

Office Use Only

Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

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

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

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

1. Pre-Lodgement Meeting

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

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

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

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

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

Yes / No

4. Applicant Details:

Name/s: Motutara Beach Holdings Limited, Mark David Jack, Celia Anne Jack, Raynor John Asher,

Christine Harvene Asher, Robert Manwarring Noakes, Christopher Manwarring Noakes

Electronic Address for Service (E-mail): robnoakes14@gmail.com

Phone Numbers: Work: 021 440 440 Home: _____

Postal Address: 96C Upland Road

(or alternative method of service under section 352 of the Act) Remuera

Auckland Post Code: 1050

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

Name/s: Northland Planning and Development

Electronic Address for Service (E-mail): info@northplanner.co.nz

Phone Numbers: Work: 09 929 6866 Home: _____

Postal Address: PO Box 526

(or alternative method of service under section 352 of the Act) Kaitia

Post Code: 0441

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

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

Name/s: As per 4 above

Property Address/
Location: 44 & 48 Motutara Drive
Rangiputa

7. Application Site Details:

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

Site Address/
Location: As above

Legal Description: Lot 3 DP 424279 & Lot 23 DP 202908 Val Number: 00081-06200 & 00081-06293

Certificate of Title: RTs 494378 & NA131A/242

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

Site Visit Requirements:

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

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

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

Contact Murray Stanicich 027 476 4843 (stanicich@xtra.co.nz) before visiting.

8. Description of the Proposal:

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

Non-complying boundary adjustment subdivision.

Cancellation of Consent Notice

Revocation of easement

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

9. Would you like to request Public Notification

Yes/No

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

☐ Building Consent (BC ref # if known)

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

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

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

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)

☐ yes ☒ no ☐ don't know

Is the proposed activity an activity covered by the NES? (if the activity is any of the activities listed below, then you need to tick the 'yes' circle).

☒ yes ☐ no ☐ don't know

☒ Subdividing land

☐ Changing the use of a piece of land

☐ Disturbing, removing or sampling soil

☐ Removing or replacing a fuel storage system

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

Name/s: (please write all names in full)

Robert Manwarring Noakes

Email:

robnoakes14@gmail.com

Postal Address:

96c Upland Rd, Remuera

Auckland

Post Code 1050

Phone Numbers:

Work: 021 440 440

Home: _____

Fax: _____

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.

X Name: Robert M. Noakes (please print)

X Signature: [Signature] (signature of bill payer - mandatory) X Date: 19-10-19

14. Important Information:

Note to applicant

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

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

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

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

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

Name: Brett King (please print)

Signature: _____ (signature)

Date: 16 October 2019

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

Checklist (please tick if information is provided)

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

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

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Subdivision Resource Consent Proposal

Motutara Beach Holdings Limited,

44 & 48 Motutara Drive, Rangiputa.

Date 16/09/2019

Please find attached:

- an application form for a Subdivision Resource Consent by way of boundary adjustment with no additional titles being created. The site is located within the General Coastal & Coastal Residential Zones; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The application has been assessed as a Non-Complying Activity under the Far North Operative District Plan.

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| 5. | Report on the Assessment of the Environmental Effects of the proposal; | Pages |
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| 6. | Records of Title plus various documents/encumbrances | Documents attached |
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| | Supporting correspondence Visual Impact Assessment – Hawthorne Landscape Architects | |



Form 9

APPLICATION FOR RESOURCE CONSENT

Pursuant to Section 88, Resource Management Act 1991

TO: Far North District Council

1. Motutara Beach Holdings Limited apply for a Subdivision Resource Consent.

2. The location of the proposed activity is as follows:

Address: 44 & 48 Motutara Drive, Rangiputa

Legal description: Lot 3 DP 424279 & Lot 23 DP 2020908

3. No additional resource consents are needed for the proposed activity.

4. For the purposes of this application, please see attached:

- in accordance with the Fourth Schedule of the Resource Management Act 1991, an Assessment of Environmental Effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment;
 - any information required to be included in this application by the District Plan, the Regional plan, the Resource Management Act 1991, or any regulations made under that Act (if any), required to be included in the application by the District or Regional plan(s), or regulations;
 - information required by Sections 6-7 of Schedule 4, Sections 6 and 7 (relating to information and matters to be addressed in an assessment of environmental effects report) as detailed in this planning report; and
 - Information that is sufficient to adequately define 2 (1):
 - a. a description of the activity;
 - b. a description of the site at which the activity is to occur;
 - c. the full name and address of each owner or occupier of the site;
 - d. a description of any other activities that are part of the proposal to which the application relates;
 - e. a description of any other resource consents required for the proposal to which the application relates;
 - f. an assessment of the activity against the matters set out in Part 2;
 - g. an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
- (2) (2) The assessment under subclause (1)(g) must include an assessment of the activity against—
- (a) any relevant objectives, policies, or rules in a document; and
 - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
 - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

NORTHLAND PLANNING & DEVELOPMENT (2018) LIMITED

Report prepared by:



Sheryl Hansford
Director/Consultant Planner
Assoc.NZPI

Reviewed & Approved for Release by:



Felicity Foy
Director/Consultant Planner
MNZPI BRM PGDipPlan

Assessment of Environment Effects Report:

1.0 Description of the Proposed Activity:

1.1 Subdivision

The proposal is to undertake a subdivision by way of boundary adjustment between Lot 3 DP 424279 and Lot 23 DP 202908. No additional titles will be created as a result of this proposal.

Lot 23 DP 202908 [44 Motutara Drive] will be adjusted so that part of this lot is amalgamated with the adjoining lot (Lot 22 DP 202908) and the remainder incorporated into proposed Lot 1 of 3000m² and proposed Lot 3 of 9.3240 hectares. New rights of way easements will be created from Motutara Drive through proposed Lot 3 (A, D, F & G).

Proposed Lot 3 is the balance lot of 9.3240 hectares which is slightly decreased from 9.5840 hectares. This lot is zoned as General Coastal.

An amalgamation condition has been included to show that Lot 2 is to be transferred to the owner of Lot 22 DP 202908 (RT NA131A/241) and one Computer Freehold Register is to be issued.

A request to Land Information NZ will need to be sent in regard to the above.

1.2 Easements & Cancellation of consent notice

Easement A on DP 424279 (shown as E, B & F on the scheme plan) contained in Doc 10065571.3 attached is to be revoked pursuant to section 243(e) of the RMA. These easements will not be shown on the final title plan dataset. New easements A, D, F & G will be the replacement easements – see proposed Memorandum on scheme plan.

We propose that Consent Notice 10065571.2, currently registered on the title of Lot 3 DP 424279, be cancelled under s221(3) and a new Consent Notice be prepared for proposed Lots 1 & 3 – see section 3.1 following.

Council resolutions are required for the above two matters.

Areas and measurements are subject to final survey.

2.0 The site and surrounding environment

2.1 The subject site is located at the end of Motutara Drive, Rangiputa. The property is elevated with distant views overlooking the Rangiputa Harbour. Motutara Drive is a sealed road that provides access to a residential style subdivision.

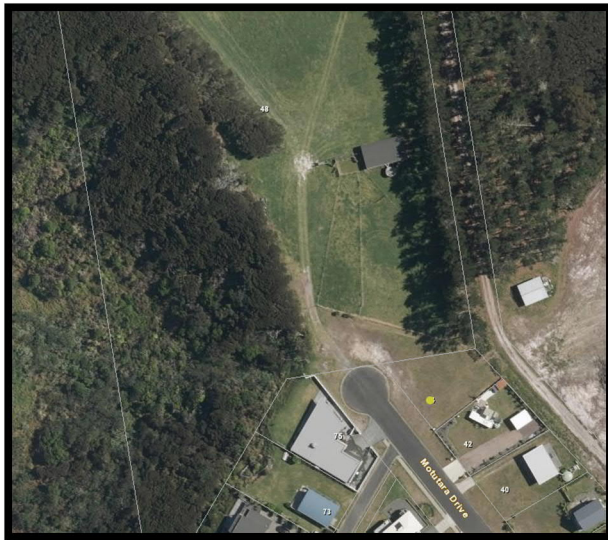
Lot 23 DP 202908 (44 Motutara Drive) is a small residential sized lot that is currently vacant and is zoned as Coastal Residential. This site is situated at the end of Motutara Drive amongst other lots of a similar size and consistent with an urban style subdivision that is developed



with residential dwellings used for a mix of holiday homes and permanent residences. These sites are all reticulated for wastewater and stormwater.

Lot 3 DP 424279 (48 Motutara Drive) is a large site of 9.5 hectares that extends along to Koura Point and currently contains a small dwelling and shed. This lot is mainly grassed with pockets of vegetation along the coastal embankment to the east of the existing fence line. This vegetation was protected by Consent Notice registered on the previous subdivision – see CN 10065571.2 & supporting plan attached. Areas shown Y, Z1 & Z2 on the subject scheme plan are part of this protection within proposed Lot 3. The northern portion of the site contains a private land covenant (Doc EI 10065571.4 attached). This site is zoned as General Coastal.

A photo of a portion of the subject site from Far North Maps is shown below:



3.0 Cancellation request under s221(3) and proposed new wording for a new consent notice

It is proposed to amend consent notice 10065571.2 as it relates to Lots 1 -3 DP 424279 to include the amendments shown below.

3.1 The Records of Title have been included as attachments.

RT NA131A/241 (Lot 22 DP 202098 – Leanne Marie Dixon), will be amalgamated with proposed Lot 2. An agreement for this arrangement is attached.

RT NA131A/242 (Lot 23 DP 202098) includes a private land covenant [D638236.9] registered on the title which has also been provided as an attachment. Arrangements are being made to partially cancel this private covenant or it will come down on proposed Lot 1's new title.

Note that the Directors of Motutara Beach Holdings Ltd (owners of Lot 3 DP 202908) and the owners of Lot 23 DP 202908 have given approval to this boundary adjustment – see attachment after the scheme plan.

RT 494378 includes a consent notice [10065571.2] which includes conditions in relation to Lots 1 – 3 DP 424279. We suggest this Consent Notice be cancelled for the subject subdivision and a newly worded Notice be imposed along the following lines based on



Hawthorn Landscape Architects Visual Impact Assessment attached to this application and current rules:

Lot 1 DP xxxxxx

- i. Buildings shall be contained within the specified building envelope identified on the scheme plan accompanying RCxxxxxx

Lots 3 DP xxxxxx

- ii. Buildings shall be contained within the specified building platforms identified on the approved plan – refer to RC2060099 & 2060099VAR.
- iii. Prior to the transfer or sale the consent holder shall provide evidence to council's Duly Delegated Officer that:
 - (a) A formed and concreted double width entrance to the proposed right of way 'A' has been constructed complying with FNDC Engineering Standard FNDC/S/02.
 - (b) The existing access on right of way easements 'A', 'D', 'F' & 'G' is upgraded to provide a 3m wide carriageway with passing bays complying with rules of the District Plan.

Lots 1 & 3 DP xxxxxx

- iv. Building materials for all structures located within the building envelope/platforms shall be recessive with the maximum reflectivity for facades and roofs being no greater than 30%.
- v. All buildings are to be single level structures with a maximum height of 6 metres;
- vi. Bush shown within existing covenants Y, Z1 & Z2 shall be retained and protected;
- vii. Submit a stormwater management plan prepared by a Chartered Professional Engineer or appropriately qualified person specifically addressing stormwater mitigation measures on the access way, and mitigation measures to minimize the effects of stormwater runoff around water tanks;
- viii. Install water storage tanks with an appropriate coupling to provide for domestic requirements and provide sufficient reserve storage capacity for fire-fighting;
- ix. Water storage tanks shall be screened to the satisfaction of the Manager, Resource Consents;
- x. Install sprinklers for the purposes of fire prevention in any habitable dwelling, or supply water tanks a safe distance from any habitable dwelling in accordance with the Fire & Emergency NZ code of practice;
- xi. Prior to the transfer or sale the consent holder shall provide evidence to council's Duly Delegated Officer that underground power and telecommunication services have been reticulated to the boundary of each lot.

Where applicable the above conditions will be discussed in further detail below.



- 4.0 Permitted activities that are part of the proposal
- 4.1 Clause 3(A) of Schedule 4 of the Resource Management Act requires that information about related permitted activities be provided in the resource consent application.

In this case there are no related permitted activities relevant to this proposal.

- 4.2 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCSC)

Following an assessment of the historical aerial photographs, there is no indication that the proposed site has been used for any activity as described within the Hazardous Activities or Industries List. It is considered the NESCSC is not applicable.

- 5.0 Reasons for the application:
- 5.1 An assessment of the proposal against the rules contained with Chapter 13 has been undertaken and the following reasons for consent are:

The proposal is to undertake a subdivision by way of boundary adjustment of Lot 3 DP 424279 & Lot 23 DP 202908. No additional titles will be created.

The proposal is essentially moving the location of Lot 23 and incorporating 200m² of this lot into the adjoining lot (Lot 22 DP 202908), so that a new right of way easement can be formed on the remaining land (of Lot 23).

Proposed Lot 1, as shown on the scheme plan is located where part of the old right of way easement was provided for and will be 3000m² in area.

Proposed Lot 3 is the balance lot of 9.3240 hectares which is slightly decreased from 9.5840 hectares. This lot is zoned as General Coastal.

An amalgamation condition has been included to show that Lot 2 is to be transferred to the owner of Lot 22 DP202908 (NA131A/241) and one Computer Freehold Register is to be issued.

The boundary adjustment also requires new easements which have been shown on the scheme plan. Easements E, B & F are to be revoked pursuant to section 243(e) of the RMA.

The proposal does not meet the provisions under 13.7.1 Boundary Adjustments as the location of the access will change as a result of this application.

The sites are located in both the Coastal Residential and General Coastal Zones. Proposed Lots 1 & 3 are located within the General Coastal zone and do not meet the minimum lot size provided for within this zone. Proposed Lot 2 is located within the Coastal Residential Zone and will be amalgamated with Lot 22 DP 202908. The total area of this site complies with the Discretionary provisions.



TABLE 13.7.2.1: MINIMUM LOT SIZES
 (viii) GENERAL COASTAL ZONE

| Controlled Activity | Restricted Discretionary Activity | Discretionary Activity |
|--|-----------------------------------|---|
| Subdivision is not a controlled activity in this zone. | The minimum lot size is 20ha. | A subdivision in terms of via a management plan as per Rule 13.9.2 may be approved. |

(x) COASTAL RESIDENTIAL ZONE

| Controlled Activity | Restricted Discretionary Activity | Discretionary Activity |
|--|-----------------------------------|--|
| The minimum lot sizes are 3,000m ² (unsewered) and 800m ² (sewered). | | The minimum lot sizes are 2,000m ² (unsewered) and 600m ² (sewered). |

It is requested that pursuant to section 241(3) of the Resource Management Act 1991 that Easements E, B, F, G & H are to be revoked.

A new easement has been shown on the scheme plan that will replace the above.

Overall status of the application

Overall, resource consent is required for a non-complying activity.

6.0 Environmental Effects Assessment

- 6.1 Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.

The proposal is considered to be Non-Complying Activity as per rule 13.11. The criteria within 13.10 of the District Plan is therefore to be used as a guide for assessment of the subdivision, in conjunction with the matters set out under Sections 104, 104B, 104D and 106 of the Resource Management Act 1991. An assessment that corresponds with the scale and significance of the effects on the environment is provided below:

13.10.1 ALLOTMENT SIZES AND DIMENSIONS

The lots associated with the boundary adjustment are zoned both General Coastal & Coastal Residential.

The boundary adjustment will result in a portion of Lot 23 DP 202908 being amalgamated with adjoining Lot 22 DP202908, which will increase the overall size of this allotment. The other lots in the vicinity of this site are all of similar size being 600m² – 800m² in area and have services such as wastewater and stormwater.



A new right of way easement is shown on the scheme plan through Lot 23 which will provide access to proposed Lot 3 and Lots 1 & 2 DP 424279.

Proposed Lot 1 will consist of the remainder of Lot 23 and a portion of Lot 3 DP 424279 which will result in a lot size of 3000m² within the General Coastal Zone.

Proposed Lot 3 already contains a dwelling and a separate shed and will be 9.3240 hectares in area. This lot is located within the General Coastal Zone where the lot sizes are consistent with the other lots along this embankment that are 13 & 7 hectares respectively.

The boundary adjustment does not create any additional titles and it is considered the adjusted boundaries of the allotments are within the size range already in existence in this vicinity.

Proposed Lot 1 has sufficient area and dimensions to provide a 30m x 30m buildable platform which does not encroach on the permitted boundary setbacks for the zone and is not located within an area subject to the bush covenants as specified in the consent notice registered on the title.

Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects and that the proposal does not result in degradation of the character of the surrounding rural environment.

13.10.2 NATURAL AND OTHER HAZARDS

The Northland Regional Council hazard maps show the site is not identified as containing areas within the 10 year flood extent or the 100 year flood extent. Nor is the site subject to Coastal Flooding or Coastal Erosion.

In terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) there is no evidence to indicate that any HAIL activities have previously been undertaken, or currently being undertaken on the site.

13.10.3 WATER SUPPLY

The site is not in an area that is serviced by a reticulated water supply.

An existing consent notice registered on the Title of Lot 3 DP 424279 covers the provision for water supply and requires water storage tanks to be installed to provide potable water supply with sufficient reserve storage capacity for fire-fighting

It is not considered necessary for an additional consent notice condition to apply.

13.10.4 STORMWATER DISPOSAL

Motutara Drive is reticulated for stormwater disposal and proposed Lot 1 & 3 are both considered to be of adequate size to provide for on-site stormwater disposal.

The Site Suitability Report from Obrien Consulting Limited covers stormwater management on the site. This report advises 'there is an existing 225mm dia FNDC stormwater pipe which terminates at the southwest corner of Lot 23. The pipe services the dwelling on the eastern side of Motutara Drive. As a result of this Boundary Adjustment Lot 23 will no longer exist. Proposed Lot 1 will take the place of existing Lot 23. It is proposed that the existing pipe be extended to



service proposed Lot 1. The permitted impermeable surfaces for existing Lot 23 as a 600m² site at 50% is 300m². Lot 1 as a 3000m² site in the General Coastal Zone would have a 10% allowance of 300m². Therefore, as the permitted impermeable surfaces for both lots is the same. The existing pipe is adequate to service proposed lot 1.'

In addition to the above, the existing consent notice registered on the Title of Lot 3 DP 424279 covers the provision for stormwater management. It is proposed that this condition remains for the new Consent Notice.

13.10.5 SANITARY SEWAGE DISPOSAL

It is considered that wastewater treatment and disposal can be achieved within the proposed allotments. Proposed Lot 3 already contains a dwelling with an existing wastewater system.

Motutara Drive is reticulated for sewage disposal. Far North Maps show there is a manhole located within Lot 23 DP 202908. Correspondence was sent to Council's Development Engineer who has advised that proposed Lot 1 should have its own on-site wastewater system as the site falls outside the area of benefit and the site is large enough to provide for this.

An Onsite Wastewater Site Suitability Report has been provided from O'Brien Design Consulting Ltd. This report advises that Lot 1 is suitable for the disposal of wastewater within the proposed new boundaries.

Lot 3 has an existing septic tank where the system and soakage field are well away from the proposed subdivision boundaries.

It is considered that sanitary sewage disposal is achievable within the proposed lots without creating potential adverse effects.



13.10.6 ENERGY SUPPLY

The provision for power supply is not a requirement for the General Coastal zone. The consent notice registered on the title of Lot 3 DP 424279 advises underground power and telecommunication services are to be reticulated to the boundary of each lot.

13.10.7 TRANSMISSION LINES

There are no transmission lines that are 50kv or above within close proximity to the site.

13.10.8 TELECOMMUNICATIONS

The provision for telecommunications is not a requirement for the General Coastal. The consent notice registered on the title of Lot 3 DP 424279 advises underground power and telecommunication services are to be reticulated to the boundary of each lot.

13.10.9 EASEMENTS FOR ANY PURPOSE

The scheme plan shows the schedule of Easements.

Easements E, B, & F are to be revoked pursuant to section 243(e) of the RMA which has been included as a resolution above.

13.10.10 PROVISION OF ACCESS

Motutara Drive is a formed legal road. Access to proposed Lot 1 is available from Motutara Road.

The consent notice registered on Lot 3 DP 424279 provides for the right of way to be constructed at a later date as per the conditions shown below.

- (a) Prior to the transfer or sale of Lots 1,2 or 3 or commencement of any building works on Lots 1 & 2 the consent holder shall provide evidence to council's Duly Delegated Officer that:
 - (c) A formed and concreted double width entrance to the proposed right of way 'A' has been constructed complying with FNDC Engineering Standard FNDC/S/02.
 - (d) The existing access on right of way easements 'A' & 'B' is upgraded to provide a 3m wide carriageway with passing bays complying with Rule 15.1.6.1.2 of the District Plan.

It is considered that the boundary adjustment is not deemed to be a transfer or sale for the purposes of completing the above conditions and it is requested that this arrangement remain in place as per the existing consent notice condition.

13.10.11 EFFECT OF EARTHWORKS AND UTILITIES

No earthworks or additional utilities are proposed as part of this subdivision application.

13.10.12 BUILDING LOCATIONS

Proposed Lot 1 can provide the required 30m x 30m building envelope. The Landscape and Visual Impact Assessment provided with this application advises a future dwelling within proposed Lot 1 has the ability to be visually absorbed into the landscape without generating any potential adverse visual effects. The dwelling will have a vegetated foreground of the existing bush along the western boundary which will screen any development from view from the coastal marine area.

13.10.13 PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

Proposed Lot 1 is adjacent to the residential sized lots and is currently grassed. The balance area, Lot 3 contains areas of grass and bush. This lot has an existing covenant that protects the bush on this site. Lot 3 also contains identified building envelopes which is covered in the existing consent notice registered on the title of this lot.



The Department of Conservation were provided a copy of this application and have advised their requirements are nil - see attached email correspondence.

An Archaeological Assessment was provided at the time Lots 1, 2 & 3 DP 424279 were developed where no archaeological sites were identified within Lot 3. Heritage NZ Pouhere Taonga advised at that time to apply an Accidental Discovery Protocol.

The sites are not identified as containing any archaeological sites and are not within an area where Kiwi are present.

13.10.14 SOIL

The soil type for the site is 6e14 & 4e10 all of which are not considered to be highly versatile by the Regional Policy Statement for Northland.

It is considered that this subdivision will not result in any adverse effects relating to the life supporting capacity of soil.

13.10.15 ACCESS TO WATERBODIES

The proposal is for a boundary adjustment with no new titles being created.

13.10.16 LAND USE INCOMPATIBILITY

In terms of land use incompatibility, it is considered the proposal will not erode the coastal or coastal residential character of the area as no additional lots are being created.

Proposed Lot 3 contains existing protection for the bush within this lot and is already developed with a dwelling. Proposed Lot 1 is located at the end of Motutara Drive which is a residential style subdivision consisting of residential sized lots. It is considered that Lot 1 is in keeping with the surrounding environment that consists of lots of a residential density.

It is considered that the boundary adjustment is consistent with the existing pattern and mix of lot sizes and land uses in the area. The proposal is considered to be consistent with the character and amenity of the locality.

13.10.17 PROXIMITY TO AIRPORTS

Not applicable as the sites are not located in close proximity to any airports.

13.10.18 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

The sites are located within the Coastal Environment however no additional titles are being created and it is considered the proposal does not alter the natural character of the coastal environment in any way.

A Visual Impact Assessment has been completed by Hawthorne Landscape Architects which addresses the potential visibility of the subject site and the future placement of a dwelling within proposed Lot 1.

It is noted that Lot 1 is located within a modified part of the coastal environment as this lot directly adjoins the coastal residential area.

It is considered the proposal does not alter the natural character of the coastal environment due to the following:



- The escarpment contains existing vegetation therefore the site is not visible from the beach below or from further out to sea;
- The site is not visually sensitive and is more accommodating to change;
- The building on this lot will effectively replace a building that would have been built on Lot 23;
- Proposed Lot 1 is located next to the coastal residential area at the end of Motutara Drive and is visually and physically connected to this area;

13.10.19 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE

No renewable energy proposals have been included within this application.

7.0 Permitted Baseline

- 7.1 The permitted baseline is relevant to both the assessment under sections 95A – 95G and section 104 of the Act. Under these sections, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is the permitted baseline. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering an application.

The purpose of the permitted baseline test is to isolate and make irrelevant, the effects of activities on the environment that are permitted by the plan or have already been consented to. When applying the permitted baseline, such effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as comprising the 'existing environment' and non-fanciful (credible) activities that would be permitted as of right by the plan.

The permitted baseline relevant to this application is the development which could be conducted on the site as of right; i.e. without having to obtain a resource consent.

Lot 3 is already developed with a residential dwelling and Lot 23 could have a residential dwelling constructed on this site as a permitted activity as long as the structure complied with the bulk and location rules of the Coastal Residential Zone. As a result of the boundary adjustment Lot 23 will no longer exist and the new lot boundaries extend into the General Coastal Zone. Any new habitable building over 25m² or non-habitable over 50m² will require a resource consent for visual Amenity where controls are put in place to retain the coastal character and existing amenity of the area.

Although a resource consent is required to develop this site it is considered that no additional development will occur than what was previously anticipated. This level of development is therefore in keeping with the intent of the zone as the subdivision is not creating any additional effects to what could have potentially occur on the sites previously as a permitted activity.



8.0 Receiving environment

8.1 In assessing the potential adverse effects on the environment, the receiving “environment” for effects must be considered. The receiving environment is a mandatory consideration defined by case law and is the environment beyond the subject site upon which a proposed activity might have effects. In this case the receiving environment is as described in Section 2 of this report.

8.1.1 Other considerations

As per sections 95D(d) and 104(3)(a) of the Act, the following assessment has not had regard to:

- Trade competition, or the effects of trade competition; or

8.2 Character and Visual Amenity Effects

In terms of effects on landscape values, it is considered the proposal is not creating any additional effects to what could have potentially occurred on the sites previously as a permitted activity. The development within Lot 1 will be subject to the rules contained within the General Coastal Zone where Visual Amenity rules will apply. The mitigation measures provided for within the assessment criteria for this breach are such that visual effects can be mitigated to the extent the development on the site will be no more than minor.

8.3 Positive Effects

The positive effects of the proposal include:

- The proposal is in keeping with the environmental outcomes of the zone;
- The coastal character and current lifestyle use of the area will not change as a result of the subdivision;
- The proposal will not result in any adverse social, economic or cultural effects;
- The subdivision is to alter the boundaries so no additional lots are being created;
- The proposal enables the sustainable use of natural and physical resources, as the proposed development is not located within an area that has protected flora or fauna;
- Lot 1 is of a size that can easily cater for both stormwater and wastewater;
- Motutara Drive is a sealed road that already contains residential development that is also residential in character.

8.4 Environmental Effects Assessment Summary

Overall, from the assessment undertaken above the proposal will have actual and potential effects that are considered to be minor.

9 STATUTORY ASSESSMENT

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

Section 104(1)(a) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to ‘any actual and potential effects on the environment of allowing the activity’.



As assessed in Section 6 above, the proposal will have actual and potential effects that are acceptable. In addition, the proposal will also have positive effects on the environment, as the subdivision is not creating any additional lots and the boundary adjustment is effectively just changing the location of the development that will occur. The allotment sizes are considered to be consistent with the existing character of the locality.

9.2 Section 104(1)(ab) of the Act

Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. As noted above, the proposal itself will generate positive effects that are consistent with the intent of both the General Coastal 7 Coastal Residential Zones.

9.3 Section 104(1)(b) of the Act

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

Any relevant provisions of –

- i. A national environmental standard;
- ii. Other regulations;
- iii. A national policy statement;
- iv. A New Zealand coastal policy statement;
- v. A regional policy statement or proposed regional policy statement;
- vi. A plan or proposed plan

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

9.4 Regional Policy Statement

The role of The Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an over view of the regions resource management issues and setting out policies and methods to achieve integrated management of Northlands natural and physical resources.

| Assessment of Regional Policy Statement | | |
|---|---|--|
| OBJECTIVE | | PERFORMANCE OF PROPOSAL |
| 3.5 Enabling economic wellbeing | Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities. | The proposal achieves this objective as the explanation provided in the RPS recognises the need for people and businesses to choose Northland as a place to invest and for economic development to be aligned with environmental outcomes and acknowledges that the character and quality of Northland's |



| | | |
|---|--|--|
| Related Policies: 4.1 – 4.3 & 6.1 | | natural environment is a major attraction for people, investors and businesses. The proposal is considered to result in the additional investment in the district as well as managing the natural and physical resources of the site. |
| 3.8 Efficient and effective infrastructure Related POLICIES: 5.1 & 5.2 | Manage resource use to: (a) Optimise the use of existing infrastructure; (b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and (c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing. | The site is located in an area where reticulated infrastructure has been provided, however as a result of the change of boundaries the new lot falls within the General Coastal zone rather than the Coastal Residential Zone. Permission from Council was requested to link into this infrastructure however was declined due to the site being located within the General Coastal Zone and that it was of a size that could provide for its own wastewater disposal. Therefore this application does not place any additional demands on the use of existing infrastructure. The proposal is not considered to have an adverse effect on the community infrastructure. |
| 5.1.1 Planned and coordinated development Related POLICIES: 5.1 & 5.2 | (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity; (f) Applies to subdivision and plan changes on land with highly versatile soils in primary production zones. Proponents should clearly demonstrate that the benefits to the public (social, economic, environmental and cultural) arising from subdivision or a plan change, and subsequent development are greater than the benefits that would have occurred from productive use of the land. If the public benefits of retaining land with highly versatile soil for primary production activities is equal to or greater than the public benefits that would be gained from a proposed development, it is expected that the land in question will remain available for primary production. | No additional development will occur than what was previously anticipated. This level of development is therefore in keeping with the intent of the zone as the subdivision is not creating any additional effects to what could have potentially occurred on the sites previously as a permitted activity. In terms of Policy 5.1.1(f), of the Regional Policy statement the site does not contain highly versatile soils. |

The proposal is considered to create less than minor effects on the coastal character of the locality. The proposal will enable the change of boundaries to shift the location of the right



way. The property does not contain high productive soils. The proposal is considered to have negligible effects on the life supporting capacity of air, water, soil and ecosystems. As such, it is considered the proposal is compatible with the intent of the RPS.

9.5 Coastal Policy Statement

The site is located within the Coastal Environment therefore an assessment of the objectives and policies of the CPS has been included.

The development is considered to be consistent with the New Zealand Coastal Policy Statement, particularly:

- Objective 2: Preserving the natural character of the coastal environment
- Objective 6: Enabling people and communities to provide for their social, economic and cultural wellbeing

The proposed activity is considered to be consistent with the objectives and policies of the New Zealand Coastal Policy Statement as the subdivision is for a boundary adjustment with no additional titles being created. Existing consent notice conditions are in place to protect the bush within the site as well as conditions relating to visual amenity which will assist with any development blending into the landscape and retaining the coastal character of the area.

The subject site is not identified as being an outstanding natural landscape or containing an area of high natural character under the Regional Policy Statement for Northland.

Overall, the activity is considered to be consistent with the objectives and policies of the New Zealand Coastal Policy Statement.

9.6 Far North District Plan

9.6.1 Relevant objectives and policies

The relevant objectives and policies of the Plan are those related to the Coastal Environment, in particular the General Coastal Zone as that is where the adjusted lot will be situated within. The proposal is considered to create no more than minor adverse effects on the coastal environment. The proposal is considered to be consistent with the coastal character of the surrounding area and is considered to have negligible effects on the coastal amenity value of the area, as the lot sizes in the locality already reflect the size of the lots proposed by the boundary adjustment. proposal results in no physical changes to the environment and the landscape. The proposal is considered to be consistent with the objectives and policies of the Plan.

9.6.2 Assessment of the objectives and policies within the General Coastal Zone

Objectives

- To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.
- To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.



- To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

The proposal is for a boundary adjustment with no additional titles being created. It is considered the boundary adjustment creates sites that are compatible with the existing lot sizes in the area. Existing land covenants protect the bush on the site and consent notice conditions also apply to the visual aspect of any development.

Policies

- That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.
- That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.
- Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including: (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns; (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area; (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas; (d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives (2004)"; (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests; (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.
- That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.
- Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.
- The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.



The Visual Impact Assessment provides an assessment of the objectives and policies and advises the proposed subdivision/boundary adjustment will result in one building envelope located within an area that has been highly modified and exhibits little if any natural character values. The overall effects of this reconfiguration of the lots will not result in any greater effect than would be currently anticipated with the current lot arrangement.

The proposal is not considered to alter the ability of the site to provide for a wide range of activities to occur. The proposal is for a boundary adjustment only where provisions are already in place to protect the visual and landscape qualities of the area.

9.6.3 Section 104(1)(b) Summary

The above assessments demonstrate that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

10 Section 104(1)(c) of the Act

Section 104(1)(c) also states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable necessary to determine the application'.

There are no other matters relevant to this application.

11. OTHER RELEVANT SECTIONS OF THE ACT

11.1 Section 104D Test for Non-Complying Activities

To be able to grant consent to a non-complying activity, a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan or plan (s104D(1)(b)). This consideration is commonly known as the 'threshold test' or the 'gateway test'.

As identified in the assessment above, the adverse effects of the activity on the environment will be no more than minor and the proposed activity will not be contrary to the objectives and policies of the plan. As such the application can be considered under Section 104 as a determination made on the application as provided by Section 104B.

12. Section 125 – Lapsing of consent

The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five year provision be applied in this case.

13. NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

13.1 Public Notification Assessment

Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:



13.1.1 Step 1 Mandatory public notification in certain circumstances

An application must be publicly notified if, under section 95A(3), it meets any of the following criteria:

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under section 95C;
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore step 1 does not apply and Step 2 must be considered.

13.1.2 Step 2: Public Notification precluded in certain circumstances

An application must not be publicly notified if, under section 95A(5):

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity;
 - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;
 - (iv) a prescribed activity (see section 360H(1)(a)(i)).

In this case Public Notification is not precluded, therefore Step 2 does not apply and step 3 must be considered.

13.1.3 Step 3: public notification required in certain circumstances

An application is required to be publicly notified if one of the following circumstances are met, under section 95A(8):

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;*
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

None of the circumstances specified under section 95A(8)(a) exist.

In regards to section 95A(8)(b) the following assessment is made:

The adverse effects assessment under section 95D must discount adjacent land and positive effects, may take into account the permitted baseline and must consider the receiving environment.

Section 6 contains a comprehensive assessment of environmental effects of the proposal. When taking into consideration the above matters, in terms of section 95D the adverse effects of the activity will be minor. In particular adverse effects in relation to the rural character including reverse sensitivity, have been considered and will be at most minor.



Therefore Step 3 does not apply and Step 4 must be considered.

13.1.4 Step 4; Public notification in special circumstances

Section 95A(9) states that a council must publicly notify an application for resource consent if it considers that 'special circumstances' exist, notwithstanding that Steps 1 – 3 above do not require or preclude public notification.

Special circumstances are not defined in the Act. Case law has identified special circumstances as something outside the common run of things which is exceptional, abnormal or unusual but less than extraordinary or unique. A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification.

There are no special circumstances that exist to justify public notification of the application because the proposal is for a boundary adjustment that does not create any additional titles which is considered as neither exceptional nor unusual.

13.1.5 Public Notification Summary

From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

14 Limited Notification Assessment

If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

14.1 Step 1: Certain affected groups and affected persons must be notified

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

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

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

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

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

There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application. Therefore Step 1 does not apply and Step 2 must be considered.

14.2. Step 2: Limited notification precluded in certain circumstances

In the following circumstances an application must not be limited notified to any persons, as specified by section 95B(6):

6(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:



(b) the application is for a resource consent for either or both of the following, but no other, activities:

(i) a controlled activity that requires consent under a district plan (other than a subdivision of land);

(ii) a prescribed activity (see section 360H(1)(a)(ii)).

There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity, nor a prescribed activity. Therefore Step 2 does not apply and Step 3 must be considered.

14.3 Step 3: Certain other affected persons must be notified

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

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

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

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

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

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

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

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

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

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

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

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

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



- The size of the proposed allotments are consistent with the character of the allotments in the locality.
- The proposal is not considered to be contrary to the objectives and policies under the District Plan.
- The proposal does not create any additional allotments.
- Part of Lot 23 (shown as Lot 2 on the scheme plan) is to be amalgamated with the adjoining lot. All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

Therefore, no persons will be affected to a minor or more than minor degree.

Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

14.4 Step 4: Further notification in special circumstances

As required by section 95B(10), a council must determine the following:

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

The proposal is to subdivide the site by way of a boundary adjustment to change the location of the existing right of way. No additional allotments will be created as a result of the proposal. It is considered that no special circumstances exist in relation to the application.

14.5 Limited Notification Assessment Summary

Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

14.6 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the following reasons:

- In accordance with section 95A Step 1, mandatory public notification is not required;
- In accordance with section 95A Step 2, public notification is not precluded;
- In accordance with section 95A Step 3, the circumstances requiring public notification do not apply, including that the adverse effects on the environment will be minor;
- In accordance with section 95A Step 4, there are no special circumstances to warrant public notification.
- In accordance with section 95B Step 1, there are no groups to whom the application must be limited notified;
- In accordance with section 95B Step 2, limited notification is not precluded;
- In accordance with section 95B Step 3, there are no such classes of affected persons; and
- In accordance with section 95B Step 4, there are no special circumstances to warrant limited notification.



15 PART 2 ASSESSMENT

The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.

15.1 The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resource whilst meeting the foreseeable needs of future generations as the proposal is not creating any further effects to what is currently in existence. In addition, the proposal will avoid adverse effects on the environment and will maintain the existing coastal residential character of the site and surrounding environment.

15.2 Section 6 of the Act sets out a number of matters of national importance. None of those matters of national importance are considered relevant to this application as:

- The existing indigenous vegetation within Lot 3 is already protected by way of an existing Land Covenant and the boundary adjustment does not alter this;
- The works are not located within or near the coastal marine area;
- The proposal is not located within an identified outstanding natural feature or landscape.

15.3 Section 7 identifies a number of "other matters" to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.

15.4 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not located within an area of significance to Maori. The proposal has taken into account the principals of the Treaty of Waitangi, and is not considered to be contrary to these principals.

15.5 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

16 CONCLUSION

The proposal is to subdivide the site by way of a boundary adjustment that does not create any additional titles. The lots sizes proposed are consistent with what is currently in existence on Motutara Drive.

In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less than minor.

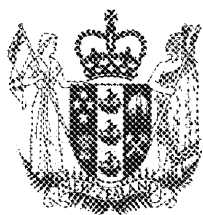
It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.



The application has been assessed under the matters specified under Section 221(3) and in terms of section 104(1)(b) of the Act, the proposal is found to be generally consistent with the objectives, policies and assessment criteria of the relevant statutory documents as set out in Section 9.


As such in terms of section 104D of the Act, the proposal is found to meet the gateway test. Therefore, in accordance with Section 104B of the Act in relation to non-complying activities, it is considered appropriate for consent to be granted on a non-notified basis, subject to fair and reasonable conditions.





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




R. W. Muir
Registrar-General
of Land

Identifier 494378
Land Registration District North Auckland
Date Issued 22 June 2015

Prior References

NA131A/254

| | |
|--------------------------|------------------------------|
| Estate | Fee Simple |
| Area | 9.5840 hectares more or less |
| Legal Description | Lot 3 Deposited Plan 424279 |

Registered Owners

Motutara Beach Holdings Limited

Interests

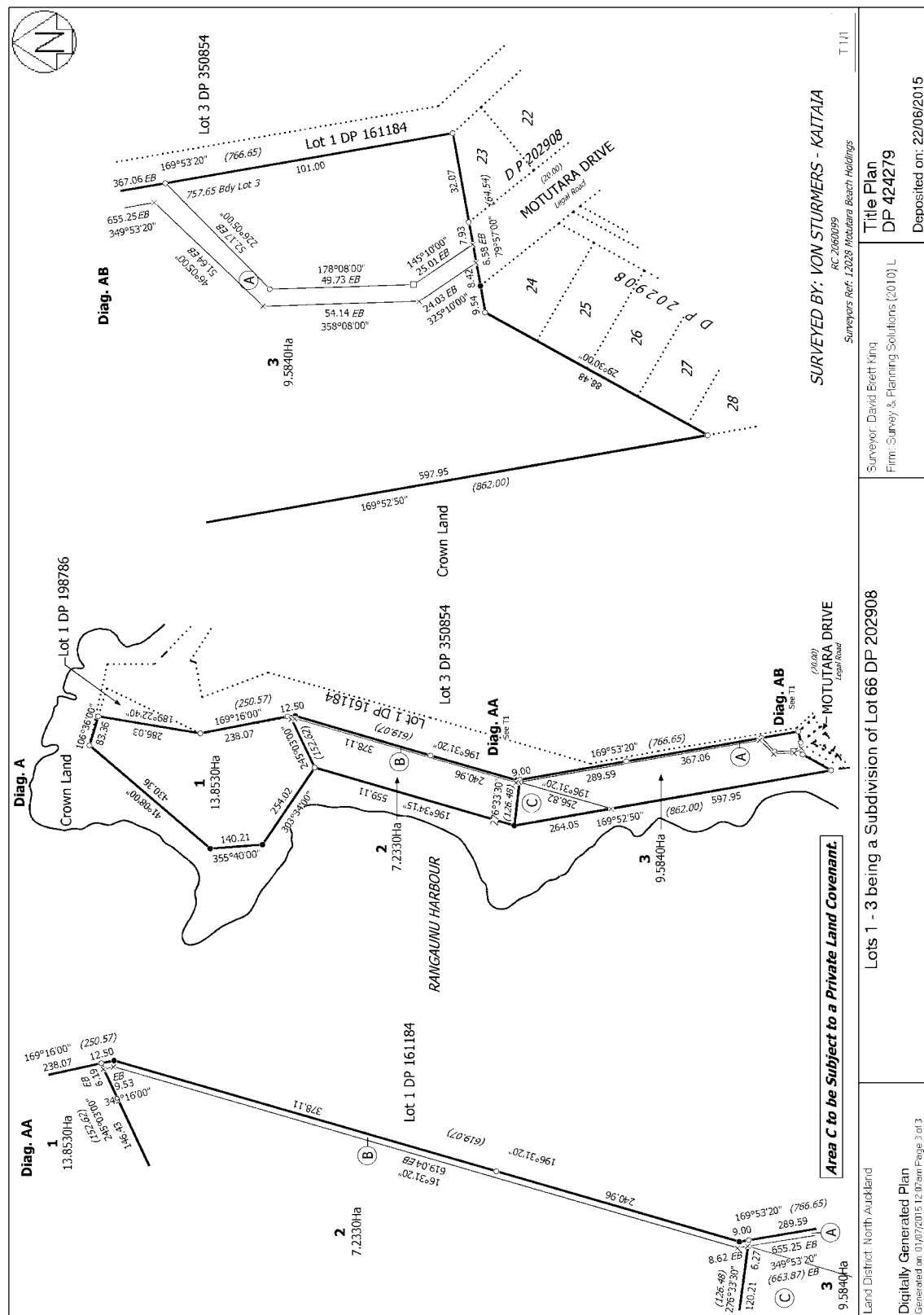
Appurtenant hereto is a right of way created by Transfer A169205 - 19.8.1966 at 2:15 am

10065571.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.6.2015 at 11:24 am

Subject to a right of way and a right to convey electricity and telecommunications over part marked A on DP 424279 created by Easement Instrument 10065571.3 - 22.6.2015 at 11:24 am

The easements created by Easement Instrument 10065571.3 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 10065571.4 - 22.6.2015 at 11:24 am





View Instrument Details

Instrument No. 10065571.2
Status Registered
Date & Time Lodged 22 Jun 2015 11:24
Lodged By Dahren, Nadine Margaret
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



| Affected Computer Registers | Land District |
|-----------------------------|----------------|
| 494376 | North Auckland |
| 494377 | North Auckland |
| 494378 | North Auckland |

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Nadine Margaret Dahren as Territorial Authority Representative on 29/06/2015 02:31 PM

*** End of Report ***



**Far North
District Council**

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Pukekohe 0440, New Zealand
Telephone: 09 900 970 029
Phone: (06) 401 5206
Fax: (09) 401 2137
Email: ask.us@fn.govt.nz
Website: www.fn.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

*The long place is better talked
about to live, work and invest*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2060099 & RC 2060099 VAR/A

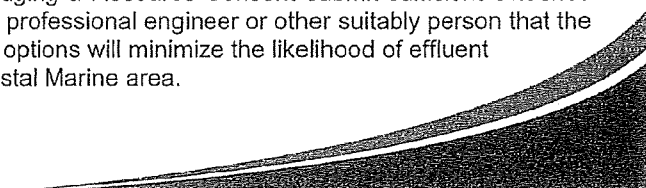
the Subdivision of Lot 66 DP 202908 NA-131A/254
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 1-3 DP 424279

- (i) All buildings and structures shall be contained on the specified building platforms identified on the Resource Consent plan approved by the Far North District Council under condition 2(a) of this Resource Consent.
- (ii) All buildings and structures shall be finished using recessive finishes and low reflectivity materials in accordance with the BS5252 standard colour palette range and with a reflectance value of 30% or less or constructed of natural materials that fall within this range. The finishes and materials must be approved by the Manager – Resource Consents prior to the commencement of construction of the building / structure.
- (iii) All buildings and structures shall be single level structures with a maximum height of 6 metres above ground level.
- (iv) Native vegetation remnants as identified on the subdivision plan submitted under section 223 of the Act shall be retained and protected on the site.
- (v) At the time of lodging a Resource Consent submit sufficient evidence from a chartered professional engineer or other suitably person that the effluent disposal options will minimize the likelihood of effluent entering the Coastal Marine area.





**Far North
District Council**

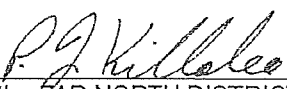
Private Bag 752, Manurewa Ave
Wellington 0440, New Zealand
Freephone: 0829 926 019
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: askus@fnhc.govt.nz
Website: www.fnhc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

*Our long place where others
want to live, work and invest*

- (vi) At the time of lodging a Resource Consent submit a stormwater management plan prepared by a chartered professional engineer, specifically addressing stormwater mitigation measures on the access way, and mitigation measures to minimize the effects of stormwater runoff around water tanks.
- (vii) The owners of Lots 1, 2, and 3 are required to install water storage tanks with a fire hydrant coupling to provide for their domestic requirements and provide sufficient reserve storage capacity for fire fighting.
- (viii) Water storage tanks shall be screened to the satisfaction of the Manager, Resource Consents.
- (ix) The owners of Lots 1, 2 and 3 are required to install sprinklers in accordance with NZ 4517:2002 for the purposes fire prevention in any habitable dwelling, or supply water tanks a safe distance from any habitable dwelling in accordance with the New Zealand Fire Service fire fighting suppliers code of practice CNZ PAS 4509:2003.
- (x) Prior to the transfer or sale of Lots 1, 2 or 3 or commencement of any building works on Lots 1 & 2 the consent holder shall provide evidence to Council's Duly Delegated Officer that:
 - (a) A formed and concreted double width entrance to the proposed right of way 'A' has been constructed complying with Far North District Council's engineering standard FNDC/S/02.
 - (b) The existing access on right of way easements 'A' and 'B' is upgraded to provided a 3 metre wide carriageway with passing bays complying with rule 15.1.6.1.2 of the District Plan.
 - (c) Underground power and telecommunication services have been reticulated to the boundary of each lot.

SIGNED:


By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 16th day of September 2014



Rangaunu Harbour

Crown Land

Lot 1

DP 198786

Lot 2

1 DP 161184

Crown Land

3
DP 350854

**Plan used for s223 RMA
certification 1 August 2012
and cross-referenced in
Consent Notice 10065571.2
Conditions (i) and (iv).**

**Refer to RCs 2060099 &
2060099 VAR/A & DP 424279**

Areas W X Y & Z are
subject to a Consent Notice.

NOTES: 1) Areas of Bush Remnants follows an
existing Post & Wire Electric Fence over 15
years old.

2) Building Platforms adapted from the
"Overall Development Plan" prepared by Christine
Hawthorne Landscape Architect.

**Overall Development Plan
showing Building Platforms
& Areas of Remnant Bush**



VON STURMERS
Registered Land Surveyors, Planners &
Land Development Consultants
Ph: (09) 408 6000 117 Commerce St
Fax: (09) 408 6002 P.O. Box 128
Email: kaitia@surveyandplanning.co.nz Kaitia

Local Authority: Far North District Council

Resource Consents: 2010709 (Landscape)
2060099 - RMASUB

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

Surveyors
Ref. No:
12028
Series
Sheet of

| Name | Date | ORIGINAL SCALE | SHEET SIZE |
|----------|------------|-------------------|---------------|
| Survey | TY July 12 | 1:5000 | A3 |
| Design | | | |
| Drawn | TY July 12 | | |
| Approved | | | |
| Rev | | | |



View Instrument Details

Instrument No. 10065571.3
Status Registered
Date & Time Lodged 22 Jun 2015 11:24
Lodged By Dahren, Nadine Margaret
Instrument Type Easement Instrument

Land Information
Toitu te whenua
New Zealand



| Affected Computer Registers | Land District |
|-----------------------------|----------------|
| 494376 | North Auckland |
| 494377 | North Auckland |
| 494378 | North Auckland |

Annexure Schedule: Contains 2 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Nadine Margaret Dahren as Grantor Representative on 29/06/2015 02:32 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Nadine Margaret Dahren as Grantee Representative on 29/06/2015 02:32 PM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre*, or create land covenant
(Sections 90A and 90F Land Transfer Act 1952)

2009/6229EF
APPROVED
Registrar-General of Land

Grantor

MOTUTARA BEACH HOLDINGS LIMITED

Grantee

MOTUTARA BEACH HOLDINGS LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The **Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

| Purpose (Nature and extent) of easement; <i>profit</i> or covenant | Shown (plan reference) | Servient Tenement (Computer Register) | Dominant Tenement (Computer Register) or in gross |
|--|------------------------|---------------------------------------|---|
| Right of way, right to convey electricity and right to convey telecommunications | A on DP 424279 | 494378 | 494376 and 494377 |
| | B on DP 424279 | 494377 | 494376 |

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:—

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule _____]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule _____]~~



View Instrument Details

| | |
|--------------------|-------------------------|
| Instrument No. | 10065571.4 |
| Status | Registered |
| Date & Time Lodged | 22 Jun 2015 11:24 |
| Lodged By | Dahren, Nadine Margaret |
| Instrument Type | Easement Instrument |

Land Information
Toitu te
whenua
New Zealand



| Affected Computer Registers | Land District |
|-----------------------------|----------------|
| 494376 | North Auckland |
| 494377 | North Auckland |
| 494378 | North Auckland |

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Nadine Margaret Dahren as Grantor Representative on 29/06/2015 02:33 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Nadine Margaret Dahren as Grantee Representative on 29/06/2015 02:34 PM

*** End of Report ***

Form B

**Easement instrument to grant easement or *profit à prendre*, or create
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Motutara Beach Holdings Limited

Grantee

Motutara Beach Holdings Limited

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates the covenant(s) set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

| Purpose (Nature and extent) of easement; <i>profit</i> or covenant | Shown (plan reference) | Servient Tenement (Computer Register) | Dominant Tenement (Computer Register) or in gross |
|--|------------------------------|---------------------------------------|---|
| Land Covenants as set out in Annexure Schedule A | "C" on Deposited Plan 424279 | 494378 | 494376 and 494377 |

Form B - continued**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in the attached Annexure Schedule]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

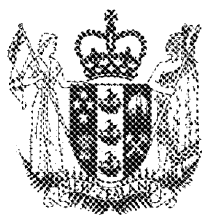
[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule _____]

Annexure Schedule A


Land Covenant

1. The Grantee for itself and its successors in title hereby covenants with and for the benefit in perpetuity of the Grantor, its successors in title and the registered proprietors for the time being of all the residential lots listed in Schedule A of this instrument (the "Residential Lots"), for the benefit of all the Residential Lots not to plant or permit any noxious weeds on the area marked "C" on Deposited Plan 424279.



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




R. W. Muir
Registrar-General
of Land

Identifier **NA131A/241**
Land Registration District **North Auckland**
Date Issued 07 September 2001

Prior References

NA128C/28

| | |
|--------------------------|--------------------------------|
| Estate | Fee Simple |
| Area | 629 square metres more or less |
| Legal Description | Lot 22 Deposited Plan 202908 |

Registered Owners

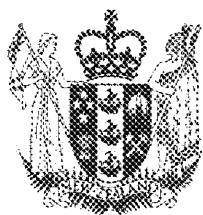
Leanne Marie Dixon

Interests

Appurtenant hereto is a right of way created by Transfer A169205


Land Covenant in Transfer D638236.9 - 7.9.2001 at 9.00 am

Fencing Covenant in Transfer D638236.9 - 7.9.2001 at 9.00 am



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




R. W. Muir
Registrar-General
of Land

Identifier **NA131A/242**
Land Registration District **North Auckland**
Date Issued 07 September 2001

Prior References

NA128C/28

| | |
|--------------------------|--------------------------------|
| Estate | Fee Simple |
| Area | 600 square metres more or less |
| Legal Description | Lot 23 Deposited Plan 202908 |

Registered Owners

Mark David Jack and Celia Anne Jack as to a 1/3 share

Raynor John Asher and Christine Harvene Asher as to a 1/3 share

Robert Manwarring Noakes and Christopher Manwarring Noakes as to a 1/3 share

Interests

Appurtenant hereto is a right of way created by Transfer A169205

Fencing Covenant in Transfer D638236.9 - 7.9.2001 at 9.00 am

Land Covenant in Transfer D638236.9 - 7.9.2001 at 9.00 am

TRANSFER
Land Transfer Act 1952

0638236-9 T

If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

North Auckland

Certificate of Title No.

All or Part? Area and legal description — Insert only when part or Stratum, CT

131A/239 -
131A/247 (incl.)
(continued on page 3 Annexure Schedule)

All
All

Transferor Surnames must be underlined

Doris Mabel BARRY, Pamela SPANHAKE, John Bowman MOREY and Beverley June SPANHAKE

Transferee Surnames must be underlined

Doris Mabel BARRY, Pamela SPANHAKE, John Bowman MOREY and Beverley June SPANHAKE

Estate or Interest or Easement to be created: Insert e.g. Fee simple; Leasehold in Lease No.; Right of way etc.
Fee simple subject to land covenants (continued on page 3 of the Annexure Schedule).

The Transferee shall also be bound by a fencing covenant as defined in Section 2 of the Fencing Act 1978 in favour of the Transferor.

Consideration

\$1-00 (One Dollar)

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this **30th** day of **July 2001**

Attestation

Doris Mabel Barry

By her Attorney
Michael Ralph Norton

(continued on page 2
Annexure Schedule)

Signed in my presence by the Transferor/Transferee Doris Mabel Barry
Signature of Witness

Witness to complete in BLOCK letters
(unless typewritten or legibly stamped)

Witness name

Occupation

Address

MARK TWEEDY

RETIRED

SKULDERS BEACH.

KERI KERI

Signature, or common seal of Transferor

Certified correct for the purposes of the Land Transfer Act 1952

Solicitor for the Transferee

TRANSFER

Land Transfer Act 1952

| Law Firm Acting |
|-----------------|
| |

Auckland District Law Society
REF: 4135

This page is for Land Registry Office use only.
(except for "Law Firm Acting")

Annexure Schedule

TRANSFER

Dated

30 July 2001

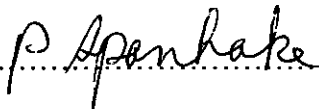
Page

2

of

4

Pages

Continuation of "Attestation"Signed in my presence by the Transferor/
Transferee Pamela Spanhake

Signature of Witness



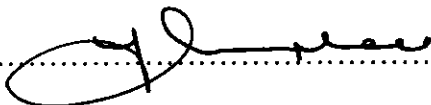
Witness name JACQUELINE MARY MCCABE

Occupation Retired

Address 33 Rangiputa Beach Road. R.D.3 Kaitiaki

Signed in my presence by the Transferor/
Transferee John Bowman Morey


Signature of Witness



Witness name

Occupation William James Campbell
Legal Executive
Mangonui

Address

Signed in my presence by the Transferor/
Transferee Beverley June Spanhake

Signature of Witness

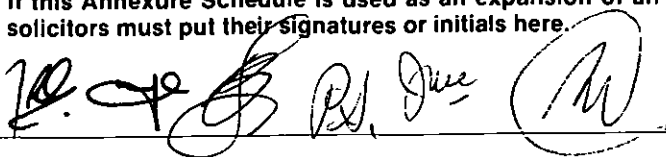


Witness name M. Webber

Occupation Retired

Address Okahu Rd. Kaitiaki -

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.



Annexure Schedule

TRANSFER

Dated

30 July 2001

Page

3

of

4

Pages

Continuation of "Certificate of Title No."

| | |
|-------------------------------|--------------|
| Certificate of Title No. | All or Part? |
| 131A/249-131A/253 (inclusive) | All |

Continuation of "Estate or Interest or Easement to be created"

The Transferor as registered proprietor of the land formerly contained in Certificate of Title 128C/28 has subdivided the land into residential lots in the manner shown and defined on Deposited Plan 202908.

AND WHEREAS it is the intention of the Transferor to create certain land covenants between all of the residential lots which are comprised in the land in Deposited Plan 202908 and which are more particularly described in the Certificates of Title subject to this Transfer to the intent that each of the said lots shall have both the burden and the benefit in perpetuity of the said land covenants as hereinafter set forth.

NOW THEREFORE the Transferor covenants with the Transferee that all of the residential lots which are comprised in the said land in Deposited Plan 202908 and which are more particularly described in the Certificates of Title subject to this Transfer shall be subject to the burden of the land covenants in perpetuity as listed in the Schedule of Covenants annexed hereto in respect of each individual residential lot in favour of all other residential lots and shall have the benefit of the land covenants in perpetuity as listed in the Schedule of Covenants annexed hereto in favour of each individual residential lot over all other lots.

AND the Transferee for themselves and their successors in title covenants with the Transferor for the benefit of each of the other lots on Deposited Plan 202908 to at all times faithfully observe and perform all the covenants contained in the Schedule of Covenants annexed hereto to the intent that each of the covenants will forever enure for the benefit of and be appurtenant to each of the other lots on Deposited Plan 202908 and each of the registered proprietors of those lots PROVIDED HOWEVER that the Transferee shall only be liable for breaches of the covenants contained in this Transfer which occur while the Transferee is the registered proprietor of one or more of the lots or any part thereof on Deposited Plan 202908.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Annexure Schedule

TRANSFER

Dated

30 July 2001

Page

4

of

4

Pages

SCHEDULE OF COVENANTS

The registered proprietor(s) for the time being shall not unless first authorised so to do in writing by the Transferor:

1. Erect or suffer to be erected on the property any building other than a private dwelling house or dwelling unit containing a floor area of not less than 100 square metres (exclusive of roof overhangs, verandahs, decking, garaging and carports) and buildings accessory to such dwelling having a site coverage of not more than 100 square metres.
2. Permit or suffer the erection of any temporary building or structure upon the land except such as may be used to conjunction with the construction of permanent buildings and which will be removed from the land upon completion of the work.
3. Permit any building or associated works in the course of construction to be left without substantial work being carried out for a period exceeding three months or to remain uncompleted at the expiry of a period of eighteen months from commencement of the work.
4. Permit or suffer the use of the land other than for private residential purposes.
5. Permit or suffer the land to be occupied or used for residential purposes unless a dwelling house or dwelling unit has been substantially completed in accordance with the terms of this covenant and to the requirements of the appropriate local authority.
6. Permit or suffer any rubbish to accumulate or be placed upon the land and not permit any excessive growth of grass or vegetation so that the same becomes long or unsightly.
7. Permit or suffer the storage or accumulation on the property of any building materials other than in the course of the construction of a dwelling, or any building accessory thereto, in compliance with the provisions of this covenant.
8. Allow to be transported onto the property any existing or prebuilt house unless such house has first been approved in writing by the Transferor.
9. Use any pre-used material in the construction of any buildings or fencing on the property.
10. Use any roofing materials on any building whatsoever erected on the property, other than non-reflective materials, that may cause glare offensive to the adjoining owners.
11. Bring on to or allow to remain on the property any temporary dwelling, caravan, boat, trade vehicle or other equipment, material or machinery which in the Transferor's opinion is unsightly unless garaged or screened or which generates noise likely to cause offence to residents of the area.
12. Construct or form any driveway or vehicle accessway on the property other than to a minimum standard of metalled with road metal and all driveways and vehicle accessways shall be kept in a neat and tidy condition.
13. Erect or install any water tank or other water storage vessel that if not located underground is not visibly screened.
14. Permit any tree, shrub or plant planted on the property to exceed a height of six metres.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

**DECLARATION OF NON-REVOCATION OF
ENDURING POWER OF ATTORNEY**

I, **Michael Ralph NORTON** formerly of Hamilton, now of Kerikeri, Company Director do solemnly and sincerely declare as follows:

1. **THAT** by Enduring Power of Attorney dated the 18th day of December 1996, a copy of which has been deposited in the North Auckland Land Registry Office as number D.289614.1, **Doris Mabel BARRY** of Waipapakauri, Farmer appointed myself and **Christine Ann LEWIS** (jointly and severally) to be her Attorney on the terms and subject to the conditions set out in the said Power of Attorney.
2. **THAT** at the date hereof the declarant has not received any notice or information of the revocation of that appointment by the death of the said **Doris Mabel BARRY** or otherwise.
3. **THAT** the said Power of Attorney is in all respects in force at the date hereof by virtue of its terms and provisions of Part IX of the Protection of Personal and Property Rights Act 1988.
4. **THAT** the declarant is authorised by the Enduring Power of Attorney to execute the annexed instrument.
5. **THAT** the annexed instrument complies with all conditions and restrictions set out in the said Power of Attorney.

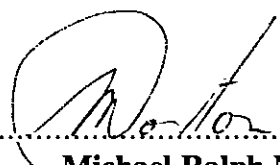
not an attorney.


AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at *Kerikeri*)

this *30th* day of *July*)

2001 before me:-)


.....
Michael Ralph Norton


.....
A Solicitor of the High Court of New Zealand

**T.G. TETITAHA
SOLICITOR
KERIKERI**



LINZ COPY

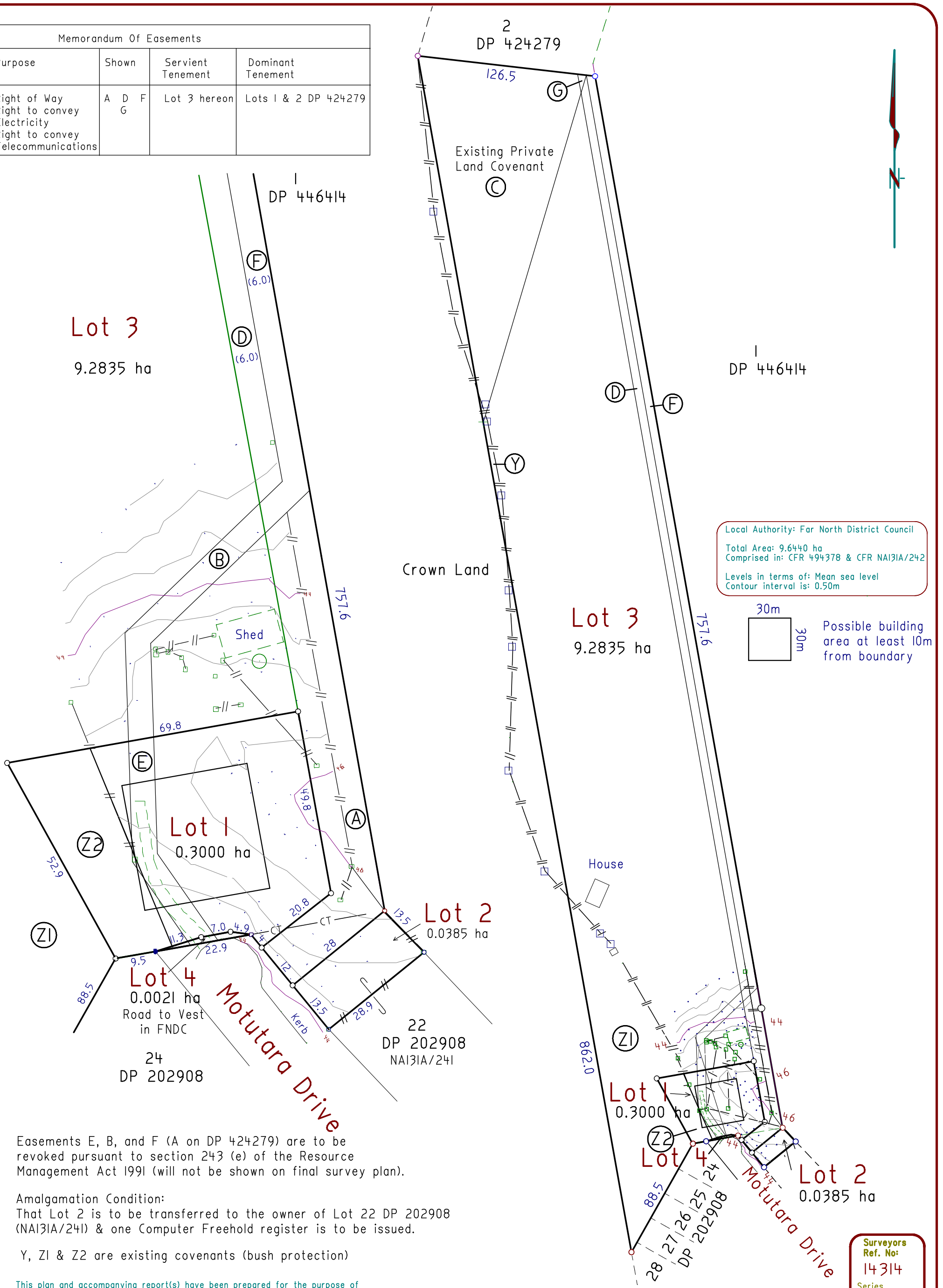
Y.U.O 07.SEP01 D 638236 .9

PATRICULARS ENTERED IN THE
LAND REGISTRY OF NEW ZEALAND

B1A/299-247
L1C/249-
71C



| Memorandum Of Easements | | | |
|---|------------|-------------------|----------------------|
| Purpose | Shown | Servient Tenement | Dominant Tenement |
| Right of Way Right to convey Electricity Right to convey Telecommunications | A D F G | Lot 3 hereon | Lots 1 & 2 DP 424279 |



Local Authority: Far North District Council
Total Area: 9.6440 ha
Comprised in: CFR 494378 & CFR NA131A/242
Levels in terms of: Mean sea level
Contour interval is: 0.50m

30m
30m
Possible building area at least 10m from boundary

Easements E, B, and F (A on DP 424279) are to be revoked pursuant to section 243 (e) of the Resource Management Act 1991 (will not be shown on final survey plan).

Amalgamation Condition:
That Lot 2 is to be transferred to the owner of Lot 22 DP 202908 (NA131A/241) & one Computer Freehold register is to be issued.

Y, Z1 & Z2 are existing covenants (bush protection)

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Surveyors
Ref. No:
14314
Series
Sheet of



VON STURMEY
Registered Land Surveyors, Planners &
Land Development Consultants
Ph: (09) 408 6000 117 Commerce St
Email: kaitaia@surveyandplanning.co.nz P.O. Box 128
Kaitaia

Lots 1-4 Being A Proposed Subdivision
Of Lot 3 DP 424279
& Lot 23 DP 202908

| | Name | Date |
|----------|------|---------|
| Survey | | |
| Design | BK | 11/18 |
| Drawn | | |
| Approved | | |
| Rev | 4 | 20/8/19 |

ORIGINAL
SCALE
SHEET
SIZE

1:2500 A3

Motutara Beach Holdings Limited and the owners of Lot 22 DP 202908 have agreed to proceed with a boundary adjustment between Lot 3 DP 424279 (CFR 494378) and Lot 23 DP 202908 (CFR NA131A/242)

Signed

MD Jack, Director, Motutara Beach Holdings Limited

RJ Asher, Director, Motutara Beach Holdings Limited

RM Noakes, Director, Motutara Beach Holdings Limited

AND

Mark David Jack

Celia Anne Jack

Raynor John Asher

Christine Harvene Asher

Robert Manwarring Noakes

Christopher Manwarring Noakes

As co-owners of Lot 22 DP 202908

MD Jack

RJ Asher

RM Noakes

MD Jack

Celia Anne Jack

Raynor John Asher

Christine Harvene Asher

Robert Manwarring Noakes

Christopher Manwarring Noakes

Brett King

From: Andrew Riddell <andrew@cepservices.nz>
Sent: Thursday, 7 February 2019 12:00 p.m.
To: Brett King
Cc: Northland Planning Development
Subject: Re: Proposed boundary adjustment at 44 Motutara Drive, Rangiputa

Kia ora Brett

Thanks for that explanation.

The area of indigenous vegetation that is not shown on the subdivision plan to the west of proposed Lot 1 and north towards the existing dwelling on proposed Lot 3 that I was describing is the area you show as Z1 on the 4th attachment (the current boundary adjustment subdivision plan).

Am I right in understanding that the proposal is that the existing bush protection consent notice will continue for that area Z1?

If so, then the Department of Conservation has no further comments to make on the proposal.

Cheers
Andrew Riddell

On 4/Feb/2019, at 14:58 PM, Brett King <King@saps.co.nz> wrote:

Greetings Andrew

Sheryl Hansford has sent me your communication regarding the above job.

Our clients' land has been largely in grass since at least 2000 – and probably a lot earlier. This date is confirmed on the oldest 2000 photo shown on FN Maps – which I can't print! Google Earth commences at 2003-4. The first attachment is a 2018 Google Earth Image of the area. The second is the same image with the supposed PNA 003/002 overlaid. I say "supposed" because the overlaid PNA is sourced from DoC's "Natural Areas of Aupouri Ecological District" – see map on p213 of that 2003 publication. It is a poorly drafted map where it is obvious that the phallic-like clearing is our clients grassed area. In addition, the "003002" annotation is in the wrong place – it should be to the north.

I have also attached a plan you might have seen which I have further highlighted where the (bush protection covenants) by Consent Notice are shown as blue (areas Y & Z – i.e. seaward side of fence) and approved building platforms highlighted yellow. Area C is a private covenant – noxious weeds not allowed. Sheryl was incorrect in her email to you when she said "Lot 3 DP 424279 contains a Protected Natural Area which is identified by 'C' on the scheme plan". I have altered the scheme plan to "Existing Private Land Covenant" (4th attachment).

In your last paragraph you mention that "there appears to be an area of indigenous vegetation that is not shown on the subdivision plan to the west of proposed Lot 1 and north towards the existing dwelling on proposed Lot 3". I think the vegetation you could be concerned about is on the neighbouring property or you are confusing "east" with "west" in which case my 3rd attachment should assist you – see areas Y & Z. I have now shown these as existing covenants on the scheme plan in the 4th attachment as Y, Z1 & Z2.

Regards

Brett King

Registered Professional Surveyor

Licensed Cadastral Surveyor

VON STURMERS in Kaitaia

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<image004.jpg>

Survey & Planning Solutions (2010) Ltd

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From: Northland Planning Development [<mailto:info@northplanner.co.nz>]

Sent: Monday, 4 February 2019 12:38 p.m.

To: Brett King <king@saps.co.nz>

Subject: RE: Proposed boundary adjustment at 44 Motutara Drive, Rangiputa

Hi Brett,

Attached is the plan that must have been used for the consent notice. It appears the covenanted areas have been mowed?

Sheryl

From: Brett King <king@saps.co.nz>

Sent: Friday, 1 February 2019 6:23 PM

To: Northland Planning Development <info@northplanner.co.nz>

Subject: RE: Proposed boundary adjustment at 44 Motutara Drive, Rangiputa

Could you email the plan you refer to in your 1st sentence.

Brett

From: Northland Planning Development [<mailto:info@northplanner.co.nz>]

Sent: Friday, 1 February 2019 11:31 a.m.

To: Brett King <king@saps.co.nz>

Subject: FW: Proposed boundary adjustment at 44 Motutara Drive, Rangiputa

Hi Brett,

There is a plan in your file that shows the existing vegetation on the site which I presume was taken from Christine Hawthorne's report for the original subdivision approval. This plan shows a lot of areas that are vegetated compared to what is now shown on Far North maps. Going forward would the owners be happy to provide some reassurances to Doc to revegetation the covenant area? I'm not sure of the other area to the west of Lot 1 Andrew is referring to as there is nothing in the file relating to this.

Regards,

Sheryl Hansford

Director / Senior Planner

Northland Planning & Development

09 929 6866

<image001.png>

From: Andrew Riddell <andrew@cepservices.nz>
Sent: Friday, 1 February 2019 11:03 AM
To: Northland Planning Development <info@northplanner.co.nz>
Subject: Re: Proposed boundary adjustment at 44 Motutara Drive, Rangiputa

Kia ora Sheryl

The proposed boundary adjustment itself does not appear to be of concern to the Department of Conservation.

What is of concern, however, is that aerial photograph of the site on Far North Maps should the existing land covenant area "C" on the subdivision plan as mowed grass. It would appear, therefore, that the protected natural area has been destroyed at some point after the subdivision creating Lot 3 DP 424279.

Further there appears to be an area of indigenous vegetation that is not shown on the subdivision plan to the west of proposed Lot 1 and north towards the existing dwelling on proposed Lot 3.

Ngā mihi
Andrew Riddell

On 31/Jan/2019, at 14:40 PM, Northland Planning Development
<info@northplanner.co.nz> wrote:

Good afternoon,

Please see the attached scheme plan for a proposed subdivision by way of boundary adjustment at 44 Motutara Road, Rangiputa.
It is proposed to amalgamate part of 44 Motutara Drive, which is lot 23 with Lot 22 (the adjoining lot) with the remainder being incorporated into the new lot – lot 1 so no additional titles are being created.

Lot 3 DP 424279 contains a Protected Natural Area which is identified by 'C' on the scheme plan. This lot already contains a residential dwelling. The area is also protected by way of a consent notice condition which will remain registered on the title.

Please may you provide comments on this proposal to include as part of the resource consent application. If you have any queries please let me know.

Regards,

Sheryl Hansford
Director / Senior Planner
Northland Planning & Development
09 929 6866

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APPENDICES:

Appendix 1 – Location Map

Appendix 2 – Survey Scheme Plan

Appendix 3 – Site Photographs

Appendix 4 – 2001 Overall Development Plan (Rangiputa Holdings Overall Landscape Plan)

Appendix 5 – 2012 Survey Scheme Plan with Building Envelopes

1.0 INTRODUCTION

1.1 Purpose of the Report

Hawthorn Landscape Architects Ltd. has prepared this assessment of landscape and visual effects for Motutara Beach Holdings ('the applicant'). The landscape assessment forms part of a full Assessment of Environmental Effects (AEE) prepared by Northland Planning and Development Ltd.

This will accompany an application for resource consent for boundary adjustment/subdivision of Lot 3 DP 424279 and Lot 23 DP 202908.

This assessment provides an analysis of the landscape character and quality of the site and surrounding landscape, the visual components of the proposal and the potential landscape and visual effects on the environment that may occur as a result of the proposal.

This assessment has been prepared by a qualified Landscape Architect and in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct.

2.0 THE SITE AND ITS LANDSCAPE CONTEXT

2.1 Location

The application site is located at the end of Motutara Drive at Rangiputa. It forms part of a large land holding that contains 3 lots (DP 424279) and is zoned General Coastal.

The area proposed for subdivision is the southern portion of Lot 3 DP 424279 that is adjacent to the cul-de-sac head of Motutara Drive.

The vacant coastal residential lot at the end of Motutara Drive (Lot 23) also forms part of the application site for subdivision as it will be utilised for a new access to Lot 3. A portion of Lot 23 will be amalgamated with Lot 22, a neighbouring lot. Refer to Appendix 2 – Survey Scheme Plan

2.2 Character of Application Site & Neighbourhood Character & Context

The application site is made up of the southern portion of the applicants land (Lot 3) which is zoned General Coastal. The adjoining Lots 22 and 23 are located within the Coastal Residential zone.

Lot 3 which will contain the proposed building envelope currently is in pasture and farmed. There are no buildings on the area of land that will become proposed Lot 1. There is an existing shed nearby and dwelling on the existing Lot 3.

The adjoining Lot 23 is currently vacant, while Lot 22 contains an existing house.

The area where all of the sites are located is at the end of Motutara Drive, a coastal residential subdivision. The two coastal residential lots are small and visually similar to the neighbouring coastal residential lots, most of which have houses on them.

The southern portion of Lot 3 (where the building envelope will be located) visually looks like farmland. It is open grassed paddock, with wire and batten fencing, a farm shed nearby (not on proposed Lot 1), stockyards and stands of vegetation. The eastern boundary of the lot is bordered by tall pine trees, while the western part of the site is covered in Manuka dominated bush that covers the steep coastal escarpment. Refer to Appendix 3 – On Site Photographs.

The character of the Motutara Drive area is typical of your beach side residential area. There are varying scales of houses, some small and some quite large. Most have a little landscaping around them, while others have none. The houses that are located on the western side of Motutara Drive have expansive coastal views out across Rangiputa and beyond towards Houhora. The views are often framed by mature Pohutukawa that are located along the top of the coastal escarpment.

The southern portion of Lot 3 is located directly adjacent to the end of Motutara Drive, and visually is connected to the coastal residential area. This part of Lot 3 doesn't have unimpeded views of the coast, as there is existing vegetation located along the western side of the site, and this screens the view to the coast, and vice-versa, which will screen the view of any future development on this part of Lot 3. This western vegetation is protected by an existing covenant.

Overall this area at the end of Motutara Drive has a coastal residential character that is influenced by the adjoining undeveloped farmland, and coastline to the west.

3.0 THE PROPOSAL

3.1 Background Information

In 2001 Hawthorn Landscape Architects prepared a VIA report and an Overall Development Plan (poor quality scan attached in Appendix 4) for a 14 lot proposal for Rangiputa Holdings Ltd (now Motutara Beach Holdings Ltd).

The proposal was for a property off the end of Motutara Drive, Rangiputa and was heard by FNDC and approved with only 3 lots.

The approved survey scheme plan (2012 Survey Scheme Plan with Building Envelopes) contained in Appendix 5 shows the building envelopes from the original 2001 Overall Development Plan plus areas of bush (W, X, Y & Z), which were protected by Consent Notice.

Condition (i) of the Consent Notice associated with the approved 3 lot subdivision of 2012 states that “All buildings and structures shall be contained on the specified building platforms [envelopes] identified on the Resource Consent plan . . . “.

3.2 Proposed Subdivision

The key features of the proposed subdivision are:

- Subdivision of Lot 3 DP 424279 and Lot 23 DP 202908 into 4 lots as shown on the Survey Scheme Plan contained in Appendix 2.
- The subdivision will adjust Lot 23 DP 202908 to the position of proposed Lot 1. Lot 23 is in the Coastal Residential Zone while proposed Lot 1 will be in the General Coastal Zone.
- The Building Area (envelope) on proposed Lot 1 does not coincide with any of the 2001 building envelopes.
- The existing easements through this proposed building envelope are to be revoked (cancelled) and a new equivalent easement A is to come off the end of Motutara Drive and traverse next to the eastern boundary of proposed Lot 1.
- The balance area of Lot 23 DP 202908 (Lot 2 on the scheme plan) is to be amalgamated with Lot 22 DP 202908 to the south.
- Proposed Lot 4 covers a small area of road encroachment and is to vest in Council.

4.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

4.1 Visual Effects

Potential visual effects can be generated through visual changes to the landscape as a result of a development. The significance of effects is measured by the visual sensitivity of the landscape and the response of a particular viewing audience.

Visual sensitivity is influenced by a number of factors including visibility, the nature and extent of the viewing audience, whether the proposal is the focal point or part of a wider view, whether the view is transient or permanent and the degree of contrast with the surrounding environment. It is also influenced by the visual qualities of the proposal and the ability to integrate any change within the landscape setting.

The degree of adverse visual effects generated by a proposal also depends upon the character of the surrounding landscape (the context), existing levels of development on the application site, the contour of the land, the presence or absence of screening and/or backdrop vegetation, and the characteristics of the future activities facilitated by the application.

This assessment will establish the potential visibility of the application site and future placement of a dwelling on the lot. It will also determine who the potentially effected viewing audiences are and the degree of change brought about by the proposed development of this site, and if there are any potential adverse visual effects associated with this.

The area for the proposed subdivision/boundary adjustment is located within a modified part of the coastal environment. Part of the site (Lots 22 and 23 are located within a coastal residential subdivision. The proposed Lot 1 site is located directly adjoining this coastal residential area, and is in pasture.

The site is not visible from the beach below or from further out at sea due to the presence of the existing Manuka vegetation along the coastal escarpment. For these reasons the site is not very visually sensitive and is more accommodating to change. Refer to the Site Photographs contained in Appendix 3, which illustrate the present site conditions and context of the site and the character of the surrounding landscape.

The proposed building site on Lot 1 will result in one additional dwelling and associated activities being placed at the end of Motutara Drive. The building on this lot will effectively replace a building that would have been built on Lot 23.

A future dwelling built on proposed Lot 1 has the ability to be visually absorbed into the landscape without generating any potential adverse visual effects. The dwelling will have a vegetated foreground of the existing bush along the western boundary which will screen it from view from the coastal marine area. It will also have a vegetated backdrop of the existing pine trees located to the east of the building envelope. Any building placed on Lot 1 will have landscaping around it that will provide privacy between neighbours and soften the built form.

Residents and visitors to the end of Motutara Drive will view a future dwelling on proposed Lot 1 in the context of the exiting coastal residential settlement pattern that currently exists along Motutara Drive. As there will be no dwelling ever built on Lot 23, the placement of a dwelling on proposed Lot 1 will be viewed as a replacement for a lack of a building on Lot 23. There will not be an additional dwelling located at the end of Motutara Drive, it is just located in a slightly different location to what was provided for in the Motutara Drive subdivision.

I consider that this development will allow the viewing audience to continue to enjoy the existing visual amenity and natural character values of the area without their appreciation levels being lowered. In summary the potential adverse visual effects of the proposed subdivision will be less than minor.

4.2 Landscape Effects

Landscape effects arise from the change in the physical landscape, which can result in changes to the character of a landscape and how this landscape is experienced and the perceived value

given to the landscape.

The potential landscape effects of the development will be generated by either landform or land-cover modification, or may be more subtle such as influencing the overall pattern of the landscape.

The proposed building envelope on Lot 1 has no existing vegetation on it, nor does Lot 22 or Lot 23 so there will be no adverse landscape effects as a result of vegetation clearance.

The contours where the building envelope is located on Lot 1 are reasonably level, and it would be unlikely that large volumes of earthworks will be required to construct dwelling, driveway and parking areas. There are no watercourses on the site that could be affected by future earthworks and the construction of a dwelling.

Any future building on proposed Lot 1 will be recessively coloured and shall be limited to a single story so that it can be easily visually absorbed into the landscape. This will ensure that it will be in context with the surrounding settlement pattern and viewed as being subservient to the wider landscape scene so that the potential adverse landscape effects will be less than minor.

4.3 Natural Character and Amenity Values

The quality a landscape portrays and its resulting “natural” character is dependant upon the degree of cultural modification, and how well the natural processes are functioning. Landscapes that exhibit the least amount of modification by human activity usually have the highest degree of natural character.

Natural character is a term used to describe the naturalness of an environment. The degree or level of natural character within an area depends on:

- The extent to which natural elements, patterns and processes are functioning,
- The nature and extent of modifications to the ecosystems and landscape/ riverscape.

Natural character occurs along a continuum. The natural character of a site is the degree to which it is part of nature, particularly indigenous nature and is free from the effects of human constructions.

The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different individuals.

Natural elements relate to the presence of unmodified land and water bodies and the lack of built form, while natural patterns relate to the perceived naturalness of the appearance of a landscape, which appears to be a result of nature rather than being man made. Natural

processes relate to the ecological workings of a landscape, and how well these processes are functioning to maintain a natural appearance to the landscape.

The area of the application site where the proposed building envelope will be located has been highly modified. It is cleared land and in pasture. It is located next to the coastal residential area at the end of Motutara Drive and visually and physically connected to this. The building envelope has little remaining natural character.

The area of existing indigenous vegetation along the coastal escarpment on proposed Lot 1 has been recorded within the RPS as having High Natural Character values and part of an Outstanding Natural Landscape.

This area is identified as South West Karikari Peninsula, and is described as the “*coastal cliffs just north of main Rangiputa settlement. Discontinuous fringing pohutukawa forest; Manuka-kanuka shrubland and forest which has minimal human-mediated hydrological or landform change and few obvious human structures*”.

Any future dwelling placed on proposed Lot 1 will not be located with the ONL or area of High Natural Character. A future dwelling can be located so that it is not visible from the coastal marine area. The dwelling can be built so that it is of a style, height and colour that is visually recessive so that it will not generate any adverse visual or landscape effects that could have the potential to impact upon the nearby ONL or natural character and amenity values.

In summary the potential adverse natural character effects of the proposed subdivision/boundary adjustment and any subsequent development of an appropriately designed and coloured dwelling on proposed Lot 1 will be less than minor.

5.0 ASSESSMENT OF RELEVANT STATUTORY PLANNING POLICY

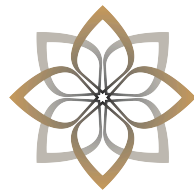
In this section I will address the statutory planning documents that contain objectives, policies and assessment criteria that have relevance to this particular application.

The application site is located within the General Coastal Zone as depicted on Zone Map 11. Resource Map 11 identifies that there is no Outstanding Landscape (OL) Outstanding Landscape Features or Natural Features identified on the property.

The adjoining Lot 22 and 23 are located within the Coastal Residential zone.

5.1 Far North District Plan (FNDP)

The following are the relevant landscape objectives found in Chapter 10 Section 6 General Coastal Zone.



Objective 10.6.3.1

To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.

Objective 10.6.3.2

To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

The following are the relevant landscape policy's found in Chapter 10 Section 6 General Coastal Zone.

Policy 10.6.4.1

That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

Policy 10.6.4.2

That the visual and landscape qualities of the coastal environment be protected from inappropriate subdivision, use and development.

Policy 10.6.4.3

Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

- a) Clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- b) Minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*

Policy 10.6.4.6

The design, from, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.

Comment:

The proposed subdivision/boundary adjustment will result in one building envelope located within an area that has been highly modified and exhibits little if any natural character values.

The western part of the site that has been identified as having high natural character and is located within an ONL will not be affected by the subdivision proposal. This area is covered in indigenous bush and is already protected by bush protection covenants.

The development of a future dwelling on proposed Lot 1 is considered to be an appropriate use of the land and will result in less than minor adverse visual and landscape effects.

The subdivision proposal includes a boundary adjustment with the two neighbouring lots, which effectively results in the building site that would have been utilised next door on Lot 23 being relocated to the building envelope on proposed Lot 1. Therefore only one new dwelling will be located in this area at the end of Motutara Drive. There is an expectation that one additional dwelling will be located in this area due to the vacant nature of Lot 23.

An appropriately designed, scaled and coloured dwelling placed on proposed Lot 1 will not be visible from the coastal marine area as the existing protected vegetation that is located along the coastal escarpment will screen it from view. This will preserve the natural character of this coastal environment.

Following are the relevant landscape objectives found in Chapter 13 Subdivision

Objective 13.3.1

To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

Objective 13.3.2

To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

Following are the relevant landscape policies found in Chapter 13 Subdivision

Policy 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;*
- (c) landscape values;*
- (d) amenity values; and*

(g) existing land uses.

Policy 13.4.4

That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

Policy 13.4.5

That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Policy 13.4.6

That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, ... where appropriate.

Policy 13.4.13

Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*

Comment:

Although the proposed building envelope is located within the General Coastal zone it is located directly adjacent to the Coastal Residential zone at the end of Motutara Drive. The proposed building envelope is visually and physically linked to the existing residential development that is located along Motutara Drive.

The proposed subdivision will generate less than minor adverse landscape and visual effects and will not result in any adverse cumulative effects. The development will result in one dwelling being located at the end of Motutara Drive. This is expected to occur on Lot 23, however this proposal will see the building envelope moved slightly.

The proposed building envelope is located within a modified landscape and will not impact upon the ONL or high natural character area.

5.2 The New Zealand Coastal Policy Statement

Policy 6 - Activities in the coastal environment and Policy 13 - Preservation of natural character, Policy 15 Natural Features and natural landscapes.

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(f) consider where development that maintains the character of the existing built development should be encouraged, and where development resulting in a change in character would be acceptable;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(g) a range of natural character from pristine to modified

Policy 15 Natural Features and natural landscapes

To protect the natural features and natural landscapes (including Seascapes) of the coastal environment from inappropriate subdivision, use and development:

Comment:

The proposed subdivision is for a boundary adjustment, with no additional dwelling lots created. The overall effects of this reconfiguration of the lots will not result in any greater effect than would be currently anticipated with the current lot arrangement.

The area of indigenous vegetation located on the coastal escarpment of Lot 1 will that is identified as an ONL and has high natural character values will be left untouched so that it continues to enhance the natural character of the area.

Future development on the Lot 1 building site can be controlled and done in a manner that will see future built development sensitively positioned and visually mitigated so that the built form is subservient to the natural character of the coastal landscape.

Overall the development will not have an adverse effect upon the natural character of this property and surrounding CMA. The development is considered to be in accord with the relevant landscape objectives and policies of the NZCPS.

5.3 Regional Policy Statement for Northland

The following objective and policy within the Regional Policy Statement for Northland have landscape relevance.

Objective 3.14 Natural Character, outstanding natural features, outstanding natural landscapes and historic heritage

Identify and protect the integrity of;

- (a) The natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*

Policy 4.6.1 Managing effects on natural character, features/landscape and heritage.

(1) In the coastal environment:

- a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.*
- b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:*
 - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
 - (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
 - (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*

The site has been identified as having an area of ONL along its western boundary, and this area has also been identified as being of high natural character. This area encompasses the area of indigenous bush along the coastal escarpment, which is already protected by bush protection covenants. The proposed subdivision development avoids any adverse effects on the characteristics and qualities that make up the outstanding values of the ONL.

The proposal involves no vegetation clearance and minimal earthworks which are located outside of the ONL and area of high natural character.

The development of a dwelling on the proposed building envelope on Lot 1 will result in a consolidation of built development within an existing coastal residential area and within a part of the landscape that has already been modified.

Overall the development is considered to be in accord with the relevant landscape objectives and policies of the NRPS.

6.0 MITIGATION MEASURES

The following building and landscape design guidelines have been complied with so that the future dwelling on Lot 1 can achieve a high level of integration.

This shall be achieved through sensitive building design and through the use of vegetation to provide a vegetated context for built development.

The guidelines recognise that it is not necessary to fully screen buildings with vegetation, however the use of strategically placed planting around the building envelope will assist blending the building into the landscape.

Building Form & Height

Building style, colour and form play a significant role in determining how well a building fits into the landscape. Buildings of a similar size, scale and mass and painted recessively appear to belong and are less visually obtrusive. Similarly buildings that reflect regional architectural styles appear to belong more readily than 'imported styles'.

The future dwelling on Lot 1 shall be single story and its maximum height above existing ground level shall be no more than 6m.

Building Materials and Finishes

The building materials for all structures located within the building envelope shall be recessive with the maximum reflectivity for facades and roofs being no greater than 30%.

The building materials should compliment the surrounding coastal landscape and bush setting.

Ancillary Structures

All ancillary structures which are separate from the primary residence (such as guest quarters, garages, storage sheds) shall be designed to complement and integrate with the primary residence and be located within the designated building envelope.

The use of landscape plantings to connect these structure with the main residence shall be used.

Driveways and Parking Areas

Parking areas shall be integrated with the overall design of the residence and landscaping, and vehicles in uncovered parking spaces shall not be visible from the coastline.

Landscaping & Outdoor Living Areas

Future owners shall not be entitled to alter or remove any existing native vegetation on their property that is protected by a covenant or that is located outside of the Building Development Zone on their property.

Additionally, any landscaping proposed by future owners on and around the building envelope or any other areas must be compatible with and complementary to the indigenous bush surrounding the site.

At the time of Land Use consent the owner of Lot 1 shall provide a landscape plan prior to any building being built on the site. The plan shall detail the landscape plantings that shall be planted around the new buildings within the building envelope.

The planting shall be located in and around the buildings and shall provide a visual softening of the built forms.

The amenity planting shall be predominantly indigenous species. Any exotic plant species that are used in the amenity landscape planting shall not be invasive or draw undue attention to the development.

The planting around any future structures placed on Lot 1 shall provide the following:

- a. A zone of foreground planting generally to the west of the new buildings. This planting will provide a transition between the garden area and the bush vegetation on the surrounding coastal escarpment.

- b. A vegetated backdrop behind any structures placed on Lot 1, this will generally be located to the east of the buildings.

7.0 CONCLUSION

The proposed development is for a subdivision and boundary adjustment that will reconfigure a number of lot boundaries. This will result in the creation of a new building envelope on proposed Lot 1 located within the General Coastal zone. It will also result in the creation of a new access lot and the amalgamation of an area of land with a neighbouring property.

This assessment has provided an understanding of the existing character and quality of the site and surrounding landscape and the visual components of the development proposal.

The proposed subdivision although located with the General Coastal zone is located directly adjoining the end of the Motutara Drive coastal residential area. The creation of the proposed building envelope and amalgamation of the other lots will result in only one future dwelling being built in this area. The site has the capacity to accommodate one dwelling (one dwelling is anticipated for on Lot 23, as a result of the boundary adjustment it will now not be built on that lot).

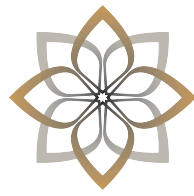
The proposed building envelope is located within a modified part of the landscape and will be visually and physically connected to the existing coastal residential pattern found along Motutara Drive.

The development will involve no vegetation clearance and minimal earthworks. The High Natural Character area and ONL will not be affected by the proposal.

The future development of a dwelling on proposed Lot 1 can be achieved through following design controls so that it is acceptable size, design, height and colour for this location on this site and within this coastal environment. This will ensure it is visually recessive and easily visually absorbed into the landscape setting without generating any adverse landscape or visual effects. This will maintain and protect the coastal natural character and amenity values of the site and surrounding environment.

This is a development that is consistent with the relevant assessment criteria, objectives and policies found within the FNDP and NZCPS and RPS. The development is sensitive to the environment it is located within so that the potential adverse visual amenity and natural character effects are less than minor.





HAWTHORN
Landscape Architects

Christine Hawthorn
BLA (Hons.)
Hawthorn Landscape Architects Ltd.

12th September 2019

Onsite Wastewater Site Suitability Report

Motutara Beach Holdings Limited

Motutara Drive

Rangiputa

Far North District

**Proposed Subdivision of Lot 3 DP 424279 and Lot 23
DP 202908**

Report written by: Nicola O'Brien

Approved by: Martin O'Brien

Rev: A

Date: 28th March 2019

Job No: 2188

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Onsite Wastewater Disposal Design

Assessment of the Environmental Effects

Executive Summary

The proposed subdivision of Lot 3 DP 424279 and boundary adjustment of Lot 23 DP 202908 is currently being undertaken by Von Sturmers, Land Surveyors, Kaitia. 0.0200ha of Lot 23 DP 202908 will be amalgamated with Lot 22 DP 202908. The remainder of Lot 23 will be included as part of Lot 1 and a right of way to proposed Lot 3. Following subdivision proposed Lot 1 will become 0.3000ha of grassed, fenced paddock to be used residentially. Proposed Lot 2 will become 0.0200ha of grassed land to be amalgamated with Lot 22. Lot 22 has an existing dwelling and is serviced by FNDC reticulated sewerage. Proposed Lot 3 will become 9.3240ha. An existing house and onsite wastewater are located on proposed Lot 3.

This report investigates the suitability of proposed Lot 1 for onsite wastewater disposal, within the proposed subdivision boundaries. A treatment system and land application method are recommended, for proposed Lot 1, based on site characteristics including soil type, surface water courses and proximity to groundwater. A proposed area, suitable for wastewater disposal and a reserve area are designated.

Findings & Recommendations:

- Proposed Lot 1 is suitable for the disposal of wastewater within the proposed subdivision boundaries.
- There is adequate available area on proposed Lot 1 for onsite wastewater disposal and a reserve field, based on a future 4-bedroom dwelling.
- A cost-effective primary treatment system with conventional trenches is suitable for proposed Lot 1 due to category 3 soils with good drainage. As the site is relatively flat a pump chamber may be required. This report and Appendix E are based on primary treatment with conventional trenches.
- Secondary treatment systems treat effluent to a higher standard and are an alternative option. Secondary systems with buried or surface laid dripper lines are more advanced systems and are the superior, recommended choice for onsite wastewater disposal.
- This report is for resource consent for subdivision only. The system, land application method and design of the disposal field is to be specified in a site-specific Onsite Wastewater Report (TP58) at the time of building consent application.
- An existing septic tank with soakage services an established dwelling, on proposed Lot 3. The system and soakage field are well away from proposed subdivision boundaries.

1.0 Introduction

1.1 Scope

An on-site effluent disposal investigation has been undertaken in accordance with TP58 On-site Wastewater Systems: Design and Management Manual Third Edition for the subdivision of Lot 3 DP 424279 and boundary adjustment of Lot 23 DP 202908.

The site and soil evaluation, disposal area calculation and site plan address the requirements set out in TP58 3rd Edition and are to be read in conjunction with Section 5: Appendix E.

1.2 Proposal

Following subdivision, proposed Lot 1 will become a 0.3000ha lot to be used residentially. Proposed Lot 1 will require onsite wastewater to service a future dwelling.

1.3 Site Description

Lot 3 DP 424279 and Lot 23 DP 202908 are located off Motutara Drive, Rangiputa. Access to the lots is currently gained via Motutara Drive. Refer to the Subdivision Scheme Plan, Section 1.4 showing the proposed subdivision and boundary adjustment.

Proposed Lot 1 will become a 0.3000ha lot, zoned General Coastal, to be used residentially. Currently the property is grassed, fenced paddocks used for grazing. The property is flat to slightly sloping. The topography slopes gently, to the south, towards Motutara Drive. The wastewater disposal field is to be setback 20m from the kerb and channel drain along Motutara Drive. A 20m setback is required for primary treated effluent, a 15m setback is required for secondary treatment. Proposed Lot 3 is located to the north and west of proposed Lot 1. Rangaunu Harbour is located further west. Residential properties are located to the south. Refer to Photograph 1 and 2 showing proposed Lot 1.



Photograph 1: View to the northwest, showing grassed, flat to slightly sloping proposed Lot 1. Manuka scrub is located on proposed Lot 3. Rangaunu Harbour can be seen in the background.



Photograph 2: View to the south, showing grassed, fenced proposed Lot 1 with residential properties in the background



Photograph 3: View to the southeast, showing part of grassed proposed Lot 2, to be amalgamated with the residential property in the background. The remainder of Lot 23 will be included as part of proposed Lot 1 and a right of way to proposed Lot 3

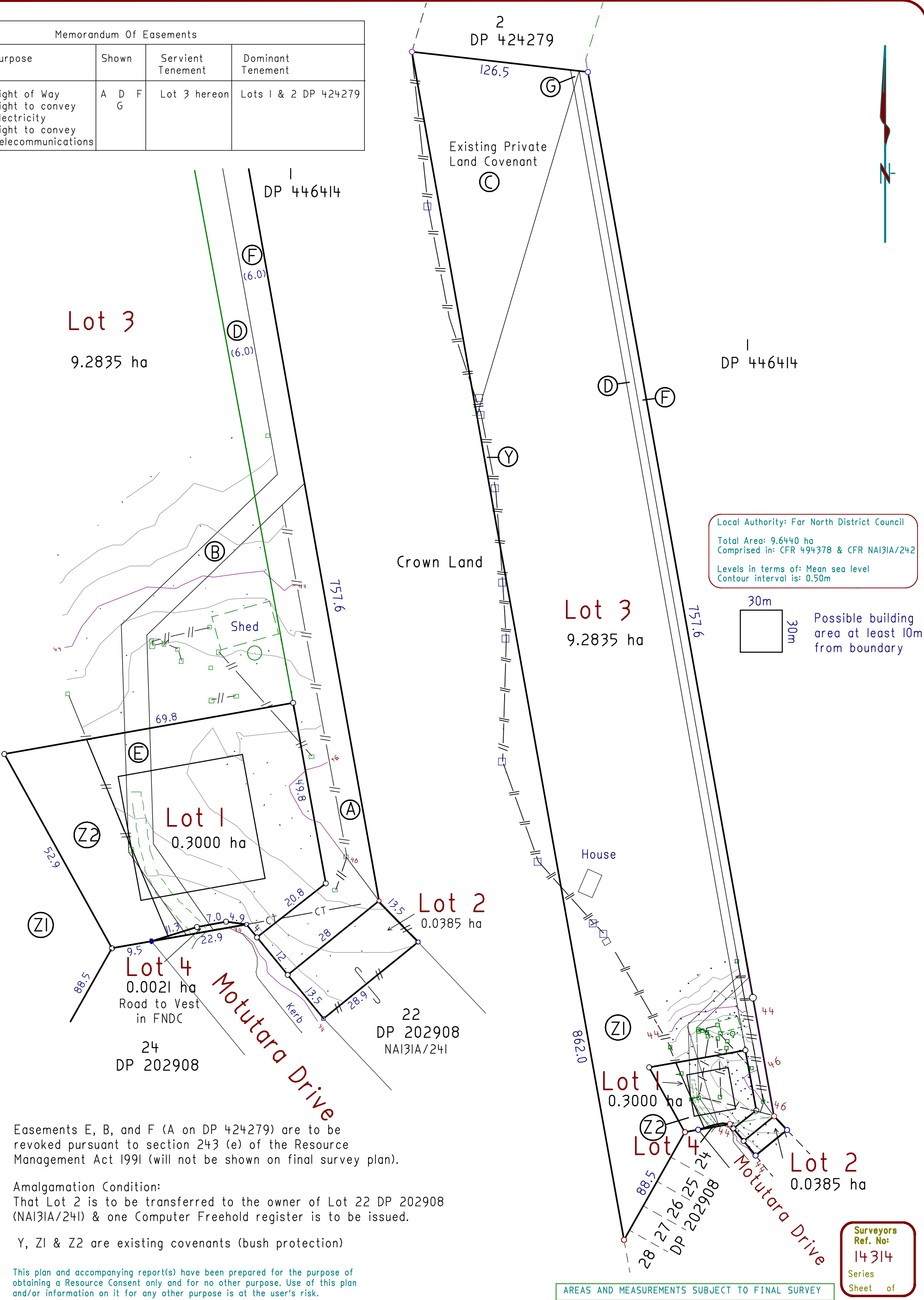


Photograph 4: View to the north, showing proposed Lot 3 with an existing dwelling and grassed area. Scrub is located to the west and east. Rangaunu Harbour is located further west.

Proposed Lot 2 will become 0.0200ha of grassed land to be amalgamated with Lot 22. Lot 22 has an existing dwelling and is serviced by FNDC reticulated sewerage. Refer to Photograph 3 showing part of proposed Lot 2, to be amalgamated with the residential property shown in the background.

Proposed Lot 3 will become a 9.3240ha property. Proposed Lot 3 is a rectangular shaped, grassed lot with an existing dwelling serviced by a septic tank and soakage. Refer to Photograph 4 showing proposed Lot 3. Crown land in scrub then Rangaunu Harbour are located to the west of proposed Lot 3. Residential properties are located to the south.

| Memorandum Of Easements | | | |
|---|------------|-------------------|----------------------|
| Purpose | Shown | Servient Tenement | Dominant Tenement |
| Right of Way Right to convey Electricity Right to convey Telecommunications | A D F G | Lot 3 hereon | Lots 1 & 2 DP 424279 |



Easements E, B, and F (A on DP 424279) are to be revoked pursuant to section 243 (e) of the Resource Management Act 1991 (will not be shown on final survey plan).

Amalgamation Condition:
That Lot 2 is to be transferred to the owner of Lot 22 DP 202908 (NA131A/241) & one Computer Freehold register is to be issued.

Y, Z1 & Z2 are existing covenants (bush protection)

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



VON STURMEY
Registered Land Surveyors, Planners &
Land Development Consultants
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Kaitaia

Lots 1-4 Being A Proposed Subdivision
Of Lot 3 DP 424279
& Lot 23 DP 202908

| | Name | Date |
|----------|------|---------|
| Survey | | |
| Design | BK | 11/18 |
| Drawn | | |
| Approved | | |
| Rev | 4 | 20/8/19 |

ORIGINAL
SCALE SHEET
SIZE

1:2500 A3

2.0 Methodology

2.1 Investigation and Subsurface Conditions

The site investigation was undertaken on 23rd March 2019 and comprised of a visual assessment of all proposed lots and the surrounding area. A 50mm borehole to a depth of 600mm was taken, on proposed Lot 1, to acquire a soil sample for examination and establish ground water depth. As soils were sandy and very dry it was difficult to bore deeper than 600mm. USDA feel method was used to determine soil texture, soil structure and soil category. The test location is indicated on the attached Site Plan, Section 6.

2.2 Desk Study

A desk study of available information and site characteristics was undertaken to establish the design parameters for the selected disposal system and disposal field area. The design set out in this report adopts a conservative approach to wastewater treatment and dispersal reducing adverse effects on groundwater and minimising risk to human health.

3.0 Site Evaluation

3.1 Soil Profile

Geological Map Reference Number: NZMS 290 Sheet O 04/05 describes the soils on proposed Lot 1, 2 and 3 as Tangitiki sandy loam (TT) with well to moderately well drained soils of the coastal sand dune complex and Te Kopuru sand (TEK) with imperfectly to very poorly drained soils of the sand dune complex.

The site investigation and attached field test results show the soils to be category 3 with good drainage characteristics. Refer to the Borehole, Section 7 and Photograph 5 showing soil layers.



Photograph 5: Showing 300mm of category 3, dry, light brown, silty SAND followed by category 3, slightly moist, reddish brown, silty SAND.

3.2 Groundwater

TP58 states groundwater separation must be greater than 1650mm for conventional trenches. Secondary treated dripper lines have a separation distance of 900mm from groundwater. Ground water was not intercepted during the 600mm borehole. It is estimated that groundwater be greater than 1650mm depth due to sandy soils and the elevated location of the property.

A borehole establishing that the wastewater disposal field is the required distance from groundwater should be undertaken on proposed Lot 1, in the elected location of the disposal field, at the time of building consent application.

3.3 Surface water

Proposed Lot 1 is flat to slightly sloping. The lot slopes to the south towards Motutara Drive and an associated kerb and channel drain. The wastewater is to be setback at least 20m from the roadside drain with primary treatment and 15m with secondary. Rangaunu Harbour is located to the west of proposed Lot 1. The harbor is well away from Lot 1. A minimum of 37m of crown land, in scrub, separates the harbor from the western boundary of proposed Lot 3.

3.4 Stormwater Management

There is an existing 225mm dia. FNDC stormwater pipe which terminates at the southwest corner of existing Lot 23. The pipe services the dwellings on the eastern side of Motutara Drive. As a result of this subdivision Lot 23 will no longer exist. Proposed Lot 1 will take the place of existing Lot 23. It is proposed that the existing pipe be extended to service proposed Lot 1. The permitted impermeable surfaces for existing Lot 23 as a 600m² site at 50% is 300m². Lot 1 as a 3,000m² property in the General Coastal Zone would have a 10% allowance of 300m². Therefore, as the permitted impermeable surfaces for both lots is the same the existing pipe is adequate to service proposed Lot 1.

Stormwater from the roof of a future dwelling on proposed Lot 1 will be collected in water tanks. The overflow from the tanks can be piped to the newly extended 225mm dia. stormwater pipe which can be provided with a connection at the southern boundary of proposed Lot 1.

Proposed Lot 1 and 3 are identified as General Coastal in the Far North District Plan. To be a permitted activity under the Stormwater Management section of the District Plan, a property can have maximum 10% impermeable surfaces per lot. Proposed Lot 2 is zoned Coastal Residential. To be a permitted activity under the Stormwater Management section of the District Plan, a property can have maximum 50% impermeable surfaces per lot.

Lot 1: 3,000m² x 10% = 300m²

Lot 2: 200m² x 50% = 100m²

Lot 3: 93,240m² x 10% = 9,324m²

Approximate Impermeable Surfaces

Lot 1:

Existing driveway: 100m²
=3.3% Permitted

Lot 2:

Greenfield site

Lot 3:

Existing dwelling: 190m²
Existing small shed: 20m²
Existing shed: 115m²
Total: 325m²
= <1% Permitted

Stormwater will have less than minor adverse effects on neighbouring properties as a result of this proposed activity.

4.0 On-site Effluent Disposal

4.1 Site Investigation Results

Based on the site evaluation, proposed Lot 1 is suitable for the onsite disposal of wastewater. There is adequate available area for wastewater disposal, including a 100% reserve area, within the proposed subdivision boundaries. Refer to the Site Plan, Section 6, for the available area for onsite wastewater disposal with required setbacks from the roadside drain.

A cost-effective primary treatment system with conventional trenches is suitable for proposed Lot 1. As the site is relatively flat a pump chamber may be required. Alternatively, a secondary treatment system with a reduced reserve area may be used. The system, land application method and design of the disposal field is to be specified in a site-specific Onsite Wastewater Report (TP58) at the time of building consent application.

4.2 System Requirements

Approximate cost of each system:

Septic tank and conventional trenches: \$10,000

Secondary treatment system with dripper lines: \$16,000 - \$20,000

Effluent may be disposed of via a septic tank with a minimum capacity of 4500Litres and conventional trenches.

The system is to comply with NZS1546.1:2008 and the New Zealand Building Code and be installed by a registered installer to manufacturer's instructions.

4.3 Proposed Effluent Disposal Field

Based on a future, 4-bedroom dwelling there is available area, on proposed Lot 1, for a 54m² primary wastewater disposal field or alternatively 216m² of surface laid or buried dripper line. Refer to the attached Site Plan, Section 6, for available area for wastewater and reserve (shaded).

The exact dimensions of the field may differ in the site-specific Onsite Wastewater Disposal Report (TP58), for example the number of bedrooms may change, altering system volumes and the size of the field.

It is recommended that the wastewater disposal area be clearly marked, fenced or landscaped in such as way as to deter use. This reduces risk to human health and the possibility of damage to the system. The disposal field should not be used to graze animals, be driven on or built over. These activities can result in damage to and failure of the disposal field.

The installation and exact location of cut off drains should be considered in a site-specific Onsite Wastewater Report (TP58), at the time of building consent application.

4.4 Reserve Area

Proposed Lot 1 has adequate available area to support a 100% reserve disposal field for primary treatment, or 50% for secondary treatment.

The purpose of the reserve disposal area is for duplication of the disposal field. This area may be needed in events such as failure of the original field or future expansion of the proposed development. The reserve disposal area is to be protected from any development that would prevent its use in the future.

5.0 TP58 3rd Edition, Appendix E

PART A: Owners Details

1. Applicant Details:

| | | |
|----------------------|---------------------------------|---------|
| | First Name(s) | Surname |
| Applicant Name: | Rob | Noakes |
| Company Name: | | |
| Property Owner Name: | Motutara Beach Holdings Limited | |
| Nature of Applicant | Co-owner | |

2. Consultant / Site Evaluator Details:

| | | |
|------------------------|--|--------------|
| Consultant/Agent Name | O'Brien Design Consulting Ltd | |
| Site Evaluator Name | Martin O'Brien | |
| Postal Address | O'Brien Design Consulting Ltd | |
| | 157 Okokako Road, Waimate North | |
| | 0293 | |
| Contact Details | Phone | 09 407 5208 |
| | Mobile | 027 407 5208 |
| Name of Contact Person | Martin O'Brien | |
| E-mail Address | martin@obrienconsulting.co.nz | |
| Website | www.obriendesignconsulting.co.nz | |

3. Are there any previous existing discharge consents relating to this proposal or other waste discharge on this site?

| |
|--|
| Existing onsite wastewater with a septic tank and soakage on proposed Lot 3. Connection to town sewerage for Lot 22 DP 202908 which will be amalgamated with proposed Lot 2. |
| |
| |

4. List any other consent in relation to this proposal site and indicate whether or not they have been applied for or granted?

| |
|------|
| None |
| |
| |
| |
| |

PART B: Property Details

1. Property for which this application relates:

| | | | |
|------------------------------------|--|--------------------------------------|---|
| Physical Address of Property | Motutara Drive | | |
| | Rangiputa | | |
| Territorial Local Authority | Far North District Council | | |
| Regional Council | Northland Regional Council | | |
| Legal Status of Activity | Permitted: <input checked="" type="checkbox"/> | Controlled: <input type="checkbox"/> | Discretionary: <input type="checkbox"/> |
| Relevant Regional Rule(s) (Note 1) | | | |
| | | | |
| Total Property Area (ha) | Proposed Lot 1: 0.3000ha | | |
| | Proposed Lot 2: 0.0200ha | | |
| | Proposed Lot 3: 9.3240ha | | |

2. Legal description of land (as shown on Certificate of Title)

| | | | | | |
|--------------------------------------|--|--------|--|--------|--|
| Lot | | DP No. | | CT No. | |
| Lot 3 DP 424279 and Lot 23 DP 202908 | | | | | |

Please ensure copy of Certificate of Title is attached

PART C: Site Assessment - Surface Evaluation

Has a relevant property history study been conducted?

| | | | | |
|-------------|----|-------------------------------------|-----|--|
| Please Tick | No | <input checked="" type="checkbox"/> | Yes | |
|-------------|----|-------------------------------------|-----|--|

If yes, please specify the findings of the history study, and if not please specify why this was not considered necessary.

| |
|--|
| Proposed Lot 1: Grassed, fenced farmland used for grazing. |
| |
| |
| |
| |
| |

1. Has a **Slope Stability** Assessment been carried out on the property?

| | | | | |
|-------------|----|---|-----|--|
| Please tick | No | √ | Yes | |
|-------------|----|---|-----|--|

If No, state why?

Slope is slight at <5° over proposed Lot 1.

If Yes, please give details of report (and if possible, please attach report): fill out if you said yes

Author:

Company/Agency:

Date of Report:

Brief Description of Report Findings: -

2. **Site Characteristics:**

Provide descriptive details below:

Performance of Adjacent Systems:

Unconfirmed.

Estimated Rainfall and Seasonal Variation:

Information available from **N.I.W.A MET RESEARCH**

Northland = 112.6mm average per month during 1981-2010

Vegetation / Tree Cover:

Proposed Lot 1: Grassed

Slope Shape: (Please provide diagrams)

Flat to slightly sloping.

Slope Angle:

Flat to slightly sloping <5°.

Surface Water Drainage Characteristics:

Proposed Lot 1: Surface water will flow to the south towards a kerb and channel drain along Motutara Drive.

Flooding Potential: YES/NO

NO

Surface Water Separation:

The wastewater disposal field is to be setback 20m from any existing or future drain downslope of the disposal field, with primary treatment. A 15m separation is required for secondary treated dripper line.

3. **Site Geology**

Tangitiki sandy loam (TT) with well to moderately well drained soils of the coastal sand dune complex and Te Kopuru sand (TEK) with imperfectly to very poorly drained soils of the sand dune complex.

| | |
|---------------------------------|------------------------|
| Geological Map Reference Number | NZMS 290 Sheet O 04/05 |
|---------------------------------|------------------------|

4. **What Aspect(s) does the proposed disposal system face?**

| | | | | |
|-----------|--|--|-----------|--|
| North | | | West | |
| Northwest | | | Southwest | |
| Northeast | | | Southeast | |
| East | | | South | |

5. **Site Clearances**

| Separation Distance from | Treatment Plant Separation Distance (m) | Disposal Field Separation Distance (m) |
|--|---|--|
| Boundaries | 1.5m minimum | 1.5m minimum |
| Surface water, overland flow paths | 20m minimum | 20m minimum |
| Groundwater | - | 1.2m minimum |
| Stands of trees/shrubs | Outside tree canopy | Outside tree canopy |
| Wells & potable water bores | 20m minimum | 20m minimum |
| Lakes, rivers, wetland & the coastline | 30m minimum | 30m minimum |
| Buildings | 3m minimum | 3m minimum |
| Flood area | Outside the 100yr ARI flood event | |
| Other: | | |

PART D: **Site Assessment - Subsoil Investigation**

1. **Please identify the soil profile determination method:**

| | | | | |
|-----------|---|------------|------------------|---|
| Bore Hole | Hand Augured | 600mm Deep | No of Bore Holes | 1 |
| Other: | USDA feel method to determine soil texture & soil structure | | | |

Soil Report attached?

| | | | | |
|-------------|-----|---|----|--|
| Please Tick | Yes | √ | No | |
|-------------|-----|---|----|--|

2. **Was fill material intercepted during the subsoil investigation?**

| | | | | |
|-------------|-----|--|----|---|
| Please Tick | Yes | | No | √ |
|-------------|-----|--|----|---|

If yes, please specify the effect of the fill on wastewater disposal

| |
|--|
| |
| |

3. **Percolation Testing**

| | | | | |
|-----------------------|-----|--|----|---|
| Not required | | | | |
| Test Report Attached? | Yes | | No | √ |

4. Are surface water interception/diversion drains required?

| | | | | |
|---|-----|--|----|--|
| Please tick | Yes | | No | |
| To be confirmed in a site-specific Onsite Wastewater Report (TP58) at the time of building consent application. | | | | |

4a. Are subsurface drains required?

| | | | | |
|-------------|-----|--|----|---|
| Please tick | Yes | | No | √ |
|-------------|-----|--|----|---|

5. Please state the depth of the seasonal water table:

| | | | | | | |
|--------|-------|---|----------|--|-----------|---|
| Winter | >1700 | m | Measured | | Estimated | √ |
| Summer | >1700 | m | Measured | | Estimated | √ |

6. Are there any potential storm water short circuit paths?

| | | | | |
|-------------|-----|--|----|---|
| Please Tick | Yes | | No | √ |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

7. Based on results of subsoil investigation above, please indicate the disposal field soil category

| Is Topsoil Present? | Yes | If so, Topsoil Depth? | 0mm |
|---------------------|--|---------------------------|----------|
| Soil Category | Description | Drainage | Tick One |
| 1 | Gravel, coarse sand | Rapid draining | |
| 2 | Coarse to medium sand | Free draining | |
| 3 | Medium-fine & loamy sand | Good drainage | √ |
| 4 | Sandy loam, loam & silt loam | Moderate drainage | |
| 5 | Sandy clay-loam, clay loam & silty clay-loam | Moderate to slow drainage | |
| 6 | Sandy clay, non-swelling clay & silty clay | Slow draining | |
| 7 | Swelling clay, grey clay, hardpan | Poorly or non-draining | |

Reasons for placing in stated category

| |
|--|
| Tangitiki sandy loam (TT) with well to moderately well drained soils of the coastal sand dune complex and Te Kopuru sand (TEK) with imperfectly to very poorly drained soils of the sand dune complex. |
| Actual soil analysis during the field inspection indicate the soils to be category 3, silty SAND with good drainage. |
| During the borehole no topsoil was noted. From 0-300mm category 3, dry, mid brown, silty SAND was present |
| From 300-600mm soils were category 3, slightly moist, reddish brown, silty SAND. It was difficult to bore deeper due to loose sandy, hard soils. |

PART E: Discharge Details

1. Water supply source for the property:

| | |
|-----------------------------|-------------------------------------|
| Rainwater (roof collection) | <input checked="" type="checkbox"/> |
| Bore/well | <input type="checkbox"/> |
| Public supply | <input type="checkbox"/> |

2. Calculate the maximum daily volume of wastewater to be discharged, unless accurate water meter readings are available (Refer TP58 Table 6.1 and 6.2)

| | | |
|-----------------------------------|------|-----------------------------|
| Number of Bedrooms | 4 | |
| Design Occupancy | 6 | (Number of People) |
| Per capita Wastewater Production | 180 | (Litres per person per day) |
| Other - specify | | |
| | | |
| | | |
| Total Daily Wastewater Production | 1080 | (Litres per day) |

3. Do any special conditions apply regarding water saving devices?

| | | | | | |
|-------------------------------------|-----|--------------------------|--------------------------|-------------------------------------|---------------|
| a) Full Water Conservation Devices? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | (Please tick) |
| b) Water Recycling - what %? | 0% | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (Please tick) |

If you have answered yes, please state what conditions apply and include the estimated reduction in water usage:

| |
|--|
| |
| |
| |
| |

4. Is Daily Wastewater Discharge Volume more than 3000 litres:

| | | | | |
|-------------|-----|--------------------------|----|-------------------------------------|
| Please tick | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
|-------------|-----|--------------------------|----|-------------------------------------|

Note if answer to the above is yes, an N.R.C wastewater discharge permit may be required

PART F: Primary Treatment

(Refer TP58 Section 7.2)

1. Please indicate below the no. and capacity (litres) of all septic tanks including type (single/dual chamber grease traps) to be installed or currently existing: If not 4500 litre, dual chamber, explain why not

| Number of Tanks | Type of Tank | Capacity of Tank (Litres) |
|-----------------|----------------|---------------------------|
| 1 | Dual Chamber | 4500 Litres minimum |
| | | |
| | | |
| | | |
| | | |
| | Total Capacity | 4500 Litres |

2. Type of Septic Tank Outlet Filter to be installed?

Sim/Tech Filter or similar approved

PART G: Secondary and Tertiary Treatment

1. Please indicate the type of additional treatment, if any, proposed to be installed in the system: (please tick)

| | | |
|------------------------------|--|---------|
| Secondary treatment | | |
| Home aeration plant | | |
| Commercial aeration plant | | |
| Intermediate sand filter | | |
| Recirculating sand filter | | |
| Recirculating textile filter | | |
| Clarification tank | | |
| Tertiary treatment | | |
| Ultraviolet disinfection | | |
| Chlorination | | |
| Other | | Specify |

PART H: Land Disposal Method

(Refer TP58 Section 8)

1. Please indicate the proposed loading method: (please tick)

| | |
|---------------|---|
| Gravity | √ |
| Dosing Siphon | |
| Pump | |

2. High water level alarm to be installed in pump chambers

| | | | | |
|-------------|-----|--|----|--|
| Please Tick | Yes | | No | |
|-------------|-----|--|----|--|

3. If a pump is being used, please provide the following information:

| | | |
|--------------------------|--|----------|
| Total Design Head | | (m) |
| Pump Chamber Volume | | (Litres) |
| Emergency Storage Volume | | (Litres) |

4. Please identify the type(s) of land disposal method proposed for this site:

(Refer TP58 Sections 9 and 10)

| | | | | |
|------------------------------|--|---|-------------------------|--|
| Specifically Designed Trench | | | As Per Attached Details | |
| Standard Trench | | √ | | |
| Deep Trench | | | | |
| | | | | |
| | | | | |
| | | | | |
| Other | | | Specify | |
| | | | | |

5. Please identify the loading rate you propose for the option selected in Part H, Section 4 above, stating the reasons for selecting this loading rate:

| | | |
|---------------|---------------------------|------------------------------|
| Loading Rate | 20 | (Litres/m ² /day) |
| Disposal Area | Design (m ²) | 54 |
| | Reserve (m ²) | 54 |

Explanation *(Refer TP58 Sections 9 and 10)*

| |
|---|
| Conservative loading rate for land application method, slope and soil category. |
| |
| |

6. What is the available reserve wastewater disposal area
(Refer TP58 Table 5.3)

| | |
|---|------|
| Reserve Disposal Area (m ²) | 54 |
| Percentage of Primary Disposal Area (%) | 100% |

7. Please provide a detailed description of the design and dimensions of the disposal field and attach a detailed plan of the field relative to the property site:

Description and Dimensions of Disposal Field:

| | | | | | |
|--|-----|--|----|---|---------------|
| The exact dimensions and design of the disposal field are to be described in a site-specific Onsite Wastewater Report at the time of building consent application. | | | | | |
| Plan Attached? | Yes | | No | √ | (Please tick) |

If not, explain why not

| |
|---|
| Refer to the Site Plan, Section 6 showing available area over proposed Lot 1 for onsite wastewater and reserve. |
| |

PART I: Maintenance & Management

(Refer TP58 Section 12.2)

1. Has a maintenance agreement been made with the treatment and disposal system suppliers?

| | | | | |
|-------------|-----|--|----|---|
| Please tick | Yes | | No | √ |
|-------------|-----|--|----|---|

Name of Suppliers

It is the intension of the owner to obtain a maintenance agreement on purchase of the system.

Client to enter into agreement with chosen system supplier as per FNDC bylaw

PART J: Assessment of Environmental Effects

1. Is an assessment of environmental effects (AEE) included with application?

(Refer TP58 section 5. Ensure all issues concerning potential effects addressed)

| | | | | |
|-------------|-----|---|----|--|
| Please tick | Yes | √ | No | |
|-------------|-----|---|----|--|


PART K: Is Your Application Complete?

1. In order to provide a complete application have you remembered to:

| | |
|---|---|
| Fully Complete this Assessment Form | √ |
| Include a <i>Location Plan</i> and <i>Site Plan</i> (with Scale Bars) | √ |
| Attach an Assessment of Environmental Effects (AEE) | √ |

1. Declaration

I hereby certify that, to the best of knowledge and belief, the information given in this application is true and complete.

| | | |
|----------------------|-----------|---|
| Name: Martin O'Brien | Signature |  |
| Position: Director | Date | 28 th March 2019 |

Note:

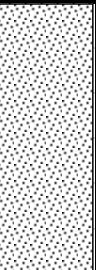
Any alteration to the site plan or design after approval will result in noncompliance.







Building consent must be approved before work commences.



7.0 Borehole Log

| BORE HOLE LOG 1 | | | | | |
|--------------------------|---------------------------------|--|---------------------|-----------------|--|
| Client | Motutara Beach Holdings Limited | | Job No. | 2188 | |
| Project | Subdivision | | Date Drilled | 23/03/2019 | |
| Site Address | Motutara Drive, Rangiputa | | Drilled By | M O'Brien | |
| Legal Description | Lot 3 DP 424279 | | Drill Method | 50mm hand auger | |

| Depth mm | GWL | Soil Map Reference | Graphic Log | Field Description | Soil Category |
|-------------|---------------------------------|--|--|----------------------------|---------------|
| 100 | Ground water not intercepted | Tangitiki sandy loam (TT) + Te Kopuru sand (TEK) |  | Dry light brown silty SAND | 3 |
| 200 | | | | | |
| 300 | | | | | |
| 400 | | | | | |
| 500 | | | | | |
| 600 | | | | | |
| 700 | | | | EOB | |
| 800 | | | | | |
| 900 | | | | | |
| 1000 | | | | | |
| 1100 | | | | | |
| 1200 | | | | | |
| 1300 | | | | | |
| 1400 | | | | | |
| 1500 | | | | | |
| 1600 | | | | | |
| 1700 | | | | | |
| 1800 | | | | | |
| 1900 | | | | | |
| 2000 | | | | | |
| 2100 | | | | | |

| Graphic Log Legend | | | | | |
|---|---|---|---|---|---|
|  |  |  |  |  |  |
| Fill | Topsoil | Gravel | Sand | Clay | Silt |

The subsurface data described above has been determined at this specific borehole location and will not identify any variations away from this location. The data is for the determination of soil type for wastewater disposal applications only and is not to be used for geotechnical purposes.

8.0 Statements & Limitations

1. It is imperative that this report be read in full before installation commences. O'Brien Design Consulting Ltd. is to be contacted if there are any variations in subsoil conditions from those described in this report. Should at any time the design be altered, O'Brien Design Consulting Ltd. are to be contacted for written approval before any installation commences.
2. Our responsibility for this report is limited to the property owner named in Part A of this document. We disclaim all responsibility and will accept no liability to any other person unless that party has obtained the written consent of O'Brien Design Consulting Ltd. O'Brien Design Consulting Ltd reserves the right to qualify or amend any opinion expressed in this report in dealing with any other party. It is not to be relied upon for any other purpose without reference to O'Brien Design Consulting Ltd.
3. Recommendations and opinions in this report are based on data obtained from the investigations and site observations as detailed in this report. The nature and continuity of subsoil conditions at locations other than the investigation bores and tests are inferred and it should be appreciated that actual conditions may vary over the property.
4. It is the responsibility of the home owner/builder to ensure a fully registered drain layer installs all systems to the attached specifications of this TP58 document and manufacturers literature.
5. It is the responsibility of the home owner/builder to ensure the system is installed in accordance with the design and inspected by the Far North District Council or a suitably qualified person at the time of installation.
6. The owner is responsible for the everyday upkeep of the system and should follow the NRC Public Information section of this report to minimise problems.
7. It is the responsibility of the owner to provide the Far North District Council with a maintenance agreement for the installed system. The maintenance of onsite waste water systems should be sustained to reduce the risk of system failure.
8. O'Brien Design Consulting Ltd. is to be contacted if for any reason installation of the onsite wastewater system cannot be achieved to the design set out in this document. In this event O'Brien Design Consulting Ltd. reserves the right to revise this document.
9. Any alteration to the site plan or design after approval will result in noncompliance.
10. Any questions arising from the above or during construction, please call O'Brien Design Consulting Ltd.