

Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) 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

If yes, who have you spoken with? _____

2. Type of Consent being applied for

Change of conditions (s.127) (pursuant to s221(3) – Consent Notice)

3. Consultation:

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

None (Technical cancellation).yes

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

4. Applicant Details:

Name/s:

Paul and Katharine Messenger

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s: Vision Consulting Engineers Ltd Attn: Ben Perry

Email:

Phone number:

Postal address:

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

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

email is fine

6. 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: Katharine Philippa Messenger, Paul Montrose Messenger

**Property Address/
Location:**
110 River Drive, Kerikeri

Postcode

0294

7. Application Site Details

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

Name/s: Katharine Philippa Messenger, Paul Montrose Messenger

**Site Address/
Location:**
110 River Drive, Kerikeri

Postcode

0294

Legal Description: Lot 1 DP 586460

Val Number: 213/40215

Certificate of title: 1109548

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

7. Application Site Details (continued)

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.

N/A - There may be a medium sized puppy - she won't be there unless the owners are too.

8. Detailed description of the proposal:

This application relates to the following resource consent: **Subdivision Consent RC 2300498**

Specific conditions to which this application relates:

Consent Notice Instrument 12679743.2, Condition (iv)

Describe the proposed changes:

Cancellation of Condition (iv) relating to stormwater attenuation, as it is technically redundant.

9. Would you like to request Public Notification?

Yes No

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

Building Consent **EBC-2026-402/0** Ref # here (if known)

Regional Council Consent (ref # if known) **Ref # here (if known)**

National Environmental Standard consent **Consent here (if known)**

Other (please specify) **Specify 'other' here**

11. 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 (including consultation from iwi/hapū).

Your AEE is attached to this application Yes

14. 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 must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

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.

Declaration

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

Name: (please write in full)

Becky C. Peery

Signature:

Date 23/01/2026

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- Details of your consultation with Iwi and hapū
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

12. 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

13. 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) Katharine Philippa Messenger

Email:

Phone number:

Postal address:

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

Fees Information:

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

Declaration concerning Payment of Fees:

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

Name: (please write in full)

Ben C. Perry

Signature: (signature of bill payer)

Date 23/01/2026

MANDATORY



PLANNING ASSESSMENT

Application for Cancellation of Consent Notice Condition at 110 River Drive, Kerikeri

Prepared for

Kate Messenger

22/01/2026

Report Information Summary

Job no.	J15935
Report Author	Ben Perry
Version No.	1
Status	Final
Date	22/01/2026

Version No.	Date	Description
1	22/01/2026	Final issued to client.

Document Acceptance

Action	Name	Signed	Date
Author	Ben Perry	 Senior Environmental Engineer, FEngNZ, CPEng, MRSNZ	22/01/2026

Limitations

This report has been prepared by Vision Consulting Engineers Limited (VISION) based on the scope of our engagement. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. VISION does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by VISION for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



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Figure 1. Property Location



ASSESSMENT OF ENVIRONMENTAL EFFECTS

Application for Cancellation of Consent Notice Condition pursuant to Section 221 of the Resource Management Act 1991

To: Far North District Council

Applicant: Katharine Phillipa Messenger

Site Address: 110 River Drive, Kerikeri

Legal Description: Lot 1 DP 556636

Certificate of Title: 1109548

1 The Proposal

The applicant seeks to **cancel Condition (iv)** of Consent Notice 12679743.2 registered on the Certificate of Title for Lot 1 DP 556636.

Condition (iv) currently reads:

"In conjunction with obtaining a building consent or the construction of any building > 30m² in area the lot owner shall submit for the approval of Council a report prepared by a Chartered Professional Engineer... detailing appropriate stormwater management and mitigation measures designed such that the total stormwater discharged from the site, after development, is no greater than the pre development flow from the site for 10% and 50% AEP rainfall events respectively, plus an allowance for climate change."

Proposal:

To delete this condition in its entirety.



Figure 1. Property Location

Property highlighted red (approximate), image sourced from LINZ, north at top, not to scale

2 Background and Reason for Application

2.1 The Error in the Original Subdivision Condition

The subject site (Lot 1) was created via Subdivision **Consent RC 2300498**.

Condition (iv) requires "hydraulic neutrality" (attenuation) for any new building. However, a review of the technical evidence supporting that subdivision reveals that this condition contradicts the specific engineering recommendations for Lot 1.

The *Site Suitability Report* (Vision Consulting Ltd, Ref J14596, 01/12/2020) approved with the subdivision explicitly assessed Lot 1 and stated:

"Given a conservative area for a potential dwelling... the total impervious surfaces is 7%. This is within 15%... therefore no attenuation is likely to be required."

It appears the Council inadvertently applied a blanket attenuation condition to the title, overriding the site-specific evidence that confirmed it was unnecessary.

2.2 The Current Situation

The applicant is establishing a dwelling on the site (Building Consent EBC-2026-402/0). The "hydraulic neutrality" condition is preventing the issuance of the Building Consent, forcing the applicant to design and install an expensive attenuation system to collect both roof and surface water.

Given that the site discharges into a robust, vegetated gully system with ample capacity (as confirmed by the Vision Consulting Memorandum), the actual environmental benefit of attenuating flows to pre-development levels is negligible. Consequently, the significant financial cost and engineering complexity required to comply with this condition are disproportionate to the environmental outcomes achieved. Retaining the condition would therefore be inconsistent with the efficient use of natural and physical resource.

3 Assessment of Environmental Effects (AEE)

In accordance with Section 221(3A) and Section 104 of the RMA, the Council must consider the effects of the cancellation.

3.1 Technical Engineering Assessment

The applicant relies on the Technical Memorandum from Vision Consulting Engineers (Ref 15935, dated 21/01/2026), attached as Appendix A.

The Memorandum, authored by Senior Civil Engineer Ben Perry (CPEng), confirms:

1. **Redundancy:** The requirement for hydraulic neutrality is "*technically redundant*" for Lot 1.
2. **No Downstream Risk:** The site discharges to a natural overland flow path and vegetated gully system. The 2020 modelling confirmed this is "*not considered a significant flooding hazard*."
3. **Appropriate Mitigation:** The primary risk in this location is scour (velocity), not volume. This is adequately managed via standard **Building Code (E1)** compliance (energy dissipation at the outfall) rather than the flow restriction required by the Consent Notice.



3.2 Summary of Effects

Cancelling the condition allows stormwater to be managed via standard E1 solutions appropriate for the rural environment.

- **Flooding:** There is a *de minimus* increase in downstream flood risk as the receiving environment (gully) has ample capacity.
- **Erosion:** Erosion will be managed via the Building Consent process (outfall design), which is the standard method for Rural Production lots.
- **Positive Effects:** The cancellation corrects an administrative error, aligns the Title with the technical evidence, and removes unjustified compliance costs.

Conclusion: The adverse environmental effects of cancelling the condition are **less than minor**.

4 Statutory Assessment

4.1 Operative Far North District Plan

The site is zoned **Rural Production**. The proposal has been assessed against the relevant provisions of the ODP.

- **Rural Production Zone (Objective 8.6.3.1):** To promote the sustainable management of natural and physical resources in the Rural Production Zone. **Assessment:** The removal of the condition allows for the efficient use of the site for rural living (a permitted activity) while ensuring effects are contained within the site boundaries via standard building controls. This is consistent with the sustainable management purpose of the zone.
- **Rural Production Zone (Rule 8.6.5.1.3 - Stormwater Management):** This rule states that *Permitted Activities* may have a maximum proportion of gross site area covered by buildings and impermeable surfaces of **15%**. **Assessment:** The original engineering report confirms the proposed development results in only **7%** coverage. Because the proposal is well within the Permitted Activity threshold for the zone, the strict "hydraulic neutrality" required by the Consent Notice is an unjustified additional burden that exceeds the District Plan's own requirements.
- **Subdivision (Rule 13.7.3.4 - Stormwater Disposal):** This rule requires allotments to be provided with a means of disposal that avoids adverse effects. Clause (d) notes that flow rate control is required "*Where flow rate control is required to protect downstream properties...*" **Assessment:** The engineering evidence (Vision Consulting, 2026) confirms that flow rate control (attenuation) is **not** required to protect downstream properties in this specific location. Therefore, cancelling the condition aligns with the intent of Rule 13.7.3.4.
- **Natural Hazards (Objective 12.4.3.2):** To ensure that development does not induce natural hazards or exacerbate the effects of natural hazards. **Assessment:** The removal of the condition does not materially increase the risk of flooding as confirmed by the Vision Consulting Memorandum. The proposal relies on standard Building Code controls (E1) which is consistent with the objective of managing low-risk sites efficiently.



4.2 Proposed District Plan (PDP)-Legal Effect Assessment

The Council has noted that certain rules in the PDP have immediate legal effect (Section 86B RMA), specifically those regarding water and soil conservation.

- **Natural Hazards:** The site is **not** mapped within a River Flood Hazard or Coastal Hazard overlay in the PDP. Therefore, the strict hazard management rules do not apply.
- **Stormwater Quantity:** The PDP generally provides for stormwater discharge from low-density rural development as a Permitted Activity, provided it does not cause scouring or erosion.
- **Assessment:** As confirmed by the Vision Consulting Memorandum, the proposal utilises standard energy dissipation (E1) to prevent erosion. Therefore, the activity remains consistent with the "soil conservation" intent of the PDP rules that have legal effect. The cancellation of the Consent Notice does not trigger a need for a new Resource Consent under the PDP.

4.3 Resource Management Act 1991

The application is made under **Section 221(3)** to vary or cancel a condition of a consent notice.

- **Section 104(1)(a) (Effects):** The actual and potential effects on the environment are less than minor (refer to Section 3.0 of this report).
- **Section 104(1)(b) (Plans):** The proposal is consistent with the objectives and policies of the Operative and Proposed District Plans (refer to Sections 4.1 and 4.2).
- **Section 7(b) (Efficient Use):** The Act requires particular regard to the "*efficient use and development of natural and physical resources.*" The imposition of high-cost engineering infrastructure (attenuation tanks) to manage a negligible risk is an inefficient use of resources. The cancellation allows for a cost-effective solution (E1 compliance) that is proportionate to the scale of the effect.
- **Section 5 (Purpose):** The proposal promotes sustainable management by enabling the applicant to provide for their social and economic wellbeing (housing) without unnecessary compliance costs, while safeguarding the life-supporting capacity of the receiving gully system through appropriate standard design.

5 Conclusion

The existing Condition (iv) imposes a specific engineering methodology (hydraulic neutrality) that contradicts the Council's own approved technical file for the subdivision. Senior Civil Engineer Ben Perry has confirmed that the condition is technically redundant and that standard Building Code compliance is the Best Practicable Option.

The Council is requested to process this application on a non-notified basis and grant the cancellation of Condition (iv).



Appendix A

Technical Memorandum – Vision Consulting Engineers (21/01/2026)



MEMORANDUM

Project Reference: 15935
21/01/2026

Tel: 09.401.6287
info@vce.co.nz

Far North District Council
Private Bag 752
Kaikohe 0440

Level 1
62 Kerikeri Road
Kerikeri 0230

Project Location: 110 River Drive, Kerikeri (Lot 1 DP 556636)
Subject: Technical Review of Consent Notice 12679743.2 – Condition (iv) Stormwater

www.vce.co.nz

1 Purpose

This memorandum has been prepared to support an application under Section 221 of the Resource Management Act 1991 to cancel Condition (iv) of Consent Notice 12679743.2 registered on the Record of Title for Lot 1 DP 556636.

2 Background

Condition (iv) of the Consent Notice currently requires that any building >30m² must be provided with a stormwater management system designed to achieve hydraulic neutrality (i.e., post-development flows shall not exceed pre-development flows for the 10% and 50% AEP events).

We understand this condition has prevented the issuance of Building Consent EBC-2026-402/0 for a relocated dwelling on the site.

3 Technical Assessment

We have reviewed our original engineering evidence supporting the underlying subdivision (Subdivision Consent RC 2300498), specifically the Site Suitability Report (Vision Consulting Ltd, Ref J14596, dated 01/12/2020).

It is our professional opinion that the imposition of strict hydraulic neutrality (attenuation) on Lot 1 contradicts the findings of our original site-specific assessment.

3.1 Original Findings (2020)

Section 1.1.1 of our 2020 Report explicitly assessed the attenuation requirements for Proposed Lot 1. The report calculated a conservative impervious area of 7% (well below the 15% permitted activity threshold) and stated:

"Given a conservative area for a potential dwelling, paved driveway and parking area the total impervious surfaces is 7%. This is within 15%, which is the permitted activity requirements for a rural production zone; therefore no attenuation is likely to be required."

3.2 Receiving Environment

The site discharges towards a natural overland flow path and vegetated gully system. Our 2020 modelling (Section 1.1.2) confirmed that the extent of overland flow is "not considered a significant flooding hazard."

In this specific context, where discharge is directed to a robust natural receiver (the gully) rather than a capacity-constrained pipe network or a sensitive downstream neighbour, the primary hydraulic risk is **scour (velocity)** rather than **volume**.

4 Conclusion and Recommendation

The requirement for hydraulic neutrality (attenuation tanks) imposes an unjustified engineering constraint that provides no tangible environmental benefit for this specific lot. The minimal increase in runoff volume from the proposed dwelling is negligible within the wider catchment context.

We confirm that:

Attenuation is not required: The cancellation of Condition (iv) is consistent with the technical recommendations of the original Site Suitability Report (J14596).

Standard Compliance is Sufficient: Stormwater can be adequately managed via standard Building Code (E1) compliance. The focus should be on energy dissipation at the outfall to prevent erosion in the gully in accordance with the Building Code (E1), rather than flow restriction.

We support the cancellation of Condition (iv) on the basis that it is technically redundant for Lot 1.

On Behalf of Vision Consulting Engineers Ltd.

Prepared By:



Ben Perry
Senior Civil Engineer (FEngNZ, CPEng, MRSNZ)

Appendix B

Certificate of Title





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**

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




R.W. Muir
Registrar-General
of Land

Identifier **1109548**

Land Registration District **North Auckland**

Date Issued 04 July 2023

Prior References

NA127A/267

Estate Fee Simple

Area 1.0019 hectares more or less

Legal Description Lot 1 Deposited Plan 586460

Registered Owners

John Trevor Kimberley as to a 1/2 share

Sharon May Ryan as to a 1/2 share

Interests

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Appurtenant hereto are electricity rights specified in Easement Certificate C661268.8 - 3.10.1994 at 1:49 pm

The easements specified in Easement Certificate C661268.8 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights of way specified in Easement Certificate C858483.4 - 27.6.1995 at 1.55 pm

The easements specified in Easement Certificate C858483.4 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights of way specified in Easement Certificate C965805.4 - 11.3.1996 at 3.07 pm

The easements specified in Easement Certificate C965805.4 are subject to Section 243 (a) Resource Management Act 1991

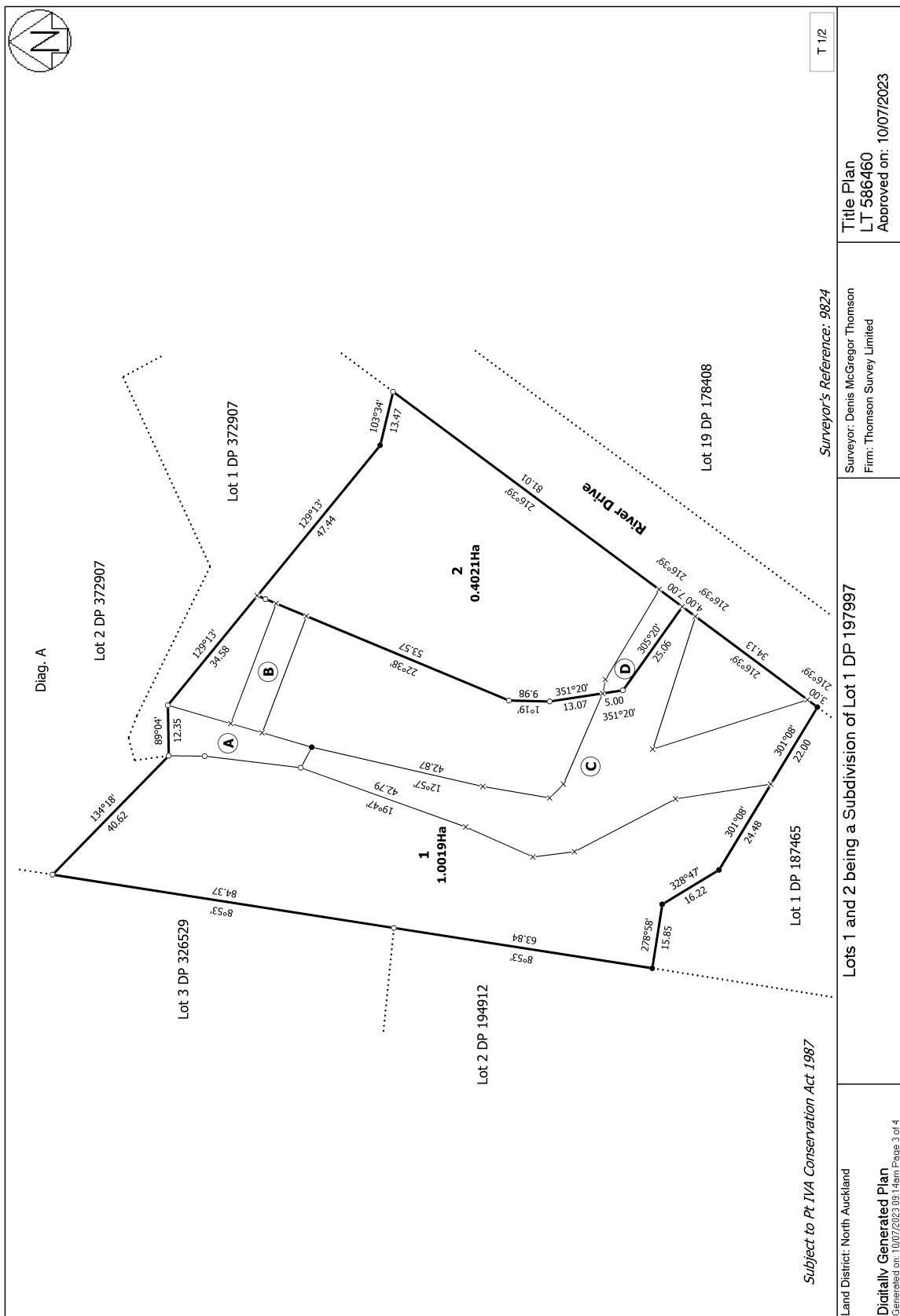
D274517.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 22.5.1998 at 2.38 pm

D443884.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - produced 27.10.1999 at 3.46 pm and entered 3.11.1999 at 9.00 am

12679743.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.7.2023 at 11:42 am

Subject to a right to convey water and a right to drain water over part marked B on DP 586460 created by Easement Instrument 12679743.3 - 4.7.2023 at 11:42 am

The easements created by Easement Instrument 12679743.3 are subject to Section 243 (a) Resource Management Act 1991



Appendix C

Original Site Suitability Report 2020

(Excerpts)





SITE SUITABILITY REPORT

100 River Drive, Kerikeri

Prepared for

Sharon Ryan

1/12/2020

Report Information Summary

Job no.	J14596
Report Author	Callum Smith
Report Reviewer	Dan Simmonds
Version No.	1
Status	Final
Date	1/12/2020

Version No.	Date	Description
1	12/11/2020	Final issued to client.
2	01/12/2020	Changes made to Appendix B and sections 6.2.2 and 9. Final issued to client.

Document Acceptance

Action	Name	Signed	Date
Author	Callum Smith	 Engineering Technician BEng Tech	01/11/2020
Reviewer	Ben Perry	 Senior Civil Engineer, CEngNZ, IntPE	01/11/2020

Limitations

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The nature and continuity of the subsurface materials are inferred and it must be appreciated that actual conditions could vary from that described herein.



Vision Consulting Engineers Ltd
Level 1, 62 Kerikeri Road
Kerikeri 0230

5.7 Special Soils

Special soils have not been observed as being present at the site. Therefore the risk associated with special soils is considered low.

6 Stormwater Management

The FNDC District Plan Section 8.6.5.1.3 states the following in regard to the disposal of storm-water management as a permitted activity in the Rural Production Zone:

"The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%."

From the site walkover it was observed that:

- Minor stormwater flows are anticipated to enter the site via an overland flow path located in the south eastern portion of the site, following the path of the natural gully to the small pond located to the north of the property.
- The existing concrete culvert that passes beneath River Drive was observed to be clear of blockages and seemed to be in acceptable condition. It should be noted that it has been assumed that the concrete culvert was appropriate sized at the time of the original subdivision and that the culvert does not back up.
- The existing Ø200mm PVC culvert and stormwater drain to the southeast of the existing dwelling needs to be cleaned as it is currently blocked with leaf litter and vegetation.
- The existing Ø300mm concrete culvert located at the top of the gully appeared to be in acceptable condition with a well contained secondary flow path over the grassed accessway to the south of the gully.

6.1 Proposed Lot 1

6.1.1 Attenuation Requirements

Proposed Lot 1 was considered using the following parameters for pervious and impervious surface areas for a potential development scenario:

Table 1. Proposed Lot 1 Development Scenario

Surface	Area	% of Total Area
Units	(m ²)	(%)
Pervious (grass)	9305	93.05
Roof Area and Water Tanks	420	4.2
Driveway and Parking	275	2.75
Total Impervious Area	695	7

Given a conservative area for a potential dwelling, paved driveway and parking area the total impervious surfaces is 7%. This is within 15%, which is the permitted activity requirements for a rural production zone; therefore no attenuation is likely to be required.

6.1.2 Stormwater Management

The natural overland flow path upstream of the gully and the secondary flow of the Ø300mm concrete culvert that is located underneath River Drive was modelled for a 1% AEP storm event, refer VISION Drawings Appendix B and Calculations Appendix C. The maximum depth of flow was



determined to be 60mm with a velocity depth product of 0.06m²/s, conservatively assuming a channel grad of 8%. Steeper grades are anticipated to be adequately protected given that erosion was not observed in these areas. **The extent of overland flow is therefore not considered a significant flooding hazard.**

It is recommended that any structures or earthworks to be completed should avoid the area of the modelled flow; where accessways cross a flow path, they should be designed to allow the 1% AEP flow to follow the overland flow path.

It is recommended that stormwater from impervious surfaces and overflow from rainwater tanks be piped into the natural overland flow paths downstream of the proposed dwelling, discharged in a manner that prevents erosion, and at the required setback from any wastewater disposal fields.

6.2 Proposed Lot 2

6.2.1 Attenuation Requirements

Proposed Lot 2 was considered using the proposed site area and the following parameters for pervious and impervious surface areas based on the current situation:

Table 2. Proposed Lot 2 Development Scenario

Surface	Area (m ²)	% of Total Area
Units		
Pervious (grass)	3009	74.5
Roof Area and Water Tanks	185	4.6
Driveway and Parking	845	20.9
Total Impervious Area	1030	25.5

Given the current layout of the site and the proposed Lot size, the total impervious surfaces make up 25.5% of the total area. This is greater than the permitted 15% therefore attenuation is needed to mitigate the effects of runoff from the proposed Lot.

Because the driveway and parking areas make up 20.9% of the impervious surfaces, runoff from some of these areas need to be collected and directed to the attenuation system in order to reduce flows below the threshold of 15% impervious cover.

6.2.2 Stormwater Management

It is anticipated that minor modification will be needed to collect runoff from the metalled access and parking areas and a system to convey this water to an attenuation system. Runoff from roofed areas is anticipated to provide the drinking water supply. Where attenuation is needed, the water tanks could either provide attenuation storage or be connected to a dedicated attenuation tank system where required. The outlet from the water tanks and/or attenuation tanks should discharge near the northern open drain with measures to reduce the high energy of the flow that is likely from the steep grade of the pipe. The detailed design of the system is outside the scope of this report, and is anticipated to be a condition of consent.

It is recommended that stormwater attenuation design is carried out by a chartered professional engineer. The attenuation design shall reduce peak flows from the site to the equivalent of the site with 15% impervious cover for a 10-minute 10% AEP rainfall event assuming a climate change scenario of RCP6.0 for the period 2081-2100.

It is recommended that any structures or earthworks to be completed should avoid the area of the modelled flow; where accessways cross a flow path, they be designed to allow the 1% AEP flow to follow the overland flow path.



It is recommended that easements or another form of security be placed over the primary and secondary overland flow path/drains to provide appropriate designation of the flow paths, refer Appendix B.

It is recommended that stormwater from impervious surfaces and overflow from rainwater tanks be piped into the natural overland flow paths downstream of the proposed dwelling, discharge in a manner that prevents erosion, and at the required setback from any wastewater disposal fields.

7 Wastewater Disposal

7.1 Onsite Effluent Disposal

The property lies outside the area currently serviced by council reticulation and is considered unlikely to become sewered in the long term. Therefore it is proposed to dispose of wastewater via on-site wastewater disposal.

7.2 Soil Survey and Analysis

A soil survey was undertaken at the site to determine the suitability for application of treated effluent. The soil survey was carried out based on one investigation borehole to 1.2m depth below ground level. The results of the soil survey are summarised below:

- The soils overlying the potential wastewater disposal field generally consist of dark greyish brown topsoil (clayey SILT) to a depth of 0.15m, underlain by greyish brown and yellowish orange silty CLAY to a depth of at least 1.2m below ground level.

The location of the investigation borehole is shown on the Wastewater Feasibility Plan included in Appendix B and borehole logs are included in Appendix D.

7.3 Groundwater

Groundwater was not encountered in the soil survey. Static groundwater level is expected to be at >3m bgl (inferred). Static water level in a nearby boreholes recorded by the NRC is between 3.0 and 6.0m bgl. Perched groundwater table could be expected to rise during the winter months or extended periods of wet weather.

7.4 Assumptions of Assessment

For the purpose of the site suitability report, it has been assumed that lot 1 will include a modern 4 bedroom dwelling (6 people). In addition the following design parameters have been assumed:

- Design flows of 160 litres/day per person (each dwelling contains dual flush toilets, low water use dishwasher, no garbage grinder and on rainwater supply)
- Design loading rates of 3.0 L/m²/day
- Irrigation area of 720m² (including 100% reserve) for the above design loading rates.

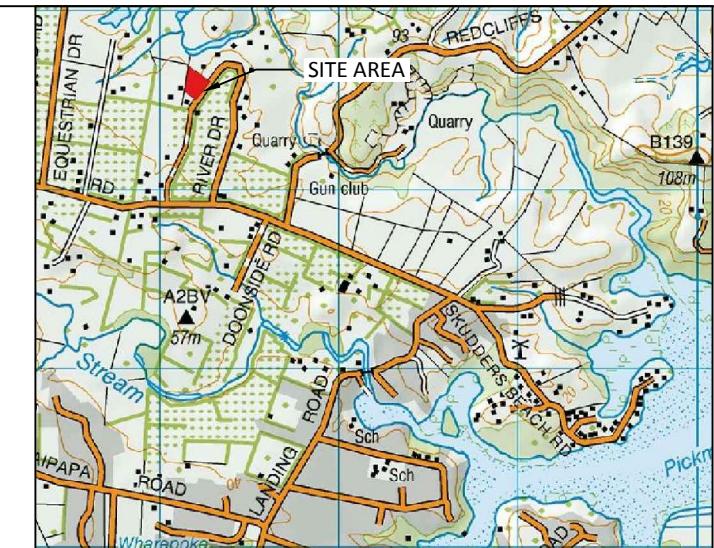
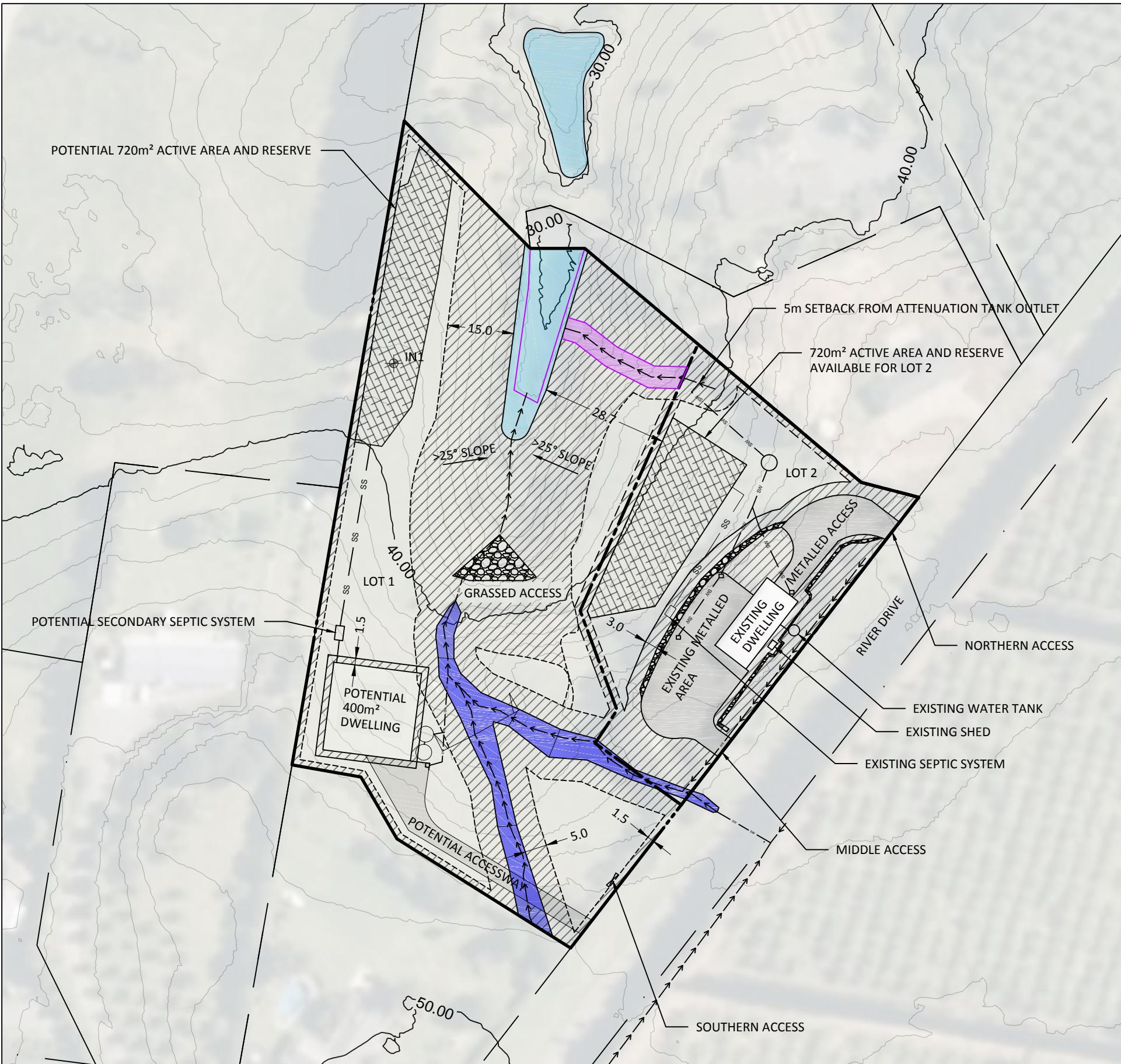
For the purpose of the site suitability report, it has been assumed that lot 2 will remain with a 1 bedroom dwelling (2 people). In addition the following design parameters have been assumed:

- Design flows of 200 litres/day per person (each dwelling contains dual flush toilets, low water use dishwasher, no garbage grinder and on rainwater supply)
- Design loading rates of 3.0 L/m²/day
- Irrigation area of 267m² (including 100% reserve) for the above design loading rates.

7.5 Site Constraints

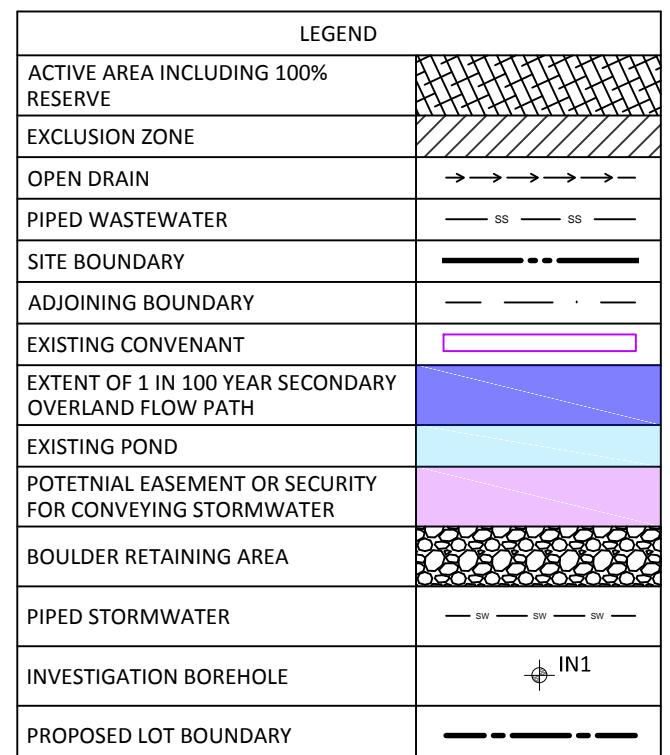
The following site constraints have been identified for the site:





LOCALITY PLAN

SCALE (A3) NTS

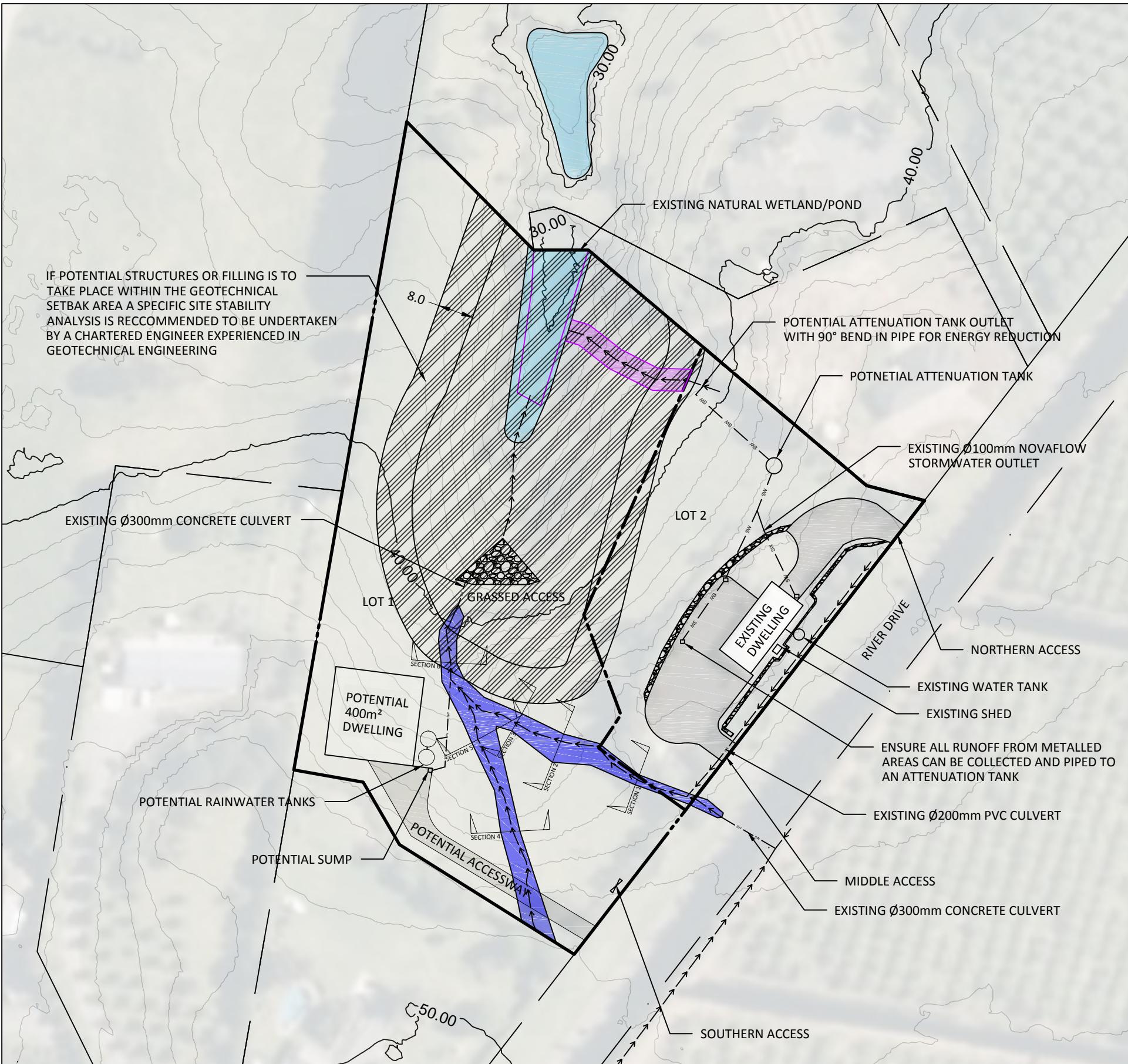


NOTE:

1. ALL STRUCTURES AND FEATURES ARE APPROXIMATE IN LOCATION AND SIZE AND HAVE BEEN BASED ON SITE WALKOVER AND PLAN BY THOMPSON SURVEY, REF No. 9824, DATED 31 AUGUST 2020.
2. PROPOSED WASTEWATER SYSTEMS ARE TO DEMONSTRATE THAT SUFFICIENT AREA IS AVAILABLE WITHIN THE PROPOSED ALLOTMENT; ACTUAL SIZE AND LOCATION TO BE DETERMINE AT TIME OF BUILDING CONSENT.
3. STORMWATER MANAGEMENT DEPICTED IN THIS PLAN IS TO DEMONSTRATE FEASIBILITY, DETAILED DESIGN AND SPECIFICATIONS ARE REQUIRED FOR CONSTRUCTION.

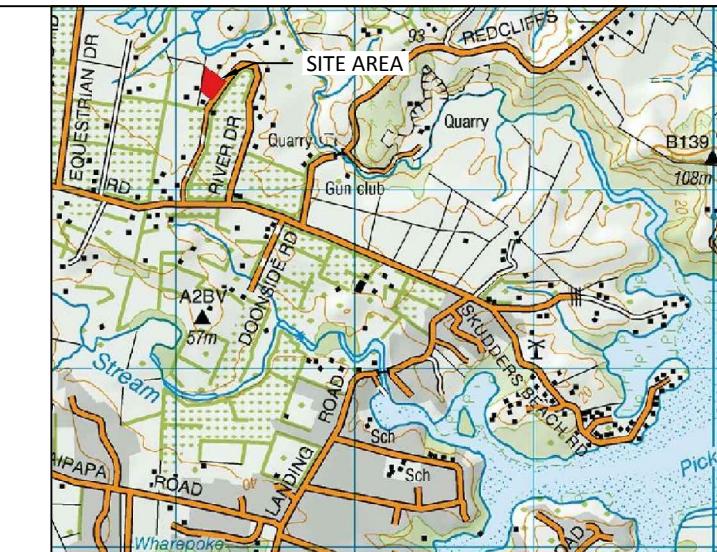
A horizontal scale bar with tick marks at 0, 10, 20, 30, 40, and 50. Below the scale bar, the text "Scale 1:1000 (m)" is written.

NOT FOR CONSTRUCTION



NOTE:

1. ALL STRUCTURES AND FEATURES ARE APPROXIMATE IN LOCATION AND SIZE AND HAVE BEEN BASED ON SITE WALKOVER AND PLAN BY THOMPSON SURVEY, REF No. 9824, DATED 31 AUGUST 2020.
2. SECTIONS SHOWN WERE USED TO ESTIMATE DEPTH, EXTENT AND VELOCITY OF SURFACE FLOWS BASED ON LiDAR FROM NRC.
3. STORMWATER MANAGEMENT DEPICTED IN THIS PLAN IS TO DEMONSTRATE FEASIBILITY, DETAILED DESIGN AND SPECIFICATIONS ARE REQUIRED FOR CONSTRUCTION.



LOCALITY PLAN

SCALE (A3) NTS

SITE INFORMATION:	
Lot 1 DP 197997	
Area: 14020m ²	
100 River Drive, Kerikeri	
Zone: Rural Production (FNDC)	
STORMWATER MANAGEMENT:	
Lot 1 Impermeable surfaces:	
Proposed building roof and water tank area: 420m ²	
Proposed parking and access area: 275m ²	
Total impermeable surfaces: 695m ² (7%)	
Permitted activity maximum: 15% or 1500m ²	
Lot 2 Impermeable surfaces:	
Existing building roof and water tank area: 185m ²	
Existing parking and access area: 845m ²	
Total impermeable surfaces: 1030m ² (25.5%)	
Permitted activity maximum: 15% or 606m ²	

LEGEND	
OPEN DRAIN	→ → → → →
PROPOSED LOT BOUNDARY	— — — — —
SITE BOUNDARY	— — — — —
ADJOINING BOUNDARY	— — — — —
EXISTING CONVENTION	— — — — —
EXTENT OF 1 IN 100 YEAR SECONDARY OVERLAND FLOW PATH	— — — — —
EXISTING POND	— — — — —
POTENTIAL EASEMENT OR SECURITY FOR CONVEYING STORMWATER	— — — — —
BOULDER RETAINING AREA	— — — — —
PIPED STORMWATER	— SW — SW — SW
METALLED/PAVED AREA	— — — — —
GEOTECHNICAL SETBACK AREA	— — — — —

0 10 20 30 40 50
Scale 1:1000 (m)

NOT FOR CONSTRUCTION

Appendix D

Site Photos



Site Photos (3 Photos)

Project: 110 River Drive, Kerikeri (Lot 1 DP 556636)

Photos Date: 6 October 2025



Photo 1: Site Photo

View of the property taken from the western boundary looking east with a fish-eye lens. The proposed building platform and access can be seen on the right side of the image. The topography is gentle, with the depression in the landscape visible on the drive. The receiving environment is in the middle of the image, and the gully is on the left-hand side of the image.



Photo 2: Stormwater Discharge Point (The Depression)

View of the existing vegetated natural depression in the landscape below the building platform, forming an overland flow path to the east and northeast of the building platform. This area acts as the natural receiving environment for overland flow. The dense grass cover and natural channel provide robust capacity for stormwater discharge.





Photo 3: Downstream Environment (The Gully)

View looking downstream from the discharge point. There are no immediate downstream neighbours, structures, or council infrastructure that would be adversely affected by the discharge. No evidence of existing scour or erosion is visible in the natural flow path.





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **1109548**

Land Registration District **North Auckland**

Date Issued 04 July 2023

Prior References

NA127A/267

Estate Fee Simple

Area 1.0019 hectares more or less

Legal Description Lot 1 Deposited Plan 586460

Registered Owners

Paul Montrose Messenger and Katharine Philippa Messenger

Interests

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Appurtenant hereto are electricity rights specified in Easement Certificate C661268.8 - 3.10.1994 at 1:49 pm

The easements specified in Easement Certificate C661268.8 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights of way specified in Easement Certificate C858483.4 - 27.6.1995 at 1.55 pm

The easements specified in Easement Certificate C858483.4 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights of way specified in Easement Certificate C965805.4 - 11.3.1996 at 3.07 pm

The easements specified in Easement Certificate C965805.4 are subject to Section 243 (a) Resource Management Act 1991

D274517.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 22.5.1998 at 2.38 pm

D443884.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - produced 27.10.1999 at 3.46 pm and entered 3.11.1999 at 9.00 am

12679743.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.7.2023 at 11:42 am

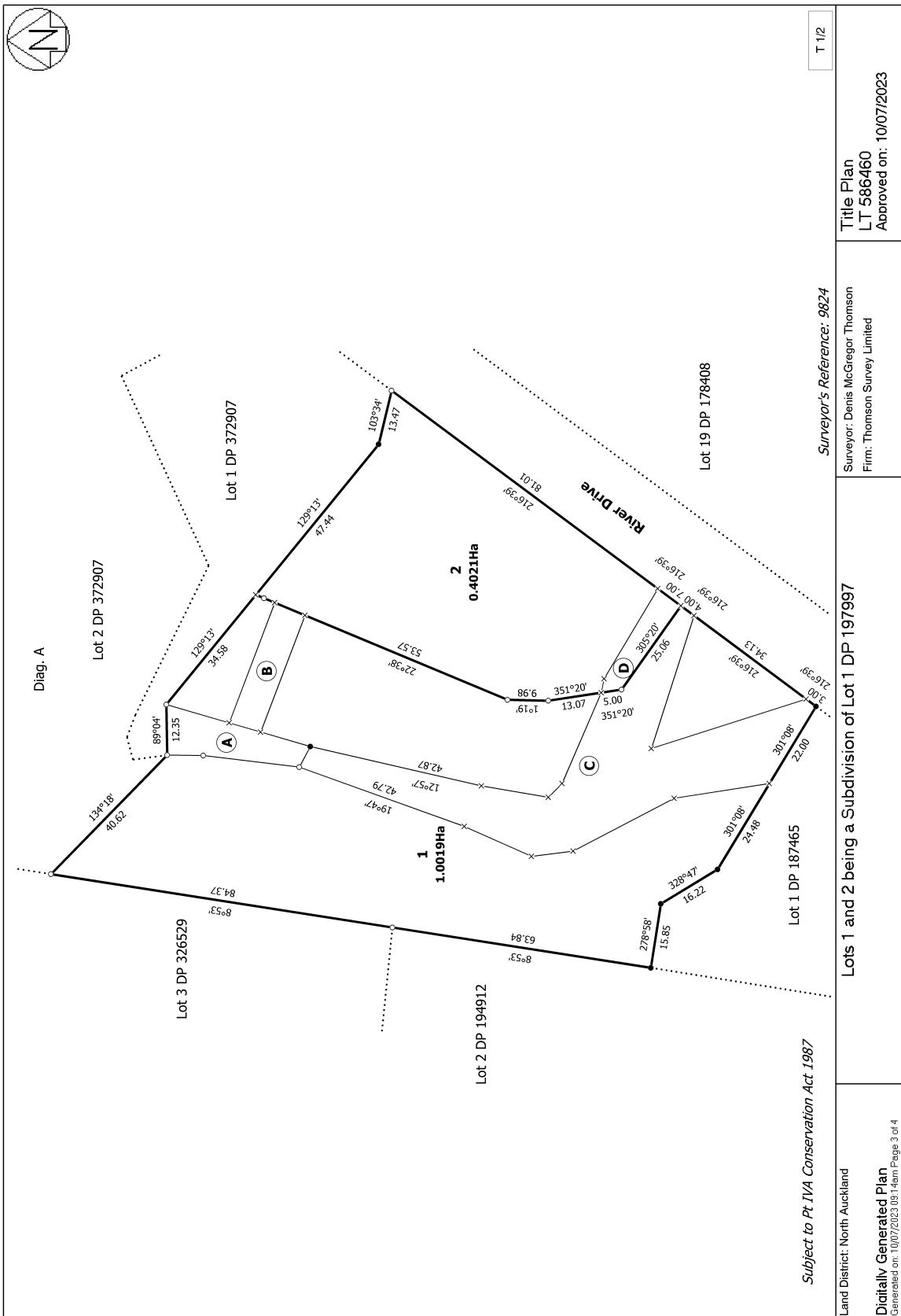
Subject to a right to convey water and a right to drain water over part marked B on DP 586460 created by Easement Instrument 12679743.3 - 4.7.2023 at 11:42 am

The easements created by Easement Instrument 12679743.3 are subject to Section 243 (a) Resource Management Act 1991

13324633.1 Variation of Consent Notice 12679743.2 pursuant to Section 221(5) Resource Management Act 1991 -

10.6.2025 at 11:48 am

13407005.2 Mortgage to ASB Bank Limited - 23.9.2025 at 12:49 pm



Property Guru

By  CoreLogic®

Property Guru document ordering service

Document, Interest, Instrument: D274517.2

CoreLogic Reference: 2276053/1

Processed: 19 September 2017

Sourced from Property Guru, a CoreLogic solution. For any queries about this document or this service please call 0800 355 355 or email documentordering@corelogic.co.nz.

D274517-2 CONO



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

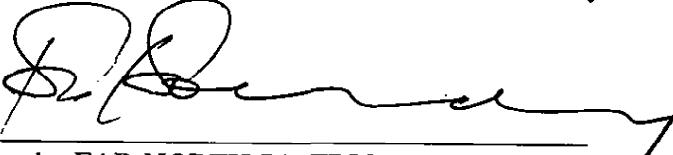
REGARDING The subdivision of Lot 11 DP 171115 Kerikeri S D North Auckland Registry.

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

SCHEDULE

- (1) The operation of agricultural and horticultural equipment, including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system.

SIGNED:



by the FAR NORTH DISTRICT COUNCIL
under delegated authority.

DATE: 7 May 1998

RC 1971120

238 22.MAY.98 D 274517.2

PARTICULARS ENTERED LAND REGISTRY
ACST LAND REGISTRY
NORTH AUCKLAND



2

C221- 25



THE RESOURCE MANAGEMENT ACT 1991
SECTION 221 CONSENT NOTICE

CONO D443884.2 Consent

Cpy - 01/01, Pgs - 002, 08/05/14, 14:41



DocID: 514802390

Regarding

The subdivision of Lot 2

Deposited Plan 187465

North Auckland Land Registry

Pursuant to Section 221 and for the purpose of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by **THE FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the Schedule below are to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan, and is to be registered on the appropriate new Titles for Lots 1 and 2 Deposited Plan 197997.

SCHEDULE

1. The operation of agricultural and horticultural equipment, including sprays and chemicals is a permitted activity in the area (subject to compliance with any relevant legislation). The owners and/or the occupiers are to install an approved water filtration system for water collected from exposed surfaces used for human consumption.
2. The owners and/or the occupiers will not draw water from and they will maintain the areas marked A and B on DP 197997 ("the Dam") in such a manner as will preserve the Dam as a wildlife habitat and enhance the amenity values of the Dam within the meaning ascribed that term by s2 Resource Management Act 1991.

SIGNED:

by **THE FAR NORTH DISTRICT COUNCIL** - pursuant to Section 252 of the Local government Act 1974

DATE:

15th Sept 1999

This reproduction is certified to be a
true copy of D 4 4 3 8 8 4 . 2
for the purposes of section 215B
Land Transfer Act 1952 - 8.5.2014

Ch
For RGL



D 4 4 3 8 8 4 . 2

produced 27.10.1999 at 3.45 pm
entered 3.11.1999 at 9.00 am

D274517-2 CONO



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

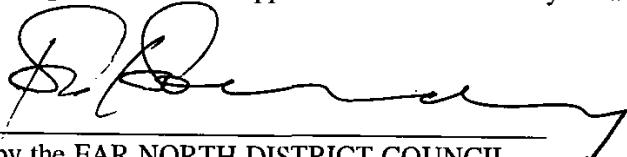
REGARDING The subdivision of Lot 11 DP 171115 Kerikeri S D North Auckland Registry.

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

SCHEDULE

- (1) The operation of agricultural and horticultural equipment, including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system.

SIGNED:


by the FAR NORTH DISTRICT COUNCIL
under delegated authority.

DATE: 7 May 1998

RC 1971120

238 22 MAY 98 D 274517-2

PARTICULARS ENTERED LAND REGISTRY
ASST LAND REGISTRAR



01100 5112470

2

C221- 25

Vision Consulting <info@vce.co.nz>

Re: J15935 - 110 River Drive, Kerikeri - Agent Authority

1 message

Kate Messenger <katepmessenger@gmail.com>
To: Vision Consulting <info@vce.co.nz>

23 January 2026 at 09:53

Hi,

Yes please, I give Vision Consulting Engineers authority to act as agent on behalf in regards to the resource consent application.

Many thanks,
Kate

On Fri, Jan 23, 2026, 09:06 Vision Consulting <info@vce.co.nz> wrote:

Hi Kate,

Can you please reply to this email stating that you give Vision Consulting Engineers the authority to act as agent on behalf in regards to the resource consent application.

Thank you.

Kind regards,

The Vision Team



CIVIL | STRUCTURAL | GEOTECHNICAL | ENVIRONMENTAL | PROJECT MANAGEMENT



Level 1, 62 Kerikeri Road

Kerikeri 0230

www.vce.co.nz

E: info@vce.co.nz
P: (09) 401 6287

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FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2300498-RMASUB

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

John Trevor Kimberley and Sharon May Ryan

The activity to which this decision relates: Proposal for a subdivision in the Rural Production Zone to create one additional lot

Subject Site Details

Address: 100 River Drive, Kerikeri 0294

Legal Description: LOT 1 DP 197997

Certificate of Title reference: NA-127A/267

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 197997, dated 31.08.20, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a) As per the recommendations of the "Site Suitability Report", from Vision Consulting Ltd, ref J14596 and dated 01/11/2020, easements or covenants protecting the primary and secondary overland flow paths within Lots 1 & 2. The areas to be protected are shown the plan denoted as "Appendix B" in the said "Site Suitability Report".

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - a) Provide for the approval of the Council's Resource Consents Engineer or designate, a stormwater management and mitigation report for Lot 2 prepared by a Chartered Professional Engineer or suitably qualified practitioner, detailing appropriate stormwater management and mitigation measures designed in general accordance with the recommendations of the "Site Suitability Report", from Vision Consulting Ltd, ref J14596 and dated 01/11/2020, such that the attenuation design reduces peak flows from the site to the equivalent of the site with 15% impermeable cover for a 10-minute 10% rainfall event, assuming a climate change scenario of RCP 6.0 for the period 2081-2100.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - a) For Lot 2, provide written confirmation from a suitably qualified practitioner that the stormwater management and mitigation system has been installed on Lot 2 as per the requirements of the stormwater mitigation report required by consent condition 3(a) and,
 - b) Provide evidence that proposed Lot 2 has reduced the existing impermeable surfaces to 15% or evidence that the necessary landuse consent has been obtained, and
 - c) Upgrade the existing entrance crossing to Lot 2 to comply with the NZS 4404:2004 and Councils Engineering Standard FNDC/S/6 and 6B (single width crossing). The crossing is to be sealed or concreted up to the lot boundary from the existing seal edge.
 - d) For Lot 1, provide a formed and concreted/sealed entrance crossing to Lot 1 which complies with the NZS 4404:2004 and Councils Engineering Standard FNDC/S/6 and 6B (single width crossing). The crossing is to be sealed or concreted up to the lot boundary from the existing seal edge.
 - e) Prior to carrying out the works required in 4(c) and (d) of this consent, provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR).
 - f) 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 Applicant.
 - i. At the time of lodging an application for building consent for a building on the lot, provide an assessment report from a Chartered Professional Engineer with a recognised competence in relevant geotechnical and structural matters, which references the "Site Suitability Report", from Vision Consulting Ltd, ref J14596 and dated 01/11/2020, submitted with RC 2300498, and sets out the specific design of the building's foundations and indicates the programme of monitoring of the foundation construction.

The Engineer preparing the design shall ensure that the buildings location is clear of any overland flow paths. **[Lot 1]**

- ii. Any proposed structures or filling within a distance of 8.0 m from slopes eighteen degrees or steeper, adjacent to the gully slopes, shall be subject to specific stability analysis by a Chartered Professional Engineer experienced in Geotechnical Engineering in accordance with the recommendations of the “Site Suitability Report”, from Vision Consulting Ltd, ref J14596 and dated 01/11/2020 submitted with RC 2300498. **[Lot 1]**
- iii. Any structures or earthworks on the lot shall avoid the area of modelled flow as per the recommendations of the “Site Suitability Report”, from Vision Consulting Ltd, ref J14596 and dated 01/11/2020 submitted with RC 2300498. Where an accessway crosses a flow path the crossing culvert and or overflow over the access shall be designed to accommodate the 1% AEP. **[Lot 1]**
- iv. In conjunction with obtaining a building consent or the construction of any building $> 30m^2$ in area the lot owner shall submit for the approval of Council a report prepared by a Chartered Professional Engineer or suitably qualified practitioner, detailing appropriate stormwater management and mitigation measures designed such that the total stormwater discharged from the site, after development, is no greater than the pre development flow from the site for 10% and 50% AEP rainfall events respectively, plus an allowance for climate change. **[Lot 1]**
- v. The overflow from the rainwater tanks shall be discharged to the natural overland flow paths downstream of the proposed dwelling in a manner that avoids erosion and at the required setback from any wastewater disposal fields. **[Lot 1]**
- vi. In conjunction with the construction of any building requiring a wastewater disposal system on the lot, the lot owner shall submit with the application for Building Consent a TP58 report and a wastewater treatment and effluent disposal system design based on the specific proposal but generally in accordance with the information contained in the “Site Suitability Report”, from Vision Consulting Ltd, ref J14596 and dated 01/11/2020 submitted with RC 2300498. **[Lot 1]**
- vii. In conjunction with the construction of any dwelling on the lot, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and is to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[Lot 1]**
- viii. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[Lot 1]**

ix. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).
[Lots 1 & 2]

Advice Notes

- 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.

Reasons for the Decision

- 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.

District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
Table 13.7.2.1 Minimum Lot Sizes (i) Rural Production Zone	The proposal will result in Lot 1 – 1.0ha being created leaving the remain Lot 2 – 4093m ² .

Adverse effects will be minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Positive effects of the proposal:

Under s104(1)(a) the positive and potential effects of the proposal are:

- Applicant has offered a condition relating to no cats and dogs on the sites.

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

Chapter 8 - Rural Environment

Objectives: 8.3.1, 8.3.2, 8.3.7, 8.3.9, 8.3.10,
 Policies: 8.4.1, 8.4.2, 8.4.4, 8.4.5, 8.4.6,

The sustainable management of the rural environment is not compromised by the creation of one additional allotment. The activity maintains the rural amenity and lifestyle living characteristics of the locality while still being able to provide for productive use on proposed lot 1.

Chapter 8.6 - Rural Production Zone

Objectives: 8.6.3.1, 8.6.3.2, 8.6.3.3, 8.6.3.6, 8.6.3.9.

Policies: 8.6.4.1, 8.6.4.4, 8.6.4.7,

The development enables people to provide for their social, economic and cultural wellbeing while sustainably maintaining the character and amenity of the locality. The productive intent of the zone is able to be maintained by providing an additional allotment which still allows for lifestyle use. Reverse sensitivity effects are minimised by the establishment of one additional lifestyle allotment in an area characterised by lifestyle living.

Chapter 13 - Subdivision

Objectives: 13.3.1, 13.3.2, 13.3.5, 13.3.7, 13.3.9,

Policies: 13.4.1, 13.4.2, 13.4.5, 13.4.6, 13.4.11, 13.4.14.

The subdivision is consistent with the purpose of the Rural Production zone and promotes the sustainable management of the productive intent of the zone, while allowing people to provide for their social, economic and cultural wellbeing. The life-supporting capacity of air, water, soil and ecosystems is not compromised and potential adverse effects including reserve sensitivity are mitigated. The site is not subject to any known natural or other hazards.

Due to the rural zoning of the allotments reticulated services are not available, however Lot 2 is fully serviced onsite, and proposed Lot 1 is of appropriate size and dimension to provide for onsite servicing. A site suitability report has been provided in support of this application prepared by Vision Consulting Engineering.

The subdivision provides protection for threatened species by prohibiting cats and dogs. This condition has been offered by the applicant.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

2. Section 104D Assessment

Pursuant to section 104D of the Resource Management Act 1991 if a proposal is Non-Complying then it must satisfy one or both of the subsections of 104D(1) before a decision can be granted under section 104B of this Act. If the application does not pass either test of the section 104D(1) then the application must be declined.

It is considered that the proposal is not contrary to the Objectives and Policies of the District Plan; and it has been concluded that the adverse effects will be less than minor, as demonstrated above.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018

- b) Northland Regional Plan 2019
- c) National Environmental Standards (Air/ NESCS/ Forestry etc)

4. In accordance with an assessment under s104(1)(c) of the RMA. No other non – statutory documents were considered relevant in making this decision.

5. Other matters considered in relevant in making this decision:

Precedent

Case Law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant Non-Complying resource consent. A precedent effect is likely to arise in situation where consent is granted to a Non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out of the generality of cases or similar sites in the vicinity. In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals it avoids any precedent effect can be approved.

The proposal is considered to be consistent with the character of the area. The character of the area is predominantly lifestyle. The proposal is not considered to create a precedent. Lifestyle development co-exist within reasonable proximity to horticultural enterprises. There are existing consent notices on the title that advise of the existence of horticultural activities. The application states that River Drive accommodates a number of lifestyle and residential living properties on the outer periphery of the entire length of River Drive with more residential development further to the north west. There are at least 20 existing residential homes in the nearby area along with horticulture land uses.

It is considered that the creation of one additional allotment, which is anticipated to contain a residential dwelling in the future, will not create a precedent.

6. Part 2 Matters

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.

7. 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 Whitney Peat – Resource 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 2021

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.