

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — <u>both available on the Council's web page</u>.

1. Pre-Lodgement Meeting		
Have you met with a council Resource Consent representative to discuss this application prior to lodgement? Yes No		
2. Type of Consent being applied for		
(more than one circle can be ticked):		
Land Use	Discharge	
Fast Track Land Use*	Change of Consent Notice (s.221(3))	
Subdivision	Extension of time (s.125)	
Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)		
Other (please specify)		
* The fast track is for simple land use consents and is r	estricted to consents with a controlled activity status.	

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

Yes No

4. Consultation

Have you consulted with lwi/Hapū? 🔵 Yes 🔵 No		
If yes, which groups have you consulted with?		
Who else have you consulted with?		

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

5. Applicant Details

Name/s:

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Email:

Phone number:

Postal address:

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

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

7. Details of Property Owner/s and Occupier/s

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

Name/s:	Refer to Title
Property Address/ Location:	
	Postcode

Omapare Taraire E & Rangihamama X3A Ahu Whenua Trust

8. Application Site Details

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

Name/s: Site Address/ Location:		
	Postcode	
Legal Description:	Val Number:	
Certificate of title:		

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 rearrange a second visit.

9. Description of the Proposal:

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

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

Yes) No

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

(more than one circle can be ticked):

- Building Consent Enter BC ref # here (if known)
- Regional Council Consent (ref # if known) Ref # here (if known)

National Environmental Standard consent Consent here (if known)

Other (please specify) Specify 'other' here

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

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

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. **Yes No Don't know**

Subdividing land

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application **Yes**

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full) Richard Chester Fong

Email:

Phone number:

Postal address:

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

chard Chester Fong Yia	

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.



15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)		
Signature:		Date
	A signature is not required if the application is made by electronic means	

Checklist (please tick if information is provided)

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

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



BAY OF ISLANDS PLANNING (2022) LIMITED

Kerikeri House Suite 3, 88 Kerikeri Road Kerikeri

Email – <u>office@bayplan.co.nz</u> Website - <u>www.bayplan.co.nz</u> 9 June 2025

Dear Team Leaders,

Re: Resource Consent Application for Remaining 7 Dwellings at Rangihamama Housing Development (RC2160340)

Our client seeks a resource consent for the construction of seven residential dwellings (Units A1-A3 and A12-A15) on the property at 155 Rangihamama Road, Kaikohe to accommodate beneficiaries of the Trust.

Eight of the fifteen dwellings, along with the infrastructure to support the development, were completed as part of RC2160340. While unclear whether the resource consent has been given effect to, this application seeks resource consent for the remaining seven dwellings previously approved.

The site is zoned Rural Production within the Far North District Council Operative District Plan (**ODP**), and Maori Purpose under the Proposed District Plan (**PDP**). Resource Consent is required as the proposal is considered as part of an Integrated Development.

No consents are required under the PDP.

Overall, the application is a **Discretionary Activity**.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Andrew McPhee Consultant Planner



1. INTRODUCTION

This report seeks resource consent for the remaining seven dwellings (Units A1-A3 and A12-A15) of the Rangihamama Housing Development, previously approved under RC216430. The record of title is provided in **Appendix A**.

The Rangihamama Housing Development is a significant Papakainga project undertaken by the Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust (**ORT**) at 155 Rangihamama Road, Kaikohe. The development initially proposed the construction of 15 residential units, alongside essential supporting infrastructure such as internal roads, stormwater disposal, wastewater treatment, and landscaping. The applciation went to a hearing and consent was granted in November 2016 (RC216430 see **Appendix B**).

The project site spans 9.2 hectares within a larger 577.8837-hectare block of Maori Freehold Land. To date, eight of the 15 units (specifically A4-A11) have been successfully completed and are operational.

2. SITE DESCRIPTION

The subject site is located approximately 1km from the township of Kaikohe and this particular block is 9.2ha in area. The property is part of the Rangihamama X3A block which is an amalgamation of blocks with a total area of 573.88ha. The Rangihamama blocks are all contained within one certificate of title.

The particular block has a relatively flat topography near the road frontage; this begins to slope downwards towards the river approximately 180m into the site.



Figure 1 – Site (Source: Prover)





Figure 2 – Site Aerial of development area (Source: Google Earth)

3. RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

The title is subject to a status order determining the properties to be Maori Freehold Land. There are no other interests on the title (see **Appendix A**).

4. DESCRIPTION OF THE PROPOSAL

The proposal is to complete remaining development of a previously approved Papakainga development containing 15 residential dwellings. Eight units (A4-A11) have been completed along with associated on-site infrastructure to accommodate all 15 dwellings. The eight units have code of compliance and are operational. Associated infrastructure also have their code of compliance certificate

5. REASONS FOR CONSENT

The resource consent application RC216430 was initially considered a Discretionary Activity and the assessment largely focussed on each unit's exclusive use area, traffic intensity and



earthworks volume. The application was lodged and approved under the specific Papakainga Housing and Integrated Development Rules applicable to Maori Freehold Land.

The on-site infrastructure to service the consented 15 unit papakainga development has largely been completed. There are only five out of 28 conditions of consent that remain for RC216430.

While it is contended that progress on the original consent has substantially commenced and therefore the consent can still be relied on to complete the seven dwellings, as a 'belts and braces' approach a new consent is sought for the remaining seven dwellings.

Tables below provide an assessment against the applicable ODP and PDP performance standards and identifies the reasons for resource consent. For the ODP these comprise the rules of the Part 2- Environment Provisions and the Part 3 - District Wide Rules. For the PDP these comprise of the rules with immediate legal effect.

ODP performance standards

Table 1 – Rural Production Zone - Performance Standards

Rural Production Zone Standards		
Rule	Standards	Performance/Comments
Residential Intensity	Permitted – One unit per 12ha of land	Each unit is unable to provide 3,000m ² for the exclusive use of the proposed dwellings. The exclusive use area for each of
		the 15 dwellings will be between 600-800m ² . The application is for a papakainga development.
Sunlight	Permitted - No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary	Complies
Stormwater Management	Permitted - The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.	As per the original consent the total impermeable area of the original proposal is 6,681m ² . This equates to 7.19% of the 9.29ha Papakainga development site. Complies
Setback from Boundaries	Permitted - No building shall be erected within 10m of any site boundary;	All proposed dwellings will be located at least 10m from adjoining boundaries.



		Complies
Keeping of		N/A
Animals		
Noise		Complies
Building Height	Permitted - The maximum height of	As per the original consent the
	any building shall be 12m.	maximum height of the largest house is 5m.
		nouse is 5m.
		Complies
Helicopter		N/A
Landing Area		
Building	Permitted - Any new building or	As per the original consent the total
Coverage	alteration/addition to an existing	building coverage area of 15 houses
0	building is a permitted activity if the	is 1,889m². It is 2% the 9.29ha
	total Building Coverage of a site	Papakainga site.
	does not exceed 12.5% of the gross	
	site area.	Complies
Scale of	Permitted – For activities not	The Papakainga development
Activities	including farming and plantation	provides dwellings for those residing
	forestry 4 persons per site or 1	on the site.
	person per hectare of net site area,	
	whichever is greater.	Complies
Temporary		N/A
Events		
Papakainga	Controlled - complies with all the	The exclusive use area for each of
Housing	standards for permitted activities in	the 15 dwellings will be between
	this zone and in Part 3 - District	600-800m ² .
	Wide Provisions, except for the standards for residential intensity;	Discretionary
	and	
	(b) each residential unit has at least	
	3,000m ² surrounding the unit for its	
	exclusive use;	
	provided that the amount of land	
	elsewhere on the site, in addition to	
	the 3,000m ² surrounding	
	the unit, is not less than that	
	required for the discretionary	
	activity residential intensity	
	standard.	
Integrated	Discretionary - An application for	As per the original and approved
Development	integrated development of activities	application RC 2160340, it was
	only on Māori freehold land and	presented and considered as an
	Māori customary land and Crown	integrated development.
	land reserved for Māori may be	
	made where the proposed	Discretionary
	development does not comply with	
	one or more of the rules and applies	



to activities including papakainga	
housing and Marae and associated	
buildings.	

Table 2 – District Wide Performance Standards

District Wide Standards		
Rule	Standard	Performance/Comments
Natural and Physical Resources		
12.1 Landscape & Natural Features	12.1.6.1.1 Protection of Outstanding Landscape Features 12.1.6.1.2 Indigenous Vegetation Clearance in Outstanding landscapes 12.1.6.1.3 Tree Planting in Outstanding Landscapes 12.1.6.1.4 Excavation and/or filling within an outstanding landscape 12.1.6.1.5 Buildings within outstanding landscapes 12.1.6.1.6 Utility Services in Outstanding Landscapes	No outstanding landscape features on site. Complies
12.2 Indigenous Flora and Fauna	 12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District 12.2.6.1.2 Indigenous Vegetation Clearance in the rural Production and Minerals Zones 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone 12.2.6.1.4 Indigenous Vegetation Clearance in Other Zones 	No significant indigenous vegetation or habitats are affected by the proposed development. Complies
12.3 Earthworks	 12.3.6.1.1 Excavation and/or filling, excluding mining and quarrying, in the Rural Production Zone or Kauri Cliffs Zone Permitted – Maximum of 5,000m³ within a 12-month period and cannot be higher than 1.5m cut or fill. 	Most of the earthworks for the site have been completed years ago. The only earthworks required are for site preparation for the seven dwellings. Complies



District Wide Standards		
Rule	Standard	Performance/Comments
12.4 Natural Hazards	12.4.6.1.1 Coastal Hazard 2 Area 12.4.6.1.2 Fire Risk to Residential Units	No known natural hazards on site. Complies
12.5 Heritage	12.5.6.1.1 Notable Trees12.5.6.1.2Alterations to/andmaintenance of historic sites,buildings and objects12.5.6.1.3RegisteredArchaeological Sites	N/A
12.5A Heritage Precincts	There are no Heritage Precincts that apply to the site.	N/A
12.6 Air	Not applicable	N/A
12.7 Lakes, Rivers, Wetlands and the Coastline	 12.7.6.1.1 Setback from lakes, rivers and the coastal marine area 12.7.6.1.2 Setback from smaller lakes, rivers and wetlands 12.7.6.1.4 Land Use Activities involving the Discharges of Human Sewage Effluent 12.7.6.1.5 Motorised Craft 12.7.6.1.6 Noise 	All buildings and impermeable surfaces will be setback more than 30m from the river. Wetland area is less than 1ha. Complies
12.8 Hazardous Substances		N/A
12.9 Renewable Energy and Energy Efficiency		N/A
Chapter 15 - Transportation standards		
Maximum daily one-way traffic movements - Rural Production	Permitted – 60 Restricted discretionary – 61 - 200	Total TIF for the remaining dwellings will be 49. Complies
Parking	Permitted - Appendix 3C – specifies 2 parking spaces for a residential unit.	Each dwelling has a garage and space for another vehicle. Complies



Access	Permitted – For a vested Rural Road	
	15 H.E's require Type A	Complies

In terms of the ODP the application falls to be considered as a Discretionary Activity in accordance with Section 104A of the Resource Management Act 1991 (RMA).

PDP performance standards

These comprise relevant rules that have immediate effect under the PDP.

Proposed District Pla	Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence	
Hazardous	Rule HS-R2 has	N/A	Yes	Not relevant as no	
Substances	immediate legal			such substances	
Majority of rules	effect but only for			proposed.	
relates to	a new significant				
development within	hazardous facility				
a site that has	located within a				
heritage or cultural	scheduled site				
items scheduled	and area of				
and mapped	significance to				
however Rule HS-R6	Māori, significant				
applies to any	natural area or a				
development within	scheduled				
an SNA – which is	heritage resource				
not mapped					
	HS-R5, HS-R6,				
	HS-R9				
Heritage Area	All rules have	N/A		Not indicated on	
Overlays	immediate legal			Far North	
(Property specific)	effect (HA-R1 to			Proposed District	
This chapter applies	HA-R14)			Plan	
only to properties	All standards				
within identified	have immediate				
heritage area	legal effect (HA-				
overlays (e.g. in the	S1 to HA-S3)				
operative plan they					
are called precincts					
for example)					
Historic Heritage	All rules have	N/A		Not indicated on	
(Property specific	immediate legal			Far North	
and applies to	effect (HH-R1 to			Proposed District	
adjoining sites (if the	HH-R10)			Plan	

May 2025





houndon, is within	Cabadula O baa		
boundary is within	Schedule 2 has		
20m of an identified	immediate legal		
heritage item)).	effect		
Rule HH-R5			
Earthworks within			
20m of a scheduled			
heritage resource.			
Heritage resources			
are shown as a			
historic item on the			
maps)			
This chapter applies			
to scheduled			
heritage resources –			
which are called			
heritage items in the			
map legend			
Notable Trees	All rules have	N/A	Not indicated on
(Property specific)	immediate legal		Far North
Applied when a	effect (NT-R1 to		Proposed District
property is showing	NT-R9)		Plan
a scheduled notable	All standards		rtan
tree in the map	have legal effect		
	(NT-S1 to NT-S2)		
	Schedule 1 has		
	immediate legal		
	effect		
Sites and Areas of		N/A	Not indicated on
Significance to	_		Far North
Māori	effect (SASM-R1		Proposed District
(Property specific)	to SASM-R7)		Plan
Applied when a	Schedule 3 has		
property is showing	immediate legal		
a site / area of	effect		
significance to			
Maori in the map or			
within the Te			
Oneroa-a Tohe			
Beach Management			
Area (in the			
operative plan they			
are called site of			
	1	l	



cultural significance				
to Maori)				
Ecosystems and	All rules have	N/A		Not indicated on
Indigenous	immediate legal			Far North
Biodiversity	effect (IB-R1 to IB-			Proposed District
SNA are not mapped	R5)			Plan. No
– will need to				vegetation
determine if				clearance
indigenous				proposed.
vegetation on the				proposed.
site for example				
Activities on the	All rules have	N/A		Not indicated on
		IN/A		
Surface of Water	0			Far North
	effect (ASW-R1 to			Proposed District
	ASW-R4)			Plan
Earthworks	The following	Yes	Complies	Only earthworks
all earthworks (refer	rules have			required are for
to new definition)	immediate legal			the preparation of
need to comply with	effect:			building
this	EW-R12, EW-R13			platforms.
	The following			
	standards have			
	immediate legal			
	effect:			
	EW-S3, EW-S5			
Signs	The following	N/A		Not indicated on
(Property specific)	rules have			Far North
as rules only relate	immediate legal			Proposed District
to situations where a	effect:			Plan
sign is on a	SIGN-R9, SIGN-			
scheduled heritage	R10			
resource (heritage	All standards			
item), or within the	have immediate			
Kororareka Russell	legal effect but			
or Kerikeri Heritage	only for signs on			
Areas	or attached to a			
	scheduled			
	heritage resource			
	or heritage area			
Orongo Bay Zone	Rule OBZ-R14 has	N/A		Not indicated on
(Property specific as	partial immediate			Far North
rule relates to a zone	legal effect			Proposed District
only)				Plan
· · · · · · · · · · · · · · · · · · ·				

May 2025



	because RD-1(5) relates to water			
Comments:				
No consents are required under the PDP.				

Overall, the application will be considered as a **Discretionary Activity**.

Regional Council consents have already been granted:

- AUT.038269.01.01 Discharge secondary treated wastewater to land;
- AUT.038269.02.01 Discharge contaminants (primarily odour) to air associated with the operation of the wastewater treatment and disposal system;
- AUT.038269.03.01 Undertake approximately 7,360 cubic metres of earthworks for the preparation of house sites and internal roads;
- AUT.038269.04.01 Discharge storm water to water from land disturbance activities.

6. NOTIFICATION ASSESSMENT

Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

Step 1	Mandatory public notification in certain circumstances	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
<u>Step 2</u>	if not required by step 1, public notification precluded in circumstances	n certain
S95A(5)(a)	Is the application 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?	No
S95A(5)(b)	 Is the application for a resource consent for 1 or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity; 	No



Step 3	if not precluded by step 2, public notification required in certain circumstances	
S95A(8)(a)	Is the application 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.	No
S95A(8)(b)	Does 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	TBC
Step 4	public notification in special circumstances	
S95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified.	No

The proposal does not meet the tests for mandatory public notification, nor does it meet the tests for precluding public notification. There are not considered to be any special circumstances that warrant the application to be notified. Therefore, an assessment of the proposals effects on the environment is required to ascertain the effects of the development and whether public notification is required.

Limited notification

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

Step 1	certain affected groups and affected persons must be notified	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity 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?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
Step 2	if not required by step 1, limited notification precluded in circumstances	n certain
S95B(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:	No
S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No



<u>Step 3</u>	if not precluded by step 2, certain other affected persons must be notified	
S95B(7)	If in the case of a boundary activity, whether an owner of an allotment with an infringed boundary is an affected person in accordance with s95E.	No
S95B(8)	If in the case of any other activity, a person is an affected person in accordance with section 95E.	ТВА
Step 4	further notification in special circumstances	
<u>S95B(10)</u>	If 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.	No

Affected Person Determination

It is considered that the localised adverse effects relating to density of the development, character of the area, increase in traffic intensity and any reverse sensitivity that may arise from this development have been thoroughly considered as part of approved RC2160340. The original application was notified and a decision on the application was reached after a hearing.

There are no changes proposed as part this application in respect of the original that was approved in 2016. As such, there are not considered to be any affected persons.

7. STATUTORY CONSIDERATIONS

Section 104B of the RMA governs the determination of applications for Discretionary activities:

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

With respect to Discretionary activities, a consent authority may grant or refuse the application and may impose conditions under section 108 of the RMA.

Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent.



104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to-
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose 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; and
 - (b) any relevant provisions of-
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

For this application, the following relevant RMA plans, policy statements and national environmental standard have been considered:

- National Policy Statement for Highly Productive Land
- Northland Regional Policy Statement
- Operative Far North District Plan 2009
- Proposed Far North District Plan 2022

As part of this application and Assessment of Effects, the relevant regional and district level objectives and policies, performance standards and assessment criteria have been considered.

Assessment of Effects on the Environment (AEE)

The RMA (section 3) meaning of effect includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term effect includes-

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects-
- regardless of the scale, intensity, duration, or frequency of the effect, and also includes-
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 104(2) of the RMA states that:

"when forming an opinion for the purposes of subsection (1)(a), 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 referred to as the "permitted baseline", which is based on the permitted performance



standards and development controls that form part of a district plan.

Existing Environment

In assessing the effects of the remaining seven dwellings, the existing built environment, comprising the eight already constructed and their associated communal infrastructure (roads, wastewater, stormwater, firefighting water supply), forms a significant part of the permitted baseline. This established development sets the context for evaluating the remaining seven dwellings, as the overall character and scale of the Papakainga project have already been implemented on the site. The assessment of effects will therefore consider the incremental impact of these remaining dwellings within an already partially developed and consented environment.

Residential Intensity

The permitted standard is one dwelling per 12ha, with each unit having at least 3,000m² for exclusive use. The overall land (573.8ha) allows for 48 dwellings. With four existing dwellings and 15 proposed (eight of which already constructed and have CCC), the total is 19, which complies with the density allowance. However, the exclusive use area for each of the 15 proposed dwellings will be 600-800m², well below the 3,000m² standard. This is deemed acceptable as the intent of the rule was to ensure sufficient space for infrastructure, however this development is served by communal systems which allows for a more efficient use of land.

Degree to which potential effects have been avoided, remedied, or mitigated

Various reports submitted as part of the originally consented development demonstrate mitigation through development design, communal on-site infrastructure, consolidation of dwellings to minimize productive land removal, and landscaping for amenity and reverse sensitivity. The approved consent deemed the application for the 15 dwellings as no more than minor subject to conditions.

Traffic and Access

Overall as a finalised development, the traffic intensity is double the permitted standard, but eight of the 15 dwellings are two-bedroom kuia and kaumatua housing, expected to generate less than 7 daily movements. Majority of movements likely during morning and evening commutes, generated by the seven 3 & 4 bedroom family homes.

Rangihamama Road and proposed internal roads (to Council standards) are deemed capable of handling additional traffic. The development will include internal footpaths to encourage active transportation. There are good sight distances due to flat topography and straight roads. There are no known natural hazards on site.

National Policy Statements for Highly Productive Land (NPS-HPL)



The site is identified as having Class 2 soils. However, Section 3.9(d) of the NPS-HPL deems use and development on 'specified Māori land' exempt from protection. The land is in Maori Freehold Land tenure.

Northland Regional Policy Statement

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement - operative May 2016 (RPS). With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Character Area and is outside the Coastal Environment boundary.

Owing to the relevant characteristics of the site (considered earlier in the report) not all matters of the RPS are relevant when considered at a micro level. Those relevant matters are considered below:

Objective / Policy	Comment
Integrated Catchment Management	The Papakainga design will ensure that the natural and physical resources are managed sustainably.
Region-Wide Water Quality	Stormwater and wastewater management will ensure protection of water quality.
Ecological Flows and Water Levels	The development will not adversely affect ecological flows or water levels.
Indigenous Ecosystems & Biodiversity	No significant indigenous vegetation or habitats are affected.
Enabling Economic Wellbeing	The proposal provides affordable housing for beneficiaries, contributing to social and economic wellbeing.
Economic Activities – Reverse Sensitivity and Sterilization	Reverse sensitivity concerns are addressed through setbacks and screening.
Regionally Significant Infrastructure	The development includes communal infrastructure for wastewater, stormwater, and firefighting water supply.
Efficient and Effective Infrastructure	The communal infrastructure is designed for efficient use.
Security of Energy Supply	Power is available to the site.
Use and Allocation of Common Resources	The development allows for efficient use of land for housing while retaining productive land.



Regional Form	The consolidated development minimizes impact on rural character.
Tangata Whenua Role in Decision Making	The development enables Māori to develop and manage their land in a manner consistent with sustainable management.
Natural Hazard Risk	No known natural hazards are relevant.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage	_

Overall, it is considered that the proposal would not be inconsistent with the RPS.

ODP Objectives and Policies

The relevant objectives and policies of the ODP are those related to the Rural Environment in general, the Rural Production Zone. The general intent of the Rural Production Zone is revolved around land use compatibility and reverse sensitivity. The assessment above has concluded that there are not considered to be any effects in terms of land use compatibility or reverse sensitivity.

Objectives	Assessment
8.6.3.1 To promote the sustainable management of natural and physical	The Papakainga design will ensure natural and physical resources are managed
resources in the Rural Production Zone.	sustainably.
8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.	The development provides affordable housing for beneficiaries, enabling social, economic, and cultural wellbeing.
8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	Amenity values will be impacted by the suburban impression, but mitigation measures were accepted when RC 2160340was approved.
8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.	No significant natural values on site.
8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.	N/A
8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new	Reverse sensitivity concerns are addressed through setbacks and screening.



land use activities and existing lawfully	
established activities (reverse sensitivity)	
within the Rural Production Zone and on land	
use activities in neighbouring zones.	
8.6.3.7 To avoid remedy or mitigate the	Effects are mitigated through design and
adverse effects of incompatible use or	communal servicing.
development on natural and physical	
resources.	
8.6.3.8 To enable the efficient establishment	The development provides housing for local
and operation of activities and services that	people on Māori Freehold Land.
have a functional need to be located in rural	
environments.	
8.6.3.9 To enable rural production activities	The consolidated development minimizes
to be undertaken in the zone.	loss of productive land.
Policy	
8.6.4.1 That the Rural Production Zone	Adverse effects are mitigated to ensure
enables farming and rural production	continued operation of adjoining rural
activities, as well as a wide range of	activities.
activities, subject to the need to ensure that	
any adverse effects on the environment,	
including any reverse sensitivity effects,	
resulting from these activities are avoided,	
remedied or mitigated and are not to the	
detriment of rural productivity.	
8.6.4.2 That standards be imposed to ensure	Mitigation measures are proposed for traffic,
that the off site effects of activities in the	noise, and visual impacts.
Rural Production Zone are avoided, remedied	
or mitigated.	
8.6.4.3 That land management practices that	The Papakainga design promotes sustainable
avoid, remedy or mitigate adverse effects on	land management.
natural and physical resources be	
encouraged.	
8.6.4.4 That the type, scale and intensity of	The development's density is out of
development allowed shall have regard to	character, but an integrated approach is a
the maintenance and enhancement of the	superior outcome.
amenity values of the Rural Production Zone	
to a level that is consistent with the	
productive intent of the zone.	
8.6.4.5 That the efficient use and	The consolidated development ensures
development of physical and natural	The consolidated development ensures efficient use of land.
resources be taken into account in the	
implementation of the Plan.	
8.6.4.6 That the built form of development	N/A
allowed on sites with frontage to Kerikeri	
Road between its intersection with SH10 and	
Cannon Drive be maintained as small in	
scale, set back from the road, relatively	
inconspicuous and in harmony with	
landscape plantings and shelter belts.	



8.6.4.7 That although a wide range of	The development aims to avoid conflicts with
activities that promote rural productivity are	existing rural activities.
appropriate in the Rural Production Zone, an	
underlying goal is to avoid the actual and	
potential adverse effects of conflicting land	
use activities.	
8.6.4.8 That activities whose adverse effects,	Setbacks and screening are conditioned as
including reverse sensitivity effects, cannot	part of the original consent.
be avoided remedied or mitigated are given	
separation from other activities.	
8.6.4.9 That activities be discouraged from	The consented development is designed to
locating where they are sensitive to the	mitigate reverse sensitivity.
effects of or may compromise the continued	
operation of lawfully established existing	
activities in the Rural Production zone and in	
neighbouring zones.	

The proposal is considered to be consistent with the aims and intents of the ODP.

PDP Objectives and Policies

Part 3 – Area Specific Matters / ZONES / Special Purpose zones / Māori Purpose

The PDP includes provisions for a Māori Purpose Zone, which aims to provide an enabling regime for the use and development of land, primarily ancestral land. This zone is intended to facilitate activities such as marae, papakāinga housing, other forms of housing, customary activities, and community activities. It also allows for alternative infrastructure solutions where reticulated services are not available.

The general intent of the Māori purpose zone strongly aligns with the nature of the Rangihamama Housing Development. The project is a Papakainga development on Māori Freehold Land, providing housing for beneficiaries and incorporating communal infrastructure. This directly supports the purpose of the Māori Purpose Zone to enable Māori to utilise their ancestral land for housing and community benefit.

Although the current proposals residential density does align with the Operative District Plan's Rural Production Zone standards, it aligns with the spirit of enabling greater intensity and community-focused development on Māori land, as envisioned by the Māori Purpose Zone. The existing development, with its communal services and focus on providing affordable housing for iwi and hapu, is consistent with the enabling framework sought for Māori land development under the PDP.

Proposed Far North District Plan Objectives & Policies & Weighting

Section 88A(2) provides that "any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b)." This requires



applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In Keystone Ridge Ltd v Auckland City Council, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Māori purpose zone, however this has still been provided. The activity is Discretionary overall, therefore both the ODP and PDP have been assessed accordingly, and the proposal is deemed to meet the relevant objectives and policies.

8. PART II – RMA

Purpose

The proposal can promote the sustainable management of natural and physical resources on site, as the owners of the land are able to provide for their social and cultural wellbeing.

Matters of National Importance

In achieving the purpose of the RMA, a range of matters are required to be recognized and provided for. This includes:

a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

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

d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

e) the relationship of Māori and their culture and traditions with their ancestral lands,



water, sites, waahi tapu, and other taonga:

f) the protection of historic heritage from inappropriate subdivision, use, and development:

g) the protection of protected customary rights:

h) the management of significant risks from natural hazards.

In context, the relevant items to the proposal and have been recognized and provided for.

Māori are considered to benefit from this proposal. No historic heritage is impacted.

Other Matters

In achieving the purpose of the RMA, a range of matters are to be given particular regard. This includes:

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

These matters have been given particular regard through the design of the proposal.

Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

9. Conclusion

It is considered that the effects of this proposal will have a no more than minor effect on the surrounding environment.

The proposal is considered to be consistent with the aims and intents of the ODP.



The activity is Discretionary overall, and both the ODP and PDP have been assessed accordingly, with the proposal deemed to meet the relevant objectives and policies.

The proposal can promote the sustainable management of natural and physical resources on site, enabling the owners to provide for their social and cultural wellbeing.

Andrew McPhee Consultant Planner



RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD



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



IdentifierNA89C/55Land Registration DistrictNorth AucklandDate Issued13 December 1991

Prior References NA60B/330

Estate	Fee Simple
Area	573.8837 hectares more or less
Legal Description	Rangihamama X3A Block
Registered Owners	

Registered Owners

Bruce Cutforth, Rachel Witana and Colleen Bermingham-Brown as responsible trustees jointly, no survivorship

Interests

C500981.1 Status Order puruant to Section 30(1)(i) Maori Affairs Act 1953 determining the status of the within land to be Maori Freehold Land - 23.7.1993 at 2:11 pm

11402761.1 Roadway Order laying out a roadway over parts formerly Rangihamama K5, K6A, K6B, K6C, K8, L1, L2, P1, G, H2A, H2B, E & F and Tuhuna No 39 Blocks to provide access, or better access, thereto - 2.4.2019 at 9:56 am

11402761.2 Court Order varying Roadway Order 11402761.1 by stopping and closing the roadway over Part Rangihamama G & H Blocks shown as 0.1310 ha & 1.0290 ha on ML 471902 and laying out as roadway Part Rangihamama X3A shown as 1.5230 ha on ML 471902 to provide access to all parcels on ML 12227 - 2.4.2019 at 9:56 am

11777683.1 Sustainable Forest Management Plan pursuant to Section 67E to 67L of the Forests Act 1949 term 50 years commencing 1 July 2020 - 1.7.2020 at 2:30 pm



Identifier



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1





NA89C/55

Identifier

NA89C/55



Report on Maori Land details for the following Record(s) of Title



Record(s) of Title NA89C/55

Identified as potentially Maori Freehold Land

*** End of Report ***

PID: 3325465

IN THE MATTER of the Resource Management Act 1991:

AND



IN THE MATTER of an application under the aforesaid Act, 1991 by Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust

APPLICATION NUMBER 2160340-RMALUC

HEARINGS APPLICATION for Land Use consent.

The property in respect of which the application is made, is situated at 155 Rangihamama Road, Kaikohe 0474.

The application is to construct 15 houses with attendant earthworks and supporting infrastructure to provide housing for the beneficiaries of the Omapere Taraire E & Rangihama X3A Ahu Whenua Trust on Rangihamama X3A Kohewhata 27B 27C2A Blk III Punakitere SD BLK XV Omapere SD. This parcel of land has an area of 577.8837ha.

Note that the 9.2 ha proposed development site is at the northern part of the block.

HEARING

Before Hearings Commissioners Joe (IR) Carr JP and Bronwyn Hunt for the Far North District Council, on the 30 September 2016

PROCEDURAL MATTERS

RESOLVED. That, the Applicant, the Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust (The Trust) has the standing to make this Resource Consent Application.

The Trust is recorded as the responsible trustees that are listed as proprietors on the Computer Freehold Register under Land Transfer Act 1952, NA89C/55, North Auckland, Rangihamama X3A Block,

And further; pursuant to the provisions of section 37 of the Resource Management Act 1991, Council accepts that the submitter, Mrs Henriata Tauri of Rangihamama Road, Kaikohe has speaking rights at the Hearing. Ms Braithwaite, Council's Reporting Planner clarified the discrepancy in the dates on the Public Notice and letter to Affected Parties. Although the applicant's consultant planner initially challenged Mrs Tauri's right to speak, Mr Tau, on behalf of the applicant, confirmed that Mrs Tauri's right to speak was acceptable and therefore supported. The Applicant's Resource Planner requested that the Hearing Commissioners do not accept any new evidence at this Hearing from submitters as it would be contrary to Section 103 of the RMA. It is noted that neither of the submissions lodged by Te Mihinga Rogers or Henriata and Colin Tauri made any reference to waahi tapu.

It is noted that the further submission by Te Mihinga Rogers made reference to a waahi tapu, and that the Applicant amended the proposal accordingly.

An Addendum (dated 28 September 2016) to the Reporting Planner's Report in the hearing agenda was revised by the Reporting Planner in response to evidence provided by Te Mihinga Rogers. The revised recommendation to approve the application included the removal of dwellings A10 and A11 to preserve a waahi tapu site.

DECISION

That pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, the Council grants its consent for the proposed Papakainga housing development consisting of 15 houses and associated roads, storm water disposal, waste water treatment and disposal, by way of an integrated development plan subject to conditions.

It is considered that with the following conditions that the proposal will still have a no more than minor impact on the environment and will be generally consistent with the objectives and policies of all regional and district planning documents.

RECOMMENDED CONDITIONS OF CONSENT

- 1. The activity shall be carried out in general accordance with the approved plans, prepared by: Simpson, Shaw & Co. referenced:
 - Plot Layout, Drawing Number 15006-10, Sheet 1, Revision P dated 20/10/2016;
 - Road Layout, Drawing Number 15006-10, Sheet 2, Revision P, dated 19/10/2016;
 - Long section Te Papa St, Drawing Number 15006-10, Sheet 3, Revision G, dated 17/12/2015;
 - Typical Cross Section Te Papa St, Drawing Number 15006-10, Sheet 5, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St Ch 10.00 18.90, Drawing Number 15006-10, Sheet 6, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St, Drawing Number 15006-10, Sheet 7, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St, Drawing Number 15006-10, Sheet 8, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St, Drawing Number 15006-10, Sheet 9, Revision G, dated 17/12/2015;
 - Te Papa Street Extension Longsection, Drawing Number 15006-10, Sheet 10, Revision G, dated 17/12/2015;
 - Te Papa Street Extension Typ x-sections, Drawing Number 15006-10, Sheet 11, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St Extension, Drawing Number 15006-10, Sheet 12, Revision G, dated 17/12/2015;
 - Cross-sections Te Papa St Extension, Drawing Number 15006-10, Sheet 13, Revision G, dated 17/12/2015;
- Cross-sections Te Papa St Extension, Drawing Number 15006-10, Sheet 14, Revision G, dated 17/12/2015;
- Longsection Enoka St, Drawing Number 15006-10, Sheet 15, Revision G, dated 17/12/2015;
- Typ X-Sec Enoka Street, Drawing Number 15006-10, Sheet 16, Revision G, dated 17/12/2015;
- Typ Cross-section Access to A1 & A2, Drawing Number 15006-10, Sheet 17, Revision G, dated 17/12/2015;
- Cross-sections Access to A1 & A2 (off Enola St) Ch 110.00 130.00, Drawing Number 15006-10, Sheet 18, Revision G, dated 17/12/2015;
- Cross-sections Enoka St, Drawing Number 15006-10, Sheet 20, Revision G, dated 17/12/2015;
- Cross-sections Enoka St, Drawing Number 15006-10, Sheet 21, Revision G, dated 17/12/2015;
- Long Section Kawa St, Drawing Number 15006-10, Sheet 22, Revision G, dated 17/12/2015;
- Typ X-Sec Kawa Street, Drawing Number 15006-10, Sheet 23, Revision G, dated 17/12/2015;
- Cross-sections Kawa St, Drawing Number 15006-10, Sheet 24, Revision G, dated 17/12/2015;
- Cross-sections Kawa St, Drawing Number 15006-10, Sheet 25, Revision G, dated 17/12/2015;
- Turning Y Kawa Street, Drawing Number 15006-10, Sheet 26, Revision G, dated 17/12/2015;
- Sewer Longsection, Drawing Number 15006-10, Sheet 28, Revision G, dated 17/12/2015;
- Sewer Longsection, Drawing Number 15006-10, Sheet 29, Revision G, dated 17/12/2015;
- SW Longsection, Drawing Number 15006-10, Sheet 31, Revision I, dated 26/02/2016;
- SW Longsection, Drawing Number 15006-10, Sheet 32, Revision I, dated 26/02/2016;
- SW Longsection, Drawing Number 15006-10, Sheet 33, Revision G, dated 17/12/2015;
- Sediment Control & SW Outfall Silt Fencing Detail, Drawing Number 15006-10, Sheet 34, Revision P, dated 19/10/2016;
- Firefighting & SW Drain, Drawing Number 15006-10, Sheet 37, Revision G, dated 17/12/2015;
- Sump and kerbs standard details, Drawing Number 15006-10, Sheet 38, Revision G, dated 17/12/2015;
- Manhole & Wingwall Standard details, Drawing Number 15006-10, Sheet 39, Revision G, dated 17/12/2015;
- Signs & Connections Standard Details, Drawing Number 15006-10, Sheet 40, Revision G, dated 17/12/2015;
- SW and sewer Layout, Drawing Number 15006-10, Sheet 41, Revision P, dated 19/10/2016;
- Silt Pond XS & LS, Drawing Number 15006-10, Sheet 42, Revision -, dated 26/02/2016;
- Silt Pond Isometric View, Drawing Number 15006-10, Sheet 43, Revision -, dated 26/02/2016;
- Silt Pond Decanter, Drawing Number 15006-10, Sheet 44, Revision -, dated 26/02/2016;
- Application Plan, Drawing Number 15006-14, Sheet 1, Revision E, dated 30/09/2016;

Cad Planz referenced:

Proposed Unit A1, Floor Plan, dated 14/10/2015;

- Proposed Unit A1, Elevations, dated 14/10/2015;
- Proposed Units A2 A3, Floor Plan, dated 14/10/2015;
- Proposed Units A2 A3, Elevations, dated 14/10/2015;
- Proposed Unit A4, Floor Plan, dated 27/10/2015;
- Proposed Unit A4, Elevations, dated 14/10/2015;
- Proposed Units A5 A7, Elevations, dated 14/10/2015;
- Proposed Units A5 A7, Floor Plan, dated 14/10/2015;
- Proposed Units A8 A10, Floor Plan, dated 02/12/2015;
- Proposed Units A8 A10, Elevations, dated 02/12/2015;
- Proposed Unit A11, Floor Plan, dated 02/12/2015;
- Proposed Unit A11, Elevations, dated 02/12/2015;
- Proposed Units A12 A13, Floor Plan, dated 14/10/2015;
- Proposed Units A12 A13, Elevations, dated 14/10/2015;
- Proposed Unit A14, Floor Plan, dated 14/10/2015;
- Proposed Unit A14, Elevations, dated 14/10/2015;
- Proposed Unit A15, Floor Plan, dated 27/10/2015;
- Proposed Unit A14, Elevations, dated 12/10/2015;

And attached to this consent with the Councils "Approved Stamp" affixed to them.

Infrastructure

- 2. Prior to the construction of any dwellings the consent holder shall:
 - a. Provide a formed double width vehicle crossing to the development from Rangihamama Road which complies with the Councils Engineering Standard FNDC/S/6, 6D, and section 3.3.17 of the Engineering standards and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing edge. The works include the widening of the western side of Rangihamama Road to meet the FNDC/S/6D vehicle crossing standard.

Note: The required widening is not shown on Sheet 4 of the drawings of the Civil Engineering Construction Plans prepared by Thijs Drupsteen Consulting Engineer and Simpson Shaw & Co Sheet numbers 1-44.

- b. Undertake and complete the construction of the internal access carriageway and services in accordance with the Civil Engineering Construction Plans prepared by Thijs Drupsteen Consulting Engineer and Simpson Shaw & Co Sheet numbers 1-44.
- c. Provide a street light (flag light) at the intersection of Te Papa Street and Rangihamama Road at a location and to specifications approved by Council's Roading Manager.
- d. Provide a 1.5m wide x 375 metres long concrete footpath on an alignment and to specifications approved by Council's Roading Manager between the existing footpath on the corner of Thorpe and Rangihamama roads and the site.
- e. Provide evidence that a Building Consent has been obtained for the reticulation of the sewer and provide a separate 100mm sewerage connection to the boundary of the proposed new occupation areas.

- f. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- 3. Upon completion of the work required to satisfy condition 2(b), provide certification from a Chartered Professional Engineer that all work has been completed in accordance with the approved plans.
- 4. The following preferred road names have been provided with the application (Papa Street, Enoka Street and Kawa Street). Within 3 months of the date of this decision provide for Councils consideration two alternative names for each private road. The consent holder is advised that road names should reflect the history of the area and be no longer than 10 characters in length.
- 5. Prior to the occupation of any dwelling the consent holder shall pay to Council the cost of providing and erecting the road signs for the new private roads.
- Prior to occupation of any dwelling provide evidence from a suitably qualified Chartered Professional Engineer that the Sewage Treatment Plant has been constructed, commissioned, is operational and is able to accept wastewater for treatment and disposal.
- Prior to the occupation of any dwelling the consent holder is to provide to Council Asbuilt plans of the roads and internal services complying with Schedule 1D of NZS4404:2004 and amendments as detailed in section 1.5.2.5 of Councils Engineering Standards and Guidelines (March 2009).
- 8. The consent holder shall provide evidence demonstrating that an adequate communal firefighting water supply has been established in accordance with Appendix B of SNZ PAS 4509:2008. The tanks shall be filled prior to the occupation of any dwelling and thereafter remain full and available for their intended purpose. In the event that water is used the tanks shall be refilled within 3 days.
- 9. The communal firefighting water tanks shall have a water level monitor or flag installed to enable the water level to be monitored and maintained by the Omapere Taraire E & Rangihamama Ahu Whenua Trust.

Earthworks

- 10. All consented earthworks to be undertaken on the site are to be supervised by a Chartered Professional Engineer to be engaged by the Consent Holder. The Council is to be advised in writing of the appointment of the engineer and notified when work is to commence, and when it has been completed.
- 11. The works shall be carried out in accordance with the approved drawings and document provided with the application, specifically the Civil Engineering Construction Plans Sheet 34-35 attached to this consent with the Council's Approved Stamp affixed to them. In particular the volume of earthworks shall not exceed 14720m³.
- 12. Following consultation with the occupiers of Rangihamama G2B2A; D2B3E & D2B3A Blocks the consent holder shall construct an Earth bund within the development site along the common boundary with those above mentioned sites. No part of the base of the bund shall be closer than 2 metres from the site boundary with the

neighbouring properties and shall be at least 1.5 metres high unless an alternative height and location is agreed to in writing by the owners of the adjoining properties.

- 13. Prior to any earthworks being undertaken on site the consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks. No authorisation is given for works on legal road or on private property other than the lot subject to the land use consent.
- 14. The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of bulk earthworks.
- 15. The consent holder is to cover all exposed surfaces with aggregate or mulch to minimise silt runoff and within 6 months of completing the earthworks, and reestablish vegetation cover on all exposed cut surfaces.
- 16. The consent holder shall retain all existing vegetation cover down slope of the proposed earthworks to facilitate the filtering of silt from the stormwater runoff.
- 17. The consent holder shall construct a perimeter silt fence where required in accordance with the requirements detailed in the A.R.C publication TP90.
- 18. The area identified for on-site effluent disposal shall remain undisturbed by earthworks and un-compacted by construction vehicles, except that the area may be spread with topsoil to enhance effluent treatment and disposal.
- 19. Prior to undertaking any earthworks on site the consent holder shall locate and fence all waahi tapu, Totara and Puriri trees (with the exception of those Totara trees that it is unavoidable to disturb while constructing the stormwater retention pond), which are inside the development area or are within 50m of any earthworks, to ensure that these areas are not disturbed in the development of this site.

Landscaping

- 20. Within three months of the date of this decision, the consent holder shall provide for the approval of Council's duly delegated officer a landscape planting plan, prepared by a suitably qualified and experienced person that shall detail plant species, their numbers and locations, heights at maturity and methods of maintaining them. This landscape plan is to include the planting of the earth bund constructed parallel with the common boundary of the development site and Rangihamama G2B2A; D2B3E &D2B3A Blocks. The approved Landscape Planting plan is to be implemented in accordance with the Plant Schedule, Planting Methods & Maintenance within 12 months of the earthworks being completed on site, excluding the hedge planting around the house sites. The hedge planting is to be completed within the first planting season following the completion or occupation (whichever comes first) of the respective houses. The vegetation is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).
- 21. The consent holder is to submit, for the approval of Councils Resource Consents Manager or other duly delegated officer, a riparian management plan, prepared by a person with approved expertise. This plan shall address the existing state of the riparian and stream environments; identify areas where environmental enhancement may be achieved, propose management means and methods and a programme to accomplish such enhancement. The riparian management plan and programme shall

be provided within 1 year of the first dwelling being occupied and implemented within 5 years of the riparian management plan approval.

Other

- 22. Prior to the construction of any dwellings on site the consent holder shall provide for the approval of Councils Monitoring Officer or other duly delegated officer signage which will notify residents that spray operations may be in operation on the neighbouring property (Lot 1 DP 148423).
- 23. Prior to the occupation of any dwellings the approved signage referenced in condition 22 above shall be placed on all entry points to the area east of the proposed shelterbelt.
- 24. The Omapere Taraire E & Rangihamama Ahu Whenua Trust are to provide the name and contact details including an email address of at least one nominated person to liaise with the nursery operators at 75 Thorpe Road (Lot 1 DP 148423) regarding any spray operations which may require the notification of any occupants or users of the Rangihamama X3A Block. The contact person shall relay any information to those occupants or users of the site.
- 25. No owner or occupier of the dwellings consented as part of this development shall keep or introduce on to the site any carnivorous or omnivorous animals (such as mustelids, cats or dogs).
- 26. The consent holder is to provide for the approval of Council's Resource Consents Manager details of a formal protection arrangement to safeguard the Waahi Tapu within the development area (shown on the earlier plans as Totara's to be removed). This formal protection shall include both a legal protection document and details of any physical structures such as fencing which will ensure the ongoing protection of the waahi tapu.
- 27. The consent holder shall at all times ensure that a maintained flat grassed area of dimensions no less than 80 metres wide by 60 metres long, suitable for sports and recreational activities, is provided within the proposed development area as shown on approved plan by Simpson, Shaw & Co. referenced Plot Layout, Drawing Number 15006-10, Sheet 1, Revision P dated 20/10/2016.
- 28. That pursuant to section 128 of the Resource Management Act 1991, Far North District Council may serve notice on the consent holder of its intention to review all or any of the conditions of the consent as granted, and amend, remove, or add conditions if it is determined that an adverse effect on the environment resulting from the operation of the Papakainga Development is being generated.

Such a review is in order to deal with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage or for the other purposes described below in relation to landscaping and screening of the activity. It will deal with any inadequacies or inconsistencies that may in the future be found in the information provided in support of the application. The review may require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

Any review will have particular regard to the management of effects relating to visual amenity generated by the activity.

Such reviews may be conducted after the first year that at least one of the dwellings has become occupied and annually thereafter if necessary. The consent holder shall meet all reasonable costs of any such review.

Advice Notes

- The Northland Regional Council has issued consents for: Discharge of secondary waste water to land; Discharge of contaminants to air; Earthworks, and Discharge of stormwater referenced File 3829 dated 16/06/2016. The consent holder is advised that this consent does not vary the Northland Regional Council consents. Any consequential changes required to be made as a result of this consent must be obtained from Northland Regional Council.
- 2. The Council assumes no responsibility toward the future maintenance of the new private road which provides access to the proposed development; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such maintenance.
- Once constructed and signed off by Council's duly delegated officer, Council will assume responsibility for the maintenance of the footpath constructed in accordance with condition 2(d) of this consent.
- 4. The consent holder is responsible for arranging for buried services to be located and marked prior to commencing earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- 5. The consent holder is responsible for the repair and reinstatement of the road carriageway, the kerb and footpath damaged as a result of the earthworks. Such works, where required, will be completed to the satisfaction of the Councils Roading Manager.
- 6. Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant.
- 7. The consent holder has identified ways to minimise the removal of mature Totara trees during the construction of the stormwater attenuation system that will be taken into account during pond construction.
- 8. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from Heritage New Zealand Pouhere Taonga (HNZPT). Should any site be inadvertently uncovered, the procedure is that work should cease, with HNZPT and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of the HNZPT's Accidental Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

Reasons for the Decision

Pursuant to section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

1. The environmental effects associated with the proposal as consented are considered either to be no more than minor.

- 2. The imposed conditions will ensure that the effect of the consent will be in compliance with the relevant provisions of the district plan; and that such conditions will adequately avoid, or mitigate to a minor impact level, the expected adverse effects on the environment.
- 3. The proposal consented is considered to be consistent with the assessment criteria as outlined in the District Plan.
- 4. In making this decision the statutory provisions of Section 104 & 104B and 104C of the Act were considered. Also considered were chapters 8.0 (Rural Environment), 11 (natural and physical resources), and the associated appendices of the District Plan. The proposal was also assessed against the relevant district wide provisions outlined in Part III of the plan.
- 5. The principle issues of the proposal were considered to be the number and size of the exclusive use areas for each house and their potential effect on amenity values to the neighbours, traffic, and in particular pedestrian traffic, and reverse sensitivity effects to established productive activities. It was found that subject to compliance with conditions of consent, the proposal would not result in adverse effects that were more than minor.
- 6. The decision which will enable the provision of affordable modern housing to the beneficiaries of the Omapere Taraire E & Rangihama X3A Ahu Whenua Trust and will provide for the sustainable management of natural and physical resources consistent with Part 2 Section 5 of the Resource Management Act 1991.

ACTIVITY STATUS UNDER THE DISTRICT PLAN

Notification - Limited to directly affected neighbours.

The site is included within the "Rural Production" zone of the Far North District Plan and is not identified to possess any resource features contained in the District Plan.

A resource consent is required for the following reasons:

8.6.5.1.1 Residential Intensity – The proposal is unable to comply with this rule as each unit is unable to provide 3000m2 for exclusive use. As this site is in Maori Land tenure this application was made under the Papakainga Housing and Integrated Development Rules.

8.6.5.4 Discretionary Activities:

8.6.5.4.1 Residential Intensity – The proposal is unable to comply with the requirement that each unit shall have at least 2000m2 for its exclusive use surrounding the unit plus a minimum of 1.8ha elsewhere on the property.

8.6.5.2.2 Papakainga Housing – The proposal does not comply with all the permitted standards of Part 3 of the District Plan, and the proposal is unable to comply with the controlled activity status of providing 3,000m2 of exclusive use area for each proposed dwelling.

8.6.5.4.2 Integrated Development – As the proposal has been lodged in accordance with this rule, the proposal is accorded Discretionary activity status.

Restricted Discretionary Matters:

8.6.5.1.5 Traffic Intensity – The total Traffic Intensity for this site, as a result of this development will be 126. This exceeds the permitted Rural Production Zone standard of 60. In respect of Traffic Intensity this proposal is a Restricted Discretionary Activity.

12.3.6.1.1 Excavation and/or Filling. The permitted standard for this activity for this site is 5,000m3. The applicants seek to undertake 14,720 M3 of earthworks. In respect of earthworks volumes, this proposal is a Restricted Discretionary Activity.

THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED (section 113(1) (aa))

This application was considered as a discretionary activity in the terms of the operative provisions of the District Plan and Section 104B of the Resource Management Act 1991 and the Northland Regional Policy Statement.

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION (section 113(1)(ac))

The principal issues that were in contention were:

- · Effects on neighbours arising from the proposal's residential intensity.
- The visual, amenity and traffic (including pedestrian) effects of the proposed development, compounded by implicit future development that was outlined in the applicant's evidence.
- Social problems that may arise with high density housing.
- Reverse sensitivity issues that may arise between the proposed residential land use and the commercial nursery operations that occur on a neighbouring property.

SUMMARY OF THE EVIDENCE HEARD (section 113(1)(ad))

Evidence/submissions on behalf of the applicant were given by:

- Sonny Tau, Chairperson of the Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust (ORT);
- Kara George, Te Runanga A iwi O Ngapuhi Housing Development Team Spokesman;
- Ian Carruthers, Te Runanga A Iwi O Ngapuhi Project Manager;
- Thijs Drupsteen, Engineer for the applicant;
- Leonard Dissanayake, Consultant Planner; and
- Marion Dissanayake, Consultant Planner

Evidence was given for the Far North District Council by:

- Rochelle Braithwaite, Intermediate Resource Planner; and
- Rex Shand, Resource Consent Engineer

Mr Tau explained the considerable history for Papakainga housing behind Location options. The proposed development site was the preferred option as it had the closest proximity to the township of Kaikohe and access to services than any other of the lands considered comprising NA89C/55, North Auckland, Rangihamama X3A Block.

The proposed development location minimised reverse sensitivity effects with the ORT dairy farming operations.

Mr Tau confirmed that the proposed development would not compromise the waahi tapu identified by submitters.

Mr George explained the importance of taking advantage of the 75% Government Papakainga Housing grant, which will enable reduced rentals for the occupants at approximately 30% lower than market priced rentals. The proposal was for 8 two-bedroom Kaumatua houses, 3 four-bedroom houses and 4 three-bedroom houses.

Mr George confirmed that there had not been any development of communal recreation areas included in the plans, however, did confirm that the trust would do so as soon as the first (8 house) stage of the development was built.

Mr Dissanayake tabled a revised brief of evidence written after the receipt of the Reporting Planner's addendum supporting the recommendations in principle.

Mr Drupsteen confirmed his agreement to comply with the Environment 2014 Practice Note for Expert Witnesses. Mr Drupsteen responded to various questions regarding the design and effectiveness of the wastewater and stormwater systems to the satisfaction of the hearing panel. A site visit was arranged to endeavour to reduce the number of trees in the Totara Grove that may need removal.

Mr Carruthers, in response to questioning regarding the effects of the proposal on roading as this should have been covered in the assessment of Environmental effects (RMA Schedule 4.7), and in particular the significant safety issue that would arise without the provision of a footpath for the indicated 70 residents of the proposed housing would need to use Rangihamama Road for pedestrian access to the existing Thorpe Road footpath to use services and facilities in Kaikohe, Mr Carruthers confirmed that they had not considered extending the footpath from the end of the existing footpath at the Rangihamama/Thorpe Road junction to the site (approximately 375m), "but that wasn't outside of the scope of the project". Mr Carruthers indicated that a conversation would need to be had with Council as to the ownership of the footpath.

In response to a question whether the Trust would consider using earth surplus from the proposed earthworks to construct a sound bund around the northern end of the property (in the vicinity of neighbours houses), Mr Carruthers indicated that they did not have a problem with this, and are open to using soil to enhance the development where possible. This was also confirmed by Mr Tau, who also saw economic benefit in using surplus earth on site rather than having to be transported off the site.

Submissions

Written approvals:

Written Approvals were received from 8 parties. RMA Section 104(3)(a)(ii) requires that a consent authority must not, when considering an application, have regard to any effect on a person who has given written approval to the application.

Written Submissions:

It is noted that in the applicants' summary of consultation responses on Hearing Agenda page 214 (Appendix 13) there were people from 7 properties considered by Council as affected, who opposed in writing to the location of the proposal.

A total of 5 written submissions were received, all in opposition to the proposal, and all wishing to be heard.

Name	Address	Main Concerns	Relief Sought	Wish to be heard		
Henriata Tauri	PO Box 510 Kaikohe 0440	Location of the development,	Re-locate the development to	Opposed - did no state whether the		
Colin Tanekaha Tauri	PO Box 510 Kaikohe 0440	density, character of the existing environment.	another area on Rangihamama X3A.	wished to be heard or not		
Northland Forestry Nursery Ltd	C/- Kevin Strawbridge PO Box 577 Kaikohe 0440	Large Scale Pine Tree Nursery has concerns regarding reverse sensitivity and meeting NRC Regional Air Quality Plan requirements.	Decline the application.	Opposed - wish to be heard		
Agrimetrix Trustee Company Limited	PO Box 577 Kaikohe 0440	Large Scale Pine Tree Nursery has concerns regarding reverse sensitivity and meeting NRC Regional Air Quality Plan requirements.	Decline the application.	Oppose - wish to be heard		
Te Mihinga Rogers 129 Rangihamama Road RD 1 Kaikohe 0474		Development not consistent with existing environment, the high density coupled with low employment will lead to social problems, no support from the majority of immediately surrounding neighbours.	Decline the application	Opposed. Wish to be heard.		

The Hearing considered the following written submissions:

The following submitters were heard with respect to their concerns or support for the proposal.

Te Mihinga Rogers

Also spoke to the new proposed conditions in the Planners Report Addendum.

Confirmed that her objections to the proposal relate to:

- Suburbia moving into a rural setting, not just "social problems". Comparison to Whakarewarewa not relevant as Rangihamama will not have tourism income.
- Papakainga
- How the development will change the character of the area, which currently is a relatively quiet rural area. The proposal is not just high density; it is high density in a rural area.
- Refuted the statement in the applicant's resource planner's report that the submitters' responses were typically NIMBY.
- Underestimation of traffic movements due to "car pooling" estimates not being realistic.
- Earthworks being taken out of the area. (Traffic)
- Suggested purchasing houses in town, which would cost less, and the owners could buy the land.
- No support from majority of immediate neighbours. Noted that other neighbours have pursued action through Maori Land Court, even though they did not make submissions to FNDC regarding the notification of this application.
- Regarding recreational areas being formed down the back polluted swamps and streams from old Shell depot and Kaikohe rubbish dump.
- Recreational activities and future development has not been thought out. Elderly people require the relevant health facilities.

Made the following observations and suggestions:

- Acknowledged that the applicant has responded regarding waahi tapu sites
- Suggested further consultation to identify any other waahi tapu sites, as she is aware of others being present in the bush on the boundary.
- Micro community with an existing whanau environment needs to be blended in to what is already there.
- Be wary of how high the Papa Hawaiki stream can run.

Ms Rogers seeks that the application is declined, but in the case of approval, the Applicant should be making the proposal more aesthetically pleasant, including the provision of more recreational facilities, and provide concrete estimates on how many trees will be removed.

Kevin Strawbridge

Spoke to original submission.

- Gave a brief history and background into his business in the area:
 - Bought land in 2004, scoped neighbouring land when purchased specifically so he could operate his business in a Rural Production Zoned environment.
 - His nursery has regional and national significance. The nursery is responsible for approximately 10% of restocking of Radiata Pine in New Zealand, reducing effects of global warning.

- Rural land (zoning and reverse sensitivity policies) protects people like him and his ability to operate.
- Confirmed that his objections to the proposal relate to:
 - High density housing creates many risks for his business. Making assumptions of things that may happen in the future, laws may change.
 - He sprays the nursery every week, and the chemicals can be dangerous. He is absolutely sure that there will be no off site effects from the spraying operations, but for children and pets walking on sprayed land, it could be incredibly dangerous. Does not want to be liable for any suffering or pain caused by spraying and the activities of the business, which includes machinery.
 - Mr Strawbridge is concerned that if there was a change to current Regional Air Quality Plans that required notification to all 15 households, it could make his continued operation impossible.
 - Consultation was done in 2013; he purchased the land in 2014.
 - Difficult to find productive land to grow pine trees on, and did not know where he would find a similar site if he had to relocate due to this development.
 - Northland Forestry Nursery would not be immediately affected, but this could create potential future problems (as mentioned above).
 - Speaking on behalf of Agrimetrix Trust, who owns the property; the nursery is a significant investment and major source of income for the Trust.

Mr Strawbridge queried the effectiveness of Mr Drupsteen's drainage septic system on that specific site. Advised that he had constructed a house on neighbouring land, and although TP58 was signed off and approved, the drainage area had to be doubled to be effective in that environment.

Mr Strawbridge confirmed that the prevailing wind direction is a southerly wind. He confirmed they never spray in an Easterly, and did not think spray drift would impact proposed development, but acknowledged and was concerned that regulatory policies could change.

The Commissioners asked whether any sort of vegetation enhancement could increase the buffer between the two properties. Mr Strawbridge responded that he had planted a hedge to do so, which was currently one third of its potential height. He stated that if the Totara trees were to be removed, a large natural buffer would also be destroyed. He purposely left natives and planted other trees to keep the buffer present between the two properties. Not only would this act as a spray barrier, but as a sensitivity barrier to protect neighbours from industrial farming operations.

Mr Strawbridge confirmed that he is already maintaining the wetland area at the northern and western end of his property, and there would be no need for the applicants to do so. He also made comment that due to a lack of drain maintenance, the water table has increased by approximately one metre in the last ten years, and used to be a river.

Mr Strawbridge confirmed that his spraying operations are conducted at ground level (only 50cm off the ground by tractor boom), and can experience up to half a metre of spray drift. He noted that there are currently no requirements to notify parties located over 30 metres of the boundary. He clarified that in his written submission he thought this figure was 200 metres, but acknowledges it is only 30 metres.

Referring to proposed condition 23 in Addendum - the inclusion of email contact details would assist in notification.

Mr Drupsteen clarified various points regarding the effectiveness of the waste water system:

- The system has been designed for the future development consisting of 30 houses. The present effluent field and site is designed to take the present loading, but will need to be upgraded, and effluent site doubled for stage two of the development (additional 15 houses). Another effluent system could be installed south of the present system – many opportunities to increase capacity.
- Keeping the system shallow ensures no pollution of ground water. The effluent field is designed with the same principles as other effluent fields for houses in rural or semi-rural areas. Disposal area was calculated based on soil soakage capability.

Mr Strawbridge indicated that fences would not be required on the boundary, and that education should suffice for children / land owners. He reiterated that he is only concerned about people's safety.

Mr Dissanayake stated that reverse sensitivity had been taken into account in the design of the development; houses were to be built approximately 100 metres from Mr Strawbridge's boundary, and proposed conditions will sufficiently address reverse sensitivity. He stated that the Trust will nominate a contact person for Mr Strawbridge's notifications, identify areas that residents should not occupy, and that vegetation under the riparian management plan will be implemented once approved.

Henriata Tauri

Spoke to original submission.

Gave Patsy Albert's apologies.

Confirmed that her objections to the proposal relate to:

- Noise created from 15, if not 30 houses in a currently quiet, calm area. Wanted the proposed development to be on the farm near the farm manager's new house.
- Noise from the dairy farm activities is currently at a noticeable level, including traffic and that the effects of the proposal would be cumulative. Chair clarified with applicant that milk tanker movements occur once per day in the peak season, and once every two days in the off season.

The Chair acknowledged the revised plan, which introduces more amenity into the proposal, and discussed the following points:

- The submitters concerns relate to the nature and character of their surroundings. To
 mitigate these concerns, the Applicant needs to look at things that would lessen
 obvious impacts including noise and that would visually enhance the proposal. I.E.
 North-eastern corner restoration planting to the creek would visually enhance the
 entire project.
- Using earth from earthworks would assist in not only improving the visual amenity and reduce sound transfer, but would reduce costs of carting material off site.
- Referenced suggestions from Ms Braithwaite regarding a lack of communal elements in the existing plans. Designing community space for future use of 30 houses would help mitigate this concern. Opportunity for open space play field to balance the design and provide an alternative to children playing on roads.
- Mr Carruthers confirmed that the applicants supported and were open to dialogue with Council regarding constructing a footpath (estimated to be 375m in length to

connect to the footpath at the end of Thorpe Road). A footpath would increase safety. Mr Carruthers said that the footpath could be incorporated with the site works contracts.

- Increase landscaping and planting plan to address reverse sensitivity issues (sound bund concept) was supported.
- Water filtration has been factored into development plans confirmed that this was not required for nursery sprays.
- Agreement that the removal of Totara trees has to be absolutely minimised, as they have a huge benefit as a buffer and in maintaining amenity value. Some trees are waahi tapu sites.

Mr Shand advised that the storm water detention could be moved into an area currently designated as a wastewater disposal area, and relocate the drip lines. This would allow the development of a storm water management system without removing the Totara trees, subject to detailed design, which was confirmed by Mr Drupsteen. It was acknowledged that the NRC consent would have to be varied for this design change.

Council Summary

Ms Braithwaite and Mr Shand made the following amendments to their proposed conditions:

- Confirmed the revised plans showing the fencing of the waahi tapu sites satisfies concerns raised by submitters. Raised the issue of whether the trees to the south of the fenced areas would also be waahi tapu. Mr Tau did not think they would be.
- Suggested relocating the Kaumatua housing to the northern boundary and moving the whanau houses to the south to appease submitters concerns on noise.
- Condition 20 to be amended to included Totara trees and Puriri.
- Condition 2 to be amended to include the provision for a street light (flag light) at the Rangihamama Road intersection to enable drivers to turn in safely while traveling at night.
- Confirmed they were satisfied with Mr Dissanayake's amendments to landscaping conditions.
- Confirmed Council's Roading Managers support for the construction of a footpath linking the development with the end of the existing footpath 375 metres distant at Thorpe Road.

Mr Tau confirmed that there would be no issue to imposing a no cats and dogs covenant on the property, as the Trust currently has a policy for 'no cats and dogs' in the houses anyway. Confirmed there would be no concerns if a condition of that nature were to be imposed. Chair requested a copy of the 'no cats and dogs' policy.

Break for recess 1.40 - 1.50 pm.

Applicants Right of Reply and Summary

The Applicant is agreeable to alter the house layout as requested by the Mr & Mrs Tauri, to avoid the waahi tapu, save as many mature Totara as practical, retain soil on site to create

sound bund, and to incorporate the landscape plan subject to Council approval.

The Chair suggested a site visit to look at the site as currently proposed in the design, and identify whether storm water and effluent field can be installed without removing as many Totara trees as are apparent in the plans. The site visit should also identify whether the NRC consent will need varying.

Site visit to be carried out post hearing adjournment between the Chair, Commissioner Hunt, Mr Shand, and Mr Drupsteen to discuss storm water and waste water plant location.

Applicant provided a revised site plan referenced 150006-14-2, Sheet Number 2 of 2, Revision E.

This revised plan incorporated the waahi tapu Totara trees into an amenity open space that is boarded by Rangihamama Rd, Te Papa St, Enoka St and Kawa St. The plan is characterised by not needing to remove any mature Totara trees on the area where the house lots and the proposed roading are located. The housing layout has been altered to give effect to Mr & Mrs Tauri's request seeking the location of the Kaumatua housing rather than family housing near the neighbouring houses at the north end.

Hearing adjourned 2 pm.

Site visit 3.00 pm.

The hearing panel, Mr Shand, and Mr Drupsteen met on site. Mr Drupsteen and Mr Shand agreed that the volumetric dimensions of the retention pond/sediment trap could remain consistent with the approved Northland Regional Council Consent 38269 dated 16.05.2016 but could be constructed in a manner that required the removal of less Totara trees. The number of Totara likely to require removal is six. Mr Drupsteen will liaise with Northland Regional Council on this matter. The Applicant has submitted a revised Sediment Control & SW Outfall Plan by Simpson, Shaw & Co Drawing Number 15006-10 Sheet Number 34 Revision O.

Main Findings of Fact

The revised proposal, referencing Simpson Shaw & Co Application Plan Drawing Number 15006-14-2 Sheets 1 & 2 Revision E, and Sediment Control & SW Outfall Plan by Simpson, Shaw & Co Drawing Number 15006-10 Sheet Number 34 Revision O, have incorporated changes that avoid, remedy or mitigate the effects of the following matters of concern to the submitters.

The residential intensity (density) and visual amenity issues raised have been remedied by the layout approved in this consent.

Change to residential housing in the vicinity has occurred in the past, with both the removal and addition of housing.

Traffic, especially pedestrian traffic, would be an issue of concern without the provision of adequate footpaths and a suitable recreation area so that children do not need to play on the road.

The potential for social problems is addressed by the approved layout which includes improved recreational amenities, and the Trust's tenancy policies, which also includes a no dog policy that addresses one of Mr Strawbridge's concerns.

Reverse Sensitivity. The granting of this consent will not cause tangible reverse sensitivity

issues for the neighbouring productive industries.

The pine seedling nursery operation has an adequate distance of separation between its operations and the locations of houses in the proposal consented.

Assessment

The granting of this consent will enable the Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust to provide for the social, economic and cultural wellbeing and for the health and safety of the beneficiaries of the trust through the provision of affordable housing. This is an outcome that is anticipated and provided for in the Northland Regional Policy Statement and the Far North District Plan.

However, there are a number of objectives and policy directives and criteria that this consent needs to satisfy, including those relating to reverse sensitivity.

The Applicant has significantly modified the proposal to accommodate the submitters concerns and requests regarding housing density, buffering sound, visual amenity, social/amenity infrastructure and has provided a revised plan showing the relocated pensioner units and stormwater pond which has now become the approved plan. In particular the Applicant's planned open space around the culturally significant Totara trees and the provision of a reasonable area of open play area has lowered the housing density and improved visual amenity significantly.

Reverse Sensitivity - Ensuring that new developments in the Rural Production Zone do not compromise established activities is a matter that receives strong directed from the Northland Regional Policy Statement and the Far North District Plan. The consent conditions provide for a single contact point for the nursery operators to liaise with the Omapere Taraire E & Rangihama X3A Ahu Whenua Trust in the event that any notification for spraying is required. Evidence was provided that satisfies this Hearing that the nursery operations_are safely managed and offer no risk to the Papakainga households. The Reverse Sensitivity issue is not a tangible concern, but one of potentially misinformed perceptions being held by Papakainga residents and how these residents may react. The consent conditions adequately address this matter.

Further, in the written Statement of Evidence tabled by the Applicant's Resource Planners, it was stated that the Applicants are agreeable, in order to have a good rapport with Northland Forestry Nursery Ltd, to sign an MOU that will require that the Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust Tenancy Agreement shall state amongst other things that no complaint shall be lodged by any tenant of the Papakainga housing in respect of the spraying operations by Northland Forest Nursery Ltd.

Consent Conditions minimise the removal of mature Totara and ensure that an effective vegetative buffer between the Papakainga houses and the nursery of increased area is established as part of the Landscape Planting Plan.

Close of hearing

The Hearing was closed at 2.00 p.m. on 10 October 2016, after receiving from the Applicant Amended Plan Sheet Number 34 Revision O, detailing the minor variation to the sediment pond.

Lapsing of Consent

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

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

...

Hearings Commissioner

Hearings Commissioner

November 2016 3 Date .





	7 CL Rangihamama Road			300mm RCRRJ Class 4 Concrete EncasedCulvert				FINAL					Intersection with CL Enoka St		
Datum 95.00				99.02 Invert Level		Pi	otential Rock L	.evel							
Finished Level	99.56 99.52	0 63	77.99	99.75	99,64	99.54	99.44	99.33	99.23	99.13	99.03	68	98.82	98.72	92.
	99.56 9						44 9					68			80
Ground Level		OD AD	99.36	99.32	99,34	99.39	<u> 39.</u>	99.52	99.54	99.56	99.61	<u>99.69</u>	99.78 99.79	99.87	66.66
Cut/Fill to Finished Level After removal of 400mm Topsoil	0.00	0.63 F	0.81 F	0.83 F	0.70 F	0.55 F	0.40 F	0.21 F	0.09 F	0.03 C	0.18 C	0.37 C	0.56 C	0.75 C	0.79 C
Chainages	0.00	10.00	15.00	20.00	30.00	40.00	50.00	60.00	70.00	80.00	90.00	100.00	110.00	120.00	130.00
Grade			VC CRE	ST					1.0	3%					
APPROV	/ED) PL	AN	1		Te Pa	apa Stre	Section eet Centro		Sc.			8		я Я
								Thijs Drup Consulting			Date	No	REVISIONS	Sigr	PREPARED FOR: Omapere - Rangihamama Tru:
PLANNER RA						Taheke			29-10-1		Raised at culvert	TJS	PROJECT:		
RC 2160340	DA		2/11	1,1				Ref: 14/16 Phone 09 40:	4737		10-11-1		after 120 added, start I	owered TJS	ORT 15
nu2/003-70	.DA	IE A	2//.	16				NOTES			23-11-1		Rock Level Added	TJS	DRAWING TITLE.
									pyright to Simpso	n Shaw	24.11.1		FINAL ISSUE Revised Sheet 35	SH JL	- Longeschien To Dave C
								ourra7013.			SI	MPSO DIVISION REGISTERED AND & E	N, SHAW & OF SIMPSON SHAW & OF SIMPSON SHAW & SURVEYORS WHANG, NGINEERING SUR' E MANAGERS T. PO BOX 631 PH (09	CO. CO LTD REI VEYORS	DRAWN SH Checked TJS Printed 17, PATH P:\15006\acad\15006-10-RG.d DRAWING NUMBER SHEET NUMBER RE 15006-10 3



FINAL

	Natural Ground L	evel					
Datum 97.00				400mm of topsoil stripped	300mm RCRRJ Class 4 Concrete encased 0.2% grade		
Finished Level	99 <u>.</u> 34	99.58	99.60	9 <u>9</u> ,76	09.66	99.58	99.33
Existing Surface	99.34	99.34	99.33	99.33 99.33	99.33 99.33	99.33	99.33
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.64 F	0.67 F	0.83 F	0.67 F	0.65 F	0.00
Design Offset	-5.48	4.50	-4.00	0.00	4,00	4.50	5.48

CH. 18.90















FINAL

	F	-					1		Y
	-	-	Potential Rock Level		_			$\left \right $	-
Datum 97.00		5						1	5
Finished Level	100.15	99.93	77.66	99.72	99.77	99.87	99.67	99.50	99.67
Existing Surface	100.15	100.15	100.12	100.11	100.10	100.09	100.09	100.09	100.09
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.18 F	0.06 F	0.01 F	0.07 F	0.18 F	0.02 C	0.19 C	0.02 C
Design Offset	-5.72	00.0-	-1.65	-1.20	0.00	2.50	3.30	3.55	3.80

CH 40.00

400mm of topsoil stripped



CH 20.00

Cross-sections Te Papa St Extension







FINAL **APPROVED PLAN** PLANNER RB RC.2160340 DATE 3/11/16 Thijs Drupsteen **Consulting Engineer** Taheke Ref: 14/16 Phone 09 4014737 NOTES 15 T This plan Is Copyright to Simpson Shaw Surveyors. 400mm of topsoil stripped Potential Rock Level REVISIONS Date No Decription Sign Datum RL 95.00 Original Issue 23.11.15 В Rock Level Added TJS 98.44 97.06 96.89 97.06 8 97.29 97.35 97.29 888 24.11.15 F FINAL ISSUE SH Finished Level 97 7.037 Revised Sheet 35 JL 17.12.15 G 97.97 97.95 97.93 SIMPSON, SHAW & CO. A DIVISION OF SIMPSON SHAW & CO LTD REGISTERED SURVEYORS WHANGAREI 98.44 98.29 97.87 97.75 97.69 **Existing Surface** LAND & ENGINEERING SURVEYORS RESOURCE MANAGERS 0.51 C 0.66 C 0.47 C 0.18 C Cut/Fill to Finished Level 0.59 C 0.00 0.00 0.00 36 154 BANK ST. PO BOX 631 PH (09) 438-7170 WHANGAREI, 0140 FAX (09) 438-8680 After removal of 400 Topsoil EMAIL: surveys@simpsonshaw.co.nz -11.13 PREPARED FOR: 2.30 0.00 Design Offset 74 -1.50 .50 2.552.30 Omapere - Rangihamama Trust PROJECT: **ORT 15** CH 100.00 DRAWING TITLE: Cross-sections Te Papa St

Extension

DRAWING NUMBER

15006-10

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Datum RL 97.00					
Finished Level	99.97	99.27	99.15 99.15	66	<u>99.20</u> 99.22
Existing Surface	99.97	99.99	100.01	100.15	100.30
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.32 C	0.41 C 0.47 C	0.23 C	0.74 C 0.70 C 0.68 C
Design Offset	-13.60	-11.50	-9.65	8.0	9 9 20 10,15

CH 83.52 Centre Cul-de-sac Head

Boundary

	T		+				
	-				Potenti	al Rock Level	
Datum RL 97.00							
Finished Level	6.66	99.38	99.26 99.21	99.28	99.21 99.26	99.38	100.17
Existing Surface	16.66	100.00	100.04	100.08	100.10	100.14	100.17
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.22 C	0.38 C 0.44 C	0.40 C	0.49 C 0.45 C	0.36 C	0.00
Design Offset	-6.78	-5.00	-2.15	0.00	1.70	5.00	7.39

APPROVED PLAN PLANNER PROVED PLAN RC. 21603400. DATE 3/11/16

- This p Survey	lan is Co	pyright to Simpson Shaw	 Thijs Drupsteen Consulting Engineer Taheke Ref: 14/16 Phone 09 4014737 							
		REVISIONS		PREPARED	FOR:					
Date	No	Decription	Sign	Omapere - Rangihamama Trust						
28.10.15	A	Original Issue	SH	PROJECT:						
23.11.15	В	Rock Level Added	TJS	ORT 1	5					
24.11.15	F	FINAL ISSUE	SH							
17.12.15	G	Revised Sheet 35	JL	Cros			ons	Enoka	st St	
SIN	IPSC	N, SHAW & CC). D	DRAWN	SH	Checke	d T	Printed	17/12/201	
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		ENGINEERING SURVEYO	K2	DRAWIN	IG NU	MBER	SHEET	NUMBER	REVISION	
WH	ANGAR	ST. PO BOX 631 PH (09) 438- EI, 0140 FAX (09) 438 veys@simpsonshaw.co.nz	150	06-	10		21	G		
				SCALE	1	:100	(A3)			




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AL		Boundar			400mm of top	soil stripped	Boundan	
Datum RL 97.00								
Finished Level	60.60	99.12	00.99.00	98.95	99.02	98.95	99.12	99.63
Existing Surface	09.60	99.60	99.61	99.61	99.62	99.62 99.62	69.63	99.63
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.08 C	0.21C	0.26 C	0.20 C	0.27 C 0.22 C	0.11 C	0.00
Design Offset	-6.44	-5.00	-2.15	-1.70	0.00	1.70	5.00	6.54

CH 40.00

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APPROVED PLAN PLANNER R RC.2160340 DATE 3/11/16 Thijs Drupsteen **Consulting Engineer** Taheke Ref: 14/16 Phone 09 4014737 NOTES 15 This plan is Copyright to Simpson Shaw Surveyors. Cut/Fill to finished level is in relation to the surface after 400mm of Topsoll has been removed REVISIONS No Decription Date Sign 10 24.11.15 A Original Issue JL 25.11.15 F FINAL ISSUE SH 17.12.15 G Revised Sheet 35 JL SIMPSON, SHAW & CO. A DIVISION OF SIMPSON SHAW & CO LTD REGISTERED SURVEYORS WHANGAREI LAND & ENGINEERING SURVEYORS RESOURCE MANAGERS 154 BANK ST. PO BOX 631 PH (09) 438-7170 WHANGAREI, 0140 FAX (09) 438-8680 EMAIL: surveys@simpsonshaw.co.nz PREPARED FOR: Omapere - Rangihamama Trust PROJECT: **ORT 15** DRAWING TITLE: Cross-sections Kawa St SH Checked T Printed 17/12/2015 DRAWN

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DRAWING NUMBER

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CH 20.00

FINAL	Boundary		400mm of to	psoil stripped	-1	Boundary
Datum RL 97.00 Finished Level	<u>99.52</u>	99.40 33.35 39.35	66	99.33	39.38	99.46 99.54
Existing Surface	99.52	99.54 99.55		99.56	-	99.54 99.54
Cut/Fill to Finished Level After removal of 400 Topsoil	0.40 F	0.26 F	0.26 F	0.17 F	0.23 F	0.32 F 0.00
Design Offset	-5.13	-2.15	0.00	2.34	2./9	5.00 5.23

CH 80.00

		Boundary		400mm of topsoil stripped						
Debus DI 07.00							7			
Datum RL 97.00	00	31	6	14	2	4	6		5	
Finished Level	69.60	99.31	99,19	99.14	99.22	99.	99.19	99.31	00 60	
Existing Surface	99.60	99.60	99.61	99.61	99.61	99.61	99.61	99.60	00 60	
Cut/Fill to Finished Level After removal of 400 Topsoil	0.00	0.11 F	0.02 C	0.07 C	0.01 F	0.07 C	0.02 C	0.11 F	00.0	
Design Offset	5.89	-5.00	-2.15	1.70	0.00	1.70	2.15	5.00	00 2	

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n	_	REV	ISIONS							
Date	No		Decription	Sign						
24.11.15	A		Original Issue	JL						
25.11.15	F		FINAL ISSUE	SH						
17.12.15	G	R	evised Sheet 35	JL						
PROJECT ORT 1	ere -	Rang	ihamama 1 Is Kawa 1							
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EMAIL: surveys@simpsonshaw.co.nz



	Sump 8	Topsoil		
			Rock Level	
Datum 96.00			ØRCRRJ	
Invert Level	97.32		96.92	
Natural Ground Surface	69.66	99.78	99.85	
Design Level	98.71	<u>98.59</u>	98.58	
Cut to Invert Below Design Surface	1.39		1.66	
Chainages	0.00	11.50	20.38	
Grade	-	1%		

mm Ø RCRRJ									RC.	216034	0.[DATE	.3	111/16	
96.92															
98.59 99.78 99.85 99.85 99.85														steen Engineer	
1.66 98												Ref: 1			
												NOTE		14/3/	
11.50			SWMH 4								15 -	- This p Surve		opyright to Simpson Shaw	
	-	Topsoil			-									REVISIONS	T
_				- +							0.00	Date	No	Description	Sig
	-		Potentia	RockLe	vel								A	Original Issue	SH
7					\geq \mid							24.11.15	В	Stormwater Outfall	JL
et	45	50mm Ø RCR	RJ		. 1		~				10 -	25.11.15	F	FINAL ISSUE	Sł
See Sheet 31												17.12.15	G	Revised Sheet 35	JL
e												18.01.16	Н	Revised Sheet 35	JL
Ň												26.02.16	I	LS amended	Sł
Datum 94.00												AI	DIVISION	N OF SIMPSON SHAW & CO I ED SURVEYORS WHANGAREI	TD
Invert Level	96.29		96.15									LA	ND &	ENGINEERING SURVEY CE MANAGERS ST. PO BOX 631 PH (09) 43	ORS
Natural Ground Surface	100.02	99.88	99.76	99.63	98.87	97.49	96.47	95.59	94.81	94.17	5 -	WI WI	ANGAR	El, 0140 FAX (09) 4 veys@simpsonshaw.co.nz	38-868
Design Level			98.04									PROJECT:		Rangihamama Tru:	st
Cut to Invert Below Design Surface	2.39		1.89							-		ORT 1 DRAWING SW	TITLE:	section	
Chainages	130.00	140.00	145.00	150.00	160.00	170.00	180.00	190.00	200.00	210.00	1	DRAWN			/02/201
Grade		— 1% ——									0	PATH	P	:\15006\acad\15006-10-RJ.d	
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