

# FAR NORTH DISTRICT COUNCIL



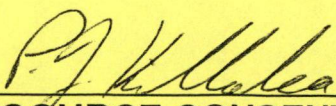
## CERTIFICATE OF LOCAL AUTHORITY UNDER SECTION 37 RESOURCE MANAGEMENT ACT, 1991

VALUATION NO	:	618-052-00
FILE NUMBER	:	RC 1990403
APPLICANT	:	OPONONI HARBOUR VIEW ESTATE

### IN THE MATTER OF LAND TRANSFER PLAN NO: 58961 & 190515

And pursuant to Section 37 of the Resource Management Act 1991 I hereby certify that the approval of plan pursuant to Section 223 of the said Act is extended to the 3rd day of MAY 2005 by the **FAR NORTH DISTRICT COUNCIL**.

**DATED** at Kaikohe this *8th* day *December* of 2004.

  
\_\_\_\_\_  
**RESOURCE CONSENTS MANAGER**





# FAR NORTH DISTRICT COUNCIL

Private Bag 752, Memorial Ave, KAIKOHE  
Freephone: 0800 920 029, Ph: (09) 405 2750, Fax: (09) 401 2137

03 May 2002

Opononi Harbour View Estate  
C/- P O Box 8  
Waimamaku,  
Hokianga

Dear Sir/Madam,

**Re: RC 1990403 - APPLICATION BY HARBOUR VIEW ESTATE – OBJECTION TO  
CONDITIONS OF CONSENT**

I enclose a copy of Council's decision on the above application.

The Resource Management Act provides a right of appeal to the Environment Court, in respect of the whole or any part of the Council's decision. This must be lodged within 15 working days of receipt of this decision. An information sheet on appeals is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R K Smythe'.

**R K Smythe  
for RESOURCE PLANNER**



FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource  
Management Act 1991:

AND

IN THE MATTER of an application  
under the aforesaid Act, 1991  
by HARBOUR VIEW ESTATE

APPLICATION NUMBER RC 1990403

HEARINGS APPLICATION – OBJECTIONS TO CONDITION OF SUBDIVISION OF  
CONSENT

The property in respect of which the application is made, is situated at LOT 3 DP 58961 & LOT 1  
DP 190515, FAIRLIE CRESCENT, OPONONI

HEARING

Before the Hearings Committee of the Far North District Council, on the 11 MARCH 2002.

DECISION

THAT PURSUANT TO SECTION 357 OF THE RESOURCE MANAGEMENT ACT 1991  
THE FAR NORTH DISTRICT COUNCIL HEREBY UPHOLDS IN PART THE OBJECTIONS  
TO CONDITIONS OF RESOURCE CONSENT RC 1990403 GRANTED TO OPONONI  
HARBOURVIEW ESTATE TO SUBDIVIDE LOT 3 DP 58961 AND LOT 1 DP 190515.

THE CONSENT AS AMENDED IS AS FOLLOWS

1. THAT PRIOR TO THE APPROVAL OF THE SURVEY PLAN:

(A) THE SURVEY PLAN SHALL SHOW:

(I) ALL EASEMENTS BE DULY GRANTED OR RESERVED, INCLUDING  
EASEMENTS REQUIRED OVER ACCESS LOTS TO PROVIDE  
TELECOMMUNICATION AND ELECTRICAL SERVICES.

(II) THE FOLLOWING AMALGAMATION CONDITIONS:

- THAT LOT 52 IS TO BE HELD AS TO FOUR UNDIVIDED  
ONE - FOURTH SHARES BY THE OWNERS OF 7 TO 10  
HEREON.
- THAT LOT 53 IS TO BE HELD AS TO THIRTEEN  
UNDIVIDED ONE - THIRTEENTH SHARES BY THE OWNERS  
OF LOTS 32 - 44 HEREON.

(IV) LOTS 54 & 55 AS ROAD TO VEST.



- (D) THE APPLICANT SHALL PROVIDE A SITE SUITABILITY REPORT PREPARED BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER CERTIFYING THAT EACH RESIDENTIAL SITE CONTAINS A SUITABLE STABLE BUILDING SITE. WHERE REQUIRED THE REPORT IS TO SPECIFY MEASURES NECESSARY TO PROVIDE A SUITABLE BUILDING PLATFORM.

2. THAT BEFORE A CERTIFICATE IS ISSUED PURSUANT TO SECTION 224(C) OF THE ACT THE SUBDIVIDING OWNER SHALL:

- (A) PAY TO COUNCIL A RESERVES CONTRIBUTION BEING THE VALUE OF 7.5% OF ALL ADDITIONAL RESIDENTIAL LOTS CREATED LESS THE VALUE OF LOT 51. LOT 51 SHALL BE FINISHED AND GRASSED TO THE SATISFACTION OF THE RESERVES POLICY MANAGER SUCH A VALUE SHALL BE DETERMINED BY A REGISTERED VALUER AND ALL ASSOCIATED COSTS SHALL BE MET BY THE APPLICANT.
- (B) PRIOR TO COMMENCING CONSTRUCTION SUBMIT FOR THE APPROVAL OF COUNCIL PLANS OF ALL WORK TO BE CARRIED OUT ON COUNCIL LAND AND ALL WORK TO BE VEST IN COUNCIL. ALL WORKS ARE TO BE DESIGNED AND CARRIED OUT IN ACCORDANCE WITH NZS 4404 AND COUNCIL'S ENGINEERING STANDARDS AND GUIDELINES AND ARE TO INCLUDE THE FOLLOWING:
  - (i)
  - (ii) THE NEW ROAD (VIEW ROAD AND ROAD TO VEST) TO BE FORMED, CURBED AND SEALED TO A 8 METRE FINISHED CARRIAGEWAY WIDTH AND INCLUDE A FOOTPATH ALONG ONE SIDE.
  - (III) A RETICULATED STORMWATER SYSTEM WITH A CONNECTION TO EACH RESIDENTIAL LOT, INCLUDING DETAILS OF THE PROPOSED DISCHARGE STRUCTURE.
  - (IV) A RETICULATED SANITARY SEWER SYSTEM WITH A CONNECTION TO EACH RESIDENTIAL LOT.
  - (V) A RETICULATED WATER SUPPLY WITH A MAINLINE OR SUB-MAIN ADJACENT TO THE BOUNDARY OF EACH LOT. THE SUPPLY SYSTEM IS TO INCLUDE FIRE HYDRANTS FOR FIRE FIGHTING PURPOSES. NO CONNECTIONS ARE TO BE PROVIDED TO INDIVIDUAL LOTS UNTIL THE COUNCIL OPERATED WATER SUPPLY FACILITY'S CAPACITY HAS BEEN INCREASED.
  - (VI) STREET LIGHTING IN ACCORDANCE WITH NZS 6701.



- (VII) LOT 52 TO BE FORMED, CURBED AND SEALED TO 3.5 METRES FINISHED CARRIAGEWAY WITH A CUL-DE-SAC TURNING CIRCLE AT THE END.
  - (VIII) LOT 53 TO BE FORMED, CURBED AND SEALED TO 6 METRES FINISHED CARRIAGEWAY WIDTH WITH ADEQUATE TURNING PROVISIONS TO ACCOMMODATE A HEAVY RIGID VEHICLE.
  - (IX) RIGHT-OF-WAYS TO BE FORMED AND SEALED TO 3.5 METRES FINISHED CARRIAGEWAY WIDTH.
- (C) PROVIDE EVIDENCE THAT ELECTRICAL AND TELECOMMUNICATION SERVICES HAVE BEEN RETICULATED TO THE BOUNDARY OF EACH LOT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE SUPPLY AUTHORITIES.
  - (D) ACCESS PROVIDED TO ANY RESIDENTIAL LOT SHALL BE FORMED IN ACCORDANCE WITH THE COUNCIL STANDARD FNDC/S/02.
  - (E) PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER THAT ALL WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS.
  - (F) PROVIDE TWO COPIES OF AS-BUILT DRAWINGS SHOWING THE LOCATION OF ALL UNDERGROUND SERVICES, INCLUDING CO-ORDINATES OF HYDRANTS, VALVES AND MANHOLE LIDS, AND LEVELS OF MANHOLE INVERTS AND LIDS TO DOSLI DATUM.
  - (G) SECURE THE CONDITION BELOW BY WAY OF A CONSENT NOTICE ISSUED UNDER SECTION 221 OF THE ACT TO BE REGISTERED AGAINST THE TITLES OF ALL THE RESIDENTIAL LOTS:  
  
*"THAT NO COUNCIL OPERATED WATER SUPPLY IS CURRENTLY AVAILABLE (EXCEPT FOR FIRE FIGHTING PURPOSES), AND NO CONNECTIONS WILL BE ALLOWED WITHOUT THE CONSENT OF COUNCIL. ALL BUILDING CONSENT APPLICATIONS SHALL MAKE PROVISION FOR WATER CATCHMENT AND STORAGE ON-SITE".*
  - (H) PROVIDE EVIDENCE THAT ALL NECESSARY CONSENTS HAVE BEEN OBTAINED FROM THE NORTHLAND REGIONAL COUNCIL.
  - (I) SECURE THE CONDITION BELOW BY WAY OF A CONSENT NOTICE ISSUED UNDER SECTION 221 OF THE ACT TO BE REGISTERED AGAINST THE TITLES OF ALL THE RESIDENTIAL LOTS WHICH DO NOT HAVE ENTRANCES FORMED IN ACCORDANCE WITH CONDITION 2(D):  
  
*"THAT ANY ENTRANCE TO THE SITE SHALL BE FORMED IN ACCORDANCE WITH THE COUNCIL'S ACCESS STANDARD FNDC/S/06"*
  - (J) PAY TO COUNCIL A WATER UPGRADING CONTRIBUTION OF \$300 (PLUS GST) PER ADDITIONAL LOT CREATED.



### REASONS FOR THE DECISION

1. IT IS ACCEPTED THAT THE SUBDIVISION IS OF SUCH A SCALE THAT IT IS APPROPRIATE THAT A RECREATION RESERVE BE CREATED TO MEET THE RECREATION NEEDS OF THE FUTURE RESIDENTS.
2. IT IS ACCEPTED THAT THE EXISTING STANDARD OF FAIRLIE ROAD IS IN ACCORDANCE WITH COUNCIL'S ENGINEERING STANDARDS. AS SUCH IT IS NOT REASONABLE TO REQUIRE THE FORMATION OF THE FAIRLIE CRESCENT EXTENSION.
3. THE CONDITION REQUIRING THE STOPPING OF THE ROAD IS NOT NECESSARY AS WITHOUT SUCH AN OCCURRENCE THE SUBDIVISION CANNOT PROCEED AS PROPOSED.
4. IT IS ACCEPTED THAT THE TOPOGRAPHY OF LOT 52 WILL NOT ALLOW THE PROVISION OF THE STANDARD CUL-DE-SAC TURNING HEAD. HOWEVER ADEQUATE TURNING PROVISIONS MUST BE MADE.
5. DUE TO SOME OF THE SITES HAVING MORE THAN ONE POSSIBLE ACCESS POINT IT IS NOT REASONABLE TO REQUIRE FORMATION ON ALL SITES. HOWEVER THE FORMATION SHOULD BE SECURED BY CONSENT NOTICE.
6. DUE TO EXISTING LIMITATIONS OF THE WATER SUPPLY IT IS CONSIDERED APPROPRIATE THAT OWNERS ARE AWARE OF THE SITUATION BY REGISTRATION OF CONSENT NOTICES. DUE TO EXISTING LIMITATIONS IT IS CONSIDERED APPROPRIATE THAT A FINANCIAL CONTRIBUTION IS MADE TOWARDS THE UPGRADING OF THE EXISTING SYSTEM.

### ADVICE CLAUSE

The applicant is advised that an invoice will follow this decision for additional costs incurred in processing the application.



**RECORD OF DECISION ON  
RESOURCE CONSENT APPLICATIONS**

**Participants:**

MAM  
PJK  
BIB

**Decision Date:**

**RC Number :** 1990403

**Val Number :** 618-052-00

**Lodged :** 11 November 1998, amended plans supplied 21 December 1998.  
Section 92 6 January 1999, response 10 March 1999.

**Received :**

**Applicant :** Opononi Harbourview Estate

**Location :** View Road, Opononi

**Zoning :** Residential 1

**Proposal :** to undertake a 50 lot residential subdivision

**Type :** Controlled activity

**Issues :** Servicing, reserves (money wanted by Community Board) - no  
water supply available

**Approvals :** n/a

**Notified :** n/a

**Hearing :** n/a

**Decision :** Approve with conditions.

**Findings :**

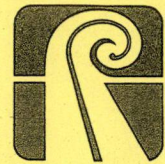
Building (JSM)	Sewerage (MMG)	Roading (GKC)	Com Fac (GCR)	Finance (MEC)
Monitoring (CAS)	Health (BMD)	Liquor License (JEP)	Legal (SMH)	Transit

1st W Harnett +  
9- BJ Ward.

EN. 59414 PO Box 8 WAIMAMAKU. 0451



# FAR NORTH DISTRICT COUNCIL



Our reference

**RC 1990403**

All replies should be addressed to the District Secretary

**M McDonald**

23 April 1999

Simpson Shaw Surveyors  
P O Box 149  
**KAIKOHE**

Attention: Nigel Ross

Dear Sir,

**RC 1990403, APPLICATION BY OPONONI HARBOURVIEW ESTATE**

Council's decision is attached.

The application was considered and determined under authority delegated to the Manager, Environmental Services of the Far North District Council, pursuant to Section 34(4) of the Resource Management Act 1991. If you are dissatisfied with the decision or any part of it, you have the right (under Section 357 of the Act) 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 your receipt of this decision.

Yours faithfully

PP  
*J.M. McDonald*

Murray McDonald  
**CONSULTANT RESOURCE PLANNER**



**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH TRANSITIONAL DISTRICT PLAN**  
**(Hokianga County Section)**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application under the aforesaid Act by  
**OPONONI HARBOURVIEW ESTATE**

**APPLICATION**

APPLICATION FOR RESOURCE CONSENT to subdivide **Lot 3 DP 58961 AND Lot 1 DP 190515**.

The property in respect of which the application is made, is situated at **View Road, Opononi**.

Pursuant to Section 114 of the aforesaid Act, the following is the decision:

**DELEGATION**

Under the authority delegated to the Manager, Environmental Services of the Far North District Council, the application was considered and determined.

**DECISION**

THAT pursuant to Sections 105 and 220 of the Resource Management Act 1991, Council grants consent to the application being RC 1990403 by Opononi Harbourview Estate to subdivide Lot 3 DP 58961 and Lot 1 DP 190515, such land being situated at View Road, Opononi, subject to the following conditions:

1. That prior to the approval of the survey plan:
  - (a) The survey plan shall show:
    - (i) All easements be duly granted or reserved, including easements required over access lots to provide telecommunication and electrical services.
    - (ii) The following amalgamation conditions:
      - That Lot 52 is to be held as to four undivided one - fourth shares by the owners of 7 to 10 hereon.
      - That Lot 53 is to be held as to thirteen undivided one - thirteenth shares by the owners of Lots 32 - 44 hereon.
    - (iii) The deletion of Lot 51 as reserve to vest.
    - (iv) Lots 54 & 55 as road to vest.
    - (v) A utility reserve to vest with legal access for the siting of the water reservoir required by Condition 2(b)(v) of this approval.  
Such a reserve shall be located to the satisfaction of the Development



Engineer.

- (b) The applicant shall provide evidence that the area that is currently road (Pt Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27 and 28) has been stopped and transferred to the subdivider.
  - (c) The applicant shall provide evidence that any required Transit New Zealand approvals to allow the formation of Fairlie Crescent to State Highway 12 have been obtained.
  - (d) The applicant shall provide a site suitability report prepared by a suitably qualified Geotechnical Engineer certifying that each residential site contains a suitable stable building site. Where required the report is to specify measures necessary to provide a suitable building platform.
2. That before a Certificate is issued pursuant to Section 224(c) of the Act the subdividing owner shall:
- (a) Pay to Council a reserves contribution being the value of 7.5% of all additional residential lots created. Such a value shall be determined by a Registered Valuer and all associated costs shall be met by the applicant.
  - (b) Prior to commencing construction submit for the approval of Council plans of all work to be carried out on Council land and all work to be vest in Council. All works are to be designed and carried out in accordance with NZS 4404 and Council's Engineering Standards and Guidelines and are to include the following:
    - (i) The extension of Fairlie Crescent to be formed, curbed and sealed to a 10.6 metre finished carriageway width and include footpaths along one side and details of the intersection between Fairlie Crescent road extension and State Highway 12. This extension is to meet the requirements of Transit New Zealand.
    - (ii) The new road (View Road and road to vest) to be formed, curbed and sealed to a 8 metre finished carriageway width and include a footpath along one side.
    - (iii) A reticulated stormwater system with a connection to each residential lot, including details of the proposed discharge structure.
    - (iv) A reticulated sanitary sewer system with a connection to each residential lot.
    - (v) A reticulated water supply with a mainline or sub-main adjacent to the boundary of each lot. The supply system is to include fire hydrants and a 50m<sup>3</sup> water storage reservoir for fire fighting purposes. No connections are to be provided to individual lots until the Council operated water supply facility's capacity has been increased.
    - (vi) Streetlighting in accordance with NZS 6701.
    - (vii) Lot 52 to be formed, curbed and sealed to 3.5 metres finished carriageway with a cul-de-sac turning circle at the end.
    - (viii) Lot 53 to be formed, curbed and sealed to 6 metres finished carriageway width with a cul-de-sac turning circle at the end.
    - (ix) Right-of-Ways to be formed and sealed to 3.5 metres finished carriageway width.
  - (c) Provide evidence that electrical and telecommunication services have been



reticulated to the boundary of each lot in accordance with the requirements of the respective supply authorities.

- (d) Provide access to each residential lot in accordance with the Council Standard FNDC/S/02.
- (e) Provide certification from a Registered Engineer that all work has been completed in accordance with the approved plans.
- (f) Provide two copies of as-built drawings showing the location of all underground services, including co-ordinates of hydrants, valves and manhole lids, and levels of manhole inverts and lids to DOSLI datum.
- (g) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act to be registered against the titles of all the residential lots:

*"That no Council operated water supply is currently available (except for fire fighting purposes), and no connections will be allowed without the consent of Council. All Building Consent applications shall make provision for water catchment and storage on-site".*

- (h) Provide evidence that all necessary consents have been obtained from the Northland Regional Council.

#### **RIGHT OF OBJECTION**

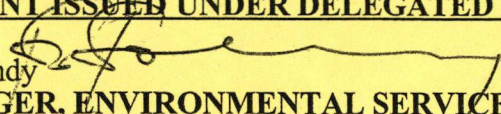
Section 357 of the Act provides the Right of Objection to the Council within 15 working days from the notice of the decision received in accordance with the Act.

#### **REASONS FOR THE DECISION**

Pursuant to Section 113 of the Act the reasons for the decision are:

Council considers this subdivision application to meet the policies and objectives of the Hokianga Section of the Transitional District Plan. No detrimental effect on the surrounding environment is anticipated as a result of this subdivision.

#### **CONSENT ISSUED UNDER DELEGATED AUTHORITY:**

  
B I Boundy  
**MANAGER, ENVIRONMENTAL SERVICES**

  
Murray McDonald  
**CONSULTANT RESOURCE PLANNER**

Date: 21<sup>ST</sup> APRIL 1999

RC 1990403

OPONONI HARBOURVIEW ESTATE



**ITEM NO:**

**TO: HEARINGS COMMITTEE**

**FROM : MANAGER, ENVIRONMENTAL SERVICES**

**ISSUE: RC 1990403, OPONONI HARBOURVIEW ESTATE, OBJECTIONS  
TO CONDITION OF SUBDIVISION CONSENT**

**RECOMMENDATION:**

---

THAT PURSUANT TO SECTION 357 OF THE RESOURCE MANAGEMENT ACT 1991 THE FAR NORTH DISTRICT COUNCIL HEREBY UPHOLDS IN PART THE OBJECTIONS TO CONDITIONS OF RESOURCE CONSENT RC 1990403 GRANTED TO OPONONI HARBOURVIEW ESTATE TO SUBDIVIDE LOT 3 DP 58961 AND LOT 1 DP 190515.

THE CONSENT AS AMENDED IS AS FOLLOWS

1. THAT PRIOR TO THE APPROVAL OF THE SURVEY PLAN:

(A) THE SURVEY PLAN SHALL SHOW:

(I) ALL EASEMENTS BE DULY GRANTED OR RESERVED, INCLUDING EASEMENTS REQUIRED OVER ACCESS LOTS TO PROVIDE TELECOMMUNICATION AND ELECTRICAL SERVICES.

(II) THE FOLLOWING AMALGAMATION CONDITIONS:

- THAT LOT 52 IS TO BE HELD AS TO FOUR UNDIVIDED ONE - FOURTH SHARES BY THE OWNERS OF 7 TO 10 HEREON.
- THAT LOT 53 IS TO BE HELD AS TO THIRTEEN UNDIVIDED ONE - THIRTEENTH SHARES BY THE OWNERS OF LOTS 32 - 44 HEREON.

(III) DELETED

(IV) LOTS 54 & 55 AS ROAD TO VEST.

(V) A UTILITY RESERVE TO VEST WITH LEGAL ACCESS FOR THE SITING OF THE WATER RESERVOIR REQUIRED BY CONDITION 2(B)(V) OF THIS APPROVAL. SUCH A RESERVE SHALL BE LOCATED TO THE SATISFACTION OF THE DEVELOPMENT ENGINEER.

(B) DELETED

(C) DELETED

(D) THE APPLICANT SHALL PROVIDE A SITE SUITABILITY REPORT PREPARED BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER CERTIFYING THAT EACH RESIDENTIAL SITE CONTAINS A SUITABLE STABLE BUILDING SITE. WHERE



REQUIRED THE REPORT IS TO SPECIFY MEASURES NECESSARY TO PROVIDE A SUITABLE BUILDING PLATFORM.

2. THAT BEFORE A CERTIFICATE IS ISSUED PURSUANT TO SECTION 224(C) OF THE ACT THE SUBDIVIDING OWNER SHALL:
  - (A) PAY TO COUNCIL A RESERVES CONTRIBUTION BEING THE VALUE OF 7.5% OF ALL ADDITIONAL RESIDENTIAL LOTS CREATED LESS THE VALUE OF LOT 51. SUCH A VALUE SHALL BE DETERMINED BY A REGISTERED VALUER AND ALL ASSOCIATED COSTS SHALL BE MET BY THE APPLICANT.
  - (B) PRIOR TO COMMENCING CONSTRUCTION SUBMIT FOR THE APPROVAL OF COUNCIL PLANS OF ALL WORK TO BE CARRIED OUT ON COUNCIL LAND AND ALL WORK TO BE VEST IN COUNCIL. ALL WORKS ARE TO BE DESIGNED AND CARRIED OUT IN ACCORDANCE WITH NZS 4404 AND COUNCIL'S ENGINEERING STANDARDS AND GUIDLINES AND ARE TO INCLUDE THE FOLLOWING:
    - (I) DELETED
    - (II) THE NEW ROAD (VIEW ROAD AND ROAD TO VEST) TO BE FORMED, CURBED AND SEALED TO A 8 METRE FINISHED CARRIAGEWAY WIDTH AND INCLUDE A FOOTPATH ALONG ONE SIDE.
    - (III) A RETICULATED STORMWATER SYSTEM WITH A CONNECTION TO EACH RESIDENTIAL LOT, INCLUDING DETAILS OF THE PROPOSED DISCHARGE STRUCTURE.
    - (IV) A RETICULATED SANITARY SEWER SYSTEM WITH A CONNECTION TO EACH RESIDENTIAL LOT.
    - (V) A RETICULATED WATER SUPPLY WITH A MAINLINE OR SUB-MAIN ADJACENT TO THE BOUNDARY OF EACH LOT. THE SUPPLY SYSTEM IS TO INCLUDE FIRE HYDRANTS AND A 50M<sup>3</sup> WATER STORAGE RESERVOIR FOR FIRE FIGHTING PURPOSES. NO CONNECTIONS ARE TO BE PROVIDED TO INDIVIDUAL LOTS UNTIL THE COUNCIL OPERATED WATER SUPPLY FACILITY'S CAPACITY HAS BEEN INCREASED.
    - (VI) STREETLIGHTING IN ACCORDANCE WITH NZS 6701.
    - (VII) LOT 52 TO BE FORMED, CURBED AND SEALED TO 3.5 METRES FINISHED CARRIAGEWAY WITH A CUL-DE-SAC TURNING CIRCLE AT THE END.
    - (VIII) LOT 53 TO BE FORMED, CURBED AND SEALED TO 6 METRES FINISHED CARRIAGEWAY WIDTH WITH ADEQUATE TURNING PROVISIONS TO ACCOMMODATE A HEAVY RIGID VEHICLE.
    - (IX) RIGHT-OF-WAYS TO BE FORMED AND SEALED TO 3.5 METRES FINISHED CARRIAGEWAY WIDTH.



- (C) PROVIDE EVIDENCE THAT ELECTRICAL AND TELECOMMUNICATION SERVICES HAVE BEEN RETICULATED TO THE BOUNDARY OF EACH LOT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE SUPPLY AUTHORITIES.
- (D) ACCESS PROVIDED TO ANY RESIDENTIAL LOT SHALL BE FORMED IN ACCORDANCE WITH THE COUNCIL STANDARD FNDC/S/02.
- (E) PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER THAT ALL WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS.
- (F) PROVIDE TWO COPIES OF AS-BUILT DRAWINGS SHOWING THE LOCATION OF ALL UNDERGROUND SERVICES, INCLUDING CO-ORDINATES OF HYDRANTS, VALVES AND MANHOLE LIDS, AND LEVELS OF MANHOLE INVERTS AND LIDS TO DOSLI DATUM.
- (G) SECURE THE CONDITION BELOW BY WAY OF A CONSENT NOTICE ISSUED UNDER SECTION 221 OF THE ACT TO BE REGISTERED AGAINST THE TITLES OF ALL THE RESIDENTIAL LOTS:

*"THAT NO COUNCIL OPERATED WATER SUPPLY IS CURRENTLY AVAILABLE (EXCEPT FOR FIRE FIGHTING PURPOSES), AND NO CONNECTIONS WILL BE ALLOWED WITHOUT THE CONSENT OF COUNCIL. ALL BUILDING CONSENT APPLICATIONS SHALL MAKE PROVISION FOR WATER CATCHMENT AND STORAGE ON-SITE".*

- (H) PROVIDE EVIDENCE THAT ALL NECESSARY CONSENTS HAVE BEEN OBTAINED FROM THE NORTHLAND REGIONAL COUNCIL.
- (I) SECURE THE CONDITION BELOW BY WAY OF A CONSENT NOTICE ISSUED UNDER SECTION 221 OF THE ACT TO BE REGISTERED AGAINST THE TITLES OF ALL THE RESIDENTIAL LOTS WHICH DO NOT HAVE ENTRANCES FORMED IN ACCORDANCE WITH CONDIRION 2(D):

*"THAT ANY ENTRANCE TO THE SITE SHALL BE FORMED IN ACCORDANCE WITH THE COUNCIL'S ACCESS STANDARD FNDC/S/06"*

### **REASONS FOR THE DECISION**

1. IT IS ACCEPTED THAT THE SUBDIVISION IS OF SUCH A SCALE THAT IT IS APPROPRIATE THAT A RECREATION RESERVE BE CREATED TO MEET THE RECREATION NEEDS OF THE FUTURE RESIDENTS.
2. IT IS CONSIDERED NECESSARY THAT ADEQUATE PROVISION IS MADE FOR FIRE FIGHTING PURPOSES. THE NECESSARY VOLUMES CANNOT BE ASSURED BY THE RETICULATED SYSTEM AND AS SUCH A RESERVOIR TANK IS CONSIDERED TO BE NECESSARY.
3. IT IS ACCEPTED THAT THE EXISTING STANDARD OF FAIRLIE ROAD IS IN ACCORDANCE WITH COUNCIL'S ENGINEERING STANDARDS. AS SUCH IT IS NOT REASONABLE TO REQUIRE THE FORMATION OF THE FAIRLIE CRESCENT EXTENSION.
4. THE CONDITION REQUIRING THE STOPPING OF THE ROAD IS NOT NECESSARY AS WITHOUT SUCH AN OCCURRENCE THE SUBDIVISION CANNOT PROCEED AS PROPOSED.
5. IT IS ACCEPTED THAT THE TOPOGRAPHY OF LOT 52 WILL NOT ALLOW THE PROVISION OF THE STANDARD CUL-DE-SAC TURNING HEAD. HOWEVER ADEQUATE TURNING PROVISIONS MUST BE MADE.



6. DUE TO SOME OF THE SITES HAVING MORE THAN ONE POSSIBLE ACCESS POINT IT IS NOT REASONABLE TO REQUIRE FORMATION ON ALL SITES. HOWEVER THE FORMATION SHOULD BE SECURED BY CONSENT NOTICE.

7. DUE TO EXISTING LIMITATIONS OF THE WATER SUPPLY IT IS CONSIDERED APPROPRIATE THAT OWNERS ARE AWARE OF THE SITUATION BY REGISTRATION OF CONSENT NOTICES.

**ADVICE CLAUSE**

The applicant is advised that an invoice will follow this decision for additional costs incurred in processing the application.

REPORT: PREPARED BY MURRAY MCDONALD, CONSULTANT PLANNER

Approved for submission by:

A handwritten signature in blue ink, appearing to read 'P J Killalea', is written over a faint, circular official stamp.

P J Killalea  
MANAGER, RESOURCE CONSENTS



## **1. The Application:**

1.1 In April of 1999 Council approved (under staff delegation) a subdivision application by Opononi Harbourview Estate to subdivide Lot 3 DP 58961 and Lot 1 DP 190515. The approval allowed the creation of 50 residential sites at View Road, Opononi (scheme plan and approval attached). The application is a controlled activity under the provisions of the Transitional District Plan.

1.2 The applicants have objected to a number of conditions of approval as outlined in their objection.

## **2. The Objection**

2.1 An assessment of the objections received is as follows:

2.2 Condition 1(a)(iii) ***The survey plan shall show the deletion of Lot 52 as reserve to vest.***

This condition requires that the reserve to vest being lot 51 not be vested (Other conditions require the payment of reserve contribution instead). The matter of reserves was put to the Hokianga Community Board on 28 January 1999 who resolved that cash in lieu of reserves be taken. It is considered that it is appropriate that a residential subdivision creating 50 lots, many of which are only 600m<sup>2</sup> in area should provide a recreation reserve to fulfil recreational needs of the residents. It is noted that the only reserve land in the area is the waterfront area on the sea-side of the State Highway. The distance to this area and its character limit its usefulness in providing for such uses as children's play areas. The reserve to vest is located on the most level area of the site. Although it is located at the rear of the site it is considered useable for a recreation reserve. As such it is recommended that the condition be deleted and the reserve to vest be accepted.

2.2 Condition 1(a)(v) ***The survey plan shall show a utility reserve to vest with legal access for the siting of the water reservoir required by condition 2(b)(v) of this approval. Such a reserve shall be located to the satisfaction of the Development Engineer.***

This area of the District suffers from an inadequate water supply. The condition proposed is to ensure that land is set aside for a water reservoir primarily to ensure that fire fighting water supplies are available. This condition relates to condition 2(b)(v) which requires fire hydrants and a 50m<sup>3</sup> water reservoir for fire fighting purposes. The applicants agent considers that the applicant is being penalised for Council's lack of forward planning in not ensuring that an adequate water supply is available. The objection considers that the present supply will have sufficient head to ensure suitable water pressure is available without the need for a reservoir. However Council's Development Engineer advises that although there may be suitable pressure available, adequate volume cannot be guaranteed. This necessitates the reservoir reserve. As sufficient fire fighting water supplies are considered to be an essential part of any residential subdivision it is recommended that the condition remain.

2.3 Condition 1(b) ***The applicant shall provide evidence that the area that is currently roped (Pt lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27 & 28) has been stopped and transferred to the subdivider.***

It is agreed that this condition is superfluous as the areas which are currently legal road can not be included in lots on a survey plan until they are no longer road. As pointed out the condition would cause difficulties if the subdivision was progressed in a staged manner. As such it is recommended that the condition be deleted.



2.4 Condition 1(c) ***The applicant shall provide evidence that any required Transit New Zealand approvals to allow the formation of Fairlie Crescent have been obtained.***

The application originally included the formation of the unformed section of Fairlie Crescent. However the applicant has since advised that this is no longer certain and may not occur. As the existing access to the State Highway meets Council's engineering standards it is recommended that the condition be deleted.

2.5 Condition 2(d) ***Pay to Council a reserves contribution being the value of 7.5% of all additional residential lots created. Such a value shall be determined by a Registered Valuer and all associated costs shall be met by the applicant.***

Subject to the acceptance of the reserve to vest it is agreed that this condition should be amended to: ***Pay to Council a reserves contribution being the value of 7.5% of all additional residential lots created less the value of lot 51. Such values shall be determined by a Registered Valuer and all associated costs shall be met by the applicant.***

2.6 Condition 2(b)(i) ***Prior to commencing construction submit for the approval of Council plans of all work to be carried out on Council land and all work to be vest in Council. All works are to be designed and carried out in accordance with NZS 4404 and Council's Engineering Standards and Guidelines and are to include the following:***

***(i) The extension of Fairlie Crescent to be formed, curbed and sealed to a 10.6 metre finished carriageway width and include footpaths along one side and details of the intersection between Fairlie Crescent road extension and State Highway 12. This extension is to meet the requirements of Transit New Zealand.***

This condition requires the extension of Fairlie Crescent to be completed. As outlined under 2.4 of this report the existing formation on Fairlie Crescent satisfies Council's engineering standards. As such it is not considered necessary to require the formation of the extension. It is therefore recommended that the condition be deleted.

2.7 Condition 2(b)(v) ***Prior to commencing construction submit for the approval of Council plans of all work to be carried out on Council land and all work to be vest in Council. All works are to be designed and carried out in accordance with NZS 4404 and Council's Engineering Standards and Guidelines and are to include the following:***

***(v) A reticulated water supply with a mainline or sub-main adjacent to the boundary of each lot. The supply system is to include fire hydrants and a 50m<sup>3</sup> water storage reservoir for fire fighting purposes. No connections are to be provided to individual lots until the Council operated water supply facility's capacity has been increased.***

The applicant is prepared to accept the part of this condition that requires the installation of water mains and hydrants. However they request that the requirement to provide a 50m<sup>3</sup> reservoir be deleted. As outlined earlier Council's Development Engineer recommends that the reservoir be required to ensure that adequate volume of water is available. As such it is recommended that the condition remain unchanged.

2.8 Condition 2(B)(vii) ***Prior to commencing construction submit for the approval of Council plans of all work to be carried out on Council land and all work to be vest in Council. All works are to be designed and carried out in accordance with NZS 4404 and Council's Engineering Standards and Guidelines and are to include the following:***

***(vii) Lot 52 to be formed, curbed and sealed to 3.5 metres finished carriageway with a cul-de-sac turning circle at the end.***



The applicant's agent advises that due to the contour of the land at the end of Lot 52 it is physically impossible to form a normal turning circle. It is suggested that the condition be amended by making the turning circle suitable for light truck. It is accepted that the land is steep but at the same time it is important to ensure that adequate turning is available. The Development Engineer has recommended that the condition be amended to allow some discretion but still be suitable to turn a heavy rigid vehicle (6 metres in length).

***The condition is recommended to be amended as follows: Prior to commencing construction submit for the approval of Council plans of all work to be carried out on Council land and all work to be vest in Council. All works are to be designed and carried out in accordance with NZS 4404 and Council's Engineering Standards and Guidelines and are to include the following:***

***(vii) Lot 52 to be formed, curbed and sealed to 3.5 metres finished carriageway with adequate turning provision to accommodate a Heavy Rigid Vehicle.***

**2.9 Condition 2(d) *Provide access to each residential lot in accordance with the Council Standard FNDC/S/02.***

The objection points out that many of the lots have a choice of access depending on the house location chosen. This is a valid issue and the applicant is of the opinion that this can be controlled through the Building Consent process. Unfortunately this is not correct and Council has no ability to insist upon crossings being formed to the appropriate standard unless it is secured by consent notice. It is therefore recommended that the condition be amended to: ***Access provided to any residential lot shall be formed in accordance with the Council Standard FNDC/S/02.***

It is also necessary to add a condition to the consent condition which requires consent notices to be entered into to form the entrances to Council standards. It is recommended that the following condition be added:

**2(i) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act to be registered against the titles of all the residential lots which do not have entrances formed in accordance with condition 2(d):**

***That any entrance to the site shall be formed in accordance with the Council's access standard FNDC/S/02.***

**2.10 Condition 2(g) *Secure the condition below by way of a Consent Notice issued under Section 221 of the Act to be registered against the titles of all the residential lots:***

***"That no Council operated water supply is currently available (except for fire fighting purposes), and no connections will be allowed without the consent of Council. All Building Consent applications shall make provision for water catchment and storage on-site".***

The applicant is of the view that this condition is unnecessary and is not of their making. Irrespective of why there is a problem with water supply it is considered appropriate that future owners are aware of the situation and a consent notice is considered to be the best way of ensuring that purchasers are aware.

### **3.0. Conclusion**

**3.1** The objection has raised several issues some of which are recommended to be upheld and some dismissed in accordance with the recommendations found in the report.