

# Application for resource consent or fast-track resource consent

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

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

## 2. Type of Consent being applied for

(more than one circle can be ticked):

- |   |   |
|---|---|
| <input type="radio"/> Land Use  | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision  | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

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

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

☒ Yes ☐ No

## 4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Email:

Phone number:

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

GW & WJ Nicholson

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)

Northland Planning & Development 2020 Ltd

\* 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:

Property Address/  
Location:

Gary & Waimarama Nicholson

565 Kimberley Road

Pukenui

Postcode

## 8. Application Site Details

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

**Name/s:**

Gary & Waimarama Nicholson

**Site Address/  
Location:**

565 Kimberley Road

Pukenui

**Postcode**

**Legal Description:**

Lot 1 DP 367043

**Val Number:**

**Certificate of title:**

272035

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

### Site visit requirements:

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

Is there a dog on the property? ☐ Yes ☐ No

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

Please contact Wai to arrange a site 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.

Subdivision proposal to create one additional lot in the Rural Production Zone,

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

## 10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

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

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

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

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

☒ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ 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) GW & WJ Nicholson

**Email:**

**Phone number:**

**Postal address:**  
(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council’s legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

**Name:** (please write in full) WS NICHOLSON

**Signature:**  
(signature of bill payer)

**Date** 06.06.25

MANDATORY

15. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.  
You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

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

Privacy Information:

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

## 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)

W S NICHOLSON

**Signature:**

[Redacted Signature]

**Date** 06.06.25

by electronic means

### Checklist (please tick if information is provided)

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

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website.

This contains more helpful hints as to what information needs to be shown on plans.

## Subdivision Resource Consent Proposal

**Gary & Wai Nicholson**

**565 Kimberley Road, Ngataki**

Date: 9/06/2025

Please find attached:

- an application form for a Subdivision Resource Consent in the **Rural Production** under the Operative District Plan; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision requires consent under the Operative District Plan as a **Restricted Discretionary Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

If you require further information, please do not hesitate to contact me.

Regards



Alex Billot

Resource Planner

Reviewed by



Sheryl Hansford

Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

# 1. TABLE OF CONTENTS

<b>1. Table of Contents .....</b>	<b>2</b>
<b>1.0 Description of the Proposed Activity .....</b>	<b>5</b>
SUBDIVISION .....	5
PREVIOUS CONSENT HISTORY .....	5
<b>2.0 The site and surrounding environment.....</b>	<b>8</b>
SITE VISIT .....	8
<b>3. Background .....</b>	<b>10</b>
TITLE .....	10
<i>CONSENT NOTICE 6874292.1 .....</i>	<i>10</i>
<i>EASEMENT DOCUMENTS .....</i>	<i>10</i>
SITE FEATURES.....	10
<b>4. Activity Status of the Proposal .....</b>	<b>13</b>
WEIGHTING OF PLANS .....	13
OPERATIVE DISTRICT PLAN .....	14
RURAL PRODUCTION ZONE .....	14
DISTRICT WIDE MATTERS .....	16
OVERALL STATUS OF THE PROPOSAL UNDER THE OPERATIVE DISTRICT PLAN .....	17
PROPOSED DISTRICT PLAN.....	17
NATIONAL ENVIRONMENTAL STANDARDS .....	19
<i>NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011.....</i>	<i>19</i>
<i>NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER 2020.....</i>	<i>19</i>
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS .....</i>	<i>20</i>
<b>5. Statutory Assessment .....</b>	<b>20</b>
SECTION 104C OF THE ACT .....	20
SECTION 104(1) OF THE ACT .....	20
<b>6. Environmental Effects Assessment .....</b>	<b>21</b>
SUBDIVISION .....	22
<i>PROPERTY ACCESS.....</i>	<i>22</i>
<i>NATURAL AND OTHER HAZARDS .....</i>	<i>24</i>
<i>WATER SUPPLY.....</i>	<i>24</i>
<i>STORMWATER DISPOSAL .....</i>	<i>25</i>
<i>SANITARY SEWAGE DISPOSAL.....</i>	<i>25</i>
<i>ENERGY SUPPLY &amp; TELECOMMUNICATIONS .....</i>	<i>26</i>
<i>EASEMENTS FOR ANY PURPOSE .....</i>	<i>26</i>
<i>PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES.....</i>	<i>26</i>



<i>ACCESS TO RESERVES AND WATERWAYS</i> .....	26
<i>LAND USE COMPATIBILITY</i> .....	26
<i>PROXIMITY TO AIRPORTS</i> .....	27
<b>7. Policy Documents</b> .....	<b>27</b>
<b>NATIONAL ENVIRONMENTAL STANDARDS</b> .....	<b>27</b>
<i>NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NESCS)</i> .....	27
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS</i> .....	27
<b>NATIONAL POLICY STATEMENTS</b> .....	<b>27</b>
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS</i> .....	27
<b>REGIONAL POLICY STATEMENT</b> .....	<b>27</b>
<b>FAR NORTH OPERATIVE DISTRICT PLAN</b> .....	<b>28</b>
<i>RELEVANT OBJECTIVES AND POLICIES</i> .....	28
<i>ASSESSMENT OF THE OBJECTIVES AND POLICIES WITHIN THE SUBDIVISION CHAPTER</i> .....	28
<b>PROPOSED DISTRICT PLAN</b> .....	<b>35</b>
<i>RURAL PRODUCTION ZONE</i> .....	36
<b>SUMMARY</b> .....	<b>38</b>
<b>8. Section 125 – Lapsing of consent</b> .....	<b>38</b>
<b>9. Notification Assessment – Sections 95A to 95G of The Act</b> .....	<b>39</b>
<b>PUBLIC NOTIFICATION ASSESSMENT</b> .....	<b>39</b>
<i>STEP 1 MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES</i> .....	39
<i>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</i> .....	39
<i>STEP 3: IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES</i> ..	39
<i>STEP 4; PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES</i> .....	40
<i>PUBLIC NOTIFICATION SUMMARY</i> .....	40
<b>LIMITED NOTIFICATION ASSESSMENT</b> .....	<b>40</b>
<i>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED</i> .....	40
<i>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</i> .....	40
<i>STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED</i> .....	41
<i>STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES</i> .....	42
<i>LIMITED NOTIFICATION ASSESSMENT SUMMARY</i> .....	42
<b>NOTIFICATION ASSESSMENT CONCLUSION</b> .....	<b>42</b>
<b>10. Part 2 Assessment</b> .....	<b>42</b>
<b>11. Conclusion</b> .....	<b>43</b>
<b>12. LIMITATIONS</b> .....	<b>44</b>



## **Appendices**

- 1. Far North District Council Application Form**
- 2. Certificate of Title – LINZ**
- 3. Consent Notice 6874292.1 - LINZ**
- 4. Scheme Plan – Von Sturmers Surveyors**
- 5. Wastewater Suitability Report – O'Briens Design Consulting**
- 6. Approved RC2080237 Decision - FNDC**



## Assessment of Environment Effects Report

### 1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

#### Subdivision

1.1 The proposal is to undertake a subdivision of Lot 1 DP367043 to create one additional allotment. The site is located within the Rural Production zone under the Operative District Plan (ODP).

1.2 The proposed lot sizes are as follows:

- Proposed Lot 1 – 4.6 hectares – vacant allotment
- Proposed Lot 2 – 7.98 hectares – to contain the existing dwelling and shed

*Areas and measurements are subject to final survey.*

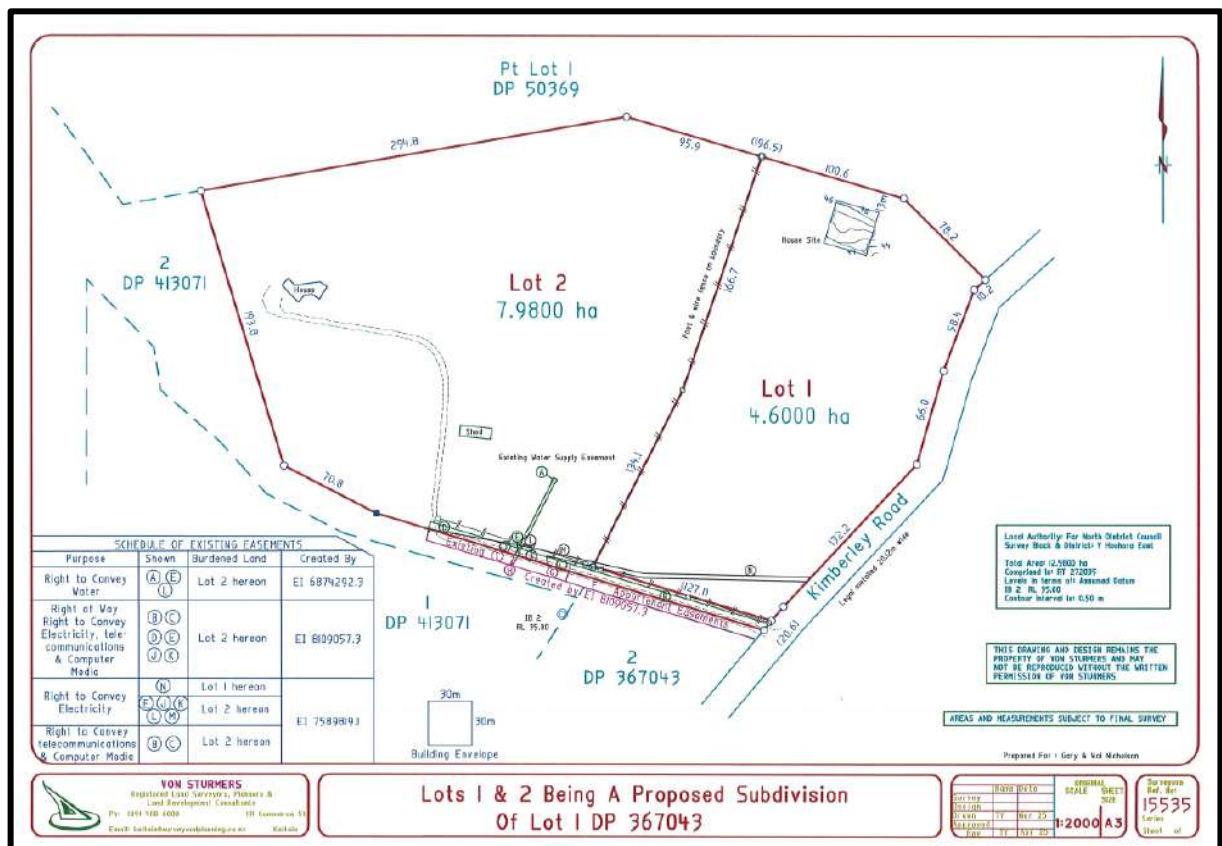


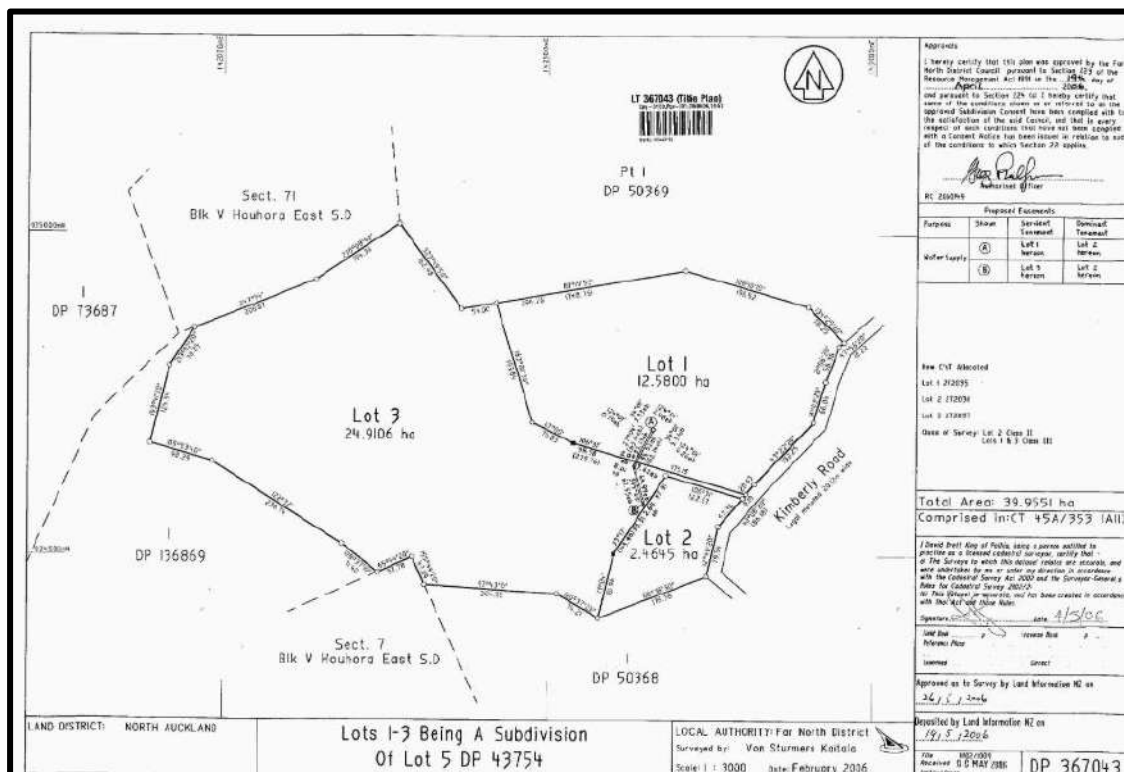
Figure 1: Proposed Scheme Plan.

#### Previous Consent History

1.3 RC2080327-RMASUB was approved on 14<sup>th</sup> August 2008. The proposal was to subdivide the subject site with the same layout as what is proposed as part of this application. This decision document lapsed prior to the subdivision being finalised, and as such, the Applicant would like to re-establish the lapsed subdivision.

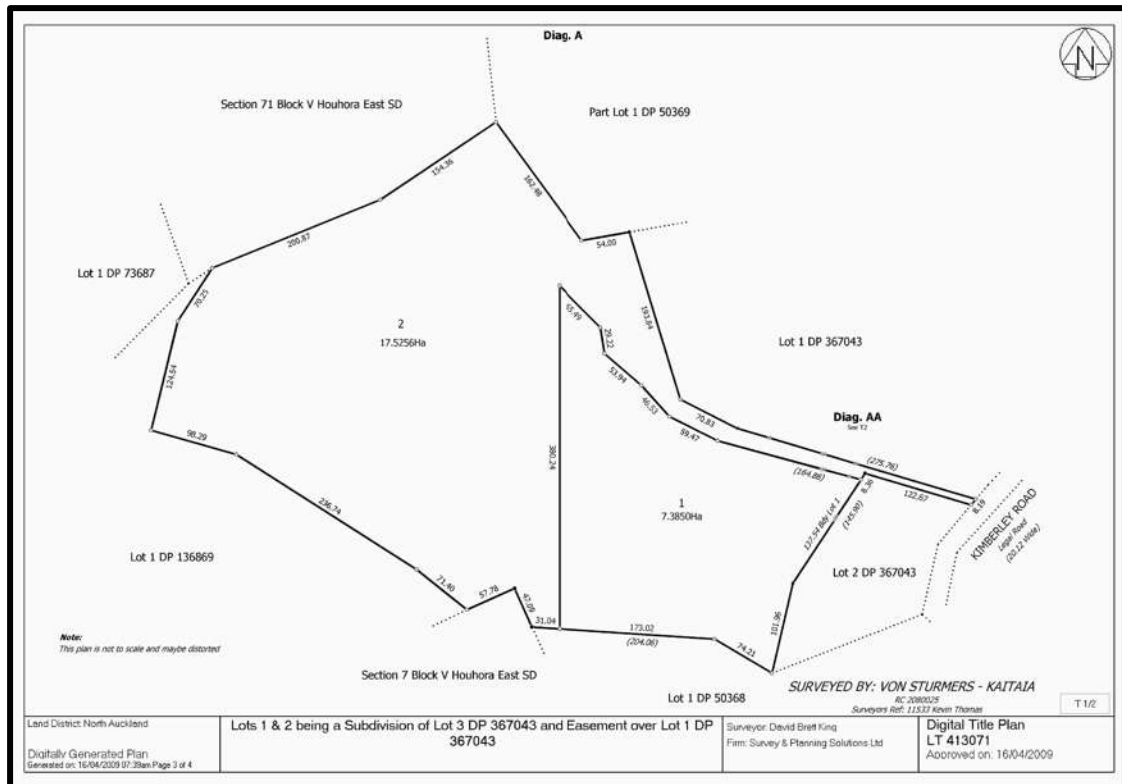


- 1.6 Snippets of the previous subdivision approved plans are shown below for ease of reference.

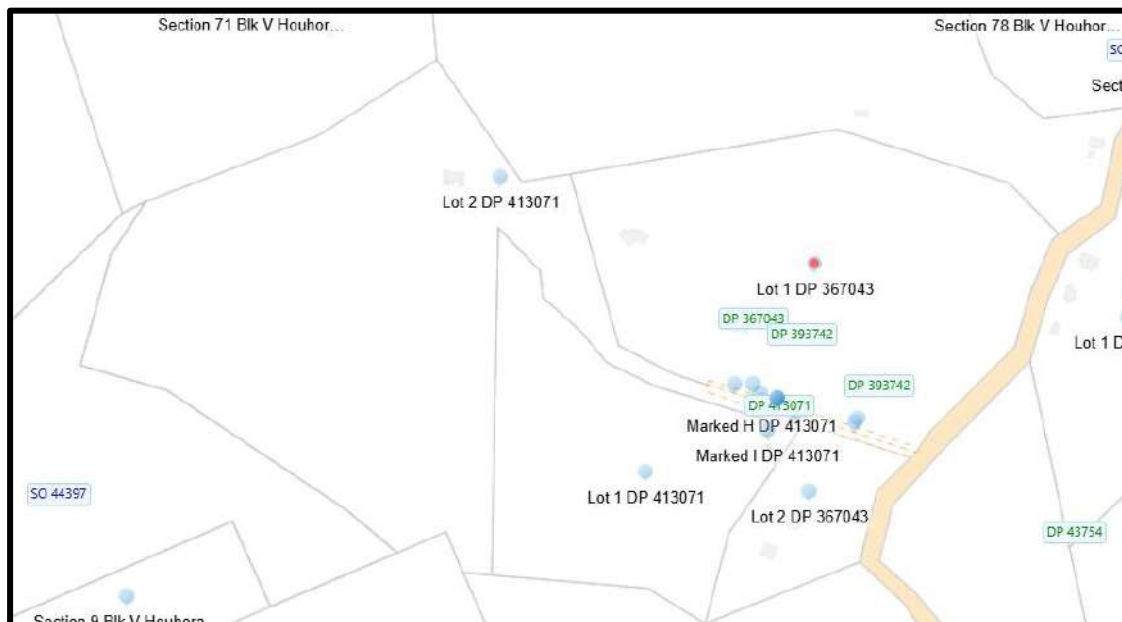


**Figure 2: Original subdivision which created the subject site and created 3x lots over 2 hectares (two lot balance right left).**





**Figure 4: Adjoining subdivision of previous Lot 3 DP367043 which created one additional allotment over 2 hectares in area (one balance right remaining).**



**Figure 3: Current allotments showing 4x lots over 2 hectares in area, which reinforces there is one balance right entitlement left to create an additional allotment over 2 hectares. This will bring the total allotments created under this provision to five.**







*Figure 9: Existing private accessway which services the subject site and will service Proposed Lot 2. Taken from crossing place at Kimberley Road.*



*Figure 8: Dividing boundary of Lots 1 & 2. Vacant farmland to be contained within Lot 1. Image taken from SW corner of Lot 1.*



*Figure 11: Vacant farmland to be contained within Lot 1. Image taken from southern boundary. Suitable building platform located on hill in distance.*



*Figure 10: Access to Lot 1 located in NE corner. Metalled drive is within road reserve with crossing place to Lot 1 located behind the image.*



*Figure 12: Looking towards proposed crossing place to Lot 1, where Taranaki gate is located.*



*Figure 13: Taranaki gate to Lot 1, where access will be provided.*

### 3. BACKGROUND

#### Title

- 3.1 Lot 1 DP 367043 is held within Record of Title 272035, which is dated 22<sup>nd</sup> May 2006, with a legal area of 12.58ha. There is one consent notice registered on the title under document 6874292.1 as well as existing easement documents, which will be discussed below.

#### Consent Notice 6874292.1

- 3.2 This document has two existing conditions. The first requires a site specific design for stormwater and effluent disposal at the time of lodging of a building consent application as well as a specific design for foundations.
- 3.3 The dwelling on Lot 2 is existing and there are no additional buildings proposed as part of this proposal. Therefore, the proposal complies with the two consent notice conditions, and no variation is required.

#### Easement Documents

- 3.4 There are various easement documents registered on the subject title, all of which will remain. These are listed and shown on the scheme plan attached with this application.

#### Site Features

- 3.5 The site is located within the Rural Production zone within the Operative District Plan as well as being within the Rural Production zone under the Proposed District Plan. Lake Waihopo is located to the south of the site, with the forestry located to the southwest.



*Figure 14: ODP Zoning Maps.*



*Figure 15: PDP Zoning Maps.*

- 3.6 Given the site's rural location there are no connections to reticulated services such as water supply, wastewater, and stormwater. There is an existing onsite wastewater system servicing the existing dwelling on Proposed Lot 2. Proposed Lot 1 is vacant land and does not contain an existing dwelling or onsite servicing.
- 3.7 Waihopo Lake to the south of the site is noted as a Site of Cultural Significance to Māori. This is located over 400 metres to the south of the site. To the north of the site and located on the

opposite side of the State Highway is an Urupa as well as Waiora Marae. These are located over 300 metres from the site and as mentioned, are separated from the site by other allotments and the State Highway. There are no known archaeological sites within the subject site nor Sites of Cultural Significance.



*Figure 16: FNDC NZAA Maps showing location of Waihopo Lake, Urupa and Waiora Marae*

- 3.8 The site is not known to contain any activities listed on the HAIL and has not been utilised for horticultural use in the past.
- 3.9 The site contains soils classified as 4e9 and 6e6 which are not classified as highly versatile soils under the National Policy Statement for Highly Productive Land (NPS-HPL). As such, the site is not considered to be classified as Highly Productive Land and no further assessment under the NPS-HPL will be made as part of this application.
- 3.10 The site is not shown to contain any areas of PNA or reserves. As mentioned, the site is grazed farmland. Waihopo Lake to the south and the surrounding features are noted as being PNA, as well as some wetland areas to the south being Open Space Covenant (QEII). The forestry to the southwest is noted as a reserve area. The site is separated by these features by rolling grazed farmland. The site is not located within or near a kiwi present or high density area.



*Figure 17: FNDC PNA & Reserves Map.*

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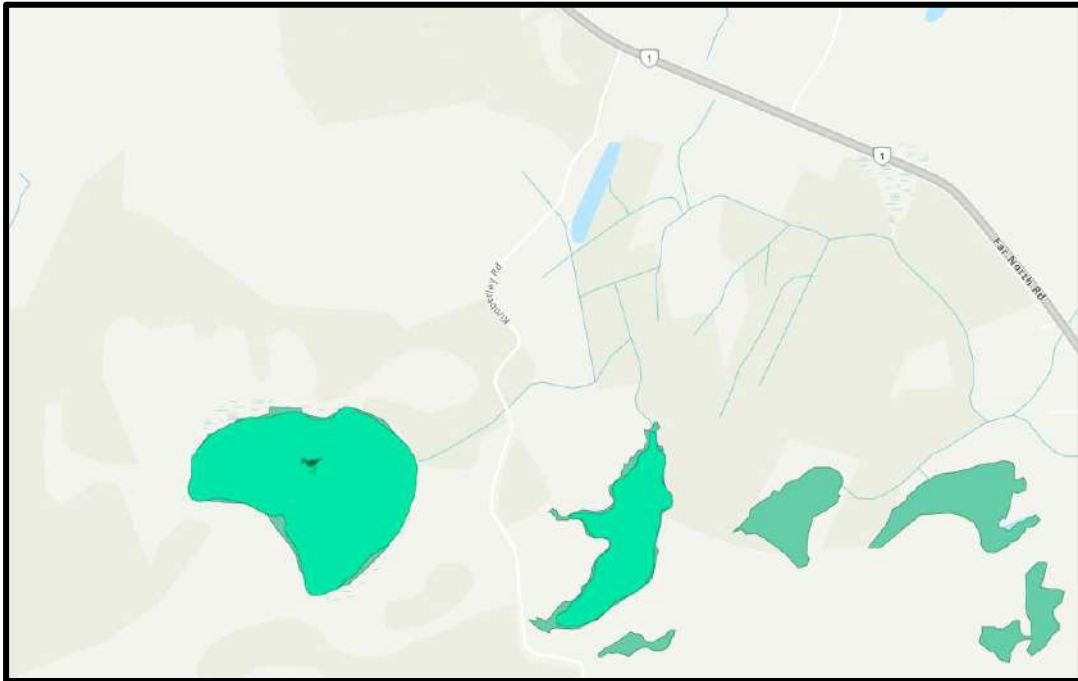
3.12 There are areas of the site subject to River Flood Hazard as per the NRC Natural Hazard Map in **Figure 19**. The River Flood Hazard is outside of the existing built development within Proposed Lot 2. There will be no physical changes to Lot 2 with no additional crossing places or built development proposed. The anticipated building platform for Lot 1 is anticipated to be within the northeastern portion of the site, outside of the flood susceptible areas. There is ample area within Lot 1 for future built development, if ever developed.



Page | 12



- 3.13 There are known wetlands to the south of the site as indicated on the NRC Biodiversity Wetland Maps. These are not known to encroach into the subject site.



*Figure 20: NRC Biodiversity Wetland Maps.*

- 3.14 With regard to the Regional Policy Statement for Northland the site is located outside of the Coastal Environment and is not subject to any Outstanding Natural features and Landscapes.
- 3.15 The site is not located within or near a Statutory Acknowledgement Area. The site is within the rohe of Te Aupōuri, Ngāti Kuri and Ngāi Takoto.

## 4. ACTIVITY STATUS OF THE PROPOSAL

### Weighting of Plans

- 4.1. Under the Proposed District Plan, the site is zoned as Rural Production.
- 4.2. The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 4.3. District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.



### Operative District Plan

- 4.4. The site is zoned as Rural Production under the ODP, and therefore the site will be assessed against the criteria relevant to the Rural Production zone, including subdivision, zone and district wide rules.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1 (i)	MINIMUM LOT SIZES	<p><b>Restricted Discretionary Activity.</b></p> <p>The proposal will utilise an existing balance right entitlement under Clause 5, which states '<i>Rules under clauses 3 and 4 provide two alternative options for the creation of a specified number of small lots from sites existing at 28 April 2000. Where an application under one of these clauses takes up only part of the total allowance, a subsequent application to take up the remainder of that particular allowance may be considered by Council, notwithstanding that the subsequent application involves a lot which no longer meets the existing at 28 April 2000 criterion.</i>'</p> <p>As discussed earlier in this report, the proposal will utilise the last remaining entitlement to create an additional lot over 2 hectares from the previous subdivision RC2060149.</p> <p>The proposal is therefore assessed as a <b>Restricted Discretionary Activity.</b></p>
13.7.2.2	ALLOTMENT DIMENSIONS	<p><b>Complies</b></p> <p>Proposed Lot 2 will contain the existing built development.</p> <p>Proposed Lot 1 will be vacant land. It is considered there are multiple suitable areas for future built development within the site, particularly within the elevated northern portion.</p>
13.7.2.3 - 13.7.2.9	Not Applicable for this application.	

- 4.5. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone.

### Rural Production zone

- 4.6. Proposed Lot 2 is to contain the existing dwelling and sheds as well as the existing internal accessway. Proposed Lot 1 will be vacant farmland.



- 4.7. As such, assessment of the proposal against the rules contained within 8.6.5.1 of the ODP has been undertaken below.

<b>ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>8.6.5.1.1</b>	<b>RESIDENTIAL INTENSITY</b>	<b>Permitted</b>  Proposed Lot 2 will contain the existing dwelling. There are no other dwellings applicable to this proposal.
<b>8.6.5.1.2</b>	<b>SUNLIGHT</b>	<b>Permitted</b>  The existing structures on Lot 2 are located over 10 metres from the new proposed dividing boundary such that the sunlight provisions will be adequately met.
<b>8.6.5.1.3</b>	<b>STORMWATER MANAGEMENT</b>	<b>Permitted</b>  Proposed Lot 2 will contain the existing dwelling, sheds & metalled driveway. Lot 2 is 7.98 hectares in area and as such, it is considered that this will account for less than 15% of the total site area.
<b>8.6.5.1.4</b>	<b>SETBACK FROM BOUNDARIES</b>	<b>Permitted.</b>  The existing structures within Lot 2 are set back in excess of 10 metres from the new dividing boundary.
<b>8.6.5.1.5</b>	<b>TRANSPORTATION</b>	A full assessment has been undertaken in the table below.
<b>8.6.5.1.6</b>	<b>KEEPING OF ANIMALS</b>	<b>Not applicable.</b>
<b>8.6.5.1.7</b>	<b>NOISE</b>	<b>Not applicable.</b>
<b>8.6.5.1.8</b>	<b>BUILDING HEIGHT</b>	No new buildings sought.
<b>8.6.5.1.9</b>	<b>HELICOPTER LANDING AREA</b>	<b>Not applicable.</b>
<b>8.6.5.1.10</b>	<b>BUILDING COVERAGE</b>	<b>Permitted</b>  The building coverage within Lot 2 is well within 12.5% of the total site area for the lot.
<b>8.6.5.1.11</b>	<b>SCALE OF ACTIVITIES</b>	<b>Not applicable</b>
<b>8.6.5.1.12</b>	<b>TEMPORARY EVENTS</b>	<b>Not applicable.</b>



- 4.8. As such, it is considered that the proposal is **Permitted** in terms of the rules under Section 8.6.5.1 of the Operative District Plan and no further assessment will be made as part of this application.

### District Wide Matters

Plan Reference	Rule	Performance of Proposal
15.1.6A	TRAFFIC	<b>Permitted Activity</b> The proposal will create one additional allotment. Lot 2 will contain the existing residential dwelling. The first residential unit on a site and farming activities are exempt from this rule.
15.1.6B	PARKING	<b>Permitted Activity</b> Proposed Lot 2 will contain the existing residential unit which has existing parking areas that will remain unchanged as part of this proposal. Proposed Lot 1 does not contain a residential dwelling. There is ample area for future parking requirements.
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	<b>Permitted.</b> Proposed Lot 2 will utilise the existing private accessway which currently services the site. There will be no additional users of the private accessway as part of this proposal as Lot 1 will be accessed directly from Kimberley Road. As such, no new or additional users of the private accessway are proposed and no upgrading of the existing private accessway is therefore anticipated given the use will remain unchanged.
15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	<b>Not applicable.</b>
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	<b>Not applicable.</b> No new private accessways are proposed nor any additional users on the existing private accessway.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	<b>Not applicable.</b>
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	<b>Permitted Activity.</b> (a) Proposed Lot 2 will utilise the existing crossing place which services the private accessway. It is considered that the existing crossing place complies with the relevant standards. Lot 1 has an existing farm access point from Kimberley Road. It is anticipated this will form the main access point to Lot 1. (b) Kimberley Road is a metalled road. (c) The vehicle crossing to Lot 1 will not service two or more properties. The vehicle crossing to Lot 2 is



		existing and no additional users on the crossing place are created as a result of the proposal.
<b>15.1.6C.1.6</b>	<b>VEHICLE CROSSING STANDARDS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.7</b>	<b>GENERAL ACCESS STANDARDS</b>	<b>Permitted.</b> (a) The vehicle manoeuvring within Lot 2 will remain unchanged. (b) Not applicable. (c) The sides of the driveway will remain in grass. (d) Stormwater will be managed on site.
<b>15.1.6C.1.8</b>	<b>FRONTAGE TO EXISTING ROADS</b>	(a) The site is accessed from Kimberley Road, which is considered to meet the legal road width standards. (b) Kimberley Road is considered to be constructed to the required standards. (c) Not applicable. (d) There are no known encroachments of the carriageway into the proposed lots.
<b>15.1.6C.1.9 – 15.1.6C..11 are not applicable to this application</b>		

- 4.9. It is therefore determined that the proposal does not result in any breaches of the District Wide Rules.

### Overall status of the proposal under the Operative District Plan

- 4.10. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone as per the requirements within 13.7.2.1(i).

### Proposed District Plan

- 4.11. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
<b>Hazardous Substances</b>	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility. HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Māori. HS-R6 relates to a hazardous facility within an SNA. HS-R9 relates to a hazardous facility within a scheduled heritage resource.	<b>Not applicable.</b>  The site does not contain any hazardous substances to which these rules would apply.
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14)	<b>Not applicable.</b>



	All standards have immediate legal effect (HA-S1 to HA-S3)	The site is not located within a Heritage Area Overlay.
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	<b>Not applicable.</b>  The site does not contain any areas of historic heritage.
<b>Notable Trees</b>	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	<b>Not applicable.</b>  The site does not contain any notable trees.
<b>Sites and Areas of Significance to Māori</b>	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect.	<b>Not applicable.</b>  The site does not contain any sites or areas of significance to Māori.
<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Not applicable.</b> The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
<b>Subdivision</b>	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<b>Not applicable.</b> The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
<b>Activities on the Surface of Water</b>	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<b>Not applicable.</b> The proposal does not involve activities on the surface of water.
<b>Earthworks</b>	The following rules have immediate legal effect: EW-R12, EW-R13	<b>Permitted.</b> Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment



	<p>The following standards have immediate legal effect: EW-S3, EW-S5</p> <p>As stated above the mapping system records the subject site as containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.</p>	<p>Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.</p>
<b>Signs</b>	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p><b>Not applicable.</b> No signs are proposed as part of this application.</p>
<b>Orongo Bay Zone</b>	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p><b>Not applicable.</b> The site is not located in the Orongo Bay Zone.</p>

- 4.12. The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

### National Environmental Standards

#### National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 4.13. The subject site is considered to be a productive block utilized for the grazing of livestock. The site is not known to have been utilised for horticultural use. As such, the application has been considered **Permitted** in terms of this regulation.

#### National Environmental Standards for Freshwater 2020

- 4.14. NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management are met.
- 4.15. There are no known wetland areas near the proposed allotments which would trigger the requirement for consent under the NES-F. The proposal does not include reclamation of a river nor is it anticipated to affect the passage of fish.
- 4.16. As such, it is considered that the proposal is **Permitted** in terms of this regulation.



### Other National Environmental Standards

- 4.17. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

## 5. STATUTORY ASSESSMENT

### Section 104C of the Act

- 5.1. Section 104C governs the determination of applications for Restricted Discretionary Activities. When considering an application for resource consent, a consent authority must consider only those matters over which a discretion is restricted in national environmental standards or other regulations, or it has restricted the exercise of its discretion in its plan or proposed plan. The consent authority can grant or refuse the application. If the application is granted, the consent authority may impose conditions under Section 108 only for those matters listed above.

### Section 104(1) of the Act

- 5.2. Section 104(1) of the Act states that when considering an application for resource consent –

*“the consent authority must, subject to Part II, have regard to –*

*(a) Any actual and potential effects on the environment for allowing the activity; and*

*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*

*(b) Any relevant provisions of –*

*(i) A national environmental standard*

*(ii) Other regulations*

*(iii) A national policy statement.*

*(iv) A New Zealand Coastal Policy Statement*

*(v) A regional policy statement or proposed regional policy statement.*

*(vi) A plan or proposed plan; and*

*(c) Any other matter the consent authority considers relevant and reasonable necessary to determine the application.’*

- 5.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). The proposal is considered to have actual and potential effects that are acceptable. The proposal is to subdivide the site to create one additional allotment. The proposal will result in allotments where rural productive use can still be undertaken on each site, as well as residential development to enable future owners to reside on and live off the land. The proposal will provide a 4.6 hectare allotment which are highly sought after in this area.



- 5.4. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. It is considered that all effects can be managed within the proposed lot boundaries. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Production zone.
- 5.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.
- 5.6. Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application’. There are no other matters relevant to this application.

## 6. ENVIRONMENTAL EFFECTS ASSESSMENT

- 6.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 6.2. The proposal is considered to be a Restricted Discretionary activity as per rule 13.8.1. In considering whether to impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters listed in 13.8.1 & 13.7.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

### Subdivision within the Rural Production Zone

- 6.3. As per Section 13.8.1 of the District Plan, in considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:
- *effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*
  - *effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;*
  - *effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*
  - *the mitigation of fire hazards for health and safety of residents.*



- 6.4. The subject site is not located within the Coastal Environment.
- 6.5. The site is not located within 500 metres of land administered by DOC.
- 6.6. The proposal is not considered to have any effects on areas of significant indigenous flora or habitats of indigenous fauna. The proposal will create lots which can adequately manage effects within the proposed lot boundaries. The lots themselves do not contain any indigenous vegetation or indigenous fauna.
- 6.7. Proposed Lot 2 will contain the existing built development, with Proposed Lot 1 being vacant. The proposal is not considered to exacerbate fire hazards for the health and safety of residents given the use of the land will remain unchanged.

### Subdivision

- 6.8. In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters listed in 13.7.3.

### PROPERTY ACCESS

- 6.8.1. Proposed Lot 2 will contain the existing dwelling and associated sheds. Access to the site will be via the existing crossing place and internal private accessway to the dwelling. The site is accessed via Kimberley Road, which is a metalled road of good formation. There is no existing roadside drain or culvert at the crossing point location to Lot 2. The crossing place has good sight lines in both directions. As mentioned, there will be no additional users of the private accessway created as a result of this proposal and therefore, it is considered that no upgrading or changes to the private accessway are required.



*Figure 22: Private accessway which services the existing dwelling.*



*Figure 21: Southern boundary of lot 2, with dwelling in the distance and private accessway to site within the left of the image.*



*Figure 23: Sight line from existing crossing to Lot 2 (south).*



*Figure 24: Sight line from existing crossing to Lot 2 (north).*

6.8.2. Proposed Lot 1 will be a vacant lot. There are no existing dwellings on the site, however there is a Taranaki Gate located in the north-eastern corner of the site, which is anticipated to form the main access point to the site, given that it is outside of any flood prone areas as well as providing a short, direct access to suitable building areas within the elevated northern portion of the site. There is currently a metalled road, which appears as a driveway, however is located within the road reserve, which provides access to the Taranaki Gate. This is depicted in the images below.



*Figure 26: Metalled area which is within road reserve.*



*Figure 25: Taranaki Gate to the left of the image, with metalled drive providing access to an adjoining lot.*



*Figure 28: Taranaki Gate which will serve as the main access to Lot 1.*



*Figure 27: Image of metalled area which leads to Taranaki Gate. Image taken from near eastern boundary of Lot 1.*

- 6.8.3. An assessment of Chapter 15 was made in Section 4 of this report, which found that the proposal meets the permitted standards.

### **NATURAL AND OTHER HAZARDS**

- 6.8.4. There are some low-lying areas of Lots 1 & 2 which are shown to be susceptible to river flood hazards. The existing built development in Lot 2 will remain, with no changes proposed. It is also anticipated that development within Lot 1 will occur within the northern portion, outside of flood prone areas. There is ample area on site for this as well as access and onsite servicing.
- 6.8.5. Therefore, it is considered that the river flood hazards are not considered to adversely affect the site for the purpose of subdivision. There is ample area within Lot 1 outside of the flood hazard areas where future built development could be contained. No other hazards are considered applicable to the site.



*Figure 29: NRC Hazard Maps showing areas which are susceptible to flood hazards within the site.*

- 6.8.6. In terms of section 106 of the Act, the likelihood of natural hazards occurring is low. No material damage is expected, and the proposal is not considered to accelerate or worsen natural hazards, given that Lot 2 contains existing development outside of the flood prone areas and there is ample area within Lot 1 outside of the flood prone areas for future built development, access and servicing. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision consent.

### **WATER SUPPLY**

- 6.8.7. Proposed Lot 2 contains the existing dwelling and has existing provision for water supply by way of collection of rainwater into water tanks onsite.
- 6.8.8. Proposed Lot 2 will be a vacant site. Water supply for a dwelling can be designed at such time that the lot is developed with a dwelling. The standard consent notice condition is anticipated for this lot.

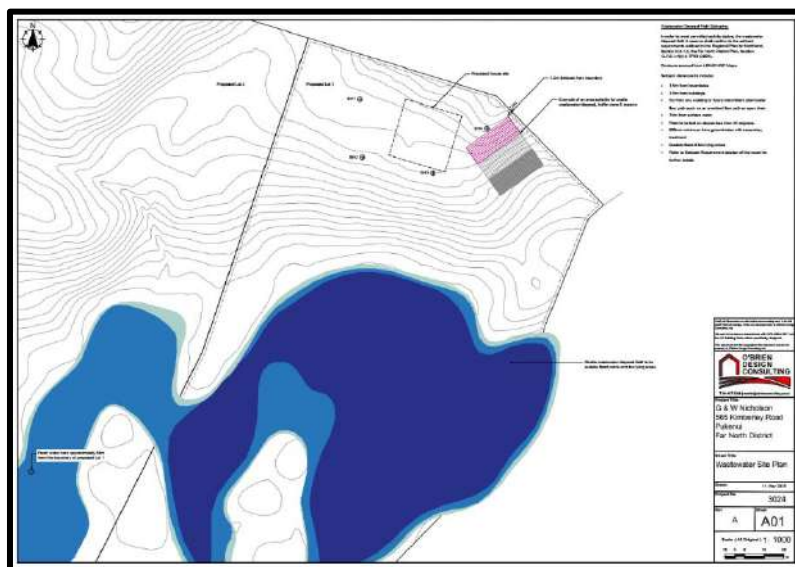


## STORMWATER DISPOSAL

- 6.8.9. Lot 2 contains existing impermeable surfaces which are anticipated to be less than 15% of the total site area. Given that the site is 7.98 hectares in area, it is anticipated that the existing stormwater measures will remain as part of this proposal.
- 6.8.10. Lot 1 is vacant farmland which will remain unchanged as part of this proposal. It is anticipated that future development of the site will comply with they permitted impermeable surface coverage, however this can be assessed at the time of built development on the lot.
- 6.8.11. It is therefore considered that the proposed allotments can manage stormwater runoff within the lot boundaries, without creating adverse effects on the surrounding environment or adjoining sites.

## SANITARY SEWAGE DISPOSAL

- 6.8.12. Council's infrastructure is not available to this rural site.
- 6.8.13. Proposed Lot 2 contains the existing dwelling, which is serviced by an existing wastewater system. The existing septic tank and trenches are located near the existing dwelling which is located a sufficient distance from the proposed new boundary to comply with the required rules. The applicant has advised that the tank has been cleaned regularly.
- 6.8.14. O'Brien Design Consulting have completed an Onsite Wastewater Site Suitability Report for Lot 1, which is attached within **Appendix 5** of this application. O'Brien Design Consulting confirmed that Lot 1 has suitable area for onsite wastewater disposal and have provided a concept design area where wastewater could be disposed of onsite. It is considered that site specific design will be required at the time of built development on the lot and at which time a site specific TP58 will be required.
- 6.8.15. Overall, it is considered that the proposal does not result in adverse effects in terms of wastewater disposal and all effects can be managed within the new lot boundaries.



*Figure 30: O'Brien Design Consulting Wastewater Site Plan.*

**ENERGY SUPPLY & TELECOMMUNICATIONS**

6.8.16. The provision for power supply and telecommunications is not a requirement for the Rural Production zone. The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.

6.8.17. There is an existing easement covering the powerlines which run through the site. This will remain unchanged as part of this proposal.

**EASEMENTS FOR ANY PURPOSE**

6.8.18. There are existing easements registered on the title which will be brought forward to the new respective titles. No additional easements are proposed as part of this application.

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

6.8.19. The subject site does not contain any notable trees, historic sites, building or objects. The site is not known to contain any sites of historical or cultural significance. The site is not shown as containing an Outstanding Natural Feature or Landscape Feature. There are no archaeological sites listed on the property. The site is not shown to contain any areas of PNA or protected indigenous vegetation. The site is not located within a kiwi present or high-density area. The previous subdivision for the site did not raise any concerns regarding these features.

6.8.20. It is therefore considered that the proposed subdivision does not have any adverse effects on any indigenous vegetation or fauna habitats, heritage resources or landscapes.

**ACCESS TO RESERVES AND WATERWAYS**

6.8.21. The site does not have any access to public reserves, waterways or esplanade reserves. It is therefore considered that the provision for public access is not applicable to this proposal.

**LAND USE COMPATIBILITY**

6.8.22. The site and surrounding allotments are zoned Rural Production. The lot sizes vary from smaller rural lifestyle allotments of 2 to 6 hectares to larger productive lots in excess of 10 hectares. The typical land use is productive lots which contain a residential dwelling, or vacant lots utilised for productive activities. The proposal will see one additional vacant allotment created which is of similar size to lots in the surrounding environment. Lot 1 is proposed to be of a size which will still enable some form of productive use, given the area of 4.6 hectares is proposed. Lot 2 will be over 7.9 hectares and contain the existing dwelling. It is considered that both lots are of ample size to cater for a residential dwelling as well as some form of productive use, such a grazing of livestock such as sheep or cattle. The proposal is not considered out of character within the surrounding environment.

6.8.23. Given that the proposal will create lots similar to those in the surrounding environment, it is considered that the proposal is not objectionable with the surrounding environment nor will any reverse sensitivity effects be created given the large size of the lots and ample area for future residential development within Lot 1.



6.8.24. It is therefore considered that the proposal is not objectionable with lots in the surrounding environment and does not set a precedence given it is an application enabled as a Restricted Discretionary activity within the plan and lots of similar size and land use activities are already present in the surrounding environment.

### **PROXIMITY TO AIRPORTS**

6.8.25. The subject site is not located in close proximity to any airport boundaries.

## **7. POLICY DOCUMENTS**

7.1. In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

### **National Environmental Standards**

#### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC)**

7.2. In terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES), it is considered that the proposal does not trigger the requirement for investigation under the NES as detailed within Section 4 of this report.

#### **Other National Environmental Standards**

7.3. No other National Environmental Standards are considered applicable to this development.

### **National Policy Statements**

7.4. There are currently 8 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- New Zealand Coastal Policy Statement.
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat

7.5. There are no NPS considered applicable to the proposal given the site is not located within the coastal environment nor does the site contain soils classified as HPL.

#### **Other National Environmental Standards**

7.6. It is considered that there are no National Policy Statements applicable to this proposal.

### **Regional Policy Statement**

7.7. The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource



management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.

- 7.8. The proposal will result in one additional allotment, whilst enabling productive use of both proposed allotments. No effects on ecosystems and biodiversity are anticipated as has been discussed throughout this report.
- 7.9. It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.

## Far North Operative District Plan

### Relevant objectives and policies

- 7.10. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area. The proposal is considered to be consistent with the objectives and policies of the Plan.
- 7.11. The below assessment will cover the relevant objectives and policies within the FNDC ODP.

### Assessment of the objectives and policies within the Subdivision Chapter

- 7.12. The following assessment is based upon the objectives and policies contained within Sections 13.3 and 13.4 of the District Plan.

#### Objectives

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

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

*13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.*

*13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

*13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.*



*13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.*

*13.3.7 To ensure the relationship between Māori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.*

*13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.*

*13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).*

*13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.*

*13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.*

- 7.12.1. The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for a Restricted Discretionary Activity. The proposed new allotments will enable *small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.* The subdivision is not considered to compromise the life supporting capacity of air, water, soil or ecosystems as the proposal will create allotments where all effects can be managed within the site boundaries. No reverse sensitivity effects are anticipated as has been discussed in detail within this report. The proposal is not considered to create or accelerate natural hazards, as built development on Lot 2 is existing and there is ample area within Lot 1 for built development and onsite servicing outside of flood susceptible areas. The site is not located within the coastal environment. There are no known heritage resources within the site or in close proximity. Onsite water storage is existing for Lot 2 and will remain unchanged. Water storage for Lot 1 will be provided at the time the lot is developed with a dwelling. The proposal will result in a superior outcome as the proposal will see one additional allotment created which is consistent with lot sizes in the surrounding environment. The relationship of Māori and their ancestral lands are not anticipated to be affected. Electricity supply has not been a consideration of this application. Built development on Lot 2 is existing and no new built development on Lot 1 is anticipated at this point in time. Access will remain unchanged for Lot 2 and access to Lot 1 will be via the existing farm access. The site is not within the National Grid.

### **Policies**

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



- *natural character, particularly of the coastal environment;*
- *ecological values;*
- *landscape values;*
- *amenity values;*
- *cultural values;*
- *heritage values; and*
- *existing land uses.*

*13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.*

*13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.*

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

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

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

*13.4.7 That the need for a financial contribution be considered only where the subdivision would:*

- (a) result in increased demands on car parking associated with non-residential activities; or*
- (b) result in increased demand for esplanade areas; or*
- (c) involve adverse effects on riparian areas; or*
- (d) depend on the assimilative capacity of the environment external to the site.*

*13.4.8 That the provision of water storage be taken into account in the design of any subdivision.*

*13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.*

*13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.*

*13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.*

*13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.*

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



- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.*
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.*

*13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.*

*13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:*

- (a) development of energy efficient buildings and structures;*
- (b) reduced travel distances and private car usage;*
- (c) encouragement of pedestrian and cycle use;*
- (d) access to alternative transport facilities;*
- (e) domestic or community renewable electricity generation and renewable energy use.*

*13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:*

- (a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;*
- (b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and*
- (c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.*

7.12.2. The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage or existing land uses. Vehicular access to the existing



dwelling will remain unchanged, with Lot 1 utilising an existing farm access. Natural hazards have been discussed within this report, with no adverse effects anticipated. Connection to utility services is not a requirement of the Rural Production zone. No adverse effects are anticipated on neighbouring property, public roads and the natural and physical resources of the site. No vegetation removal is proposed as part of this application. The site is not known to contain any heritage resources, significant indigenous vegetation or habitats of fauna. The site is not located within the Coastal Environment, nor does it contain any riparian margins or areas of outstanding landscapes and features. Financial contribution is not considered necessary in this case. Water storage is existing for Lot 2. Bonus development and recipient areas are not considered relevant. The site is not located within the conservation area. The proposal is not considered to affect the relationship of Māori and their culture and traditions. NZAA maps do not show any archaeological sites within the subject site. The proposal is not considered to be an intensive subdivision, and a management plan is not considered relevant.

- 7.12.3. In regard to Policy 13.4.13, the proposal can comply with the RDA provisions for the zone. No effects on natural character or its elements are anticipated. No vegetation clearance is proposed as part of this application. No new built development is anticipated given the nature of the proposal. The site does not adjoin foreshore areas or esplanade areas. The relationship of Māori with their culture, traditions and taonga are not anticipated to be affected. No planting of indigenous vegetation is proposed due to the existing use of the lots and the fact that this will not enhance any links. The site is not known to contain any areas of historic heritage. Natural hazards are not anticipated to be exacerbated as has been discussed throughout this report.
- 7.12.4. The objectives and policies of the Rural Production Environment will be undertaken below. Due to the proposal meeting the RDA provisions for the zone, it is considered consistent with the intent of the zone. No additional built development is anticipated at this point in time however Lot 1 is of ample area to accommodate future built development. The proposal is not located within the National Grid.

### **Assessment of the objectives and policies within the Rural Environment**

- 7.13. The following assessment is based upon the objectives and policies contained within sections 8.3 and 8.4.

#### **Objectives**

- 8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.*
- 8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.*
- 8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.*
- 8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna*
- 8.3.5 To protect outstanding natural features and landscapes.*
- 8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.*
- 8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.*



*8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.*

*8.3.9 To enable rural production activities to be undertaken in the rural environment.*

*8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.*

- 7.13.1. The proposal will promote the sustainable management of natural and physical resources as only one additional allotment will be created where the lots are of a size which can cater for residential use as well as some form of productive use. The life supporting capacity of soils is not considered to be compromised as has been discussed within this report. No adverse or cumulative effects are anticipated. The site does not contain any areas of significant vegetation nor any areas of Outstanding Natural Features or Landscapes. Conflicts between land use activities are not anticipated as the surrounding environment already contains allotments which are utilised for similar activities. The maintenance and enhancement of the amenity values of the zone will be promoted as the proposal can comply with the RDA provisions for the zone and is therefore considered to be anticipated within the zone. Management plans are not considered applicable to this low-density development. Rural production activities can continue within the site and surrounding environment. Amenity values will be maintained.

### **Policies**

*8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.*

*8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.*

*8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.*

*8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.*

*8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).*

*8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.*

*8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.*

*8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to*



*ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.*

- 7.13.2. The proposal promotes the sustainable management of natural and physical resources by utilizing the land in a more efficient way. The proposal is not considered to create any adverse effects. Onsite infrastructure for Lot 1 will be designed at the time of built development on the lot. The site does not contain any Outstanding Landscapes or Features. Amenity values will be maintained. No incompatible land uses are anticipated nor any reverse sensitivity effects, as has been discussed in detail within this report. The site is not known to contain any areas of significant indigenous vegetation or fauna. The additional traffic movements are considered to be easily absorbed into the roading network. The intensity, scale and type of the proposal is considered to be consistent with other lots in the area and no adverse effects are anticipated. The proposal is considered to have a functional need as it will maintain the productive capacity of the balance lot whilst enabling an additional lot which are highly sought after in this economic climate. No cumulative effects are anticipated.

### **Assessment of the objectives and policies within the Rural Production Zone**

- 7.14. The following assessment is based upon the objectives and policies contained within sections 8.6.3 and 8.6.4

#### **Objectives**

*8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.*

*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 well-being and for their health and safety.*

*8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural environment to a level that is consistent with the productive intent of the zone.*

*8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.*

*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.*

*8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new 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 adverse effects of incompatible use or development on natural and physical resources.*

*8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.*

*8.6.3.9 To enable rural production activities to be undertaken in the zone.*

- 7.14.1. The proposal will promote the sustainable management of natural and physical resources by providing lots which are of sufficient area to provide for residential development as well as enable some form of productive activity to occur on the site. Social, economic and cultural



well-being will be promoted by providing lots which can provide productive use to the owners whilst still being able to be easily maintained. Amenity values will be maintained. Significant natural values will be maintained. The site is not located along Kerikeri Road. No potential conflicts between land use activities are anticipated given the anticipated land use is existing within the surrounding environment. No incompatible use or development is anticipated. No establishment or operation of activities or services is anticipated given what is in existence will remain. Rural production activities will continue to be undertaken.

### **Policies**

*8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities be allowed in the Rural Production Zone, 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 that the off-site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.*

*8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.*

*8.6.4.4 That the type, scale and intensity of development allowed shall have regard to 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.*

*8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.*

*8.6.4.6 That the built form of development 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 activities that promote rural productivity are 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, including reverse sensitivity effects cannot be avoided remedied or mitigated are given separation from other activities*

*8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.*

- 7.14.2. Farming and productive activities will be maintained and enhanced. No off-site effects are anticipated. No adverse effects are anticipated. Amenity values will be maintained and enhanced. Physical and natural resources have been taken into account. The site is not located along Kerikeri Road. No conflicting land use activities are proposed. No reverse sensitivity effects are anticipated.

### **Proposed District Plan**

- 7.15. Under the Proposed District Plan, the site is zoned Rural Production, and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment



and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

### **Rural Production Zone**

7.16. An assessment on the relevant objectives and policies within the Rural Production Zone has been addressed below.

#### **Objectives**

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

*RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

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

*(a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*

*(b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*

*(c) does not compromise the use of land for farming activities, particularly on highly productive land;*

*(d) does not exacerbate any natural hazards; and*

*(e) is able to be serviced by on-site infrastructure.*

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

7.16.1. The proposal is considered to enable primary production activities and will enable this to be provided for future generations. The subject site is not classified as HPL. No reverse sensitivity effects are anticipated. Natural hazards are not anticipated to be exacerbated. Lot 1 is capable of containing onsite infrastructure if developed in the future.

#### **Policies**

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

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

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

*(b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

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



*RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:*

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

*RPROZ-P5 - Avoid land use that:*

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

*RPROZ-P6 - Avoid subdivision that:*

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

*RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

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



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

7.16.2. Each proposed lot is of a size where some form of rural productive activity can be accommodated within each lot. The proposal is not considered to create any new sensitive activities as the anticipated intended use of the lots are already existing within the surrounding environment. The rural character and amenity are considered to be maintained as the proposal will provide allotments which will enable current and any future owners to live and produce on the land. The proposal is considered to be of low density as there is ample area to offset building coverage and impermeable surface coverage within the lots. Due to the existing activities in the surrounding environment and the fact that Lot 2 already contains built development, effects from odour, noise and dust associated with the rural working environment are not anticipated. The proposal will enhance the diverse range of character and amenity values by providing lots which current and future owners can live on as well as provide additional income or additional food source (such as vegetable gardens, livestock for home kill), increasing the economic and social aspects of the area. The proposal is considered to be consistent with the purpose, character and amenity of the Rural Production zone as has been discussed throughout this report. There is a functional need for the lots in the area and zone in general. Natural hazards are not anticipated to be exacerbated. No loss of HPL is anticipated. Some form of farming activities can be undertaken within each of the allotments, which will increase the productive use of the land. Scale and character are consistent with the surrounding environment. No reverse sensitivity effects are anticipated. The site is not located at a zone interface. Infrastructure is existing within Lot 2 with Lot 1 being suitable for future onsite infrastructure if developed. Access to Lot 2 will remain unchanged with Lot 1 utilising an existing farm access. No effects on historic heritage, cultural values, natural features or landscape and indigenous biodiversity are anticipated. The proposal is not considered to affect any historical, spiritual or cultural association held by Tangata Whenua.

## Summary

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

## 8. SECTION 125 – LAPSING OF CONSENT

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



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

### Public Notification Assessment

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

#### **Step 1 Mandatory public notification in certain circumstances**

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

*(a) the applicant has requested that the application be publicly notified:*

*(b) public notification is required under section 95C:*

*(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

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

#### **Step 2: Public Notification precluded in certain circumstances.**

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

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

*(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*

*(i) a controlled activity:*

*(ii) [Repealed]*

*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*

*(iv) [Repealed]*

*(6) [Repealed]*

- 9.1.2. The application is for a Restricted Discretionary activity but not a boundary activity. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

#### **Step 3: If not precluded by Step 2, public notification required in certain circumstances**

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 4.*

*(8) The criteria for step 3 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*



*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

**Step 4; Public notification in special circumstances**

*(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision within the Rural Environment where one additional lot will be created which is consistent with allotments in the surrounding environment, which is considered as neither exceptional nor unusual.

**Public Notification Summary**

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

**Limited Notification Assessment**

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

**Step 1: Certain affected groups and affected persons must be notified.**

*(2) Determine whether there are any—*

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

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

*(3) Determine—*

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

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

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

- 9.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are known to be relevant to this application.

**Step 2: Limited notification precluded in certain circumstances.**

*(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(6) The criteria for step 2 are as follows:*



*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;*  
*(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

- 9.2.2. There is no rule in the plan or National Environmental Standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

**Step 3: Certain other affected persons must be notified**

*(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*  
*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*  
*(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.*

The proposal is not for a boundary activity.

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

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*  
*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*  
*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*  
*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in.*

- 9.2.3. A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval.
- 9.2.4. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on, and the following comments made:
- The size of the proposed allotments are consistent with the character of the allotments in the locality. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
  - The proposal is not considered to create any reverse sensitivity effects.
  - The proposal has been assessed as a Restricted Discretionary Activity and is therefore considered to be anticipated by the plan.
  - The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.



- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

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

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

#### **Step 4: Further notification in special circumstances**

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

9.2.7. The proposal is to subdivide the site to create one additional 4.6ha allotment whilst maintaining a larger lot around the existing dwelling. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

#### **Limited Notification Assessment Summary**

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

### **Notification Assessment Conclusion**

9.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

## **10. PART 2 ASSESSMENT**

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

10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.

10.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The proposal is not located within the coastal environment nor is it located near any lakes, rivers or wetlands. The site does not contain any areas of Outstanding Natural Features and Landscapes nor any indigenous vegetation. The site is not located along the coastal marine area or near lakes or rivers where public access would be required. The site is not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and



their culture and traditions. The site is not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal does not increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.

- 10.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

## **11. CONCLUSION**

- 11.1. The proposal is to undertake a subdivision as a Restricted Discretionary Activity, where one additional allotment will be created. Lot 2 will contain the existing dwelling and be of 7.98ha. Lot 1 will be vacant land and will be 4.6ha in area. The vacant site has been determined to be suitable for future built development. The proposal will not create any reverse sensitivity effects on existing land use activities in the area.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.
- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Restricted Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104C, 105 and 106 of the Act in relation to Restricted Discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.



## 12. LIMITATIONS

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





Far North  
District Council

CONO 6874292.1 Consen

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Kaikohe 0400, New Zealand

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Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

## THE RESOURCE MANAGEMENT ACT 1991

### SECTION 221 : CONSENT NOTICE

REGARDING RC 2060149

the Subdivision of Lot 5 DP 43754

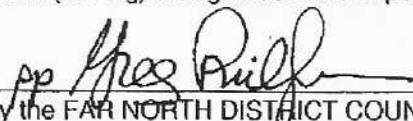
North Auckland Registry

PURSUANT to Section 221 for the purpose of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and is to be registered on the title of Lot 1 DP 367043.

### SCHEDULE

- (i) Provide, at the time of lodging a building consent application for Lot 1 on the subdivision plan, a specific design for stormwater management and effluent disposal by a suitably qualified Chartered Professional Engineer, or another approved IQP (e.g. a "TP 58 writer" for effluent disposal), which addresses those issues in terms of the building and impermeable surfaces being proposed in the application.
- (ii) No building shall be erected on proposed Lot 1 without the prior approval of the Council to specific designs for foundations, prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise.

SIGNED:



Pat Killalea

By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
RESOURCE CONSENTS MANAGER

DATED at KAIKOHE this 19<sup>th</sup> day of April 2006

Pt Lot 1  
DP 50369

2  
DP 413071

Lot 2  
7.9800 ha

Lot 1  
4.6000 ha

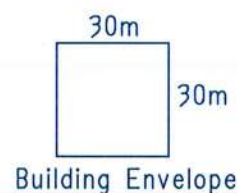
#### SCHEDULE OF EXISTING EASEMENTS

Purpose	Shown	Burdened Land	Created By
Right to Convey Water	(A) (E) (L)	Lot 2 hereon	EI 6874292.3
Right of Way Right to Convey Electricity, telecommunications & Computer Media	(B) (C) (D) (E) (J) (K)	Lot 2 hereon	EI 8109057.3
Right to Convey Electricity	(N) (E) (J) (K) (L) (M)	Lot 1 hereon Lot 2 hereon	EI 7589819.1
Right to Convey telecommunications & Computer Media	(B) (C)	Lot 2 hereon	

DP 413071

IB 2  
RL 35.00

2  
DP 367043



Building Envelope

Local Authority: Far North District Council  
Survey Block & District: V Houhora East

Total Area: 12.5800 ha  
Comprised in: RT 272035  
Levels in terms of: Assumed Datum  
IB 2 RL 35.00  
Contour Interval is: 0.50 m

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NOT BE REPRODUCED WITHOUT THE WRITTEN  
PERMISSION OF VON STURMERS

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Prepared For : Gary & Wai Nicholson

Lots 1 & 2 Being A Proposed Subdivision  
Of Lot 1 DP 367043



VON STURMERS

Registered Land Surveyors, Planners &  
Land Development Consultants

Ph: (09) 408 6000 131 Commerce St  
Email: kaitaia@surveyandplanning.co.nz Kaitaia

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	TY	Mar 25	
Approved			
Rev	TY	Apr 25	

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Surveyors  
Ref. No:  
15535  
Series  
Sheet of

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# Onsite Wastewater Site Suitability Report

Gary & Waimarama Nicholson  
565 Kimberley Road  
Pukenui  
Far North District

Subdivision of Lot 1 DP 367043

Investigation of proposed Lot 1 only

Written by: Nicola O'Brien  
Approved by: Martin O'Brien

Rev: A  
Date: 20<sup>th</sup> May 2025  
Job No: 3024

Ph: (09) 407 5208 | Mob: 027 407 5208  
E-mail: martin@obrienconsulting.co.nz  
E-mail: nicola@obrienconsulting.co.nz

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## **Contents**

Executive Summary .....	3
1.0 Scope .....	3
2.0 Site Visit .....	4
3.0 Desk Study .....	4
4.0 Site Description .....	4
5.0 Subdivision Scheme Plan .....	7
6.0 Soil Profile .....	8
7.0 Groundwater .....	8
8.0 Onsite Wastewater Disposal Design .....	9
9.0 Reserve Area .....	10
10.0 Setback Requirements .....	11
11.0 Stormwater Management .....	13
12.0 Site Planning for Onsite Wastewater .....	13
13.0 Summary .....	14
14.0 Borehole Logs .....	15
15.0 Site Plan .....	19
16.0 Limitations .....	20

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## Executive Summary

The subdivision of Lot 1 DP 367043 into 2 separate lots is currently being undertaken by Northland Planning and Development, Kaitaia. This report investigates the suitability of proposed Lot 1 for onsite wastewater. Proposed Lot 1 is located to the west of Kimberley Road, Pukenui. Proposed Lot 2 will become a 7.9800 ha property with an existing dwelling. The dwelling and existing onsite wastewater are located well away from the proposed boundary separating Lot 1 and 2. Proposed Lot 2 is not assessed in this report.

Following subdivision proposed Lot 1 will become a 4.6000 ha, slight to steeply sloping rural property. Lot 1 is currently used for grazing.

Secondary treatment, for example an aeration treatment system with dripper lines, is recommended for proposed Lot 1 due to category 6, sandy soils with high groundwater near the proposed house site. 3 borehole logs near the proposed house site showed slow draining, sandy soils with groundwater ranging from 400-500mm deep.

Due to saturated soil moderate to steeply sloping hillside was investigated. Borehole 4 taken at this location showed soils to be category 3, sand. Groundwater was not encountered during the 1200mm deep bore. O'Brien Design Consulting have designated the steeper hillside as an example of a suitable location for onsite wastewater due to better draining soils with groundwater separation achieved. Surface laid, planted dripper lines are favourable on this site. However, the exact location, system, land application method and design are to be specified in a site-specific Onsite Wastewater Report (TP58) at the time of Building Consent application.

The field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b). A 100% reserve area meeting current permitted wastewater regulations is recommended.

### 1.0 Scope

This report focuses on ensuring that an area on proposed Lot 1 is suitable for the onsite disposal of effluent within the proposed lot boundaries. An onsite wastewater treatment system and land application method are recommended based on site characteristics including soil type, groundwater level, potential flooding, and surface water setbacks. The field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b).

---

## **2.0 Site Visit**

The site investigation was undertaken on 11<sup>th</sup> May 2025 and comprised of a walk over and visual assessment of the proposed house site to the north of proposed Lot 1. As the lot is 4.6000 ha not all areas were assessed. Thorough investigation of the precise location of the wastewater field will occur during the Onsite Wastewater Report (TP58) at the time of Building Consent application. This report ensures that there is adequate area on proposed Lot 1 for wastewater disposal.

4 x 50mm wide, boreholes were taken with a handheld steel auger. The bores were taken to ascertain soil category and estimate groundwater depth. USDA feel method was used to determine soil texture, soil structure and soil category.

The site visit occurred following a period of heavy rain.

## **3.0 Desk Study**

A desk study of available information and site characteristics was undertaken. The following sources were reviewed, TP58 (2004), Regional Plan for Northland (2019), Section C.6.1.3, Far North District Plan, Section 12.7.6.1.4(b), Far North and Northland Regional Council Maps.

## **4.0 Site Description**

Following subdivision proposed Lot 1 will become a 4.6000 ha, rural property with grassed pasture. The northern part of the lot is elevated hillside with topography ranging from slight to steep. The topography slopes to the south towards low lying, grassed pasture. Low-lying land with Oioi reeds and a pond are located to the southeast. A fence with conifer shelter belt runs along the western boundary whilst Kimberley Road runs along the eastern boundary. A right of way runs along the southern boundary and a neighbouring property with vegetation, including pines, is located to the north. Refer to Photograph 1 and the Scheme Plan, Section 5, showing proposed Lot 1 and the surrounding area.

The central part of the property is identified as River Flood Hazard Zone and is prone to flooding in 10-year, 50 year and 100-year events. This area is to be avoided for wastewater disposal. Refer to Figure 1 and the Site Plan, Section 15 showing potential flooding as shown on Northland Regional Council (NRC) Hazard Maps.

A house site is proposed to the north of the property as shown on the Scheme Plan, Section 5. This area is elevated, slight to steeply sloping, southerly facing hillside outside of flood prone areas. This area was investigated during the site visit. 3 boreholes were taken in this area. Groundwater was encountered at 400-500mm deep. Therefore, moderate to steeply sloping hillside in the northeast corner was investigated. A moderately sloping area (approximately 12 degrees) on the hillside was chosen. The borehole showed soils to be slightly moist from 0-

1200mm depth, becoming moist at 1200mm. Soils were category 3 sand. This location is a more suitable area for wastewater disposal due to better draining soils and separation from groundwater. Refer to Photograph 2 and the Site Plan, Section 15 showing an example of a location suitable for wastewater disposal and reserve.

The wastewater disposal field and reserve are to be set back a minimum 5m from any existing or future intermittent stormwater flow path (downslope of the field) such as an overland flow path, drain or stormwater spreader as per the Regional Plan for Northland (2019), Section C.6.1.3.

The wastewater disposal field and reserve are to be setback a minimum 15m from surface water as per the Regional Plan for Northland (2019), Section C.6.1.3. A 15m minimum setback is required from the pond.

The Far North District Plan, Section 12.7.6.1.4(b) requires a 30m setback from certain water bodies (river, lake, wetland or boundary of the coastal marine area). These water bodies were not identified on the property.

The wastewater disposal field and reserve are to be set outside of easements. Section 10 of this report lists other general setback requirements. The Site Plan, Section 15 shows examples of an area investigated during the site visit suitable for wastewater disposal and reserve.



Photograph 1: View to the north showing proposed Lot 1. The proposed house site and wastewater disposal field are to be located to the north of the property on moderate to steeply sloping hillside outside of low-lying areas.



Photograph 2: View to the east showing hillside near the northeast corner suitable for onsite wastewater.



Figure 1: NRC Map showing potential flooding in 10-year, 50 year and 100-year flood events over the subdivision.

Pt Lot 1  
DP 50369

2  
DP 413071

Lot 2  
7.9800 ha

Lot 1  
4.6000 ha

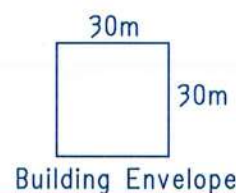
#### SCHEDULE OF EXISTING EASEMENTS

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Right to Convey Water	(A) (E) (L)	Lot 2 hereon	EI 6874292.3
Right of Way Right to Convey Electricity, telecommunications & Computer Media	(B) (C) (D) (E) (J) (K)	Lot 2 hereon	EI 8109057.3
Right to Convey Electricity	(N) (E) (J) (K) (L) (M)	Lot 1 hereon Lot 2 hereon	EI 7589819.1
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DP 413071

IB 2  
RL 35.00

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DP 367043



Building Envelope

Local Authority: Far North District Council  
Survey Block & District: V Houhora East

Total Area: 12.5800 ha  
Comprised in: RT 272035  
Levels in terms of: Assumed Datum  
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Contour Interval is: 0.50 m

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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Prepared For : Gary & Wai Nicholson

Lots 1 & 2 Being A Proposed Subdivision  
Of Lot 1 DP 367043



VON STURMERS

Registered Land Surveyors, Planners &  
Land Development Consultants

Ph: (09) 408 6000 131 Commerce St  
Email: kaitaia@surveyandplanning.co.nz Kaitaia

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	TY	Mar 25	
Approved			
Rev	TY	Apr 25	

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## 6.0 Soil Profile

NRC Managing Northland Soils Map describes the soils over proposed Lot 1 as well drained Houhora sand (HO).

4 x 50mm wide borehole logs were taken over proposed Lot 1. The first 3 logs showed approximately 200mm of sandy topsoil followed by brown then grey sand. Groundwater was encountered at ~400-500mm depth. The Regional Plan for Northland, Section C.6.1.3, Table 9 requires a 600mm separation distance of wastewater from a secondary treated dripper line. Therefore, mounding the field with at least 200mm of topsoil would be required where groundwater is 400mm. A new location for testing on the side of steeper hill was proposed. This bore revealed approximately 200mm of dark brown, sandy topsoil followed by orange sand to a depth of 1200mm. Soils were slightly moist, category 3 sand. Groundwater was not encountered. Therefore, this location was chosen as a more suitable area for wastewater disposal. Refer to Photograph 1 showing a soil sample from BH 4 and the Borehole Logs, Section 14.



Photograph 1: BH4 Showing approximately 200mm of slightly moist, dark brown, sandy topsoil followed by slightly moist, orange sand.

## 7.0 Groundwater

TP58 (2004), Table 5.2 states groundwater separation must be greater than 900-1200mm for secondary treated effluent in category 2-6 soils. The Regional Plan for Northland, Section C.6.1.3, Table 9 requires a less conservative distance of 600mm. If the wastewater field is located in an area with high groundwater a design which ensures groundwater separation is achieved will be required, for example a minimum 200mm mound of topsoil. Groundwater was not encountered during the 1200mm borehole taken on steeper hillside shown on the Site Plan, Section 15.

---

A borehole establishing that the wastewater disposal field is the required distance from groundwater should be undertaken in the elected location of the field at the time of Building Consent application.

NRC Water Resources map shows active freshwater bores to the south of the subdivision. The exact location of the bores cannot be determined but are shown to the south of the subdivision, on neighbouring properties, well away from the proposed house site to the north of the lot. Waimarama Nicholson stated that there is freshwater bore located on proposed Lot 2. The bore is shown on the Scheme Plan, Section 5 as Existing Water Supply Easement A. The bore is approximately 50m from the proposed boundary between Lot 1 and 2. The Regional Plan for Northland (2019), Section C.6.1.3 requires a minimum 20m setback from a freshwater bore. No freshwater bores are located on proposed Lot 1.

## **8.0 Onsite Wastewater Disposal Design**

### System Requirements for Proposed Lot 1

Secondary treatment, for example an aeration treatment system with dripper lines is recommended due to slow draining, sandy soil.

An aeration treatment system with dripper lines is an example of a suitable wastewater system and land disposal option. Alternative designs with secondary treatment may be available and can be considered provided wastewater regulations outlined in Section 10 are achieved.

Secondary treated effluent should be disposed of via a robust secondary treatment system which complies with the New Zealand Building Code. The system is to have a high output quality of: BOD5 equal to or less than 20g/m<sup>3</sup> and TSS equal or less than 30g/m<sup>3</sup>, in line with NZS1546.3:2008 and the New Zealand Building Code. The system is to have emergency storage and be fitted with an alarm to protect against system failure.

The owner is to obtain a maintenance agreement from the manufacturer on purchase of the system. Secondary treatment systems should have an annual maintenance agreement with the supplier as stated in the Far North District Council bylaw 2805.2. This ensures the system operates efficiently and is serviced regularly.

Cost of approximately \$15,000 - \$25,000 will depend on factors including the size and design of the field, choice of system and cost of installation.

### Wastewater Disposal Design

The wastewater design is based on category 3 soils, TP58 (2004), Table 9.2 with 180 litres of wastewater produced per person for roof water tank supply, TP58, Table 6.2. This design is for the side of the hill where groundwater was not encountered, BH 4. Refer to the Site Plan, Section 15.

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Potential occupancy of a 4-bedroom dwelling x litres per person per day / loading rate = area of wastewater field

$$6 \times 180 / 4 = 270\text{m}^2$$

We recommend surface laid, planted dripper lines for this property. The favoured location chosen is approximately 12 degrees. As the slope is greater than 10° a 10m planted buffer zone, downslope of the last dripper line would be required (Regional Plan for Northland, 2019, C.6.1.3, 6d). This is an example of a suitable design, other designs are possible and can be implemented provided wastewater guidelines are achieved.

The exact dimensions of the field may differ in the site-specific Onsite Wastewater Disposal Report (TP58), for example the number of bedrooms may change altering system volumes and the size of the field. The location, system, land application method and design of the field is to be specified in a site-specific Onsite Wastewater Report (TP58) at the time of Building Consent application.

The wastewater disposal field should not be grazed by heavy stock, driven on or built over. These activities can result in failure of the effluent field.

## **9.0 Reserve Area**

A minimum 30% reserve is required for secondary treated effluent as outlined in the Regional Plan for Northland (2019) Section C.6.1.3 (9b). A conservative 100% reserve area is recommended for subdivision. A 100% reserve area, meeting setback requirements, is available on proposed Lot 1.

The purpose of a reserve is to provide additional area for wastewater disposal, for example in the event of failure of the original field or future expansion of the proposed development. The reserve field must be protected from development that would prevent its use in the future. A reserve area must always be available. The Site Plan, Section 15 shows an example of an area suitable for onsite wastewater disposal and reserve.

---

## 10.0 Setback Requirements

General setback requirements for wastewater are outlined in the Regional Plan for Northland (2019), Section C.6.1.3, TP58 (2004), Table 5.2 and the Far North District Plan, Section 12.7.6.1.4(b) provided below. These setback distances are to be adhered to in any site-specific onsite wastewater report (TP58).

### Regional Plan for Northland (2019), Section C.6.1.3

The discharge of domestic type wastewater into or onto land from an on-site system and the associated discharge of odour into air from the on-site system are permitted activities, provided:

- 1) The on-site system is designed and constructed in accordance with the *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*, (TP58, 2004 also used) and
- 2) the volume of wastewater discharged does not exceed two cubic metres per day, and
- 3) the discharge is not via a spray irrigation system or deep soakage system, and
- 4) the slope of the disposal area is not greater than 25 degrees, and
- 5) the wastewater has received secondary or tertiary treatment and is discharged via a trench or bed in soil categories 3 to 5 that is designed in accordance with Appendix L of *Australian/New Zealand Standard. On-site Domestic Wastewater Management (AS/NZS 1547:2012)*; or is via an irrigation line system that is:
  - a) dose loaded, and
  - b) covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and
- 6) for the discharge of wastewater onto the surface of slopes greater than 10 degrees:
  - a) the wastewater, excluding greywater, has received at least secondary treatment, and
  - b) the irrigation lines are firmly attached to the disposal area, and
  - c) where there is an up-slope catchment that generates stormwater runoff, a diversion system is installed and maintained to divert surface water runoff from the up-slope catchment away from the disposal area, and
  - d) a minimum 10 metre buffer area down-slope of the lowest irrigation line is included as part of the disposal area, and
  - e) the disposal area is located within existing established vegetation that has at least 80 percent canopy cover, or
  - f) the irrigation lines are covered by a minimum of 100 millimetres of topsoil, mulch, or bark, and
- 7) the disposal area and reserve disposal area are situated outside the relevant exclusion areas and setbacks in *Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems*, and

- 8) for septic tank treatment systems, a filter that retains solids greater than 3.5 millimetres in size is fitted on the outlet, and
- 9) the following reserve disposal areas are available at all times:
  - a) 100 percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or
  - b) 30 percent of the existing effluent disposal area where the wastewater has received secondary treatment or tertiary treatment, and
- 10) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and
- 11) the discharge does not contaminate any groundwater water supply or surface water, and
- 12) there is no surface runoff or ponding of wastewater, and
- 13) there is no offensive or objectionable odour beyond the property boundary.

**Table 9: Exclusion areas and setback distances for on-site domestic wastewater systems**

<b>Feature</b>	<b>Secondary and tertiary treated domestic type wastewater</b>	<b>Greywater</b>
<i>Exclusion areas</i>		
<i>Floodplain</i>	<i>5 percent annual exceedance probability</i>	<i>5 percent annual exceedance probability</i>
<i>Horizontal setback distances</i>		
<i>Identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is downslope of the disposal area)</i>	<i>5 metres</i>	<i>5 metres</i>
<i>River, lake, stream, pond, dam or natural wetland</i>	<i>15 metres</i>	<i>15 metres</i>
<i>Coastal marine area</i>	<i>15 metres</i>	<i>15 metres</i>
<i>Existing water supply bore</i>	<i>20 metres</i>	<i>20 metres</i>
<i>Property boundary</i>	<i>1.5 metres</i>	<i>1.5 metres</i>
<i>Vertical setback distances</i>		
<i>Winter groundwater table</i>	<i>0.6 metres</i>	<i>0.6 metres</i>

---

**TP58 (2004), Table 5.2**

Separation distances outlined in TP58 (2004), Table 5.2 are related to soil category whereas the Regional Plan for Northland (2019), Section C.6.1.3, Table 9 are not. It is essential that rules outlined in the Regional Plan for Northland (2019, Section C.6.1.3, Table 9 are adhered to. Where possible the more conservative guidelines in TP58 (2004), Table 5.2 should be utilized.

**Far North District Plan, Section 12.7.6.1.4(b)**

Specific to the Far North District is a more conservative separation distance from a river, lake, wetland, or the boundary of the coastal marine area. The Far North District Plan, Section 12.7.6.1.4(b) requires a 30m setback, greater than the 15m required by the Regional Plan for Northland (2019), Section C.6.1.3 and TP58 (2004), Table 5.2.

**11.0 Stormwater Management**

The property is identified as being in the Rural Production zone as per the Far North District Plan.

To be a permitted activity under the Stormwater Management section of the plan the property must have maximum 15% impermeable surfaces per lot.

Proposed Lot 1 is a greenfield site with no buildings or impermeable surfaces.

**Lot 1**

$46,000\text{m}^2 \times 15\% = 6,900\text{m}^2$  permitted.

**12.0 Site Planning for Onsite Wastewater**

Impermeable surfaces such as driveways, sheds and swimming pools may take up area available for wastewater. Setback distances from surface water, flooding, groundwater and other site constraints also reduce area available for wastewater disposal on a property.

TP58 (2004), Table 6.1 states that rooms that could be considered bedrooms such as an office, study, sewing, media, or games room are to be included as potential bedrooms for wastewater calculations. This means that some large modern houses may have an increased occupancy. For example, a 4-bedroom dwelling with an office and media room that could potentially be used as bedrooms would have the following wastewater calculation with secondary treatment in category 3 soils:

---

Potential occupancy of a 6-bedroom dwelling x litres per person per day / loading rate = area of effluent field

$$9 \times 180 / 4 = 405\text{m}^2$$



Prior to development of the site, site planning should be undertaken to ensure a suitable area for wastewater and reserve is available.

### **13.0 Summary**


There is suitable available area on proposed Lot 1 for onsite wastewater disposal and reserve. Secondary treatment is recommended due to slow draining soils with high groundwater in some locations.

This report is for Resource Consent for subdivision only. The precise design will require a site-specific Onsite Wastewater Report (TP58) at the time of Building Consent application. The field and reserve must meet requirements for onsite wastewater disposal as outlined in TP58 (2004), the Regional Plan for Northland (2019), Section C.6.1.3 and the Far North District Plan, Section 12.7.6.1.4(b).







## 14.0 Borehole Logs

		<b>BOREHOLE LOG 1</b>			
<b>Client</b>	Gary & Waimarama Nicholson	<b>Job No.</b>	3024		
<b>Project</b>	Subdivision	<b>Date Drilled</b>	11/05/2025		
<b>Site Address</b>	Kimberley Road, Pukenui	<b>Drilled By</b>	Martin O'Brien		
<b>Legal Description</b>	Lot 1 DP 367043	<b>Drill Method</b>	50mm hand auger		

Depth mm	GWL	Soil Map Reference	Graphic Log	Field Description	Soil Category
100	Groundwater intercepted	Houhora sand (HO)		Slightly moist dark brown sandy topsoil	3
200				Moist brown SAND	6
300				Wet grey SAND	6
400				Saturated grey SAND	6
500					
600					
700					
800					
900					
1000					
1100					
1200					
1300					
1400					
1500					
1600					
1700					
1800					
1900					
2000					
2100					
				EOB	

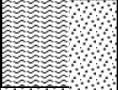

  

Graphic Log Legend					
					
Fill	Topsoil	Gravel	Sand	Clay	Silt

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

## BOREHOLE LOG 2

<b>Client</b>	Gary & Waimarama Nicholson	<b>Job No.</b>	3024
<b>Project</b>	Subdivision	<b>Date Drilled</b>	11/05/2025
<b>Site Address</b>	Kimberley Road, Pukenui	<b>Drilled By</b>	Martin O'Brien
<b>Legal Description</b>	Lot 1 DP 367043	<b>Drill Method</b>	50mm hand auger

Depth mm	GWL	Soil Map Reference	Graphic Log	Field Description	Soil Category
100	Groundwater intercepted	Houhora sand (HO)		Slightly moist dark brown sandy topsoil	3
200					
300				Moist grey SAND	6
400					
500				Wet grey SAND	6
600					
700				Saturated grey SAND	6
800					
900					
1000					
1100					
1200					
1300					
1400					
1500					
1600					
1700					
1800					
1900					
2000					
2100					
				EOB	

### Graphic Log Legend



Fill



Topsoil



Gravel



Sand



Clay

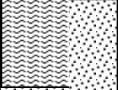



Silt

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

## BOREHOLE LOG 3

<b>Client</b>	Gary & Waimarama Nicholson	<b>Job No.</b>	3024
<b>Project</b>	Subdivision	<b>Date Drilled</b>	11/05/2025
<b>Site Address</b>	Kimberley Road, Pukenui	<b>Drilled By</b>	Martin O'Brien
<b>Legal Description</b>	Lot 1 DP 367043	<b>Drill Method</b>	50mm hand auger

Depth mm	GWL	Soil Map Reference	Graphic Log	Field Description	Soil Category
100	Groundwater intercepted	Houhora sand (HO)		Slightly moist dark brown sandy topsoil	3
200					
300				Moist grey SAND	6
400				Wet grey SAND	6
500				Saturated grey SAND	6
600					
700					
800					
900				EOB	
1000					
1100					
1200					
1300					
1400					
1500					
1600					
1700					
1800					
1900					
2000					
2100					

### Graphic Log Legend



Fill



Topsoil



Gravel



Sand



Clay

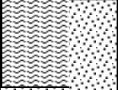



Silt

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

## BOREHOLE LOG 4

<b>Client</b>	Gary & Waimarama Nicholson	<b>Job No.</b>	3024
<b>Project</b>	Subdivision	<b>Date Drilled</b>	11/05/2025
<b>Site Address</b>	Kimberley Road, Pukenui	<b>Drilled By</b>	Martin O'Brien
<b>Legal Description</b>	Lot 1 DP 367043	<b>Drill Method</b>	50mm hand auger

Depth mm	GWL	Soil Map Reference	Graphic Log	Field Description	Soil Category
100	Groundwater not intercepted	Houhora sand (HO)		Slightly moist dark brown sandy topsoil	3
200					
300					
400					
500					
600					
700					
800					
900					
1000					
1100					
1200					
1300					
1400				Slightly moist orange SAND	3
1500					
1600					
1700					
1800					
1900					
2000					
2100					
				Moist orange SAND	3
				EOB	

### Graphic Log Legend



Fill



Topsoil



Gravel



Sand



Clay



Silt

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




- Wastewater Disposal Field Setbacks:
- In order to meet permitted activity status, the wastewater disposal field & reserve shall confirm to the setback requirements outlined in the Regional Plan for Northland, Section C.6.1.3, the Far North District Plan, Section 12.7.6.1.4(b) & TP58 (2004).
- Contours sourced from LIDAR NRC Maps.
- Setback distances to include:
- 1.5m from boundaries
  - 1.5m from buildings
  - 5m from any existing or future intermittent stormwater flow path such as an overland flow path or open drain
  - 15m from surface water
  - Field to be laid on slopes less than 25 degrees.
  - 600mm minimum from groundwater with secondary treatment
  - Outside flood & low lying areas
  - Refer to Setback Requirement section of the report for further details

Verify all dimensions on site before commencing work & do not scale from drawings. Refer any discrepancies to O'Brien Design Consulting Ltd.


All work to be done in accordance with NZS 3604: 2011 and the NZ Building Code unless specifically designed.

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**O'BRIEN  
DESIGN  
CONSULTING**

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Project Title	
G & W Nicholson 565 Kimberley Road Pukenui Far North District	
Sheet Title	
Wastewater Site Plan	
Drawn 14 May 2025	
Project No 3024	
Rev	Sheet
A	A01
Scale ( A3 Original ) 1: 1000	
	

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## 16.0 Limitations

1. Our responsibility for this report is limited to the property owner named on the front page of this document. We disclaim all responsibility and will accept no liability to any other person unless that party has obtained the written consent of O'Brien Design Consulting Ltd. O'Brien Design Consulting Ltd reserves the right to qualify or amend any opinion expressed in this report in dealing with any other party. It is not to be relied upon for any other purpose without reference to O'Brien Design Consulting Ltd.
2. Recommendations and opinions in this report are based on data obtained from the investigations and site observations as detailed in this report. The nature and continuity of subsoil conditions at locations other than the investigation bores and tests are inferred and it should be appreciated that actual conditions could vary over the site.
3. It is the property owner's responsibility to ensure careful site planning is undertaken to ensure onsite wastewater and a reserve is available at the time of development. An example of an area suitable for onsite wastewater is designated.
4. Opinions and judgements expressed are based on our interpretation and understanding of current regulatory standards and should not be construed as legal opinions. Where opinions or judgments are to be relied on they should be independently verified with appropriate legal advice.



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**FAR NORTH DISTRICT COUNCIL**  
**FAR NORTH PARTLY OPERATIVE DISTRICT PLAN**

**IN THE MATTER OF**  
The Resource Management Act 1991

**AND**

**IN THE MATTER OF**  
an application for Resource Consent  
under the aforesaid Act by

Denise Ethel Kuhtz

FILE NUMBER RC-2080327-RMASUB

That pursuant to Sections 104, 104C, 108 and 220 of the Resource Management Act 1991, the Council grants its consent to Denise Ethel Kuhtz to subdivide a property at 565 Kimberley Road, Ngataki, being more particularly described as Lot 1 DP 367043 contained in certificate of title reference CT-272035 (North Auckland Registry) to create two lots subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by "von Sturmers", referenced 11769 dated October '07, and attached to this consent with the Council's "Approved Plan" stamp affixed to it.
2. That prior to approval under Section 223 of the Act, the survey plan shall show:
  - a. Easement F to be duly granted or reserved.
3. That before a certificate is issued pursuant to Section 224 of the Act, the applicant shall:
  - a. Demonstrate that a right of way easement has been, or will be created over that part of the existing access to the house on proposed Lot 2, which is situated on the adjoining property being Lot 3 DP36704 OR realign the existing access and entry to the main body of Lot 2 so that it is located entirely within its own boundaries.

Note: If the access is a shared right of way with the adjoining property which is being subdivided, passing bays in accordance with Rule 15.1.6.1.2 of the District Plan will be required.

- b. Secure the conditions below by way of Consent Notice issued under 221 of the Act, to be registered against the title of both lots. The costs of preparing, checking and executing the Notice shall be met by the Applicants.

- i. Upon construction of any habitable building, sufficient water volume is to be provided in accordance with the NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509 2003 and this water supply is to be accessible for fire fighting purposes. If water supply is to be provided by way of tank storage this must be located a safe distance away from any habitable dwelling and fitted with an instantaneous fire hose coupling in accordance with the NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509 2003.

**After consideration of the application under Section 104, the following reasons are given for this decision pursuant to Section 113 of the Act:**

- A. Consideration was given to the Far North Partly Operative District Plan (October 2007). Particular consideration was given to Chapter 13, "Subdivision" and the associated appendices of the District Plan. The proposal was also assessed against the relevant District Wide Provisions outlined in Part 3 of the Plan.

- B. The principal issues that were in contention were access, water supply, stormwater and effluent disposal.

Council's engineer is satisfied with the access proposals to both lots following the recent upgrade of a nearby bend on Kimberly Rd. There are no indications of vehicle ingress or egress issues and visibility is good. It is noted that the access is partly located on an adjoining site. Conditions of consent require that the existing access be legitimised by easements or the carriageway is to be realigned entirely within its own boundaries.

No specific designs for water supply, stormwater and effluent disposal methods on Lot 1 have been provided. However, the existing title is subject to a consent notice which requires additional details at Building consent stage. This will automatically transfer to the new titles.

- C. Written approval has been obtained from all persons and interested parties who might be adversely affected by the granting of consent to the proposal.
- D. There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Sections 6, 7 and 8 of the Act, nor with the objectives and policies of the two relevant District Plans.

**STATUTORY INFORMATION**

The following matters are noted as being relevant to the land, and possibly requiring additional action for statutory or code compliance. The applicant and any prospective purchasers should be aware of these matters; and hence the information will be placed on the property file and will be cited in any related Project or Land Information Memorandum that may be issued by the Council.

- (i) Pursuant to Section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent relates is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate.
- (ii) An "at risk" aquifer is identified in the Regional Water and Soil Plan (RWSP). To avoid contamination or a reduction in groundwater recharge, the Northland Regional Council recommends mitigation measures such as the return of collected or diverted treated stormwater to aquifer recharge and the use of low impact stormwater design and the use of pervious surfaces for roading and drainage.

**DECISION PREPARED BY:** Laura Harris                      **Senior Planner**

**CONSENT GRANTED UNDER DELEGATED AUTHORITY:**

  
\_\_\_\_\_  
Murray McDonald                      **PRINCIPAL PLANNER**

14 August 2008                      **DATE**  
RC-2080327-RMASUB