



8474

24 April 2025

Resource Planner
Far North District Council
Private Bag 752
KAIKOHE 0440

RC 2250211-RMACOM – Jurisich Family Trustee Co Ltd

336 & 340 Kerikeri Road, Kerikeri

VARIATION TO RESOURCE CONSENT PURSUANT TO SEC 127 RMA 1991

The applicant seeks a variation to RC 2250211 under Section 127 of the Resource Management Act (RMA).

The proposed changes include:

- To delete condition 3(a) regarding the requirement to install a water meters to Lots 1 & 2.

This better represents the sites current semi-rural situation where onsite water collection and storage is suitable without the need for reticulated water supply.

Outline of proposed variation

It is approved that a water meter be installed to Lots 1 & 2, but instead the applicant would prefer that the lots are serviced by private onsite water tank supplies. As such, there is no requirement to be connected to the Council's reticulated water supply.

Lot 1 has the existing dwelling and already utilises onsite roof collection and storage in water tanks for potable supply. Likewise, Lot 2, a vacant site with an area of 1.6 hectares, does not require connection to the Council supply at this stage. Installing a water meter for Lot 2 is therefore considered unnecessary.

To future-proof both sites, easements will be created to secure the rights to convey water, allowing for connection to the Council's reticulated water supply should the need arise.

In addition, a consent notice is proposed for both Lots 1 and 2. This notice will acknowledge that connection to the Council's reticulated water supply was not a requirement of the subdivision. Consequently, any future connection will remain the responsibility of the respective landowner.



Section 127 RMA 1991 - Proposed consent conditions and amendments

Activity A: Subdivision Conditions

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

- a. ~~Provide evidence that separate metered connections for Lots 1 & 2 to the Council water supply scheme have been installed in accordance with the FNDC Engineering Standards.~~

DELETE

Comment: This condition is considered unnecessary given that both lots will be serviced by onsite water supplies. The proposal includes the creation of water supply easements to ensure legal access for future connection to the Council's reticulated water network if required. This approach is consistent with sustainable infrastructure planning and avoids placing undue demand on Council services where self-sufficiency is achievable and appropriate.

4. Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The cost of preparing, checking and executing the Notice shall be met by the consent holder:

- iv. Connection to the reticulated water supply was not a requirement of this subdivision consent. Any future decision to connect to the Council's water supply network will remain at the discretion and responsibility of the respective property owner.

ADD

Comment: This additional condition ensures landowners are aware of the water supply situation.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

The proposed variation to the subdivision involves enabling onsite water supply for both Lot 1 and Lot 2 without requiring immediate connection to the Council's reticulated water network. This includes excluding the installation of water meters and instead using easements to future-proof the lots, along with a consent notice clarifying the landowners' responsibilities regarding water supply.

In accordance with Clause 6 of Schedule 4 of the Resource Management Act 1991, the following assessment addresses the actual and potential effects on the environment:

1. Physical Effects on the Locality (Including Landscape and Amenity)

- The variation will have no adverse impact on the landscape character or amenity values of the area.
- Both lots are sufficiently sized to accommodate water tanks in a manner that is visually unobtrusive and consistent with existing rural-residential development.
- There will be no earthworks or physical changes to the land beyond the installation of tanks and potential trenching for future water connections within private property boundaries.

2. Effects on Ecosystems and Natural Resources

- The proposed variation does not involve the clearance of native vegetation or affect any natural watercourses.
- Onsite water storage supports water resilience and reduces dependence on centralised infrastructure, contributing to more sustainable resource management.

3. Effects on the Wider Infrastructure Network

- By avoiding immediate connection to the Council's water supply, the proposal reduces demand on existing infrastructure and delays the need for network expansion or upgrades.

4. Risks from Natural Hazards

- There are no increased risks from natural hazards as a result of the proposed variation.

5. Effects on Cultural and Heritage Values

- No archaeological sites, waahi tapu, or culturally significant features are located within or near the proposed variation area.
- The proposal does not affect any scheduled heritage buildings or landscapes, and there has been no indication of tangata whenua concern regarding this specific matter.

6. Cumulative Effects

- The variation will not give rise to cumulative adverse effects. Rather, it promotes long-term environmental sustainability through reduced infrastructure reliance.
- The proposed consent notice provides transparency and clarity for future landowners and ensures ongoing responsibility for water servicing.

7. People and Communities

- The proposal supports the social and economic wellbeing of the landowners by allowing flexible, cost-effective options for water servicing.
- Amenity and character will be maintained, with no detriment to neighbouring properties or the wider community.

8. Affected Persons

- As there are no increased adverse effects, and the variation is entirely self-contained within the lots concerned, there are no affected parties in terms of Section 95E of the RMA.

9. Relevant Statutory and Planning Provisions

- The proposal remains consistent with the objectives and policies of the District Plan, particularly in promoting sustainable infrastructure solutions and maintaining rural-residential amenity.
- It also aligns with the principles of the Resource Management Act 1991 by avoiding, remedying, or mitigating adverse effects on the environment.

Assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b)

Section 104(1)(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;*

The proposal does not detract from the intentions of any of the Policy Statements.
There are no other relevant provisions regarding this minor variation.

An application must also include an assessment of the activity's effects on the environment that –

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

CLAUSE 6

(1) An assessment of the activity's effects on the environment must include the following information:

- (a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

No concern.

- (b) an assessment of the actual or potential effects on the environment of the activity.*

The level of effects are considered adequately understood and less than minor.

- (c) if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

- (d) if the activity includes the discharge of any contaminants, a description of –*
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:*

Not applicable.

- (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:*

All approved mitigation measures would continue to be enforced as approved.

- (f) identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

There are no affected parties.

(g) *if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:*

No monitoring necessary.

(h) *if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

No concern.

(2)

A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

The proposal does not require any further investigations in respect to policy statements.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

(1) *An assessment of an activity's effects on the environment must address the following matters:*

(a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

No concerns.

(b) *any physical effects on the locality, including any landscape, and visual effects.*

No concern.

(c) *Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.*

No concern.

(d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:*

The values outlined are not seen to be depleted in this instance.

(e) *any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:*

There are none.

(f) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

To the best of our knowledge there are no concerns.

The environmental effects are deemed less than minor.

DISTRICT PLANS

The resource consent continues to maintain the same level of infringement under the boundary adjustment rules not to require re-assessment overall.

13.10.3 WATER SUPPLY

(a) *Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with "Drinking Water Standards of New Zealand" (1995).*

Lot 1 has an existing private onsite water supply that proves effective and preferred.
Lot 2 can readily practice the same without concern.

(b) *Whether the provisions of the "Engineering Standards and Guidelines 2004 – Revised March 2009" (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.*

Lot 1 is an existing use situation.
A fire hydrant exists along Kerikeri Road suitable to service Lot 2.

(c) *Whether the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004) have been met in respect of installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service and fire hydrants.*

Not applicable to private supplies.

(d) *Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision.*

No concern.

(e) *Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units.*

No concern.

(f) *13.10.4 Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public water supply utility required to be provided.*

None required.

SUMMARY

The proposed variation to the approved boundary adjustment introduces practical changes that improve the functionality of both lots, while remaining fully compliant with applicable planning provisions.

By facilitating onsite water supply and securing legal rights for potential future connection to the Council's reticulated network via easements and consent notices, the variation supports a sustainable and adaptable variation, particularly in that it reduces reliance on public infrastructure.

Overall, the variation represents a well-considered amendment. It ensures that both Lot 1 and Lot 2 remain appropriately serviced for the supply of potable water.

Yours faithfully,

Micah Donaldson

Registered Professional Surveyor



Attachments :

- *Application fee \$686 (simple)*
- *Record of Title*
- *Resource Consent*
- *Correspondence from FNDC infrastructure Department*



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **46067**
Land Registration District **North Auckland**
Date Issued 21 February 2003

Prior References
NA136D/783

Estate Fee Simple
Area 1.2517 hectares more or less
Legal Description Lot 2 Deposited Plan 311663
Registered Owners
Joan Elizabeth Jurisich and Jurisich Family Trustee Co Limited

Interests

Land Covenant in Transfer D656904.2 - 14.11.2001 at 1.45 pm

Subject to a right of way and a right to convey water and a right to supply electricity and telecommunications over part marked A and a right to convey water and a right to supply electricity and telecommunications over part marked C on DP 311663 created by Transfer 5240418.7 - 4.6.2002 at 9:00 am

Some of the easements created by Transfer 5240418.7 are subject to Section 243 (a) Resource Management Act 1991 (See DP 208706)

Appurtenant hereto is a right to convey water and a right to supply electricity and telecommunications specified in Easement Certificate 5240418.8 - 4.6.2002 at 9:00 am

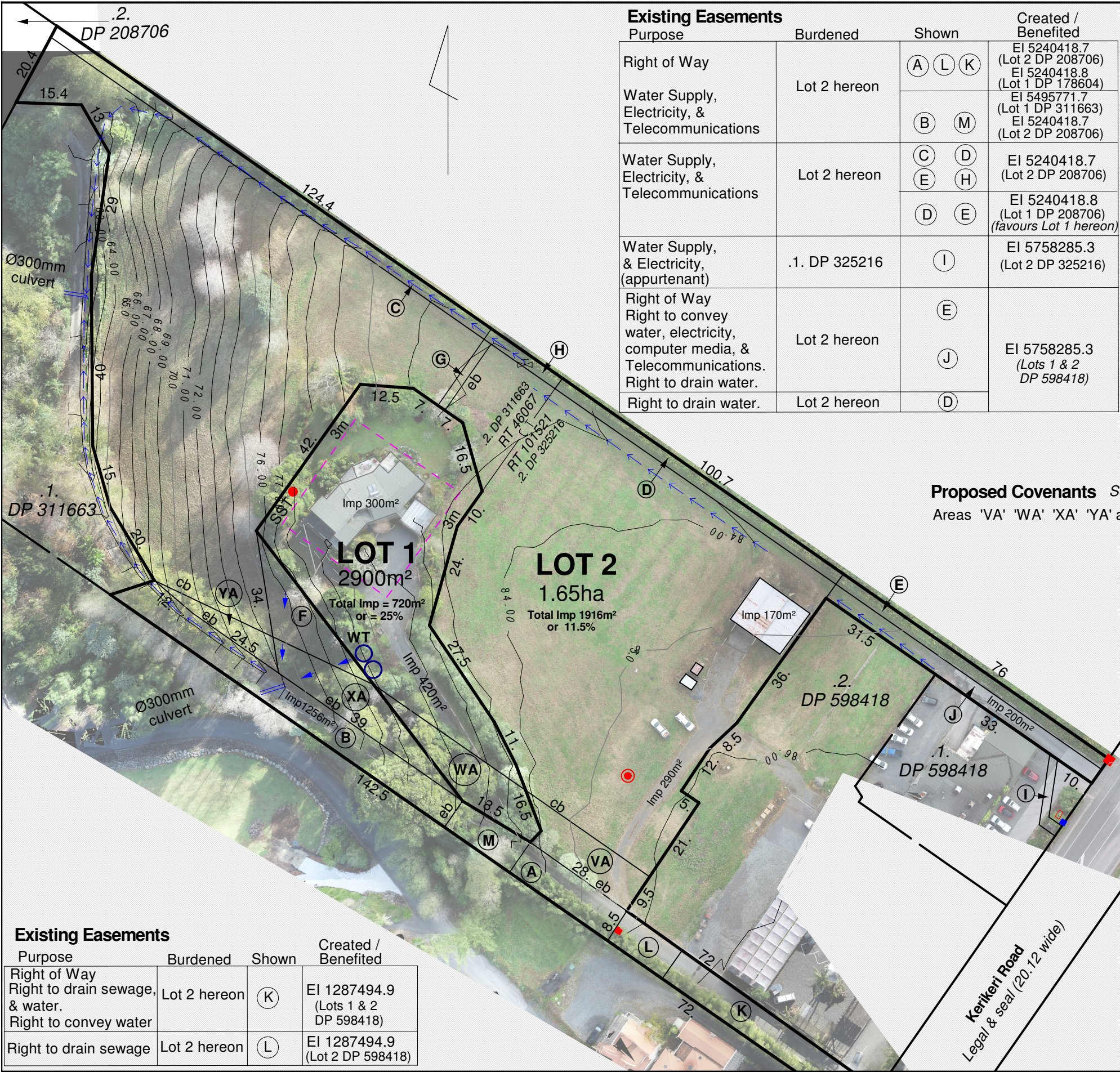
Subject to right of way and telephone, electricity and a right to convey water easements over part marked B on DP 311663 created by Easement Instrument 5495771.7 - 21.2.2003 at 9:00 am

The easements created by Easement Instrument 5495771.7 are subject to Section 243 (a) Resource Management Act 1991 10335578.5 Mortgage to ASB Bank Limited - 23.2.2016 at 4:22 pm

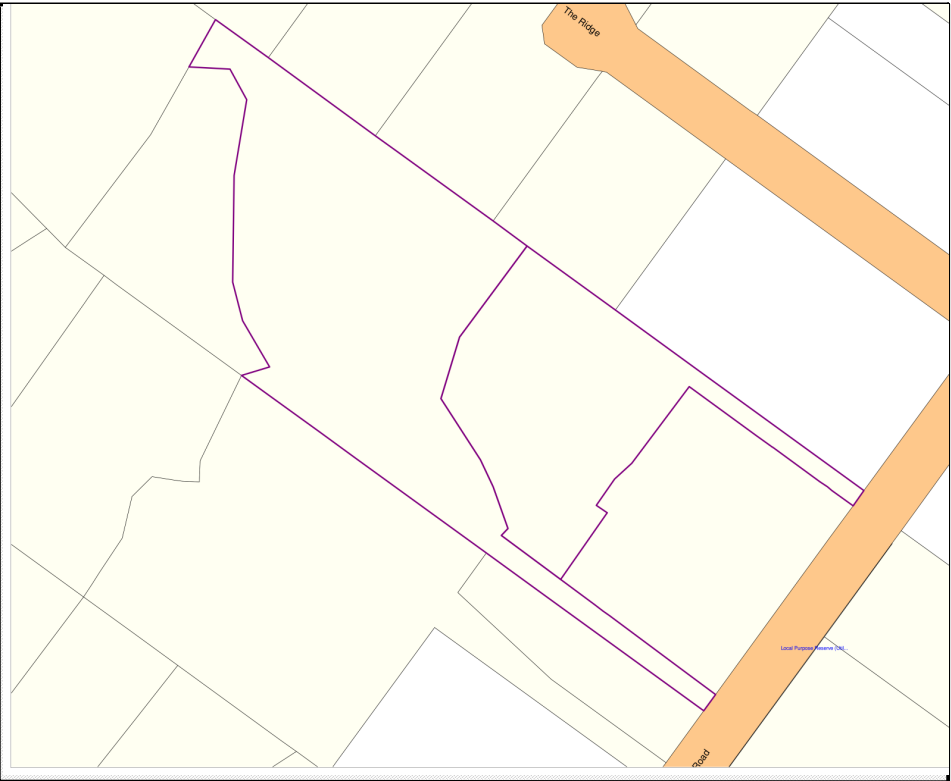
Subject to a right of way and a right to convey water and a right to drain water over part marked F and a right to drain sewage over parts marked F & O on DP 598418 created by Easement Instrument 12874949.9 - 25.3.2024 at 10:35 am

The easements created by Easement Instrument 12874949.9 are subject to Section 243 (a) Resource Management Act 1991

Approvals



Existing Easements Purpose	Burdened	Shown	Created / Benefited
Right of Way	Lot 2 hereon	(A) (L) (K)	EI 5240418.7 (Lot 2 DP 208706) EI 5240418.8 (Lot 1 DP 178604)
Water Supply, Electricity, & Telecommunications		(B) (M)	EI 5495771.7 (Lot 1 DP 311663) EI 5240418.7 (Lot 2 DP 208706)
Water Supply, Electricity, & Telecommunications	Lot 2 hereon	(C) (D) (E) (H)	EI 5240418.7 (Lot 2 DP 208706)
		(D) (E)	EI 5240418.8 (Lot 1 DP 208706) (favours Lot 1 hereon)
Water Supply, & Electricity, (appurtenant)	.1. DP 325216	(I)	EI 5758285.3 (Lot 2 DP 325216)
Right of Way Right to convey water, electricity, computer media, & Telecommunications. Right to drain water.	Lot 2 hereon	(E) (J)	EI 5758285.3 (Lots 1 & 2 DP 598418)
Right to drain water.		(D)	



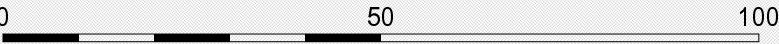
Location Map
Scale unknown

Proposed Covenants Section 221 RMA
Areas 'VA' 'WA' 'XA' 'YA' are designated for future road vesting.

Proposed Easements Purpose	Burdened	Shown	Benefited
Right of Way, Right to convey; electricity, telecommunications, water supply & sewer. Right to drain water.	Lot 2	(M) (A) (L) (K)	Lot 1
Water Supply, Electricity, & Telecommunications	Lot 2	(G) (H)	Lot 1
Right to drain water.	Lot 2	(F) (XA) (B)	Lot 1

Existing Easements Purpose	Burdened	Shown	Created / Benefited
Right of Way Right to drain sewage, & water. Right to convey water	Lot 2 hereon	(K)	EI 1287494.9 (Lots 1 & 2 DP 598418)
Right to drain sewage	Lot 2 hereon	(L)	EI 1287494.9 (Lot 2 DP 598418)

Applicant : Jurisich Family Trustee Co Limited
Titles : RT 101521 & RT 46067
Total Area : 6975m² & 1.2517ha
Zone : Rural Living (ODP) & Rural Residential (PDP)



Areas and measurements are subject to survey
Dir: Survey\8474 Bdy Adjust scheme.mjo
Scale @ A3 : 1:1000
Contour interval : 1.0m
Date : September 2024

REF : 8474

micah@donaldsons.net.nz

From: Losaline Finekifolau <Losaline.Finekifolau@fndc.govt.nz>
Sent: Tuesday, 22 April 2025 12:19 pm
To: micah@donaldsons.net.nz
Subject: RE: RC 2250211 - water supply

Hi Micah,

If the applicant is not connecting to Council's water reticulation system, then condition 3a is not relevant and application to connect is not required.

As this is an approved condition, you will need to get in touch with our resource consent team to remove this 224c condition to avoid this being problematic.

Ngā mihi



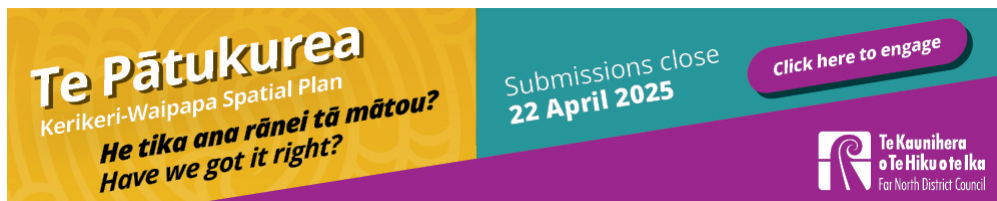
Losaline Finekifolau

Team Leader - Infrastructure Consenting

M 274218114 | P 6494015236 | Losaline.Finekifolau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029
fndc.govt.nz



From: micah@donaldsons.net.nz <micah@donaldsons.net.nz>
Sent: Tuesday, 22 April 2025 10:08 am
To: Losaline Finekifolau <Losaline.Finekifolau@fndc.govt.nz>
Subject: RE: RC 2250211 - water supply

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Losaline,

Can you please confirm that the applicant does not require a water connection for this boundary adjustment situation. Being a boundary adjustment there are no new titles being created its just a change in the boundary position. Water supply continues as it does today with reliance on roof surface catchment and onsite tanks.

Your prompt response would be appreciated.

Regards,

DECISION ON COMBINED RESOURCE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104C, 104D, 106, 108, and 220, Part 2 of the Resource Management Act 1991 (the Act), and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS), the Far North District Council **grants** land use and subdivision resource consent for a non-complying activity, subject to the conditions listed below to:

Applicant: Jurisich Family Trustee Co Ltd

Council Reference: 2250211-RMACOM

Property Address: 336 and 340 Kerikeri Road, Kerikeri 0230

Legal Description: Lot 2 DP 325216 & Lot 2 DP 311663 (RT 101521 & RT 46067)

The activities to which this decision relates are listed below:

Activity A – Subdivision:

Subdivision by way of a Boundary Adjustment in the Rural Living zone as a non-complying activity.

Activity B – Land Use:

The existing residential unit, sheds and concrete driveway on Lot 1 breaches Stormwater Management and Building Coverage in the Rural Living zone as a Discretionary activity.

Activity C – National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

To undertake a Subdivision under clause 10(2) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011).

Activity A: Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the approved plans prepared by Donaldsons Registered Land Surveyors, referenced Proposed Boundary Adjustment Between Lot 2 DP 325216 & Lot 2 DP 311663, dated September 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:

- a. All easements in the memorandum to be duly granted or reserved.
- b. Areas shown as 'VA', 'WA', 'XA', and 'YA' are subject to a covenant for a future road.

Section 224(c) compliance conditions

- 3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide evidence that separate metered connections for Lots 1 and 2 to the Council water supply scheme have been installed in accordance with the FNDC Engineering Standards.
 - b. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the boundary for Lot 2.
- 4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

- i. The areas marked 'VA, WA, XA, & YA' on Lot 1 and 2, pursuant to Far North District Council Resource Consent RC 2250211-RMACOM, shall be reserved for a future road if required.

Note: The proposed covenants for a future road were at the request of the applicant and does not bind Council to accepting the vesting of a future road. Any future roading matters to provide access to future development will be considered separately.

[Lot 1 and 2]

- ii. In conjunction with any future development, the Lot owner shall submit a stormwater management report, that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. **[Lot 2]**
- iii. Lot 2 is identified as HAIL category A10 (Persistent pesticide bulk storage or use). All activities on site shall comply with Soil Regulation 8(3) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, unless resource consent has been obtained from Council for any non-compliance. **[Lot 2]**

Subdivision Advice Notes

Lapsing of Consent

- 1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or

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

General

- 2. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- 3. In conjunction with the construction of any new buildings on Lot 2, an application to connect to Council's stormwater system, water supply system, and wastewater supply system (if in the Area of Benefit) shall be submitted to Council for approval.*
- 4. The consent holder is advised that areas marked 'VA, WA, XA, & YA' to be reserved for a future road are at the request of the applicant and does not bind Council to accepting the vesting of a future road. Additionally, at the present state Right of Way areas K and L are not wide enough to be a legal road.*
- 5. The consent holder is advised that the western portion of Lot 2 is identified as being within a kiwi present zone. If any owners or occupiers of or visitors to the lot keep or introduce onto the land any carnivorous animal (including dogs or cats) they must be kept inside and/or tied up at night. This is to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.*

Activity B: Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following conditions:

- 1. The activity shall be carried out in general accordance with the approved plans prepared by Donaldsons Registered Land Surveyors, referenced Proposed Boundary Adjustment Between Lot 2 DP 325216 & Lot 2 DP 311663, dated September 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.*

Land Use Advice Notes

Lapsing of Consent

- 1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
 - a) The consent is given effect to; or*
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

Activity C: Conditions

Pursuant to Regulation 10(2) of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health, this consent is granted subject to the following condition:

1. No conditions apply.

General Advice Notes

Right of Objection

1. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A 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 the receipt of this decision.*

Archaeological Sites

2. *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.*

General Advice Notes

3. *During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a non-complying activity resource consent as such under section 104 the Council can consider all relevant matters.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a) The proposed lots as a result of the boundary adjustment are adequately sized and shaped to accommodate all the existing and any future development to meet the amenity-based development control standards.

- b) The RC engineer and the FNDC traffic engineer confirmed Lots 1 and 2 can continue to be adequately serviced by the existing and formed vehicle crossing and accessway, as such the proposal will not create adverse effects on the safety of the roading and transportation network.
- c) The Resource Consents Engineer has assessed the proposal and has recommended the imposition of conditions which will enable the effects of the proposal to be managed so that they are not contrary to the objectives and policies of the District Plan.
- d) The proposal is consistent with the surrounding land use and does not pose any concerns relating to reverse sensitivity or land use compatibility. Therefore, the potential effects on persons relating to land use compatibility and reserve sensitivity is deemed to be less than minor.
- e) The site's current zoning in the Operative District Plan and proposed rezoning in the Proposed District Plan exclude it from Highly Productive Land classification, limiting impact on productive soils.
- f) The proposal results in no new development such as buildings that would otherwise require the consideration of the adjacent properties and potential effects.
- g) The site is identified as a HAIL site and any adverse effects that may pose a risk to human health have been remediated in accordance with the Remediation Action Plan and validated by the Site Validation Report which confirmed both prepared by NZ Environmental Management.
- h) Local iwi were circulated the application to provide commentary on, Ngati Rehia responded 27/11/2024 advising they have no concerns with the proposal.
- i) The subject sites do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscape, nor outstanding natural/landscape feature that would make the Department of Conservation, Heritage New Zealand Pouhere Taonga or iwi an affected party.
- j) Lot 1 has existing plantings/vegetation which can adequately screen the buildings and soften the development into the rural lifestyle landscape. No further plantings/landscaping were considered necessary.
- k) The situation on Lot 1 is existing, and the boundary adjustment is not anticipated to increase impermeable surfaces on Lot 1 as such the stormwater run-off from Lot 1 remains unchanged and no further mitigation was deemed necessary. Any change to the existing stormwater management issue will arise from future development on Lot 2.

- l) The positive effects are limited however the proposed boundary adjustment will allow for the landowners to downsize their existing property while being able to remain living in their family home and will allow for Lot 2 to be further subdivided into rural residential allotments to add to the land/housing stock in the Kerikeri area.
- 4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
- 5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCO),
 - b. National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
 - c. Northland Regional Policy Statement 2016,
 - d. Operative Far North District Plan 2009,
 - e. Proposed Far North District Plan 2022

National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCO)

It is noted on the Northland Regional Council's Selected Land Use Register, the land associated with this application is identified as a HAIL site. The proposal was supported by a Detailed Site Investigation, a Remediation Action Plan, and a Site Validation report and all documents were prepared by NZ Environmental Management. The DSI confirmed that pursuant to regulation 10(2)(b) the soil contamination exceeds the applicable standard in regulation 7 within the Area of Interest. However, as per regulation 9(3)(b) it is demonstrated that soil contamination does not exceed the applicable standard in NESCO regulation 7 outside the Area of Interest. Pursuant to regulation 10(3)(b) that given the volume and kind of soil contamination on site it is recommended that the site is suitable for the activity (subdivision with potential future land use) if appropriate remediation and validation of soil from within the Area of Interest is undertaken. As validated by the SVR, remediation works were carried out within the Area of Interest and the reports confirmed that following remediation, it is highly unlikely that soils on Lot 2 DP 325216 (proposed lot 2) will pose a risk to human health.

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

The objectives and policies of the National Policy Statement for Highly Productive Land aim to protect and manage highly productive land within New Zealand to ensure that highly productive land is retained to nourish future generations. The soils are classed as LUC 2s1 but are not considered to be highly productive under this statement due to the site being in a rural lifestyle environment.

Northland Regional Policy Statement 2016

The Northland Regional Policy Statement provides a framework to promote the 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. In this instance the proposal is compatible with the intent of the Regional

Policy Statement for Northland because it is not considered to be objectionable with the surrounding environment.

Operative Far North District Plan

The objectives and policies of the Rural Living zone promotes the sustainable management of natural and physical resources while enabling the efficient use and rural lifestyle development of the Rural Living zone, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Living zone. The subdivision has no adverse impacts on natural, ecological, landscape, amenity, cultural, or heritage values. It has safe vehicular access and considers natural hazards such as contaminated soils. It respects the relationship with Māori ancestral lands. Therefore, it is concluded that the activity meets the Objectives and Policies of the Subdivision chapter.

Existing development on Lot 1 is low density residential design and the future development on Lot 2 is anticipated to be of low-density residential design consistent with the existing character of the receiving environment. This future development is anticipated to be designed in a way which provides for adequate access to sunlight and daylight and retains a reasonable level of privacy on adjoining sites, thus is expected to integrate well with a no more than minor environmental impact.

Overall, the proposal supports sustainable development and is compatible with the surrounding environment without impacting productive rural activities or the natural and physical resources of the area. Therefore, it is concluded that the activity meets the Objectives and Policies of the Rural Environment.

Proposed Far North District Plan

The sites are zoned Rural Residential under the PDP. The proposed subdivision is consistent with the objectives and policies of the Rural Residential Zone, which emphasises that the character of the zone will remain predominantly residential and provides for smaller lot sizes of approximately 2,000-4,000m² that are capable of providing for on-site infrastructure servicing, as distinct from the Rural Lifestyle zone that has a larger minimum lot size and greater expectations of maintaining rural character and amenity. The Rural Residential zone may also be in a location where an urban area may grow and where land may be re-zoned for urban development when demand requires it.

The activity is not entirely consistent with SUB-P1 which enables boundary adjustments provided that the proposal does not alter the degree of non-compliance with District Plan rules and standards, the number and location of any access, the number of certificates of title; and are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure, and esplanade provisions. As Lot 1 alters the degree of compliance with the district plan rules and standards, the degree of non-compliance is increasing and therefore, the proposal would be considered a discretionary activity under with the PDP.

In summary, the proposed boundary adjustment is consistent with the minimum lot size as a discretionary activity in the rural residential zone and is considered to be compatible with the role, function and predominant character and amenity of the Rural Residential zone.

Weighting

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

The ODP's Rural Living zone objectives and policies primarily focus on promoting sustainable management and efficient use of land for rural production, while maintaining amenity values and mitigating conflicts (reverse sensitivity) between different land uses. This proposal demonstrates that the site, the boundary adjusted lots remain consistent size, scale and amenity within the rural living zone and the non-compliance is due to the small lot size of Lot 1. The proposal aligns with the ODP's objectives and policies by utilising land in a manner that supports the existing character of the area and minimising potential adverse effects on neighbours.

The PDP, on the other hand, is more sympathetic to the proposal as the zoning has changed to rural residential which allows for smaller allotments and residential development and is the interface zone between residential/commercial and rural living/production and horticulture zones. Although the PDP places increased emphasis on protecting productive land and promoting horticultural use where possible, aiming to avoid fragmentation of high-quality land. The zoning and surrounding environment does not support large production scale activities. The PDP supportive of the proposal in terms of land use objectives and policies.

Although the PDP provisions have been reviewed, there is more uncertainty in applying them since they depend on rules and methods that may change during the submission and hearing process. It is recognised that there is significant potential for these provisions to develop throughout the submission and appeal process. Consequently, at this point in the PDP process, less emphasis has been placed on the PDP provisions compared to the Operative Plan.

Precedent Effects

The Rural Living zone aims to be the interface between dense residential zones and larger productive plots. Due to the proximity to the town centre of Kerikeri and the Council reticulated infrastructure in the area, the surrounding environment is predominantly residential and commercial in nature and the surrounding lot sizes ranging from as small as 700m² in the residential zoning adjacent to the subject site in the residential zone to 4000m² within the rural living zone in newer subdivision such as The Ridge. The subdivision supports this trend and the zone's purpose, creating lots suitable for single residential units with enough space for stormwater and wastewater disposal, as well as ample outdoor areas. Future developments on these lots are expected to ensure adequate sunlight and daylight access, while maintaining privacy for neighbouring properties. These developments should integrate well with minimal environmental impact and will result in only minor, localised effects. Consequently, the activity aligns with the surrounding environment and upholds the integrity of the District Plan, without setting a precedent.

6. In regard to section 104D of the Act the activity meets at least one test as any adverse effects arising from this proposed activity will not be more than minor. Therefore, consent can be granted for this non-complying activity.

7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Eden Nathan, Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: Pat Killalea

Date: 13th December 2024

Title: Independent Commissioner

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 type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input checked="" type="radio"/> Other (please specify) <u>RC Variation</u> | |

* 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

5. Applicant Details

Name/s:

Jurisich Family Trustee Co Limited

Email:

Phone number:

Work

Home

Postal address:

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

Postcode

6. Address for Correspondence

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

Name/s:

Donaldsons Surveyors

Email:

micah@donaldsons.net.nz

Phone number:

Work 094079182

Home

Postal address:

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

PO Box 211 Kerikeri

Postcode

0245

** 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:

Jurisich Family Trustee Co Limited

**Property Address/
Location:**

336 & 340 Kerikeri Road, Kerikeri

Postcode

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

336 & 340 Kerikeri Road, Kerikeri

Postcode

Legal Description:

Lot 2 DP 325216 & Lot 2 DP 31166

Val Number:

Certificate of title:

RT 101521 & RT 46067

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.

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.

Amendment to consent condition regarding a proposed boundary adjustment in the Rural Living 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**

- | | |
|--|--|
| <input type="radio"/> Subdividing land | <input type="radio"/> Disturbing, removing or sampling soil |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> 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)

Donaldsons Surveyors Ltd

Email:

info@donaldsons.net.nz

Phone number:

Work 094079182

Home

Postal address:

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

PO Box 211 Kerikeri 0245

Postcode

0245

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)

Micah Donaldson

Signature:

(signature of bill payer)

MD

Date 24-Apr-2025

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. 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)

Micah Donaldson

Signature:

MD

Date 24-Apr-2025

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

Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with 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.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **101521**
Land Registration District **North Auckland**
Date Issued 09 October 2003

Prior References
NA110A/656

Estate Fee Simple
Area 6975 square metres more or less
Legal Description Lot 2 Deposited Plan 325216
Registered Owners
Joan Elizabeth Jurisich and Jurisich Family Trustee Co Limited

Interests

Appurtenant hereto is a right to convey water and electricity created by Transfer 5240418.7 - 4.6.2002 at 9:00 am
Some of the easements created by Transfer 5240418.7 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right to convey water and rights to supply telecommunications and electricity over parts marked A and B on DP 325216 specified in Easement Certificate 5240418.8 - 4.6.2002 at 9:00 am
Subject to a right of way, right to convey water, electricity, computer media, telecommunications and right to drain water over parts marked A and C on DP 325216 and a right to drain water over part marked B on DP 325216 created by Easement Instrument 5758285.3 - 9.10.2003 at 9:00 am
Some of the easements created by Easement Instrument 5758285.3 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right to convey water and electricity created by Easement Instrument 5758285.3 - 9.10.2003 at 9:00 am

Transaction ID 3422102
Client Reference mdonaldson001