Oroterre feature is not mapped as extending into the site in the PDP natural character map layer and therefore objectives and policies in the PDP in regard to Natural Features and Landscapes have not been considered relevant.

SUB-O1

Subdivision results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already*

established on land from continuing to operate;

d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;

e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and

f. manages adverse effects on the environment.

SUB-O2

Subdivision provides for the:

a. Protection of highly productive land; and

b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and

b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

a. public open spaces;

b. esplanade where land adjoins the coastal marine area; and

c. esplanade where land adjoins other qualifying water bodies

I consider the subdivision to achieve the objectives of the relevant zone, and district wide provisions. Local character is not adversely affected; reverse sensitivity issues will not increase and/or can be mitigated; there is no risk from natural hazards. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site does not contain land that meets the definition of 'highly productive land'. The site contains no ONF's or ONL's, nor any areas of high or outstanding natural character. There are no lakes or rivers, no Sites and Areas of Significance to Maori and no Historic Heritage resources/features within the site. There are areas of indigenous vegetation, however these were not considered necessary to protect as part of the original subdivision (SUB-O2).

The proposal is consistent with SUB-O3 and SUB-O4 does not apply.

SUB-P1

Enable boundary adjustments that:

a. do not alter:

i. the degree of non compliance with District Plan rules and standards;

ii. the number and location of any access; and

iii. the number of certificates of title; and

b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.

Not relevant – whilst the proposal does include the 'adjustment' of some boundaries, the application is not lodged as a boundary adjustment.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

The proposal enables the creation of small Lot 8 around a telecommunications cell tower.

SUB-P3

Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;
- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

The subdivision results in some lots that do not meet the controlled or discretionary minimum allotment size for the Zone (Lots 1 & 8). These lots support existing uses. In addition, the application was lodged under the ODP and lot sizes in the PDP have no legal effect. In addition, the PDP minimum lot sizes are subject to considerable challenge through submissions, for which hearings are yet to be held. The allotments will be consistent with the purpose, characteristics and qualities of the zone. The vacant lots are of a size and shape adequate to contain building platforms and the site has legal and physical access.

SUB-P4

Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The subdivision has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone....

N/A.

SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.

The subdivision is rural with no nearby Council administered or operated infrastructure except for the road.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No qualifying water body.

SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

There is no qualifying SNA and the subdivision will not result in the loss of versatile soils as it contains no soils that are defined as highly productive land/versatile soils.

SUB-P9

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes

required in the management plan subdivision rule.

The subdivision is not a Management Plan subdivision and does not create lifestyle lots (lots bigger than the lifestyle zone minimum lot sizes suggested in the PDP).

SUB-P10

To protect amenity and character by avoiding the subdivision of minor residential units from Principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

Not relevant. No minor residential units exist.

SUB-P11

Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No consent is required under the PDP so the above policy has little relevance. In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan.

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.

The subdivision does little to affect productivity. The site contains no highly productive land (as defined in the NPS HPL) (RPROZ-O1). The proposal is not a land use application (RPROZ-O2). The property has no highly productive land and does not create additional reverse sensitivity effects. The property is not subject to natural hazard. The lots are to be serviced by on-site infrastructure (RPROZ-O3). The subdivision does not adversely affect the rural character and amenity of the area (RPROZ-O4).

Policies**RPROZP2**

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.*

Primary production activities are enabled, as is a range of compatible activities that might support productive use.

RPROZP3

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.

The subdivision involves land in proximity to an existing, long established gun club. Residential use can be established well away from that activity. The proposal will not create reverse sensitivity effects on existing primary production activities either on the site or on adjacent land.

RPROZP4

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.*

The proposal maintains rural character and amenity. The subdivision is low density and future built development can easily comply with the zone's impermeable and building coverage permitted thresholds, except for Lot 8 which is effectively a 'utility' lot. Reverse sensitivity effects, or lack thereof, are discussed earlier.

RPROZP5

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.

Application is not a land use. N/A.

RPROZP6

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.

The subdivision does not result in the loss of highly productive land (no LUC 1, 2 or 3 soils exist on the site). The smaller lots are of a size considered practical for their future use.

RPROZP7

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.

No consent is required under the PDP and the above policy is therefore of limited relevance.

7.3 Part 2 Matters**5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

The site does not exhibit the features in (a), (b) or (c) above. While there are areas of indigenous vegetation within the site these were not considered necessary to protect as part of the original subdivision. Neither is the 'significance' of the vegetation confirmed. There are no qualifying waterbodies forming a boundary and any lot less than 4ha in area (part (d)). I do not believe the proposal is detrimental to the relationship of Maori and their culture and traditions (part (e)). None of the matters (f) through (h) are relevant to the proposal.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d), (f) and (g). Proposed layout and lot size will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the values of ecosystems. The subdivision does not materially affect on the productive capacity of any rural zoned land.

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

7.4 National Policy Statements and National Environmental Standards

NES Freshwater

No subdivision site works will impact on any waterbody.

NPS Highly Productive Land

There is no land within the application site that meets the definition of "highly productive land". The proposal is therefore not subject to the NPS HPL.

NES Assessing and Management Contaminants in Soil to Protect Human Health

As identified in the original application, proposed Lot 1 accommodates the Kaeo Clay Target Club, which has been used for clay target shooting for approximately 40 years. There is no intention that I am aware of, to discontinue the use of the land as a gun club and re-develop for any other use, i.e. no 'change of use' proposed. The Council imposed a consent notice to apply to land potentially affected by the gun club usage, advising that any 'development' within the piece of land (as defined by the regulations) would have to be assessed against the Regulations – refer to RC 2180035 and conditions in Section 6 of this report.

NPS Indigenous Biodiversity

The proposal does not involve any clearance of indigenous vegetation.

7.5 Regional Policy Statement

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development**.

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and ...

Policy 5.1.1 seeks to ensure that subdivision in a primary production zone does not “materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary

production activities". The subdivision does not "materially reduce the potential for soil-based primary production on land with highly versatile soils".

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);.....

In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result.

8.0 s95A-E ASSESSMENT & CONSULTATION

This application for re-approval does not alter anything from the existing consent. The same number of titles will result as provided for in the existing consent. Access is unchanged. The original consent addressed consultation and the Council issued the consent under delegated authority on the basis of effects on the wider environment being no more than minor, and there being no affected persons. This has not changed. I believe there is no need to publicly or limited notify the application. I have not identified any new or additional affected persons.

9.0 CONCLUSION

The site is considered suitable for the proposed subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent.



Signed
Lynley Newport,
Senior Planner
Thomson Survey Ltd

Dated 26th September 2024

10.0 LIST OF APPENDICES

- Appendix 1** Draft LT Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Records of Title & Relevant Instruments
- Appendix 4** RC 2180035-RMACOM
- Appendix 5** s223 TA Approval

Appendix 1

Draft LT Plan(s)



Title Plan - LT 567355

Survey Number LT 567355
Surveyor Reference 8848 Steve Williams
Surveyor Denis McGregor Thomson
Survey Firm Thomson Survey Limited
Surveyor Declaration I Denis McGregor Thomson, being a licensed cadastral surveyor, certify that--
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and Cadastral Survey Rules 2021; and
(b) the survey was undertaken by me or under my personal direction.
Declared on 14 Jun 2024 03:12 PM

Survey Details

Dataset Description Lots 1 - 8 Being a Subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo, Pt Lot 2 DP 63620, and Redefinition of Lot 1 DP 63620, Allotment 137 Parish of Kaeo & Pt Allotment 25 Parish of Kaeo and Removal of Limitations

Status Submitted

Land District North Auckland **Survey Class** Class B

Submitted Date 14/06/2024 **Survey Approval Date**
Deposit Date

Territorial Authorities

Far North District

Comprised In

RT NA35D/848
RT NA97B/21 Ltd
RT NA35D/849

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 567355	Fee Simple Title	7.3767 Ha	1027610
Lot 2 Deposited Plan 567355	Fee Simple Title	8.0898 Ha	1027611
Lot 3 Deposited Plan 567355	Fee Simple Title	0.1544 Ha	1027611
Lot 4 Deposited Plan 567355	Fee Simple Title	0.7452 Ha	1027612
Lot 5 Deposited Plan 567355	Fee Simple Title	19.7545 Ha	1027612
Lot 6 Deposited Plan 567355	Fee Simple Title	53.8887 Ha	1027613
Lot 8 Deposited Plan 567355	Fee Simple Title	0.0082 Ha	1027614
Area C Deposited Plan 567355	Easement		
Area G Deposited Plan 567355	Easement		
Area H Deposited Plan 567355	Covenant - Land		
Area I Deposited Plan 567355	Covenant - Land		
Area F Deposited Plan 567355	Easement		
Lot 7 Deposited Plan 567355	Fee Simple Title	2.3261 Ha	1027612
Total Area		92.3436 Ha	



Plan Number

DP 567355

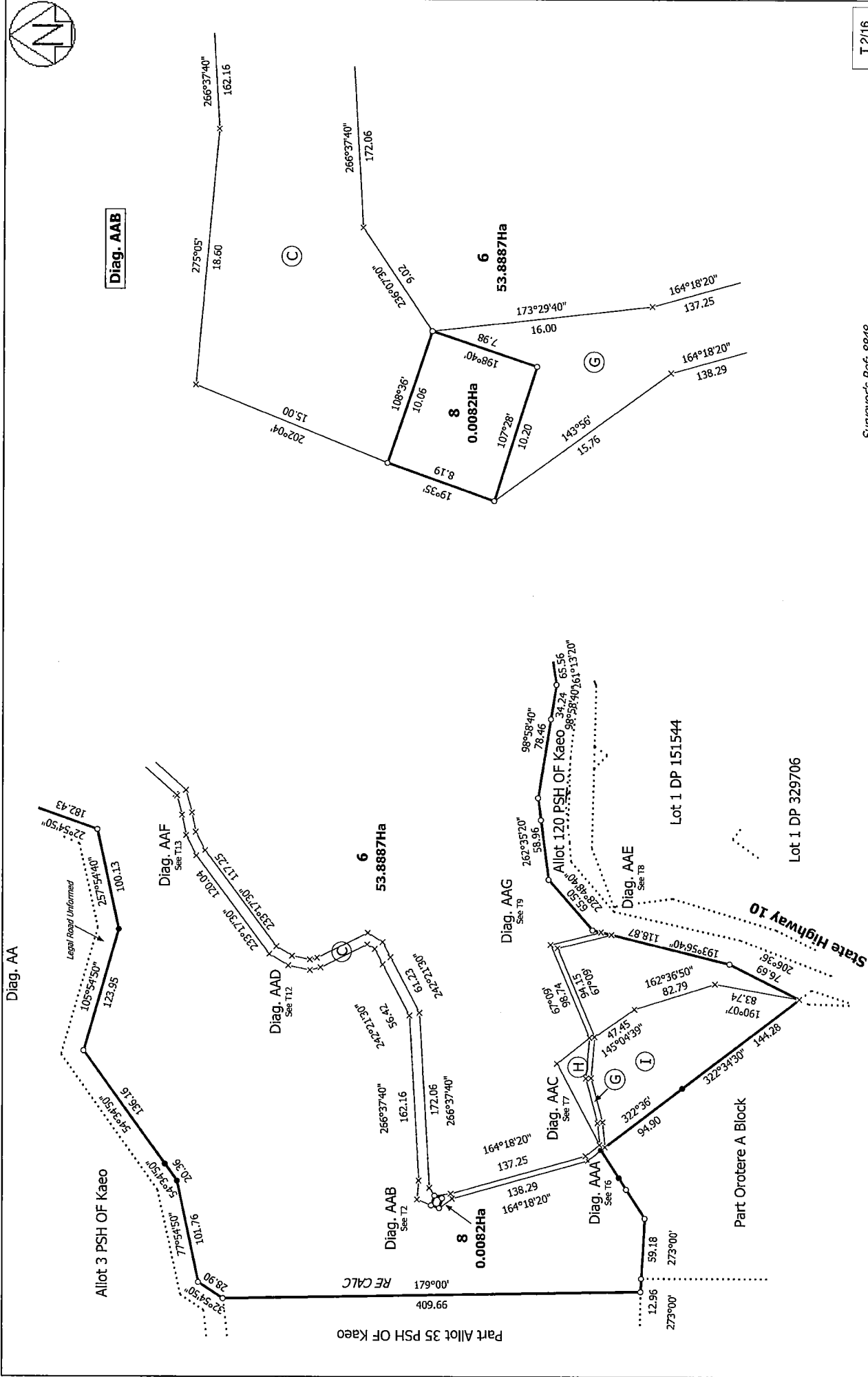
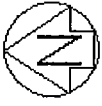
Schedule of Existing Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Created by
Electricity and Telephone Right	F	Lot 1 Hereon	C641745.2

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right of Way	C	Lot 6 Hereon	Lot 8 Hereon
Right to Convey Electricity	G	Lot 6 Hereon	Lot 8 Hereon

Areas shown H & I are to be subject to a consent notice condition

Thomson Survey Ltd
 315 Kerikeri Road, Kerikeri
 P.O. Box 372, Kerikeri 0245, New Zealand.
 Email: Kerikeri@tsurvey.co.nz

Telephone: **09 4077360**
 Facsimile: **09 4077322**



T 2/16

Surveyor's Ref: 8848

Land District: North Auckland
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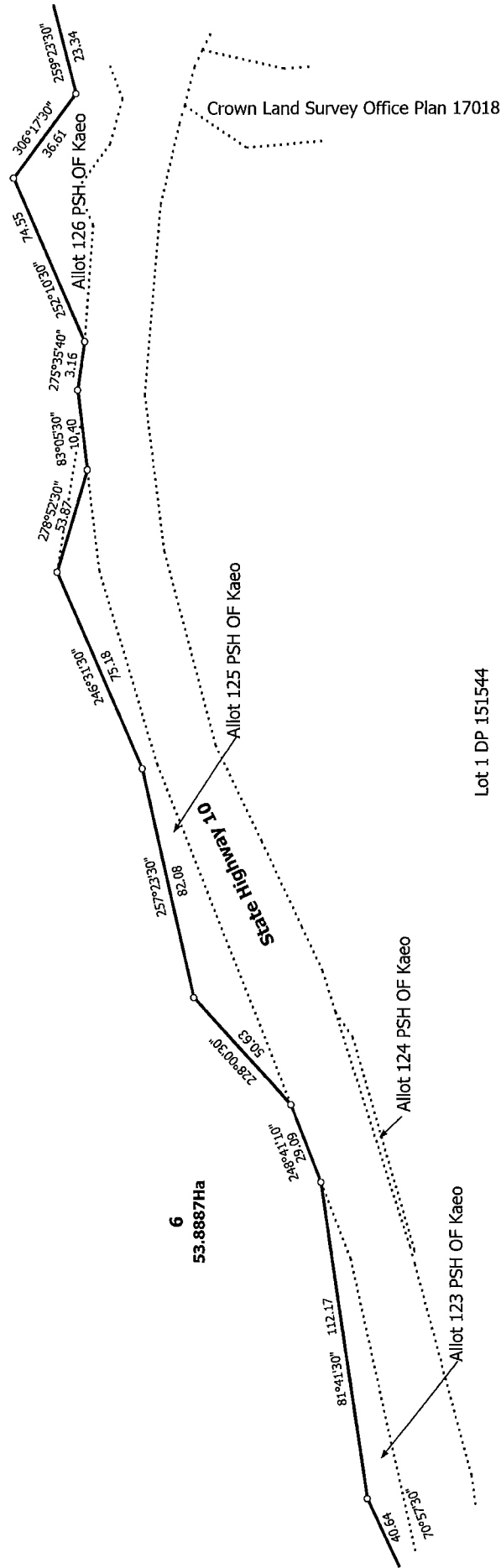
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Surveyor: Denis McGregor Thomson
 Firm: Thomson Survey Limited

Title Plan
 LT 567355



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Lot 1 DP 151544

T 5/16

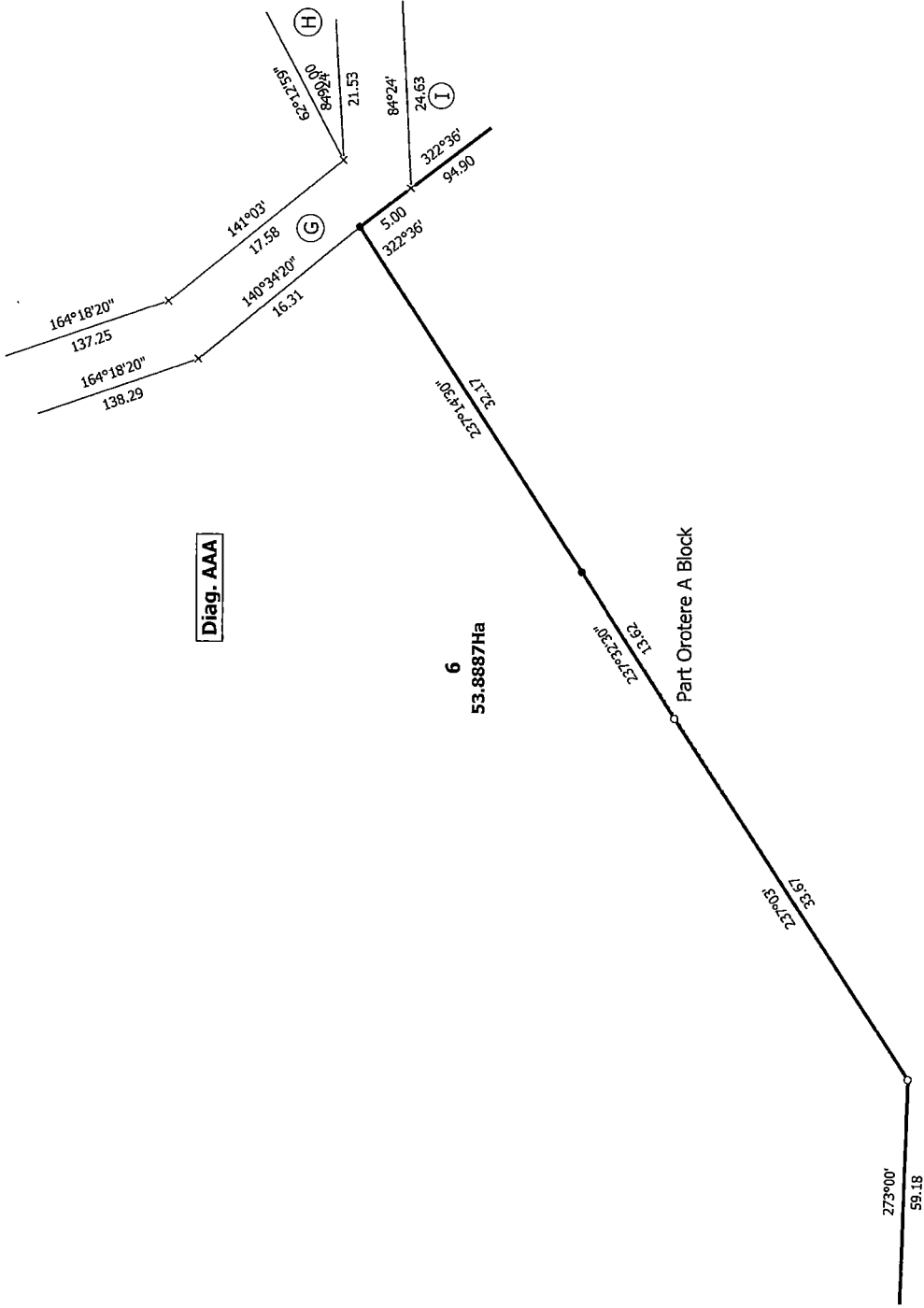
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Land District: North Auckland
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Surveyor: Denis McGregor Thomson
 Firm: Thomson Survey Limited

Title Plan
 LT 567355



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6
53.8887Ha

Part Orotere A Block

T 6/16

Surveyor's Ref: 8848

Land District: North Auckland
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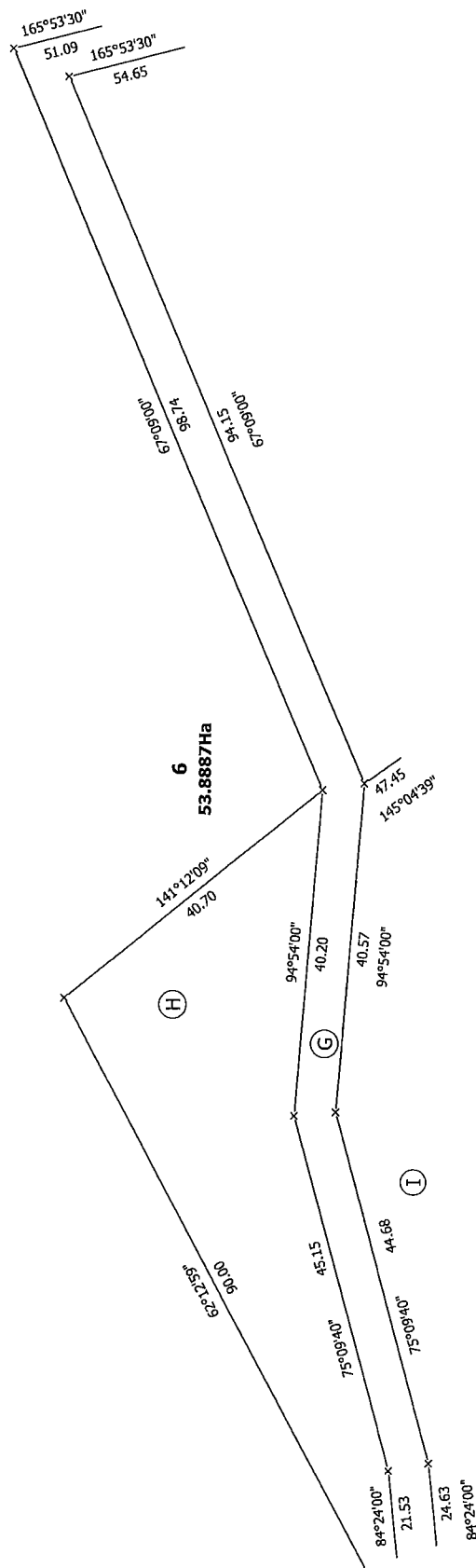
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Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 567355



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Surveyor's Ref: 8848

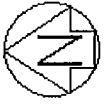
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Title Plan
LT 567355

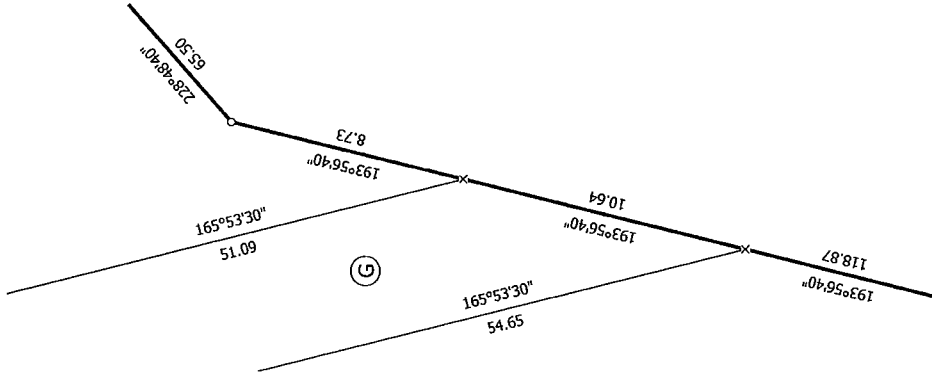
Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

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6
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Surveyor's Ref: 8848

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Land District: North Auckland

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Lots 1 - 8 Being a Subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo, Pt 1 of 2 DP 63620 and Redefinition of 1 of 1 DP 63620 Allotment 137

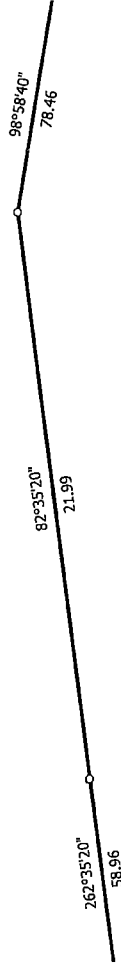
Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 567355



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6
53.8887Ha



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Surveyor's Ref: 8848

Land District: North Auckland

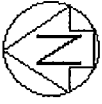
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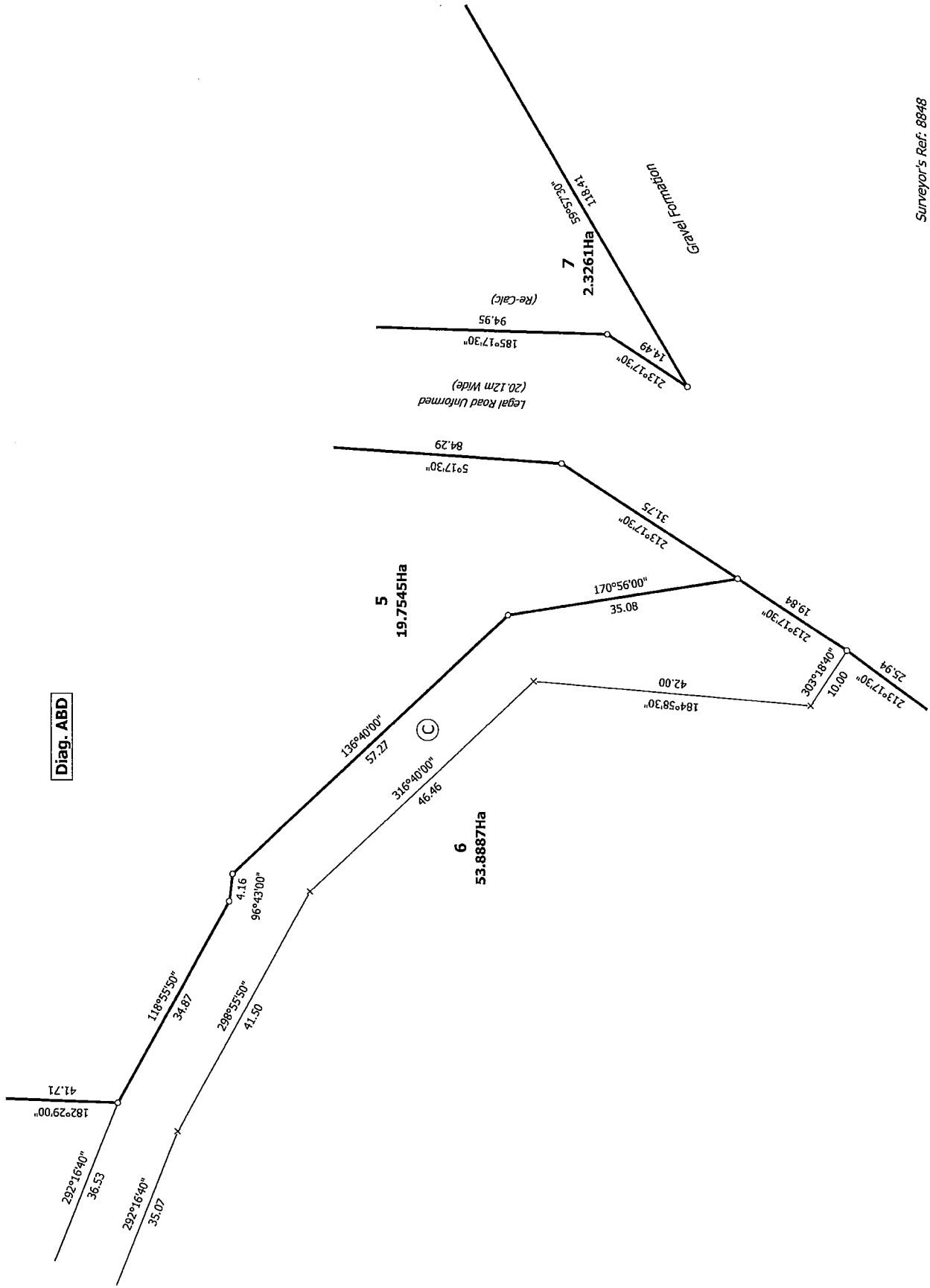
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Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 567355



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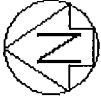
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LT 567355

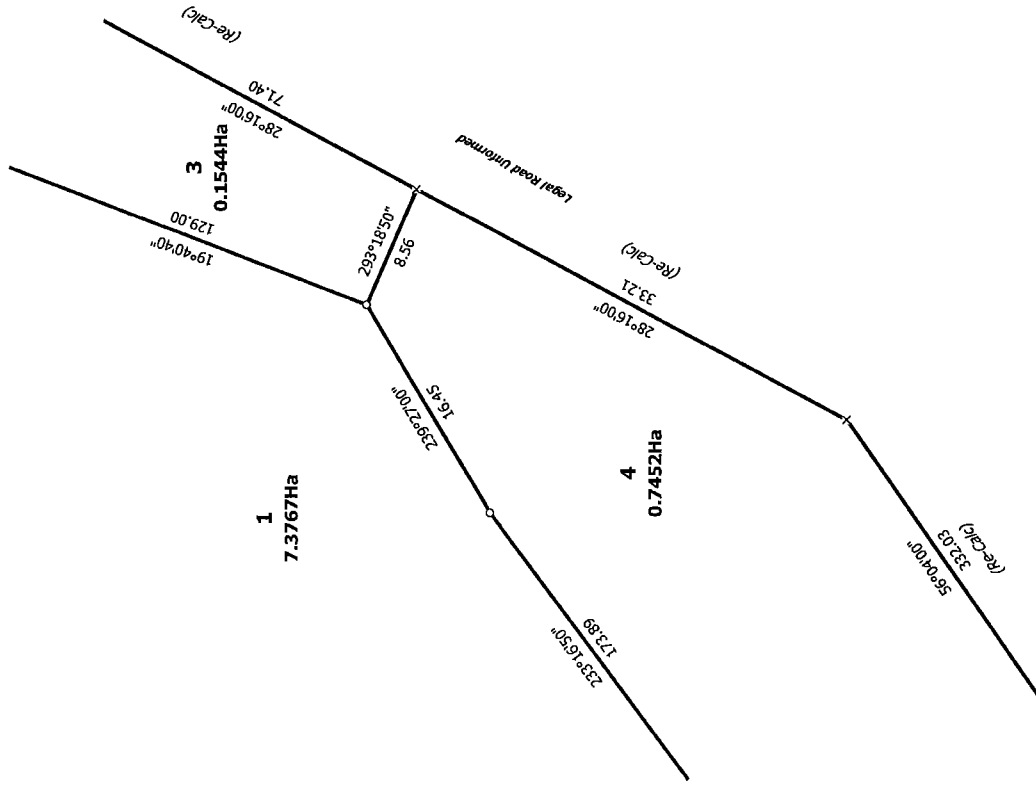
Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

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North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of
Kaeo Pt 1 of 2 DP 63620 and Redefinition of 1 of 1 DP 63620 Allotment 137

Land District: North Auckland
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T 11/16

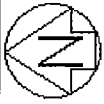
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Title Plan
LT 567355

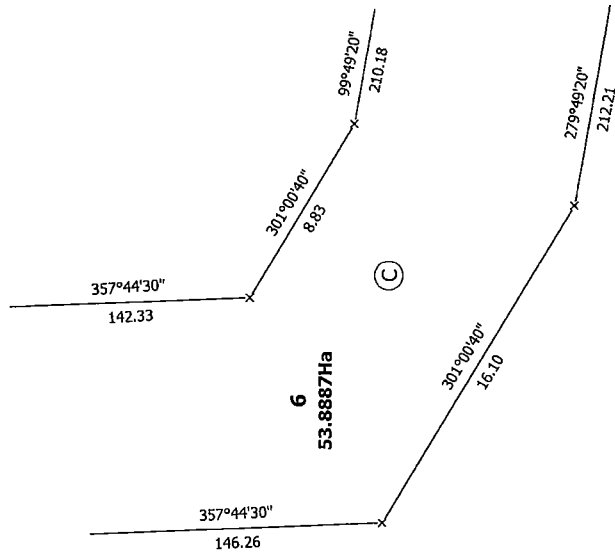
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Firm: Thomson Survey Limited

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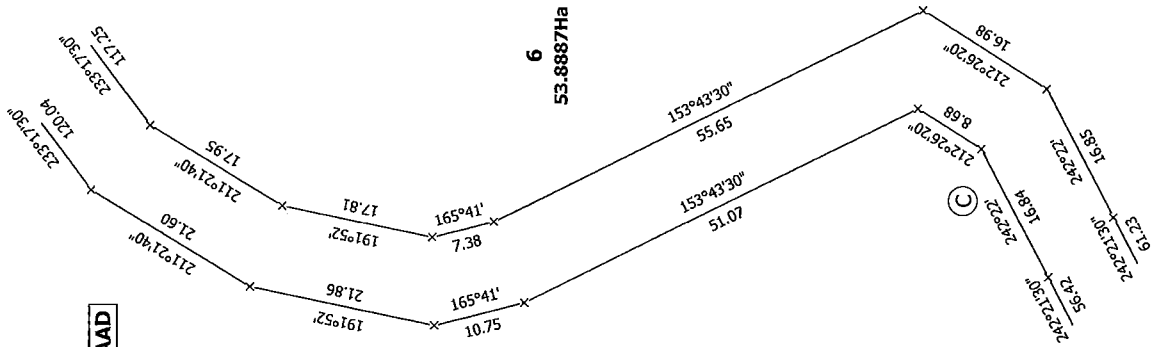
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Surveyor's Ref. 8848

Title Plan
LT 567355

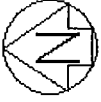
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Firm: Thomson Survey Limited

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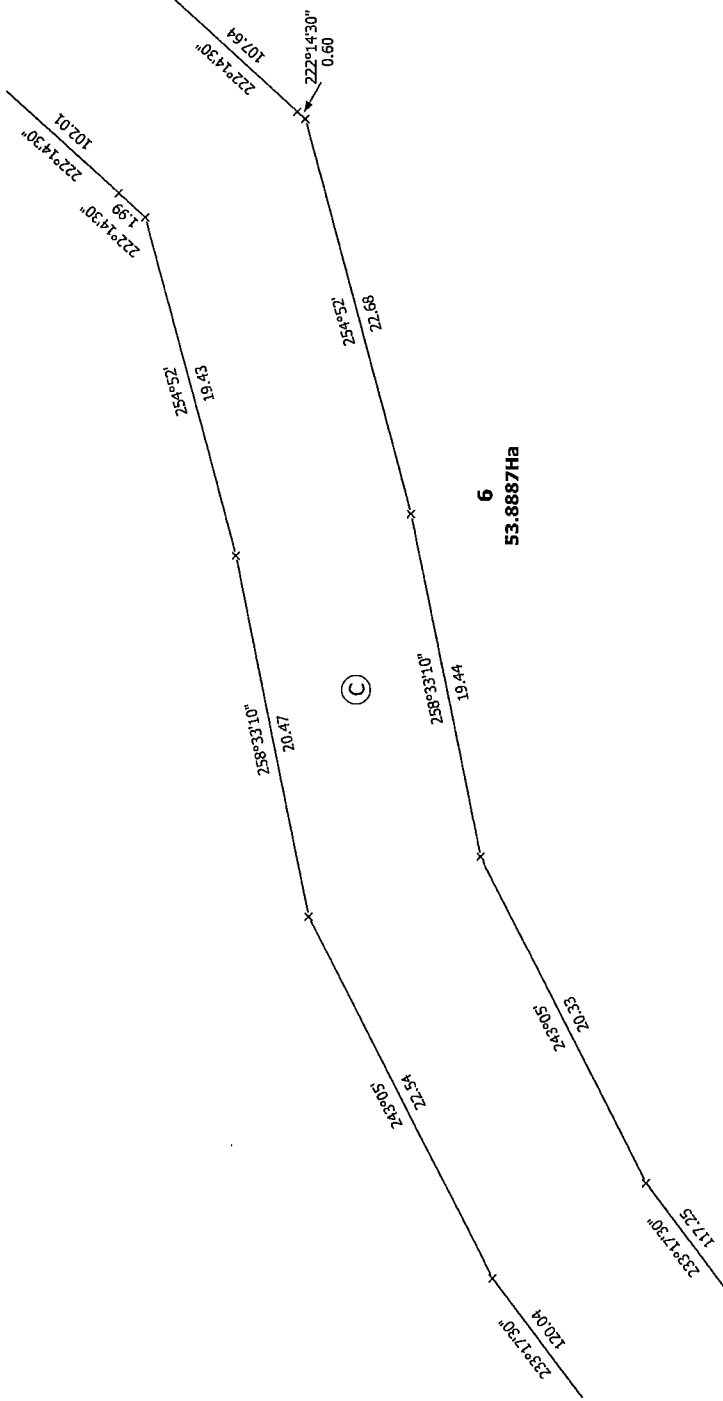
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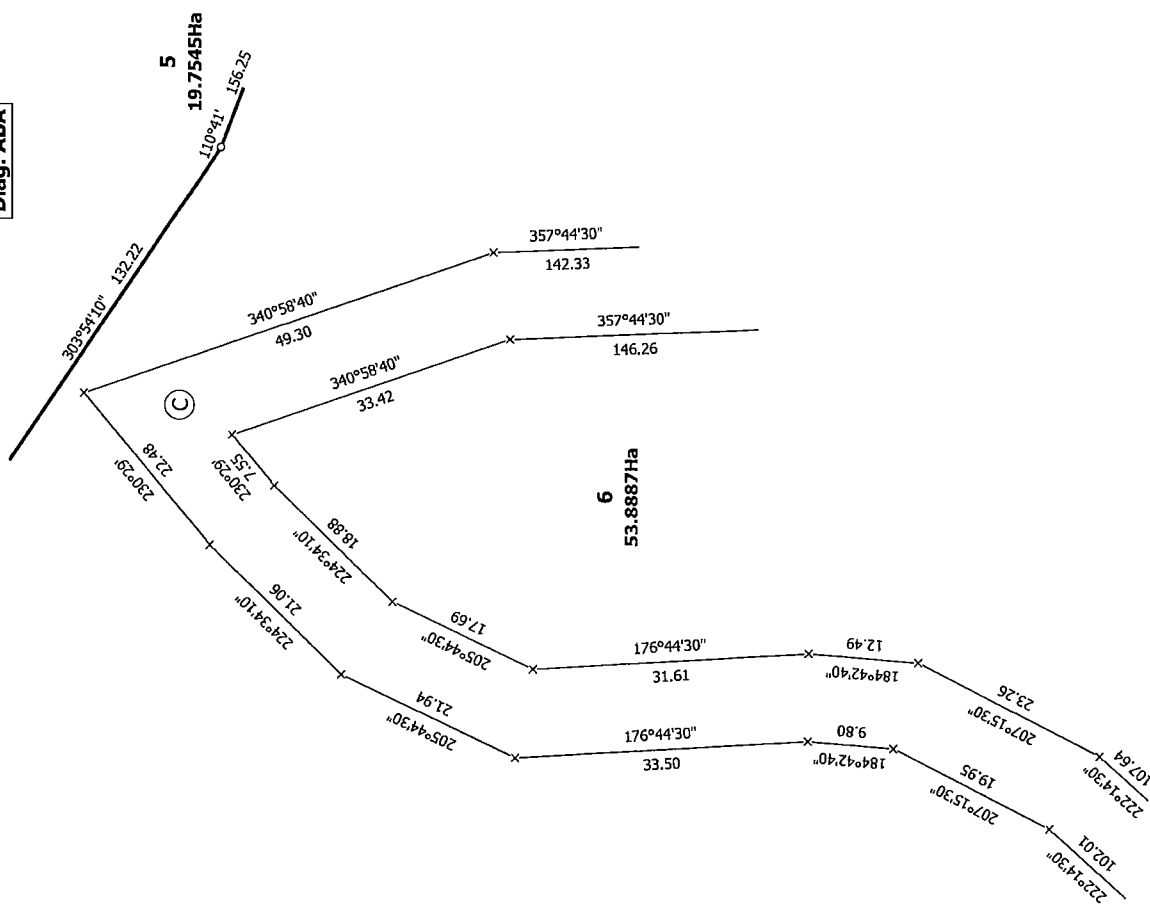
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Surveyor: Denis McGregor Thomson
 Firm: Thomson Survey Limited

Title Plan
 LT 567355



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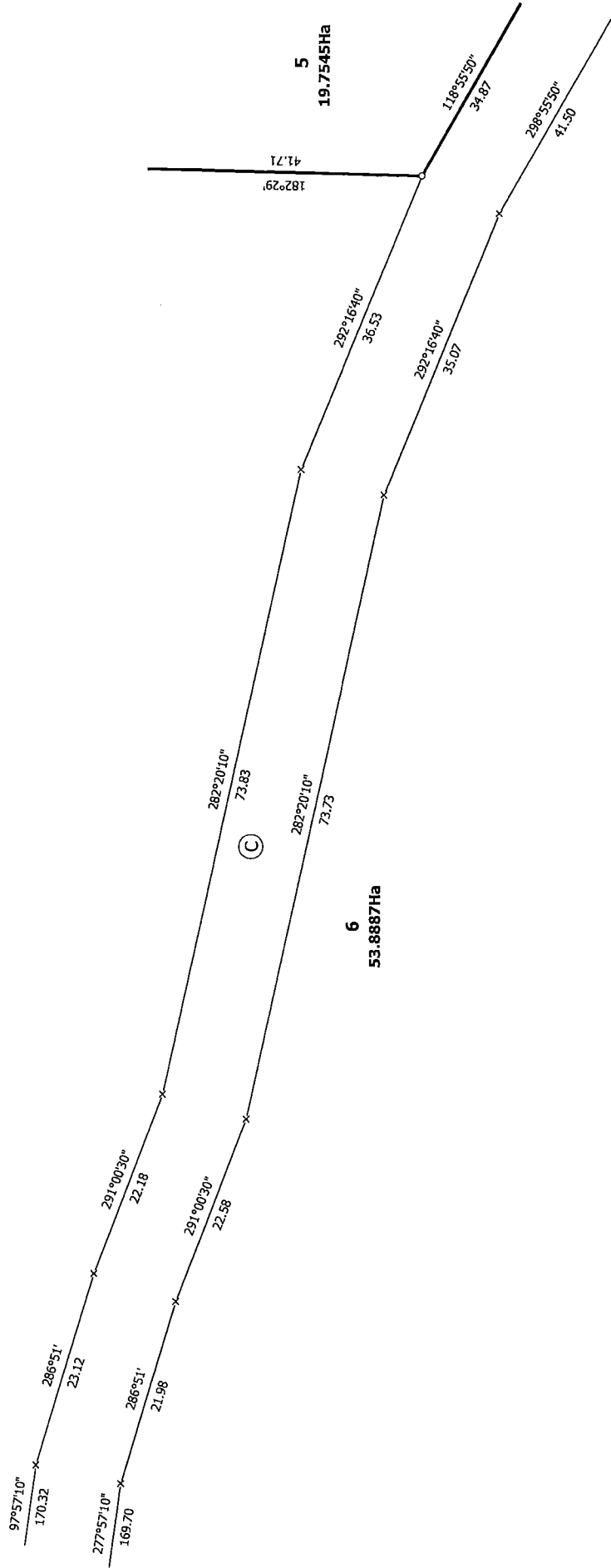
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<p>Land District: North Auckland Digitally Generated Plan Generated on: 14/06/2024 3:13pm Page 16 of 18</p>	



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Land District: North Auckland
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Lots 1 - 8 Being a Subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo Pt 1 of 2 DP 63620 and Redefinition of 1 of 1 DP 63620 Allotment 137

Surveyor: Denis McGregor Thomson
 Firm: Thomson Survey Limited

Title Plan
 LT 567355



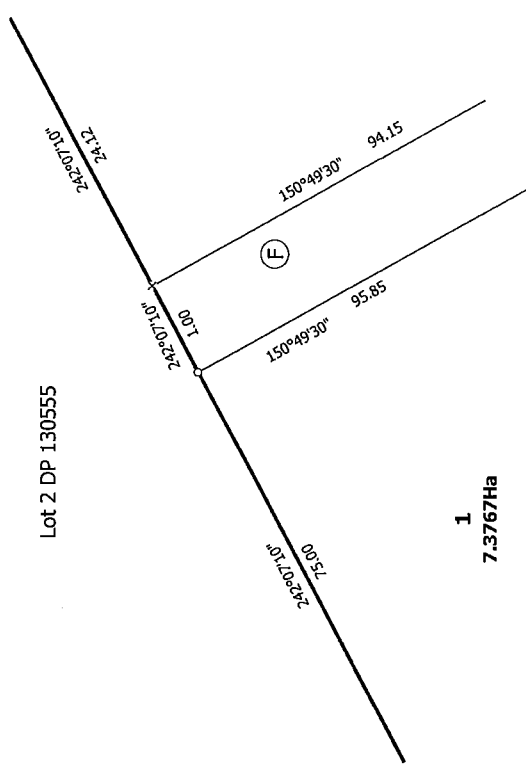
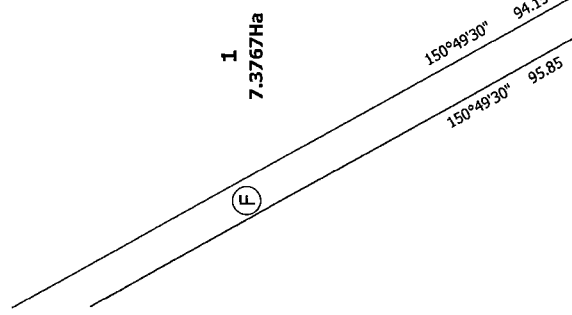
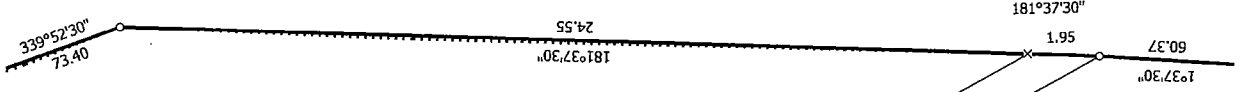
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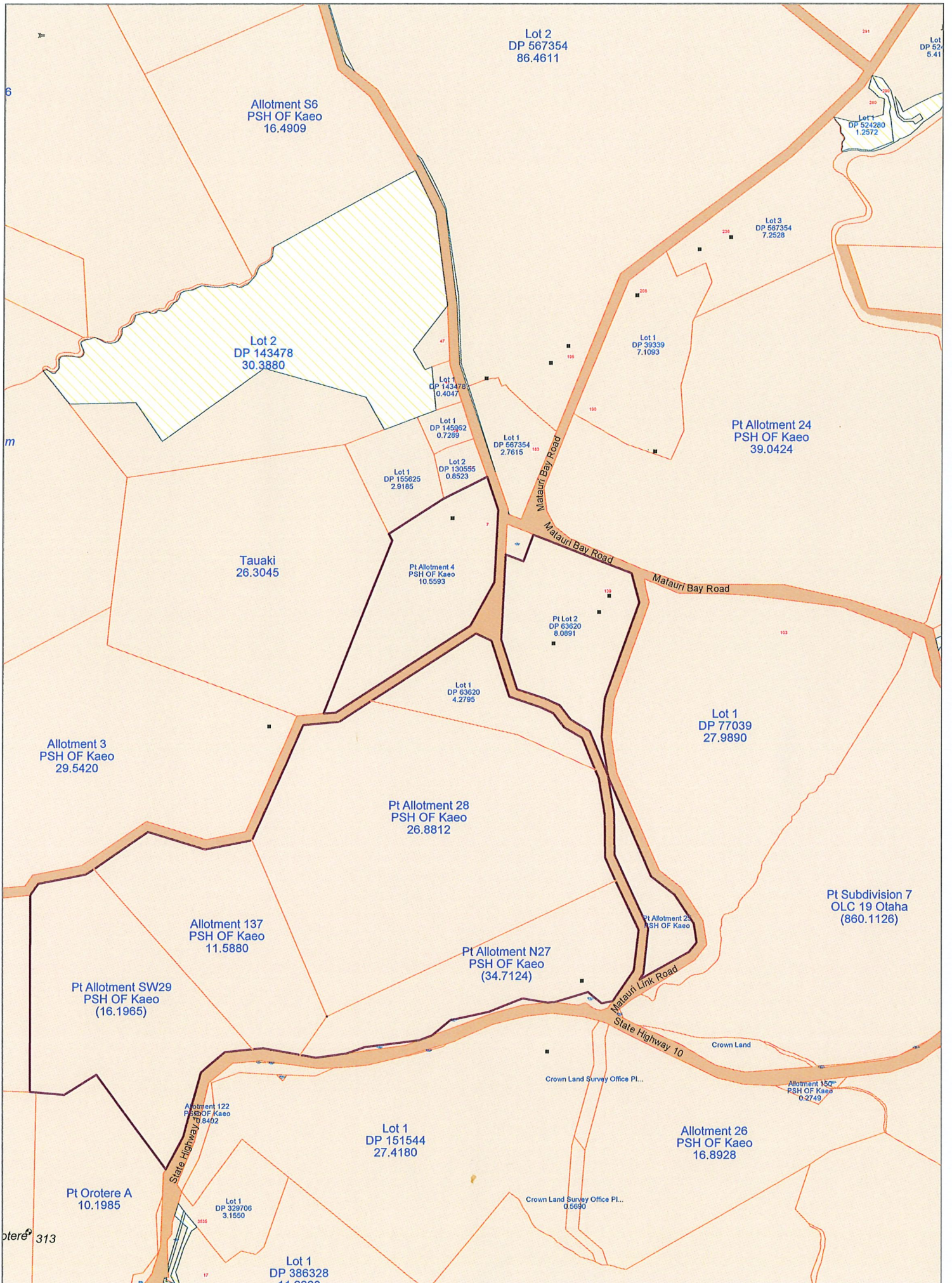
Surveyor's Ref: 8848

Title Plan LT 567355	Surveyor: Denis McGregor Thomson Firm: Thomson Survey Limited	Lots 1 - 8 Being a Subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo Pt 1 of 2 DP 63620 and Redefinition of 1 of 1 DP 63620 Allotment 137	Land District: North Auckland Digitally Generated Plan Generated on: 14/06/2024 3:13pm Page 18 of 18
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Appendix 2

Location Plan



Appendix 3

Records of Title & Relevant Instruments



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




R. W. Muir
Registrar-General
of Land

Identifier NA35D/848
Land Registration District North Auckland
Date Issued 10 June 1976

Prior References

NA595/278

Estate	Fee Simple
Area	4.2795 hectares more or less
Legal Description	Lot 1 Deposited Plan 63620

Registered Owners

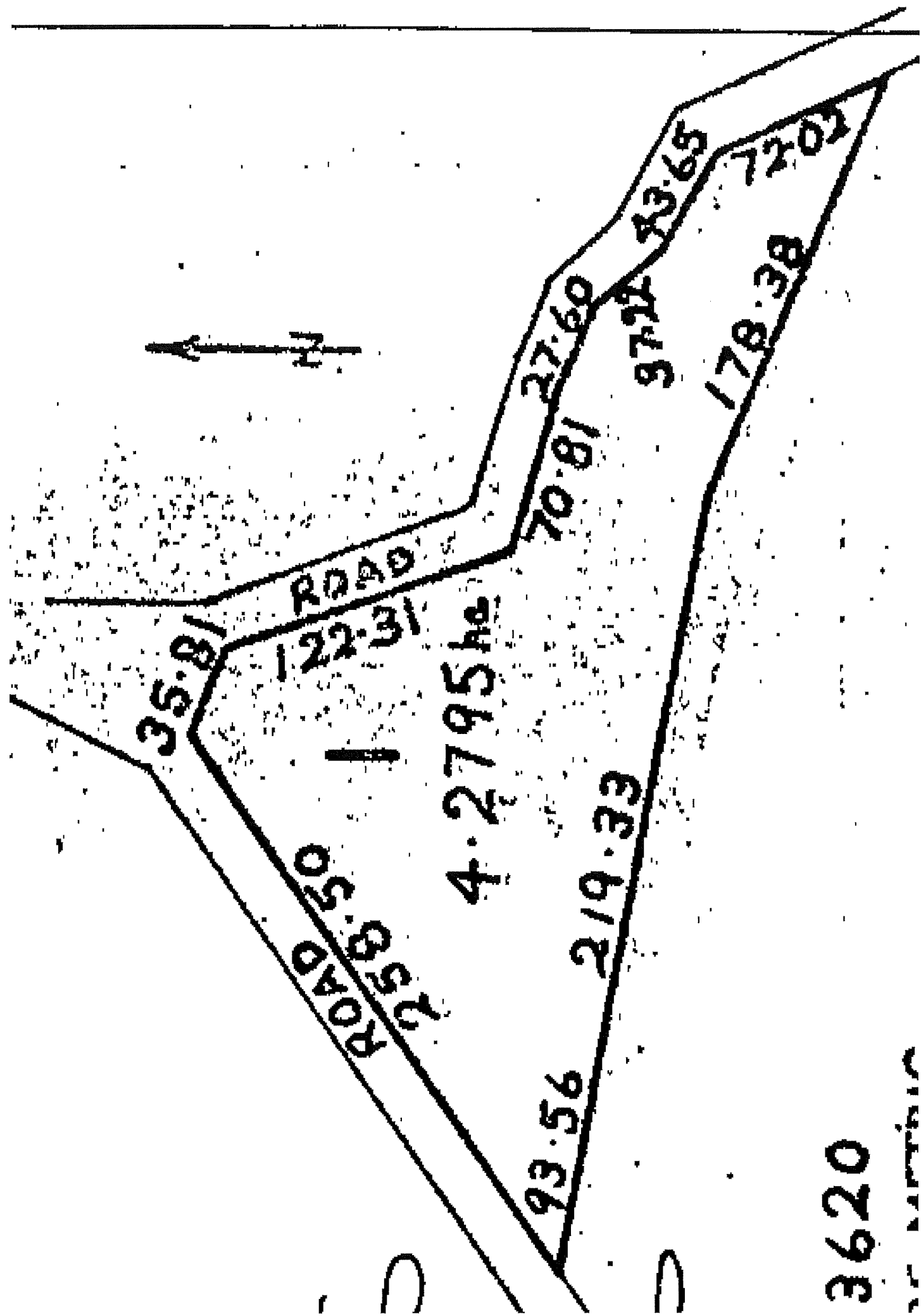
Steven Trevor Williams, Roger Frederick Williams and Hayley Ann Heyes

Interests

Appurtenant hereto are rights to convey water and transmit electricity created by Transfer C641745.2 - 17.8.1994 at 11.10 am

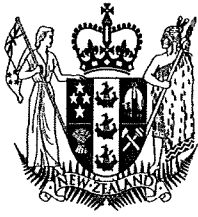
D611177.4 Mortgage to Bank of New Zealand - 8.6.2001 at 9.00 am

11447616.3 Variation of Mortgage D611177.4 - 21.12.2020 at 3:39 pm



3620

W. H. HARRIS



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




R. W. Muir
Registrar-General
of Land

Identifier NA35D/849
Land Registration District North Auckland
Date Issued 10 June 1976

Part-Cancelled

Prior References

NA595/278

Estate Fee Simple
Area 8.3883 hectares more or less
Legal Description Lot 2 Deposited Plan 63620

Registered Owners

Steven Trevor Williams, Roger Frederick Williams and Hayley Ann Heyes

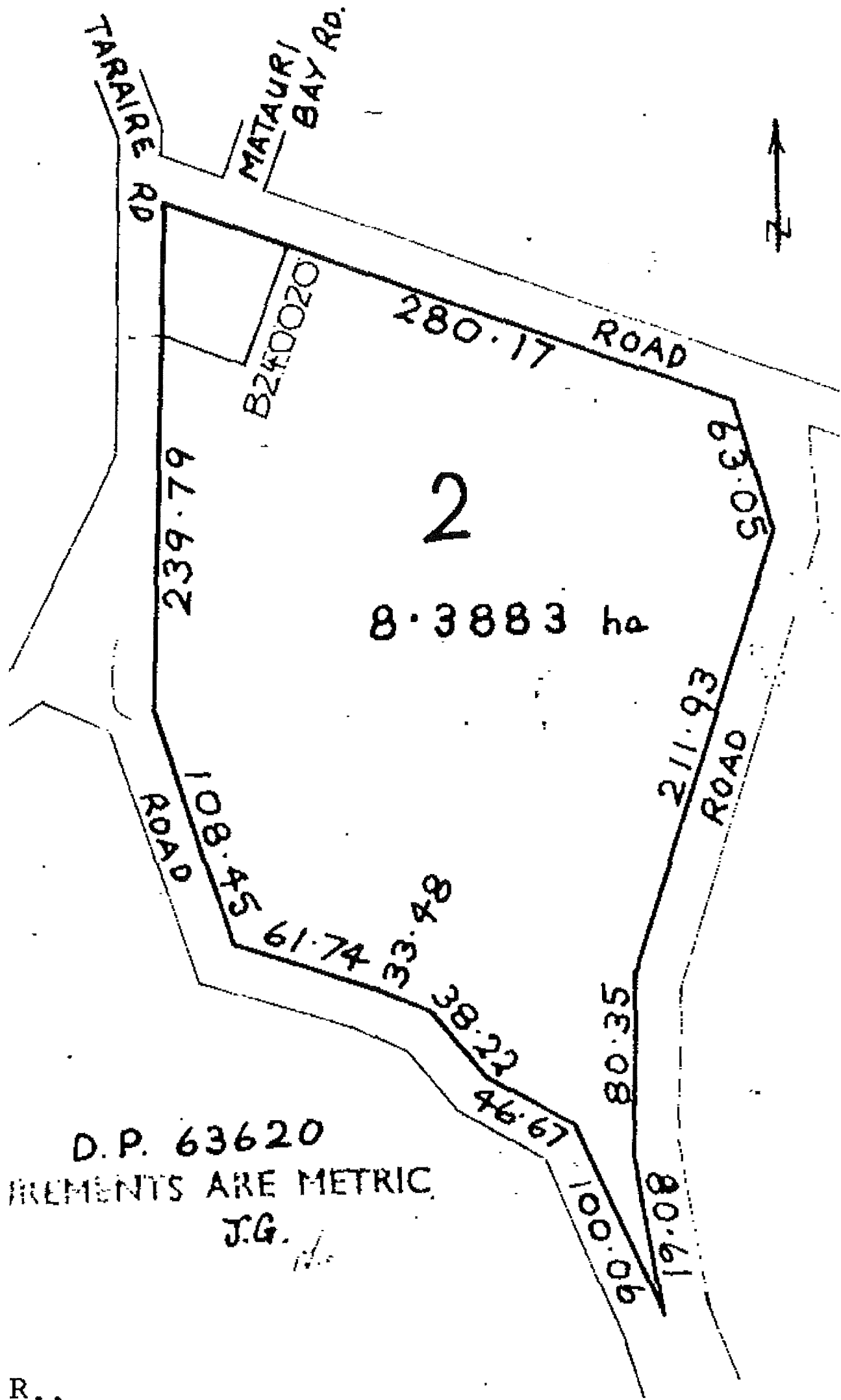
Interests

B240020.1 Gazette Notice (N.Z. Gazette 10.11.1983 Page 3935) declaring part (2992m²) acquired for Electric Works and vesting the same in the Bay of Islands Electric Power Board on 10.11.1983 - 24.11.1983 at 2.01 pm

Appurtenant hereto is a right to convey water and transmit electricity created by Transfer C641745.2 - 17.8.1994 at 11.10 am

D611177.4 Mortgage to Bank of New Zealand - 8.6.2001 at 9.00 am

11447616.3 Variation of Mortgage D611177.4 - 21.12.2020 at 3:39 pm



2

8.3883 ha

D.P. 63620

MEASUREMENTS ARE METRIC.

J.G.

R..



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier NA97B/21
Land Registration District North Auckland
Date Issued 13 May 1994

Prior References

NA86D/940

Estate	Fee Simple
Area	71.3560 hectares more or less
Legal Description	Allotment 137, Part Allotment 4, Part Allotment 25 and Part Allotment 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo and Part South West Allotment 29 Parish of Kaeo

Registered Owners

Steven Trevor Williams, Roger Frederick Williams and Hayley Ann Heyes

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 168A Coal Mines Act 1925

The within land excepting Allotment 137 Parish of Kaeo is "Limited as to Parcels"

Subject to an electricity and telephone right over part marked A on Plan 130555 created by Transfer C092052.4

Appurtenant hereto are rights to convey water and transmit electricity created by Transfer C641745.2 - 17.8.1994 at 11.10 am

D611177.4 Mortgage to Bank of New Zealand - 8.6.2001 at 9.00 am

11447616.3 Variation of Mortgage D611177.4 - 21.12.2020 at 3:39 pm

Appendix 4

RC 2180035-RMACOM



Far North
District Council

Private Bag 752, Manurewa
Postal Code 0440, New Zealand
Telephone: 0800 926 029
Phone: (09) 401 5700
Fax: (09) 401 2137
Email: en@fnk.govt.nz
Website: www.fnk.govt.nz

2180035-RMACOM
For: 139 Matauri Bay Road, Kaeo 0478

Te Kaitiaki o Te Tokerau ki Te Raki

1 September 2017

Steven Trevor Williams
2742 State Highway 10
RD 2
Kerikeri 0295

Dear Steven:

Re: RESOURCE CONSENT APPLICATION BY Steven Trevor Williams

I am pleased to inform you that an amended consent has been issued pursuant to Section 133(A) of the Resource Management Act 1991.

Specify Amendments Made

Condition 3(a) has been amended to provide an either or option where the vehicle crossing can either be closed off and access to the site will be via the cow shed entrance or alternatively it can be upgraded to Councils standards.

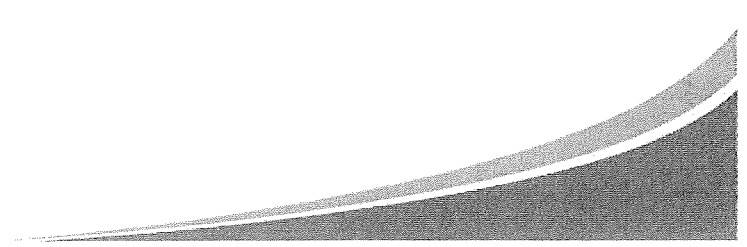
Consent Notice Condition 3(c)(vi) has been updated to remove reference to Lots 2, 5 and Pt Allotment 25 Psh of Kaeo.

Specify Reasons for Amendments

The applicants would like flexibility to either close off the existing entrance to the house and just use the cow shed entrance or upgrade. Councils Resource Consents Engineer is satisfied with both options.

The consent notice refers to the gun club activity occurring on Lot 1. As this only extends for 250m from the shooting points Lots 2, 5 and Pt Allotment 25 Psh of Kaeo (while amalgamated with affected sites) are beyond 250m from this area and as such are not required to be covered. The investigation of contaminants on Lot 2 is covered by Advice note 3.

If you have any further queries regarding this matter, please contact the person who signed this letter through our Call Centre on 0800 920 029.





Far North
District Council

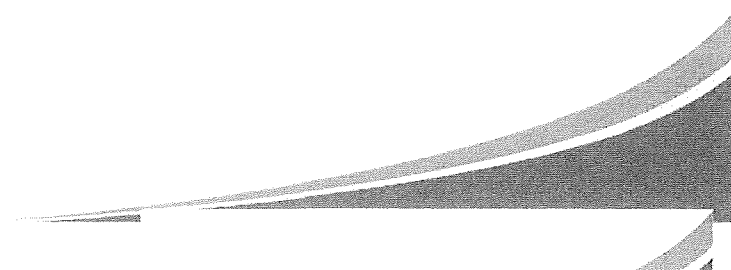
Private Bag 757, Memorial Ave
Kaitiaki 0440, New Zealand
Facsimile: 0600 970 029
Phone: (09) 401 5700
Fax: (09) 401 2132
Email: info@fndc.govt.nz
Website: www.fndc.govt.nz

Yours faithfully

Te Kaunihera o Tai Tokerau Ki Te Raki

A handwritten signature in black ink, appearing to read 'R Braithwaite', with a long horizontal line extending to the right.

Rochelle Braithwaite
Intermediate Resource Planner
District Services





FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2180035-RMACOM

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

Steven Trevor Williams

Activity A – Subdivision

To undertake a subdivision and boundary adjustments in the Rural Production zone to create two additional lots where part of the site is located within an Outstanding Landscape (Orotere Feature).

Activity B – Landuse

As a result of the subdivision creating a site for the purposes of telecommunications the existing cell phone tower will breach the permitted standards for Sunlight, Setback from Boundaries and Stormwater Management.

Subject Site Details

Address:	139 Matauri Bay Road, Kaeo
Legal Description:	Lots 1 Pt 2 DP 63620 Lots 1-2 DP 151544 Allots 137 Pt 4 25 N27 28 S29 Kaeo Psh
Certificate of Title reference:	NA-35D/848, NA-35D/849, NA-90B/379, NA-97B/21

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

Decision A – Subdivision:

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Allot 137, Pt Allot 4, Pt Allot 25, Part Allot 28, Pt Allot N27 A, Pt Allot SW29, PSH of Kaeo and Lots 1 & 2 DP 63620, revise dated 26/04/2017, 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 within the memorandum to be duly granted or reserved.
- (b) Areas H & I as subject to a no building or development covenant.
- (c) The endorsement of the following conditional amalgamations, pursuant to Section 220(1)(b)(ii) and (iii) of the Resource Management Act 1991;
 - i- That Lot 2 hereon and Lot 3 hereon be held in the same computer register.
 - ii- That Lot 4 hereon, Lot 5 hereon, Lot 1 DP 63620 and Pt Allotment 25 Psh of Kaeo be held in the same computer register.
 - iii- That Lot 6 hereon, Lot 7 hereon and Allotment 137 Psh of Kaeo be held in the same computer register.

See request number 1470932.

3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) Upgrade the existing vehicle crossing to the house on Lot 2, accessed off Matauri Bay Road, to provide a crossing which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.
- Or
- Permanently close the existing vehicle crossing to the dwelling on Lot 2, accessed off Matauri Bay Road.
- (b) Upgrade the existing vehicle crossing to Lots 1 & 6 to provide crossings which comply with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.
- Note: The crossing to Lot 6 will require a concrete culvert pipe to be installed in the roadside watertable drain.*
- (c) Secure the condition 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) Prior to constructing a vehicle access point, the lot owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of

such access in terms of the Council's control of Vehicle Crossings Bylaw 2004.

[Lot 4, 5, Lot 1 DP 63620 & Pt Allot 25 PSH of Kaeo]

- (ii) Reticulated power supply or telecommunication 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.

[Lot 1; Lot 4, 5, Lot 1 DP 63620 & Pt Allot 25 PSH of Kaeo]

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

**[Lot 1; Lot 4, 5, Lot 1 DP 63620 & Pt Allot 25 PSH of Kaeo;
Lot 6, 7 & Allot 137 PSH of Kaeo]**

- (iv) In the event that Lot 8 ceases to be used for utility purposes the site shall be amalgamated with a contiguous site unless the prior approval of Council has been obtained by way of resource consent.

[Lot 8]

- (v) Areas H & I shall not be subject to any building or development without the prior approval of Council by way of resource consent.

[Lot 6, 7 & Allot 137 PSH of Kaeo]

- (vi) Part of this site is confirmed as a verified Hazardous Activity and Industry List (HAIL) Site by the Northland Regional Council due to the Clay Target shooting which has occurred on Lot 1 & 4 DP Any development within the 'piece of land' as defined by the *Resource Management Act (National Environmental Standard for Assessing and Managing Contaminants on Site to Protect Human Health) Regulations 2011* on site will need to address the above mentioned Regulation.

[Lot 1; Lot 3; Lot 4 & Lot 1 DP 63620]

Decision B – Landuse:

No conditions.

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. The consent holder is advised that the site is within an area identified by the Department of Conservation as a kiwi present area. Therefore, mustelids should not be introduced or kept on site and it is recommended that care should be taken with the keeping of cats and dogs, as these animals may cause adverse effects on the kiwi population that may inhabit the area. For more information on these areas please contact the Department of Conservation.
3. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

As part of this consent, the application included a report, on part of Lot 2. The report was not used in the processing of this application however provided information on HAIL activities which had previously occurred on the site. The report is entitled Preliminary Site Investigation Report of 139 Matauri Bay Road, Kaeo, prepared by Catherine Johnson, signed by Edward Collings and John Papesch, and dated 10/11/2016. The report can be found within the Resource Consent application file.
4. The consent holder is advised that the site contains some Protected Natural Areas. These are identified as PNA P04/048, P04/049 and P04/050.
5. The application is overall a Discretionary Activity due to the landuse component associated with the Vodafone tower. If this portion of the consent was removed the overall activity status would remain as a Restricted Discretionary Activity and the applicant would have additional residual rights to subdivide. The Vodafone tower is a matter of public good and any subsequent application for subdivision should take this into account.

Reasons for the Decision

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

2. The proposed activity is considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including objectives and policies from the Operative Far North District Plan:

The subdivision will not have an adverse impact on the natural and physical resources of the rural environment and will continue to enable rural production activities to be undertaken on site. The life supporting capacity of air, water, soils and ecosystems will not be adversely impacted. The PNA (Protected Natural Areas) on site will not be formally protected. These areas are relatively small, and are largely located on neighbouring properties. Advice notes have been included identifying that these are on site. An advice note, advising that Kiwi are present on site has also been placed on the decision. The Outstanding Landscape Feature will be formally protected by land covenants. All sites are of a size that they could easily cater for all Infrastructure needs. The applicants have consulted with the local Tangata Whenua regarding their development which is adjacent to a Site of Cultural Significance to Maori. No formal reply was received by Council from the local iwi expressing their views and any concerns. Vehicle crossings will be upgrade to meet Councils standards. The activity is considered to be generally consistent with the Objectives and Policies in the Operative Far North District Plan.

Relevant National planning provisions include:

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

The proposal is a permitted activity in regards to this NES. Any future development on Lots 1, 2, 4 and Lot 1 DP 63620 will need to address the regulation.

Relevant Regional planning provisions include:

- (b) The Northland Regional Policy Statement;

The proposal is considered to be generally consistent with the objectives and policies within this policy statement.

3. Other matters considered relevant in making this decision
Nil
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 achieves the purpose of the Act.
5. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

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



Pat Killalea, Principal Planner



Date

Right of Objection

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

Lapsing Of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

Appendix 5

s223 TA Approval



TA Approvals

Territorial Authority	Far North District Council TA Certification Division	TA Reference	RC 2180035-RMACOM
Survey Number	LT 567355	Survey Purpose	LT Subdivision
Surveyor Reference	8848 Steve Williams	Land District	North Auckland
Surveyor	Denis McGregor Thomson		
Surveyor Firm	Thomson Survey Limited		
Dataset Description	Lots 1 - 8 Being a Subdivision of Pt Allotments 4 & 28 Parish of Kaeo, Part North Allotment 27 Parish of Kaeo, Part South West Allotment 29 Parish of Kaeo, Pt Lot 2 DP 63620, and Redefinition of Lot 1 DP 63620, Allotment 137 Parish of Kaeo & Pt Allotment 25 Parish of Kaeo		

TA Certificates

I hereby certify that plan LT 567355 was approved by the Far North District pursuant to section 223 of the Resource Management Act 1991 on the 22nd day of November 2021

The approval of the Council under Section 223 of the Resource Management Act 1991 is subject to the granting or reserving of the easement(s) set out in the Memorandum of Easements attached as a supporting document to plan LT 567355

The approval of the Council under Section 223 of the Resource Management Act 1991 is subject to the amalgamation condition(s) set out hereon

That Lots 2 & 3 DP 567355 be held in the same Record of Title. See 1470932

That Lots 4 & 5 DP 567355, Lot 1 DP 63620 and Pt Allotment Parrish of Kaeo be held in the same Record of Title. See 1470932

That Lots 6 & 7 DP 567355 and Allotment 137 Parrish of Kaeo be held in the same Record of Title. See 1470932

Signature

Signed by Patrick John Killalea, Authorised Officer, on 22/11/2021 05:14 PM

Receipt Information

Transaction Receipt Number	14856545
Signing Certificate (Distinguished Name)	Killalea, Patrick John
Signing Certificate (Serial Number)	1603484830
Signature Date	22/11/2021

*** End of Report ***