



FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2200456-RMALUC

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

Te Rarawa Farming Limited

The activity to which this decision relates: Land use consent for excavation and fill in the Rural Production Zone (75,000m³) to construct a water storage reservoir.

Subject Site Details

Address: 827 Sandhills Road, Awanui 0483
Legal Description: Sec 1 SO 50740 Sec 1 SO 66163 Lots 4 5 6 SP 156631
Secs 5 7 SO 64336 Secs 7-8 11 SO 472393
Certificate of Title reference: CT-719735, NA-80D/318, NA-94A/635, NA-94A/636, NA-94A/637, NA-87A/184

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

1. The activity shall be carried out in general accordance with the approved plans as outlined below and attached to this consent with the Council's "Approved Stamp" affixed to them.

Riley Consultants and William Water Advisory

- (a) "*Proposed Site Plan*"; Drawing No: 190289-21; Revision 2; Dated 03.03.20.
(b) "*Earthworks Plan*"; Drawing No: 190289-22; Revision 2; Dated 03.03.20.
(c) "*Cross Sections A & B*"; Drawing No: 190289-23; Revision 2; Dated 03.03.20.
(d) "*Cross Section C*"; Drawing No: 190289-24; Revision 2; Dated 03.03.20.
(e) "*Proposed Dam – Typical Section*"; Drawing No: 190289-25; Revision 2; Dated 03.03.20.
(f) "*Spillway Typical Section & Anchor Trench Details*"; Drawing No: 190289-26; Revision 2; Dated 03.03.20.
(g) "*Sediment & Erosion Control Plan*"; Drawing No: 190289-27; Revision 2; Dated 03.03.20.
2. The consent holder shall, prior to the commencement of earthworks, provide confirmation to Council's Resource Consent Monitoring officer or designate that the Northland Regional Council are satisfied with the proposed mitigation measures and include a copy of the NRC approved Erosion and Sediment Control Plan for works.

3. During the construction period, the consent holder shall:
 - Ensure that noise from construction activities meets the limits of the New Zealand Standard NZS 6803P:1999 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work; and
 - Not carry out any construction or earthworks activities between the hours of 1800pm and 0700am Monday to Saturday. No works are to be carried out on any Sunday or public holiday (including any Monday on which that public holiday is observed).
4. The consent holder shall, prior to any transfer of material to another property, provide evidence to Council's Resource Consent Monitoring Officer that all consents (earthworks permits and / or resource consent) for the disposal of fill have been obtained for the receiving site.
5. The consent holder shall ensure that any excess fill material from the proposed dam construction that is spread out on the applicant's land as identified in this consent, will not significantly alter overland flow paths, or be disposed of within flood prone areas and the original ground contour is retained along each spread site boundary so that the natural overland flow paths remain un-changed to neighbouring properties.
6. The consent holder shall, within 3 months of the completion of the bulk earthworks, supply to Council's Resource Consent Monitoring officer or designate a location plan and confirmation from a suitably qualified engineer that Condition 4 is satisfied.
7. The consent holder shall, prior to the commissioning of the dam, conduct a survey of Sandhills Road in consultation with Council's Roding Engineer or designate identifying road infrastructure affected from the construction of the dam and any works likely required as a result of the activity. This infrastructure includes, but is not restricted to, roadway culverts, crossings, water table drainage and safety features.
8. The consent holder shall complete the works identified in Condition 7, within 3 months of the commissioning of the dam and in general accordance with Councils Engineering Standards and Guidelines. Certification from Councils Roding Engineer or designate will be required to confirm works are completed.
9. The consent holder shall, for the duration of the earthworks and extraction works, and in the case of any failure of the dam, repair any damage, remove any debris deposited on the public road or drainage as a result of the earthwork or extraction works, and activity.

Works shall be repaired, removed by or at the expense of the applicant. If removal or repair is not completed to the satisfaction of Council's Roding Engineer or designate, Council may instruct a roading contractor to complete works and recover costs and expenses from the consent holder. All temporary repairs required must be undertaken within 12 hours and permanent repairs completed within 7 days.
10. The consent holder is responsible for arranging for buried services to be located and marked prior to commencing earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks or extraction process.
11. The consent holder is to establish and identify the location of any of the property boundaries adjacent to the proposed earthwork or extraction work. No authorisation is

given for works on legal road or on private property other than the lot subject to the land use consent. Where the consent holder is not the lot owner, the consent holder is responsible for obtaining approval from the lot owner prior to commencing work.

12. If the consent holder abandons work on-site, they shall first take adequate preventative and remedial measures to control sediment discharges and shall thereafter maintain those measures for so long as necessary to prevent sediment discharges from the site.
13. The Consent Holder shall provide evidence to Council that the existing vehicle crossing on Sandhills Road that is to be used by earthworks machinery is compliant with the requirements of the FNDC Engineering Standards. If non-compliant, provide evidence to Council, following completion of the bulk earthworks that the crossing has been upgraded to, and is compliant with, the requirements of FNDC Engineering Standards.
14. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review conditions. The review may be initiated for any one or more of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The review may occur within the first 12 months of the consent being given effect to and on an annual basis thereafter. All costs associated with the review are to be met by the consent holder.

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The conditions of this consent will be monitored by Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to rcmonitoring@fndc.govt.nz
3. A vehicle crossing permit will be required for the upgrade of the existing crossing from Sandhills Road (if required as a result of Condition 13) and is to be granted prior to any works commencing. The consent holder shall when conducting works in or close to a road reserve submit a Corridor Access Request (CAR) prior to any bulk earthworks or vehicle crossing construction commencing.
4. The activity must comply with Council's Land Drainage Bylaw 2019 and may require approval which is independent of and not provided by the Resource Consent process.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The applicant intends to carry out reasonably large scale earthworks to provide a water storage reservoir in the Far North. Earthworks are 75,000m³ in total with both Regional and Local authority land use consents being required (with FNDC approving up to the 5,000m³ limit per any 12 month period and NRC approving the remainder).
3. The temporary effects associated with the earthworks are the key matter of concern to this application. These will be primarily managed by an Erosion and Sediment Control Plan and other conditions of consent that appropriately mitigate effects during and after the construction period.

Policy Assessment

4. The AEE has considered the National Policy Statement for Freshwater Management, Objectives and Policies of the Northland Regional Policy Statement (RPS) and the Operative Far North District Plan, as detailed below:

NPS-FM

5. The NPS-FM recognises Te Mana o Te Wai and sets objectives and policies which direct local government to manage water in an integrated and sustainable way, while providing for economic growth, alongside a framework that sets water quantity and quality limits.
6. The assessment within the AEE is accepted, particularly as it relates to Objective and Policy AA1 and Objective C1 and Policies C1 and C2. This decision facilitates the necessary earthworks required to provide water that can be used consistent with the aims and intents of the NPS-FM. The proposal is not inconsistent with this NPS.

RPS

7. The AEE provided an assessment of the proposal against Objectives 3.5, 3.8, 3.10, 3.14, and 3.15 and Policies 4.3.4, 4.6.1, 4.7, 5.1.3, 5.2.2. and 5.2.3.
8. The objectives consider at a regional level matters such as:
 - a. Sustainable management of natural and physical resources in a way that is attractive for business and investment and improves the economic wellbeing of Northland;
 - b. To optimise existing infrastructure and ensure new infrastructure is flexible, adaptable, resilient, and meets the needs of future generations. Infrastructure should lead or support regional economic development and wellbeing.
 - c. Efficient use of common resources with a focus on security and reliability of supply.
 - d. Protection from inappropriate subdivision use and development.
 - e. Maintenance and improvement of the natural character of the coastal environment and fresh water bodies and their margins.
9. The policies delve deeper and include:
 - a. The benefits of water harvesting, storage and conservation measures.

- b. Management of effects on the characteristics and qualities of natural character, natural features and landscapes from subdivision, use and development.
 - c. Active management of resources.
 - d. Development of infrastructure that meets the needs of the community.
 - e. Provision of infrastructure that shapes, stimulates and directs opportunities for growth and economic development.
10. When considering the proposed development in the context above, it is clear that the proposed water storage reservoir is not inconsistent with the RPS for Northland.

Operative Far North District Plan

11. The environmental outcomes expected for the Rural Production Zone are as follows:
- 8.6.2.1 A Rural Production Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources and compatible with the productive intent of the zone.
 - 8.6.2.2 A Rural Production Zone which enables the social, economic and cultural well-being of people and communities, and their health and safety, while safeguarding the life supporting capacity of the environment and avoiding, remedying or mitigating adverse effects on it.
 - 8.6.2.3 A Rural Production Zone where the adverse cumulative effects of activities are managed and amenity values are maintained and enhanced.
 - 8.6.2.4 A Rural Production Zone where the adverse effects of incompatible activities are avoided, remedied or mitigated.
12. The proposed development is not out of character or incompatible within the Rural Production Zone. Water storage goes hand in hand with farming operations. The productive intent of the Te Rarawa landholdings and surrounds will improve as a result of the development. Amenity values will be slightly impacted in the short term as a result of the earthworks, however over time the landscape will retain its rural characteristics and qualities. Having considered the relevant objectives and policies of Chapter 8 and Chapter 12 (as they relate to earthworks) the proposal is not considered to be inconsistent with the aims and intents of the Far North District Plan.
13. Overall, the proposal is not considered to be inconsistent with the relevant objectives and policies of relevant policy statements and plans.

Part 2 Matters

14. The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
15. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

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



Pat Killalea, Principal Planner

Date: 29th April 2020

Right of Objection

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

Lapsing Of Consent

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

The consent is given effect to; or

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