



Application for Resource Consent

Proposed new residential dwelling at 33
Lori Lane, Coopers Beach.

Prepared By

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Director

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Status: FINAL

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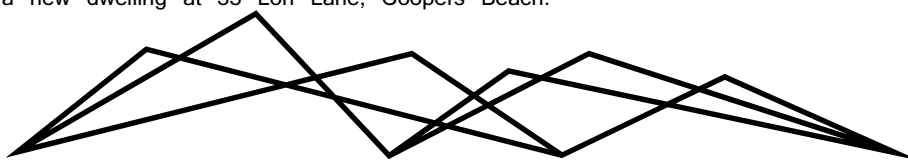
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Appendix A - Record of Title and Interests

Appendix B - Development Plans

Appendix C – Geotech Report

Appendix D – Correspondence with Doubtless Bay Water



Resource Consent Application Forms

The following forms are included:

- Application for Resource Consent Form
- Schedule 4 Checklist

1 Proposal

1.1 The applicants seek resource consent for the following:

- To construct a new, two storey dwelling on 33 Lori Lane (Lot 34 DP 331991), Coopers Beach, which will be infringing underlying zone and District wide rule provisions (see Section 5 of this report for more details); and
- To remove a consent notice condition from the Record of Title from Lot 50 DP 331991 to enable the lot to be used as a driveway for Lot 34.

1.2 The proposed new dwelling in this application will have an overall floor area of 273.33m² (with a roof area of 332.48m²) and will comprise of the following internal spaces:

- 3 x bedrooms (one with en-suite);
- Lounge area on ground floor which opens out on to a north facing deck area;
- Bathroom (on the ground floor);
- Separate WC;
- Large combined kitchen, living and dining area located on the first floor which opens out on to a first floor deck which is also north facing;
- Future gym space;
- Laundry (located in the future gym space); and
- Attached double garage.

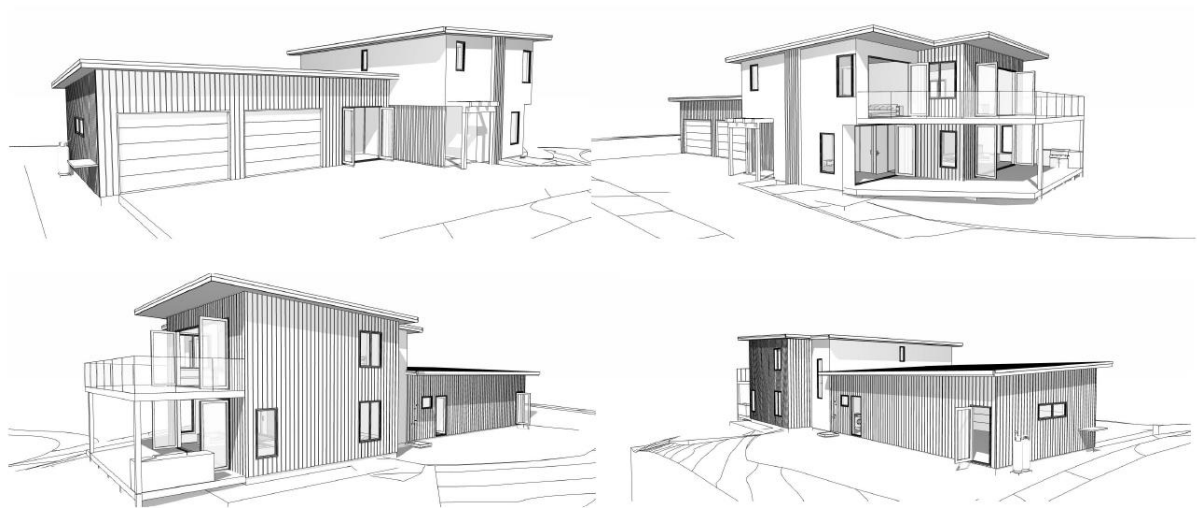


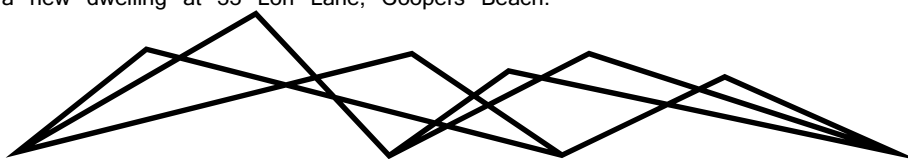
Figure 1: The above image shows the proposed dwellings elevations when viewed from the sites surrounds.

1.3 The proposed dwelling will have an exterior with a mix of Ezi Panel Cladding and white render, with double glazed powder coated aluminium joinery.

1.4 Access for the dwelling will be provided via a driveway which will be located on the adjoining Lot 50 which will provide connection to and from the dwellings double garages and Lori Lane.

1.5 Lot 50 is located to the east of the subject site and is owned by the applicant along with Lot 34. The reasons for using Lot 50 for access to the dwelling on Lot 34 are as follows:

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.



- Lot 50 has a long and narrow shape factor and an overall area of 130m². It is understood that this allotment was created as part of the original subdivision of this area for use as a utility lot for water storage and reticulation purposes (see Section 3 and 4 of this report for more details). However, as this has now been sold to the applicant and is of a shape and area which does not readily lend itself to built development, the applicant has decided to utilise this land as an accessway to Lot 34.
- By using Lot 50 for access purposes to Lot 34, Lot 34 itself now has more room for the proposed dwelling to be located in a District Plan rule compliant manner. This is reflected in the proposed two storey design of the dwelling which is compliant with the underlying lots zoning rules for building coverage, yard setbacks and stormwater management.

1.6 To develop the two sites to receive the proposed new dwelling and driveway the following volumes of earthworks are needed to be undertaken:

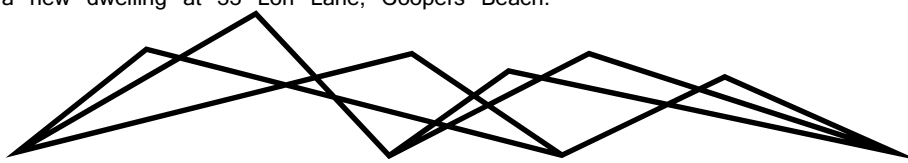
Lot 34	Lot 50
Cut= 212m ³	Cut = 22m ³
Fill = 60m ³	Fill = 0m ³
Total = 272m ³	Total = 22m ³
Cut Area = 346m ²	Cut Area = 60m ²
Fill Area = 192m ²	Fill Area = 0m ²

The earthworks will be dealt with in more detail in Sections 5 and 6 of this report.

- 1.7 In terms of services, the two sites are already connected to existing water, wastewater and stormwater reticulation, so the new dwelling proposed in this application will connect up to these.
- 1.8 Resource Consent is required for the proposed new dwelling and accessway due to rule infringements to rules relating to Sunlight, Stormwater Management and Excavation in the Residential Zone under the Operative District Plan, Earthworks within setbacks from the Proposed Plan and also a consent under s221 of the RMA for the proposed removal of a consent notice condition from Lot 50. All of these infringements are dealt with in more detail in Sections 4 and 5 of this report.

2 Site and Location

- 2.1 The subject sites are located at 33 Lori Lane and Lot 50 Lori Lane, Coopers Beach.
- 2.2 The sites are legally described as Lot 34 and Lot 50 DP 331991.
- 2.3 Lot 34 has an area of 760m² and Lot 50 has an overall area of 130m².
- 2.4 Number 33 Lori Lane is regular in shape, in that it is predominantly rectangular, but has one curved corner where it adjoins the cul-de-sac. Lot 50 is also rectangular in shape.
- 2.5 Both sites topography are generally flat, with only very slight sloping towards Lot 34's western end.



- 2.6 Both properties are currently vacant.
- 2.7 Both properties are free of vegetation and covered in grass.
- 2.8 The adjoining lots to the west and east of the subject site are already developed and home to existing dwellings.
- 2.9 Both properties adjoin and have access to Lori Lane.
- 2.10 Lot 34 was created as a standard residential section, in line with virtually all other sections along Lori Lane. Lot 50 is a much smaller allotment and was created with the intention of it being utilized as a utility lot. More information on this lot can be found in Section 4 of this report.

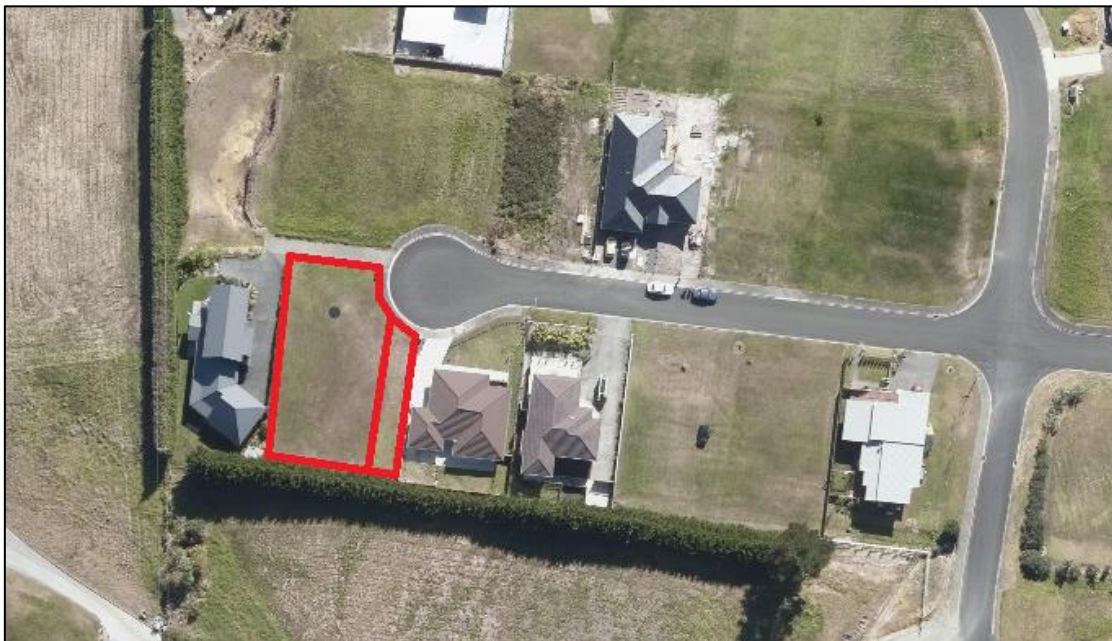


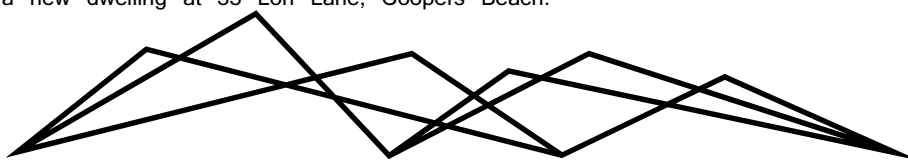
Figure 2: The above image shows the location of the subject sites in relation to Lori Lane and its immediate surroundings.

3 Record of Title

- 3.1 As already touched on in Section 2 of this report, 33 Lori Lane is legally described as Lot 34 DP 331991.
- 3.2 The following interests are listed on the Record of Title:

Interests
Subject to Section 59 Land Act 1948
6058130.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.6.2004 at 9:00 am
Land Covenant in Easement Instrument 6058130.5 - 28.6.2004 at 9:00 am
Fencing Covenant in Transfer 6090534.1 - 23.7.2004 at 9:00 am
Land Covenant in Easement Instrument 6358920.5 - 24.3.2005 at 9:00 am

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.




- 3.3 There are no interests on the Record of Title which would impede this proposed new dwelling from occurring on this site.
- 3.4 The adjoining property to 33 Lori Lane is legally described as Lot 50 DP 331991.
- 3.5 The following interests are listed on the Record of Title:

Interests

Subject to Section 59 Land Act 1948
 6058130.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.6.2004 at 9:00 am
 Land Covenant in Easement Instrument 6058130.5 - 28.6.2004 at 9:00 am
 Fencing Covenant in Transfer 6090534.1 - 23.7.2004 at 9:00 am
 Land Covenant in Easement Instrument 6358920.5 - 24.3.2005 at 9:00 am

- 3.6 Consent notice 6058130.1 outlines the following:




FAR NORTH DISTRICT COUNCIL

THE RESOURCE MANAGEMENT ACT 1991

CONO 6058130.1 Consen

Cpy - 01/04, Pgs - 003, 28/06/04, 11:29



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SECTION 221 : CONSENT NOTICE

REGARDING RC 2040433
 The subdivision of Lot 1 DP 131247
 North Auckland Registry.

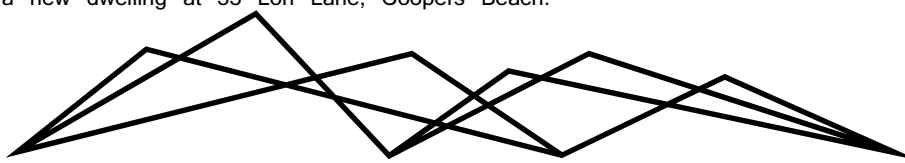
PURSUANT to Section 221 for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent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

SCHEDULE

- i. All storm water from buildings, tank overflows and paved areas is to be piped to the storm water system connection points.
- ii. No building or amenity planting that may affect the flow of storm water is to be located within the drainage easements provided for within the subdivision.
- iii. Lot 50 (utility lot) is to be used for water storage and reticulation purposes only.

- 3.7 Condition (iii) of the above consent notice is the subject of this resource consent application as the applicant is applying to remove this from the consent notice in order to be able to use

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.



the lot as access to the main site of 33 Lori Lane. This removal is dealt with in more detail in Section 5 of this report.

- 3.8 There are no other interests on the Record of Title which would impede this proposed new dwelling from occurring on this site.

4 Consultation

- 4.1 The unusual status of Lot 50 being a “Utility Lot” has been the subject of much correspondence with numerous organisations and internal departments on the run up to the submission of this consent application. This correspondence is outlined and explained in the below timeline:

- Initial correspondence was made to Council’s Duty Planner back on the 5th September 2023 in order to discuss the “Utility Lot” status of Lot 50 and the clients ability to apply to remove the Consent Notice condition (iii) from it to enable the lot to be used for access to Lot 34. Council responded to this correspondence, but with a simple email indicating that a s221 Resource Consent Application would need to be applied for. Further correspondence on the 18th September 2023 from the Duty Planner also confirmed that all the activities being applied for in this consent application could be done so in the one resource consent application i.e. bundled together to avoid submitting multiple consent applications.
- As the original correspondence with the Duty Planner did not provide an adequate response with regards to the history of Lot 50 as a Utility Lot, Council’s Development Engineer Sujeet Tikaram was contacted to try and find out why the lot was created for use as a utility lot; if there was infrastructure on the site for stormwater purposes either above ground or below ground (Council’s Far North Maps indicated that there wasn’t); if there was not infrastructure on the property, were there future plans to install some on the site; and if Council had any objection to this utility lot being used for access to Lot 34 as part of this consent application?
- Mr. Tikaram was helpful and provided some correspondence outlining that Council has no legal interest in the property and that theoretically the applicant could use it for site access to Lot 34, but that we were best to check with Doubtless Bay Water as they dealt with infrastructure in this area. We were given the contact details of Max Powers of Doubtless Bay Water.
- Mr. Powers was contacted initially via email seeking background and history to Lot 50. A phone conversation was then undertaken on the 18th September 2023 in which he outlined that Doubtless Bay Water has no strategic need either now or in the future for Lot 50 for water storage or reticulation purposes and as such had no opposition to the applicant utilizing Lot 50 as access for Lot 34. He followed this conversation up with an email, so that we had their position in writing.

- Mr. Powers response was then forwarded to Mr. Tikaram of Council. Upon reviewing this, Mr. Tikaram suggested that I speak with Council Property Team. Correspondence was shared with Kay Meekings of the Property Team who advised this was not a matter that was applicable to their department and passed our message on to the Duty Planner. The initial request had now moved full circle around multiple Council departments, so due to this Councils Duty Planner, Ms. Meekings and Mr. Tikaram were all emailed at the same time to explain that this request had now gone full circle in Council and as Doubtless Bay Water had provided their approval to the removal of the consent notice for Lot 50's use as access to Lot 34, we would be applying to do this via a resource consent.

4.2 Examples of the above correspondence can be found in Appendix D of this report.

5 District Plan Assessment

5.1 Far North District Council Operative District Plan

5.1.1 Zoning and Features

5.1.1.1 Under the Far North District Plan Operative Plan the subject site is zoned Residential and is not subject to any District Plan overlays.

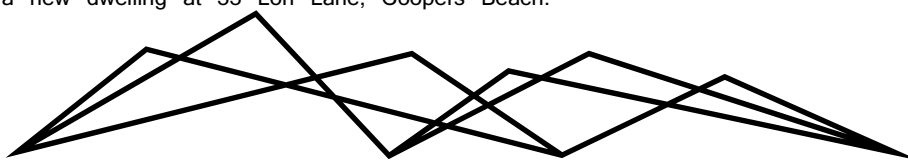
5.1.1.2 The Residential Zone enables the development of residential areas where the effects of activities permitted in the zone are compatible with sustainable development and with the existing character and amenity, which is typically medium density residential living.

5.1.1.3 The zone contains specific amenity standards designed to protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between Maraenui Drive and the Kerikeri Town Centre.

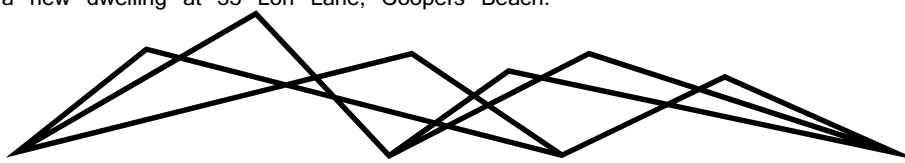
5.1.2 Rules

5.1.2.1 The table below shows the Operative District Plan rules relevant to the site and the proposal, and the developments compliance status:

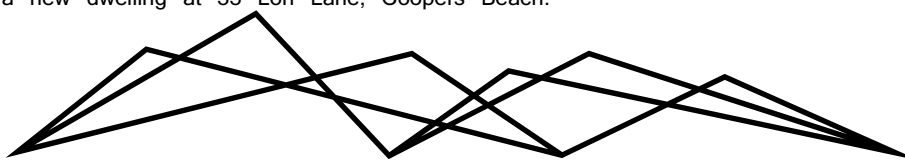
<i>District Plan Rule</i>	<i>Proposed Works and Rule Compliance</i>
7.6.5.1.1 RELOCATED BUILDINGS <i>Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Plan, and further provided that where the building is a relocated building all work required to reinstate the exterior including painting and repair of joinery shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</i>	This is not applicable to the applications proposal.
7.6.5.1.2 RESIDENTIAL INTENSITY	Complies.



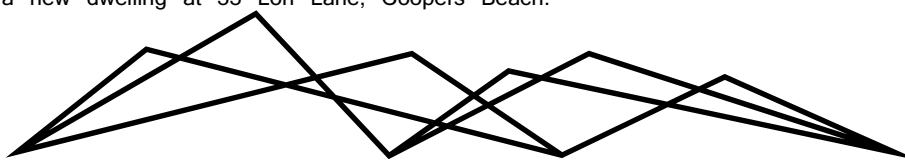
<p><i>(a) Each residential unit for a single household shall have available to it a minimum net site area of:</i></p> <ul style="list-style-type: none"> - Sewered sites: 600m² - Unsewered sites: 3,000m² <p><i>This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (as stated above) is not exceeded.</i></p> <p><i>Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.</i></p> <p><i>(b) Accessory buildings on a site within the Coopers Beachfront Estate are a permitted activity provided that:</i></p> <p><i>(i) there is no more than one accessory building detached from each residential unit on the site; and</i></p> <p><i>(ii) any accessory building which is detached from the residential unit has a total floor area of no more than 45m².</i></p>	
<p>7.6.5.1.3 SCALE OF ACTIVITIES</p> <p><i>The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:</i></p> <ul style="list-style-type: none"> - 2 persons per 600m² (sewered) - 2 persons per 3,000m² (unsewered) <p><i>Provided that:</i></p> <p><i>(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and</i></p> <p><i>(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and</i></p> <p><i>(c) this number may be exceeded where persons are visiting marae.</i></p> <p><i>In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors</i></p>	<p>Complies.</p>



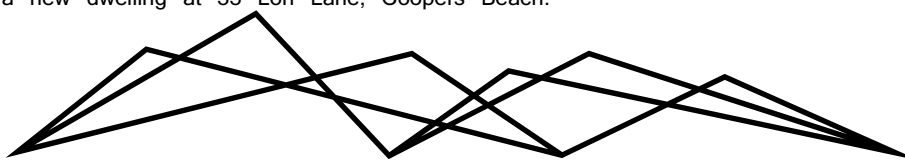
<p><i>accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.</i></p>	
<p>7.6.5.1.4 BUILDING HEIGHT <i>The maximum height of any building shall be 8m.</i></p>	<p>Complies.</p>
<p>7.6.5.1.5 SUNLIGHT <i>No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in Chapter 3 - Definitions), except that:</i> <i>(a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in Chapter 3 – Definitions); and</i> <i>(b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.</i></p>	<p>Does not comply.</p> <p>The eastern elevation of the proposed dwelling will protrude through the recession plane on the boundary between the subject site and Lot 50.</p>
<p>7.6.5.1.6 STORMWATER MANAGEMENT <i>The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 50%</i></p>	<p>Does not comply.</p> <p>Although the proposed dwelling on the subject site will comply with the stormwater management requirements for Lot 34 (there is a total area covered in buildings and other impermeable surfaces of 38%), the proposed driveway for Lot 50 will result in an overall impermeable area of 58%.</p> <p>Due to the above, Lot 50 will be exceeding the permitted stormwater management limits by 8%.</p>
<p>7.6.5.1.7 SET BACK FROM BOUNDARIES <i>(a) The minimum building setback from road boundaries shall be 3m, except that;</i> <i>(i) no building shall be erected within 9m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive; and</i></p>	<p>Complies.</p>



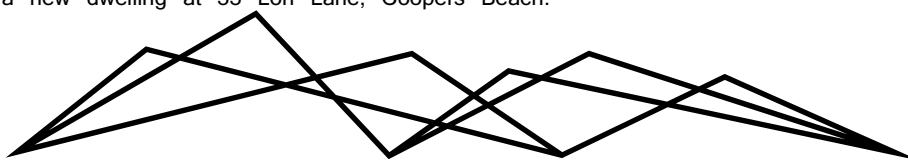
<p><i>(ii) no building shall be erected within 10m of the Cobham Road boundary on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots);</i></p> <p><i>(b) The minimum set-back from any boundary other than a road boundary, on all sites other than Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots), shall be 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and</i></p> <p><i>(c) Not less than 50% of that part of the site between the road boundary and a parallel line 2m there from (i.e. a 2m wide planting strip along the road boundary) shall be landscaped, on all sites other than Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots). For the landscaping required on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots) refer to Rule 7.6.5.1.10 (b) below; and</i></p> <p><i>(d) The minimum set back from any other boundary other than the road boundary on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots) shall be 3m.</i></p>	
<p>7.6.5.1.8 SCREENING FOR NEIGHBOURS - NON-RESIDENTIAL ACTIVITIES</p> <p><i>Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.</i></p>	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.9 OUTDOOR ACTIVITIES</p> <p><i>Except as otherwise provided by Rule 7.6.5.1.10, any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.</i></p>	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.10 VISUAL AMENITY</p> <p><i>(a) Within the Coopers Beachfront Estate (as defined on Planning Map 61) domestic vehicles, and recreational vessels which are on a road trailer, may be stored on a site provided that:</i></p> <p><i>(i) no materials, machinery, non-domestic vehicles or non-trailer borne vessels shall be stored; and</i></p> <p><i>(ii) no repair, restoration or maintenance of any vessels shall be carried out; and</i></p>	<p>This is not applicable to the consent applications proposal.</p>



<p><i>(iii) no new commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles, shall be carried out on a site in the Coopers Beachfront Estate, unless stored or carried out within a building, except during the period of construction and/or maintenance of a residential unit and/or accessory buildings on the site.</i></p> <p><i>(b) Prior to any building work on Lot 1 DP 28017 and Lot 1 DP 46656 located on Cobham Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) the following shall be provided:</i></p> <p><i>(i) The entire length of the road boundary, other than access points, shall be fenced using a visually permeable fence of varying heights not exceeding 1.8m and shall be planted to a depth of at least 3m from the road boundary with trees and shrubs that reflect the non weed species present along the road corridor. The planting shall predominantly visually mitigate and screen the built development within the site when viewed from the road. Full screening of all built development is not required. This fencing and planting shall be maintained in perpetuity.</i></p> <p><i>(ii) All other external boundaries of the above sites, not including the road or stream boundaries, shall be fenced using a visually permeable fence not exceeding 1.8m in height and shall be planted to a depth of at least 1.5m from the site boundary with shrubs and trees that will, in time, achieve a height sufficient to ensure the mitigation and screening of buildings within the site from neighbouring properties. Full screening of all buildings is not required. This planting shall be maintained in perpetuity.</i></p>	
<p>7.6.5.1.11 TRANSPORTATION <i>Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules.</i></p>	<p>Complies.</p>
<p>7.6.5.1.12 SITE INTENSITY – NON-RESIDENTIAL ACTIVITIES <i>(a) except as provided in (b) hereunder, the maximum net area of activities other than residential units on any site shall be 1,000m² for sewered sites, and 5,000m² for unsewered sites, except that this area may be exceeded for public reserves without buildings;</i> <i>(b) in the Coopers Beachfront Estate (as defined on Planning Map 61) retail sales of goods and services (excluding home stay accommodation, rental accommodation or holiday accommodation not being a camping ground or motor camp) are not a permitted activity.</i></p>	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.13 HOURS OF OPERATION – NON-RESIDENTIAL ACTIVITIES <i>(a) the maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and</i></p>	<p>This is not applicable to the consent applications proposal.</p>



<p><i>(b) hours of operation shall be limited to between the hours:</i></p> <ul style="list-style-type: none"> • 0700 – 2000 Monday to Friday • 0800 – 2000 Saturday, Sunday and Public Holidays <p><i>Provided that this rule does not apply:</i></p> <ul style="list-style-type: none"> - where the entire activity is located within a building; and <p><i>(ii) where each person engaged in the activity outside the above hours resides permanently on the site; and</i></p> <p><i>(iii) where there are no visitors, clients or deliveries to or from the site outside the above hours.</i></p> <p><i>Exemptions: This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.</i></p>	
<p>7.6.5.1.14 KEEPING OF ANIMALS <i>No site shall be used for factory farming, a boarding or breeding kennel or a cattery.</i></p>	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.15 NOISE <i>All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at or within the notional boundary of any dwelling in a rural or coastal zone:</i></p> <ul style="list-style-type: none"> • 0700 to 2200 hours 50 DbA L10 • 2200 to 0700 hours 45 DbA L10 and 70 DbA Lmax 	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.16 HELICOPTER LANDING AREA <i>Helicopter landing areas are not permitted.</i></p>	<p>This is not applicable to the consent applications proposal.</p>
<p>7.6.5.1.17 BUILDING COVERAGE <i>Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% of the gross site area.</i></p>	<p>Complies.</p> <p>The proposed development for the site will achieve 30% building coverage.</p>
<p>12.3.6.1.3 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RESIDENTIAL, INDUSTRIAL, HORTICULTURAL PROCESSING, COASTAL RESIDENTIAL AND RUSSELL TOWNSHIP ZONES <i>Excavation and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential or Russell Township Zones is permitted, provided that:</i></p> <p><i>(a) it does not exceed 200m³ in any 12 month period per site; and</i></p> <p><i>(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.</i></p>	<p>Does not comply.</p> <p>The following are required to develop Lot 34:</p> <p>Cut = 212m³ Fill = 60m³ Total = 272m³ Cut Area = 346m² Fill Area = 192m²</p> <p>The permitted excavation limits are exceeded by 62m³ and</p>



	<p>therefore require a resource consent.</p> <p>The following earthworks are to be undertaken on Lot 50:</p> <p>Cut = 22m³ Fill = 0m³ Total = 22m³ Cut Area = 60m² Fill Area = 0m²</p> <p>The earthworks to be undertaken on this lot are compliant with the District Plan permitted standards.</p>
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5.1.2.2 After assessing the above relevant rules in relation to this proposal, the following are breached:

- Rule 7.6.5.1.5 Sunlight
- Rule 7.6.5.1.6 Stormwater Management
- Rule 12.3.6.1.3 Excavation and/or Filling in the Residential Zone

5.1.2.3 Overall, the application is to be assessed as a Restricted Discretionary Activity under the Operative District Plan.

5.2 Far North District Council Proposed District Plan

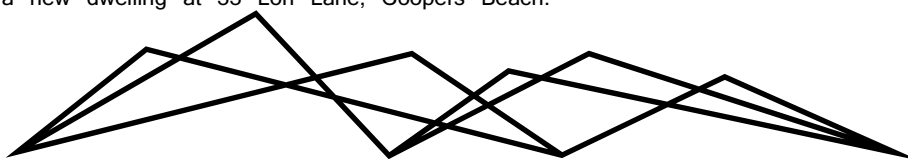
5.2.1 Zoning and Features

5.2.1.1 As well as assessment under the Operative District Plan, the applications proposal also needs to be assessed under the relevant provisions of the new Far North Proposed District Plan (Notified 27th July 2022).

5.2.1.2 The site is zoned General Residential Zone and is subject to the Coastal Environment District Plan overlay.

5.2.1.3 The Far North District contains a mix of diverse communities and urban centres, a number of which are located within the coastal environment and/or have identified cultural and historic heritage values. The General Residential zone represents those areas where there is an expectation of higher density residential development, where compared to the rural environments, and that generally provide adequacy and capacity of available or programmed development infrastructure.

To support urban sustainability and affordable infrastructure the General Residential zone will seek to consolidate growth where it can around urban centres. The aim is to provide for a variety of housing typologies and sizes that contribute to the vibrancy and viability of those centres, as well as ensuring efficient use of the investment Council makes in infrastructure and services.



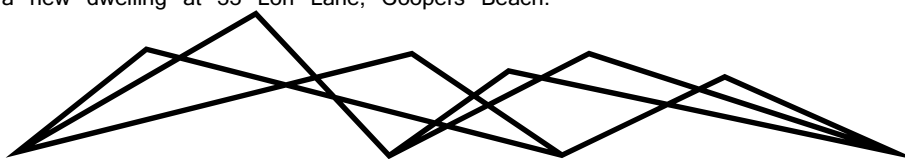
In providing for growth over the medium term, and looking out to the longer term, the District Plan will provide for a combination of increased density within the existing General Residential zone as well as re-zoning for more intensive residential use in areas where there is adequacy and capacity of available development infrastructure or where it is programmed in the Long Term Plan or 30 Year Infrastructure Strategy.

5.2.1.4 At the time of applying for this resource consent, the General Residential Zone & Coastal Environment overlay and their rules do not have legal effect and therefore are not applicable to the resource consent application.

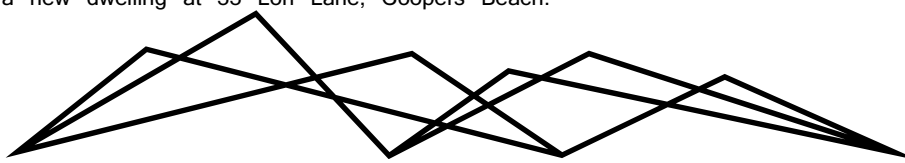
5.2.1.5 Given the above, only the relevant rules to the site and this consent applications proposal which do have legal effect will be assessed and addressed in 5.1.2.6 below.

5.2.1.6 Below are the relevant Rules from the Earthworks chapter of the Proposed District Plan which do have legal effect. The applications required earthworks are assessed against these rules:

EW-S1	Maximum Earthworks Thresholds	Comments
<i>All Zones except Moturoa Island, Orongo Bay</i>	<i>The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year: Rural Residential – 300m³ and 2500m²</i>	Complies.
EW-S2	Maximum depth and slope	Comment
<i>All Zones</i>	<i>The maximum depth of any cut or height of any fill shall not exceed: 1.5m, i.e. maximum permitted cut and fill height may be 3m; or 3m subject to it being retained by a engineered retaining wall, which has had a building consent issued.</i>	Complies.
EW-S3	Accidental Discovery Protocol	Comment
<i>All Zones</i>	<i>On discovery of any suspected <u>sensitive material</u>, the person must take the following steps: 1. Cease all works within 20m of any part of the discovery immediately and secure the area, including: i. shutting down all earth disturbing machinery and stopping all earth moving activities; and ii. establish a sufficient buffer area to ensure that all material remains undisturbed. 2. Within 24 hours of the discovery the owner of the <u>site</u>, tenant or the contractor must: i. inform the following parties of the discovery: ▪ The New Zealand Police if the discovery is of human remains or kōiwi; ▪ The <u>Council</u> in all cases; ▪ Heritage New Zealand Pouhere Taonga if the discovery is an archaeological <u>site</u>, Māori cultural artefact, human remains or kōiwi;</i>	Will comply. Council can impose standard conditions of consent on the consent decision to ensure compliance.



	<ul style="list-style-type: none"> ▪ <i>Tanqata Whenua</i> if the discovery is an archaeological site, Māori cultural artefact, or kōiwi. <p>3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include:</p> <ul style="list-style-type: none"> i. If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or ii. If the discovery is of archaeological material, other than evidence of <u>contaminants</u>, a <u>site</u> inspection for the purpose of initial assessment and response will be arranged by the <u>Council</u> in consultation with Heritage New Zealand Pouhere Taonga and appropriate <u>Tanqata Whenua</u> representatives. <p>4. <i>Recommencement of work:</i></p> <ul style="list-style-type: none"> i. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required; ii. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; iii. Resource consent has been granted to any alteration or amendment to the <u>earthworks</u> or <u>land disturbance</u> that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent. 	
EW-S4	Site Reinstatement	Comment
All Zones	<p>As soon as practicable, but no later than six months from the commencement of works:</p> <p><i>the earthworks area shall be established, filled and/or recontoured in a manner consistent with the surrounding land. replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation, from locally sourced genetic stocks or sealed, paved, metaled or built over.</i></p>	<p>Will Comply.</p> <p>Council can impose standard conditions of consent on the consent decision to ensure compliance.</p>
EW-S5	Erosion and Sediment Control	Comment
All Zones	<p><u>Earthworks</u></p> <ul style="list-style-type: none"> i. Must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); ii. shall be implemented to prevent silt or sediment from entering <u>water bodies</u>, coastal marine area, any <u>stormwater</u> system, <u>overland flow paths</u>, or <u>roads</u>. 	<p>Will Comply.</p> <p>Council can impose standard conditions of consent on the consent decision to ensure compliance.</p>



EW-S6	Setback	Comment
All Zones	<p><i>Earthworks must be setback by the following minimum distances:</i></p> <ul style="list-style-type: none"> <i>i. earthworks supported by engineered retaining walls - 1.5m from a <u>site boundary</u>;</i> <i>ii. earthworks not supported by engineered retaining walls - 3m from a <u>site boundary</u>;</i> <i>iii. earthworks must be <u>setback</u> by a minimum distance of 10m from coastal marine area.</i> <p><i>Note: setbacks from <u>waterbodies</u> is managed by the Natural Character chapter.</i></p>	Does not comply with part (i) of this rule with regards to both Lots 34 and 50.
EW-S7	Land Stability	Comment
All Zones	<i>Earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occurs.</i>	Complies.
EW-S8	Nature of Filling Material	Comment
All Zones	<p><i>The fill material shall not:</i></p> <ul style="list-style-type: none"> <i>i. contain putrescible, pollutant, inflammable or hazardous components;</i> <i>ii. consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material.</i> <i>iii. comprise more than 5% vegetation (by volume) of any load.</i> 	Complies
EW-S9	Flood and Coastal Hazards	Comment
All Zones	<p><i>Earthworks must not:</i></p> <ul style="list-style-type: none"> <i>i. divert flood flow or coastal inundation onto other properties or otherwise result in any increase in flood hazard or coastal inundation beyond the boundaries of the <u>site</u>.</i> <i>ii. result in the loss of any flood storage volume within a flood hazard area, unless equivalent flood storage is provided.</i> 	Complies.

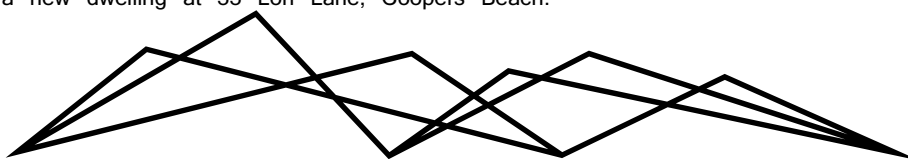
5.2.1.7 As you can see from the table above, the following rules relating to earthworks are not complied with:

- EW-S6(ii) Setback

Due to the above infringement, a Restricted Discretionary Activity resource consent for earthworks within the sites yard setback is required under the Proposed District Plan.

5.2.1.8 The following chapters also have rules with legal effect in them:

- Hazards and Risks – Hazardous Substances
- Historical Values – Heritage Area Overlays
- Historical Heritage – Historical and Cultural Values
- Historical Heritage – Notable Trees
- Historical Heritage – Sites and Area of Significance to Maori
- Natural Environment Values – Ecosystems and Indigenous Biodiversity



- Subdivision
- General District Wide Matters – Signs
- General District Wide Matters – Activities on the Surface of Water

These have not been included and assessed in this applications Assessment of Environmental Effects report as none of the relevant rules in the chapters that have legal effect are actually applicable to the consent applications proposal or subject site.

5.3 National Policy Statement for Highly Productive Land

5.3.1 The National Policy Statement for Highly Productive Land (NPSHPL) is not applicable to the subject site.

5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

5.4.1 With regards to an assessment of the National Environmental Standard for Contaminated Soil, this is not considered necessary as the site is not listed on Council’s Smart Maps as a “potential HAIL site”.

5.5 Change(s)/Amendment to Consent Notice 6058130

5.5.1 Consent Notice 6058130 Condition (iii) states:

- *Lot 50 (Utility Lot) is to be used for water storage and reticulation purposes only.*

5.5.2 The applicant, as the owner of Lot 50, proposes to use this parcel of land for access to his other land parcel Lot 34 (on which the main dwelling in this consent application is to be built).

5.5.3 The use of this lot for access has come about as the parcel of land is only 130m² in size and has a long and narrow shape. Both of these factors combined, mean that nothing can realistically be built on this small lot, so utilising it for access is seen as a sensible use of the land.

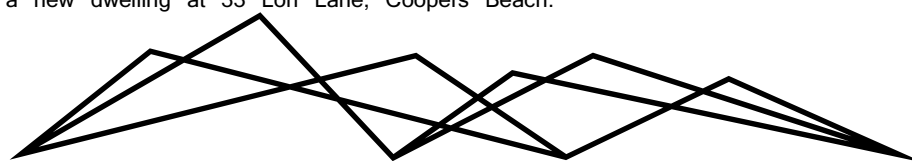
5.5.4 It is proposed that Condition (iii) of the consent notice be deleted in it entirety. The deletion of this consent notice is assessed in more detail in Section 6 of this report.

5.5.5 There is no activity status provision under the District Plan or RMA for changes/removal of consent notices; however, this aspect of the application is to be classified as a Discretionary Activity as it is innominate, in line with case law.

5.6 Overall Resource Consent Activity Status Conclusion

5.6.1 Overall, the application’s proposal is considered a Discretionary Activity as a result of the non-compliance’s with the following rules from the Operative District Plan:

- Rule 7.6.5.1.5 Sunlight (from the proposed new dwelling for Lot 34)
- Rule 7.6.5.1.6 Stormwater Management (on Lot 50)
- Rule 12.3.6.1.3 Excavation and/or filling in the Residential Zone



- Rule EW-S6 Setback
- Removal of Condition (iii) from Consent Notice 6058130 from Lot 50.

6 Resource Management

6.1 Section 95 – Notification

6.1.1 The new step by step section 95 process has been followed below:

Step 1: Mandatory Public Notification – s95A(2) and (3)

Criteria		Yes/No
(a)	Public Notification at Applicant’s request - s95A(3)(a)	No
(b)	Public Notification is required under section 95C (s95A(3)(b))	No
(c)	Public Notification is required as the application is a joint application with an application under section 15AA of the Reserves Act 1977, to exchange recreation reserve land (s95A(3)(c))	No

Step 2: Public Notification Precluded in Certain Circumstances – s95A (4) and (5)

Criteria		Yes/No
(a)	Rules or National Environmental Standards that preclude public notification – s95A(5)(a)	No
(b)	Any Controlled Activities – s95A(5)(b)(i)	No
(c)	Boundary Activities – Restricted Discretionary, Discretionary or Non Complying – s95A(5)(b)(iii)	Yes

Step 3: Public Notification Required in Certain Circumstances - s95A(7)

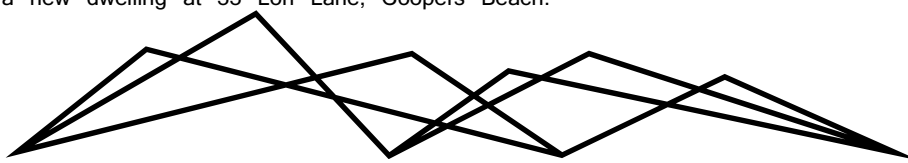
Criteria		Yes/No
(a)	The application is for one or more activities and any of those activities is subject to a rule or NES which requires public notification – s95A(8)(a)	No

Assessment of Environmental Effects – s95A(8)(b)

Clause 2(3) of Schedule 4 RMA requires an assessment of the activity’s effects on the environment. The level of detail should correspond with the scale and significance of the potential effects of the activity on the environment. The following actual and potential adverse effects, and positive effects have been identified and assessed for this proposal.

Overall, the proposed land use activity is a Discretionary Activity as a result of non-compliances with the District Plans rules relating to earthworks, sunlight, stormwater

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.



management and the removal of a Consent Notice Condition from the Record of Title of Lot 50.

Relevant Effects

Visual Amenity

The proposal is to construct a new residential dwelling on the subject site, which is considered to be entirely in keeping with its immediately adjoining residential surroundings.

The proposed building is two storey in design and compliant with the underlying zones setback and height requirements. As such, there is not considered to be any adverse effects resulting on neighbouring adjoining sites with regards to bulk, scale or privacy. Daylight rule requirements are infringed, but will be dealt with separately in this section of the report as the infringement relates to a boundary between two sites owned by the applicant.

Earthworks required to develop the sites subject to the application, although breaching the permitted standards for the zone, are considered small in scale and of a volume and area which is reasonably expected for a proposal of this type. The proposed earthworks will not result in any large cuts or a heavily modified appearance to the subject site, so therefore there are not considered to be any adverse visual effects from the required earthworks on the property.

The proposed new dwelling is in keeping with the residential area in which it will be located. Its two storey design mirrors that of other homes found in both the immediate and wider vicinity of the subject site and is of a size and scale which is considered both appropriate and in keeping with existing development along Lori Lane.

No on-site landscaping is required as part of this proposal by District Plan rules, however the applicant could undertake on site landscaping once the development is complete and they have moved in, and also once they have an idea of what they want to achieve on the site aesthetically (if indeed they want to at all).

The proposed colours and materials of the new dwelling will be sympathetic and in keeping with the residential environment in which it sits.

Overall, any visual and amenity effects of the proposal will be no more than minor.

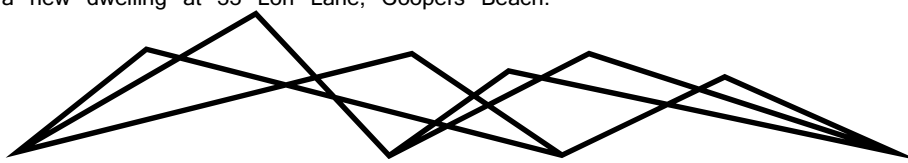
Daylight Control

The proposed dwelling on Lot 34 will result in a portion of the eastern elevation protruding through the Daylight Control recession plane along the boundary shared with Lot 50.

As the applicant is the owner of both lots which are covered by the applications proposal, written approval from Lot 50 for the daylight rule infringement is considered implicit in this instance and as such no written approvals have been provided for in this consent application to Council.

Earthworks

The proposed earthworks in this consent application, as touched on above, are considered small in scale for the proposed new dwelling on the site despite the District Plan permitted volumes being exceeded.



The proposed earthworks required for this proposal are considered to be of a size and scale which is entirely appropriate for the site and its topography. The relatively flat nature of both Lot 34 and Lot 50 means that the volumes and areas of earthworks needed to prepare the properties for the new development in this application are low in terms of both volume and area, as well as not resulting in any large areas or locations of cut faces.

As touched on earlier in Section 1 of this report, the following earthworks volumes and areas are required to develop the site:

Lot 34	Lot 50
Cut= 212m ³	Cut = 22m ³
Fill = 60m ³	Fill = 0m ³
Total = 272m ³	Total = 22m ³
Cut Area = 346m ²	Cut Area = 60m ²
Fill Area = 192m ²	Fill Area = 0m ²

The underlying zone has a permitted volume allowance of 200m³ per calendar year for earthworks and as the table shows the total volume of earthworks for the development on Lot 34 will exceed this permitted standard by 72m³. Lot 50's required earthworks to form the driveway which will service Lot 34 will not trigger any earthworks resource consents under the Operative District Plan as it is compliant with the permitted standards.

Despite this exceedance of the permitted standards by 72m³ and requirement for a resource consent, this is still considered to be a relatively small-scale total of earthworks to be able to prepare the site to receive the proposed dwelling.

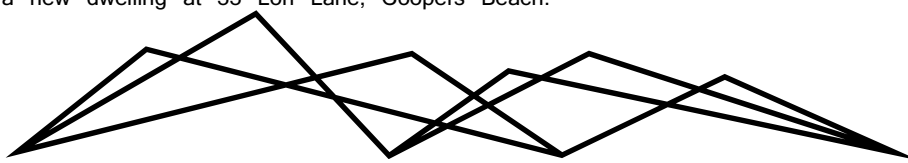
The proposed earthworks are not far off meeting the permitted standards for the site and certainly no passersby or neighbouring residents will be able to discern if the earthworks volumes being undertaken are triggering a resource consent or not. Due to this the resulting effects are not considered to be any different to that of the permitted 200m³ of earthworks being undertaken on the property as of right, with no consent needed.

No cut faces are being created or left exposed, and the required earthworks are not considered to result in any stability issues or exacerbate and hazards on the site in relation to its surroundings.

As well as the overall volumes and areas of required earthworks being small in scale and close to the permitted standards for the underlying zone, these earthworks are temporary in nature and duration and are to be expected of any development on vacant sections in the District.

There is a Geotechnical Report by Wilton Joubert included in Appendix C of this report which outlines that:

- There was no ground water encountered on site.
- That the site falls within the definition of "good ground".
- The report considers the risk of deep-seated global slope instability impacting the development to be significantly low.
- That FNDC GIS maps show the site has an "unlikely" liquefaction classification.



- The current proposed site development and associated building work within the relayed building platforms should not accelerate, worsen, or result in slippage or subsidence on the land on which the building work is to be carried out or any other property; and
- The land beneath the building footprints and surrounding immediate amenity areas of relayed building platforms are neither subject nor likely to be subject to slippage or subsidence, provided the development is undertaken in accordance with the recommendations and guidance of this report.

The proposed earthworks will be managed by on site temporary erosion and sediment control fences (as shown on the Development Plans in Appendix B of this report), and these can be enforced via standard Council conditions of consent relating to earthworks and earthworks management if deemed necessary.

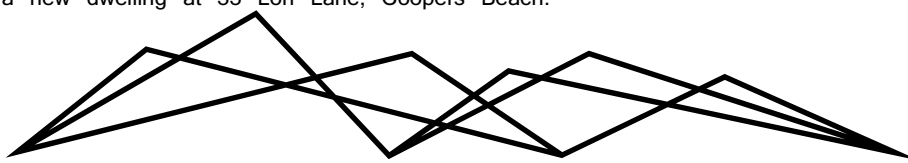
Stormwater Management

The proposed new dwelling on Lot 34 will not result in any infringement of that sites Permitted Stormwater rule percentage allowance. The built form and impermeable surfaces which will result from the development on this site are compliant with the underlying zones permitted requirements.

The proposed driveway on Lot 50 will result in an exceedance of the 50% coverage maximum for impermeable surfaces by 8%. Although 8% could be considered to be quite a considerable breach on a much larger residentially zoned lot, this infringement needs to be considered and assessed with regards to the context of the underlying lot and the proposed development on it (see below):

- Lot 50 only has an area of 130m² and at its widest point is about 4.5m in width. As such, this is not a parcel of land that readily lends itself to development in the form of buildings and therefore the applicant has decided its most practical use is as a driveway for the proposed main dwelling on Lot 34.
- Lot 50 was originally created as a Utility Lot for stormwater management and reticulation purposes. As correspondence with Doubtless Bay Water shows in Appendix D, this use of the lot is not required anymore and as such given its now in private ownership and co-owned by someone with an adjoining lot, it makes sense to utilise it in this proposed way as an access to its neighbouring lot.
- With the two sites owned by the same person (the applicant) Council could view the two sites in this application as one for the purposes of the application. In this instance, both lots combined would have an area of 891m². With the proposed impermeable surfaces of the development across both lots coming to 40.96%. When both sites are considered one, the permeable surfaces actually come in 9% under the permitted 50% maximum of the Stormwater Management rule for the underlying zone.

Any stormwater runoff generated by the proposed driveway on Lot 50 will utilise the permeable surface surrounding the drive on that allotment, as well as directing the water to the adjoining Lot 34. Lot 34 has the capacity for another 12% impermeable surfaces coverage on the site which could still enable it to meet the 50% permitted standard for the zone, so there is ample room for on-site soakage for runoff from Lot 50's proposed driveway.



There is a council stormwater connection in the form of a manhole and culvert on Lot 34's northwestern corner, as well as culverts in Lori Lane, so stormwater generated by the impermeable surfaces on Lot 34 and 50 can be managed through a combination of onsite soakage and direction of stormwater to existing Council stormwater infrastructure.

Overall, the exceedance of the 50% impermeable surfaces rule for Lot 50 is considered a technicality (due to the small size of the lot and the proposed development for it which is a driveway) and when the proposed development is considered across the combined areas of Lot 34 and Lot 50, and through utilising the existing stormwater infrastructure of the area, there are not considered to be any adverse effects resulting from this rule infringement.

Change to Consent Notice

As touched on in Section 4 of this report, Lot 50 was created as a Utility Lot as part of the original subdivision of this area. However, 15+ years on from its original approval and creation the lot is now in the private ownership of the applicant and it does not have any legal easements across it for stormwater management and reticulation purposes as originally intended. As such, the wording of Consent Notice 6058130.1 Condition (iii) is now not considered necessary, especially in light of the comments provided by Max Power of Doubtless Bay Water in Appendix D.

Due to this, the applicant is now applying to remove Condition (iii) from Consent Notice 6058130.1 in order to be able to build a driveway across the lot to serve the new dwelling on adjoining Lot 34 (which he also owns).

In light of the confirmation from both Council and Doubtless Bay Water Staff that Lot 50 is not required as a Utility Lot anymore, we see no reason why Condition (iii) of the consent notice cannot be removed. There are not considered to be any adverse effects arising from the removal of this condition with regards to the proposed development and by removing this condition the owner is able to make use of the land in a way that results in the least impact or effect on the site and its surroundings.

Assessment of Effects Summary

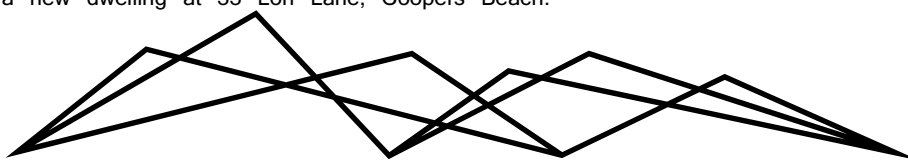
It is concluded that the effects on the environment will be less than minor and acceptable. In reaching this conclusion, regard has been given to the non-compliances of the proposal. It has been concluded that all effects are able to be managed within the site that they are generated.

Step 4: Public Notification in Special Circumstances - s95A(9)

There are no special circumstances as there is nothing that is unusual, abnormal or exceptional about this application.

6.2 Section 95B – Effects on owners and occupiers

- 6.2.1 The steps set out in sections 95B(2) – 95B(10) must be followed to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.



Step 1: Certain Affected Groups and Affected Persons must be notified - s95B(2)-(4)

Criteria		Yes/No
(a)	Are there any affected protected customary rights groups – s95B(2)(a)	No
(b)	Is the activity on or adjacent to or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 – s95B(3)(a)	No

Step 2: Limited Notification Precluded in Certain Circumstances – s95B(5)(6)

Criteria		Yes/No
(a)	The application is for one or more activities and each activity is subject to a rule or NES that precludes Limited Notification – S95B(6)(a)	No
(b)	The application is a controlled activity landuse -s95B(6)(b)(i)	No
(c)	The application is a prescribed activity (see section 360H(1)(a)(ii))	No

Step 3: Certain other persons must be notified – s95B(7)

- 6.2.2 The application is for a proposed new residential dwelling and accessway on the subject sites which are unable to comply with underlying rules relating to Sunlight, Stormwater Management and Earthworks in the zone.
- 6.2.3 An assessment is now required under s95B(8) to determine whether a person is an affected person in accordance with section 95E.



Figure 3: Location of Persons Considered under Section 95 (E) – neighbouring properties outlined in Yellow (subject site in Red)

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.

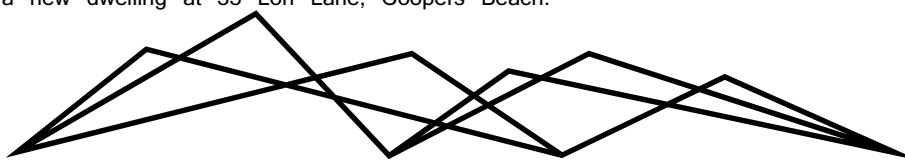


Table 1 below corresponds with Figure 3 on the previous page and identifies the neighbouring property owners that have been considered:

Table 1

Property Reference	Property Address	Legal Description
A	-	Lot 2 DP 441006
B	28 Lori Lane, Coopers Beach	Lot 35 DP 338407
C	26 Lori Lane, Coopers Beach	Lot 36 DP 338407
D	24 Lori Lane, Coopers Beach	Lot 37 DP 331991
E	22 Lori Lane, Coopers Beach	Lot 38 DP 331991
F	31 Lori Lane, Coopers Beach	Lot 33 DP 331991

6.2.4 It is considered that there are no other properties that will be affected by the applications proposal on the subject site.

6.2.5 Each neighbouring property outlined above in Table 1 is assessed and addressed against the applications proposal below:

Property A

This property is located to the south of the subject site.

The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc).

The applications proposal is for a residential dwelling, which would reasonably be expected to be located on a property of this type. As such, this neighbouring site is not considered to be adversely impacted my character or visual amenity effects from this applications proposal.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.

Property B

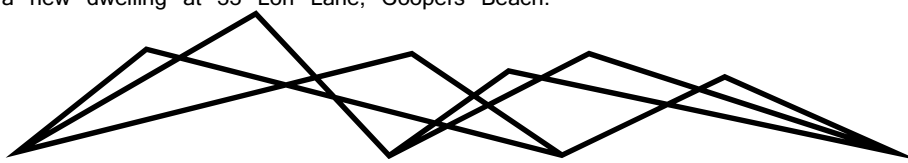
This property is located to the west of the subject site.

The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc).

The applications proposal is for a residential dwelling, which would reasonably be expected to be located on a property of this type. As such, this neighbouring site is not considered to be adversely impacted my character or visual amenity effects from this applications proposal.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.



Property C

This property is located to the north west of the subject site.

The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc).

The applications proposal is for a residential dwelling, which would reasonably be expected to be located on a property of this type. As such, this neighbouring site is not considered to be adversely impacted my character or visual amenity effects from this applications proposal.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.

Property D

This property is located to the north of the subject site.

The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc).

The applications proposal is for a residential dwelling, which would reasonably be expected to be located on a property of this type. As such, this neighbouring site is not considered to be adversely impacted my character or visual amenity effects from this applications proposal.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.

Property E

This property is located to the north of the subject site.

The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc).

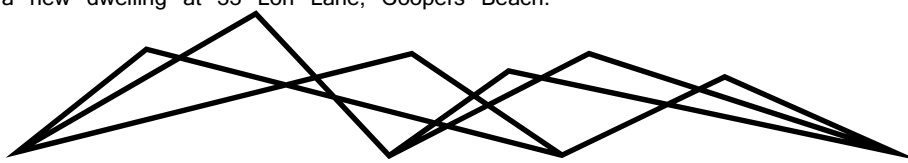
The applications proposal is for a residential dwelling, which would reasonably be expected to be located on a property of this type. As such, this neighbouring site is not considered to be adversely impacted my character or visual amenity effects from this applications proposal.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.

Property F

This property is located to the east of the subject site.



The applications proposal does not result in any underlying zone rule infringements that directly impact this property (such as yard infringements, height infringements etc) as only a driveway is proposed on Lot 50 which directly shares a boundary with this property.

The proposed earthworks for the subject site are also not expected to adversely affect this adjoining property, due to their location, size and scale.

For these reasons, it is maintained that all effects on persons are less than minor.

6.2.6 Conclusion

Accordingly, for the reasons stated above all effects upon the owners and occupiers of the above-mentioned properties are considered to be less than minor. No written approvals have been submitted with the application as none of the neighbour allotments are considered affected. As the applicant is the owner of two allotments, one of which is infringed by a sunlight rule breach from his own proposed development, his approval to this are considered implicit. Accordingly, it is recommended that the application is processed on a **non-notified** basis.

7 Substantive Decision

7.1 Section 104B – Determination of Applications

7.1.1 Council’s decision in terms of the Discretionary Activity must be made in relation to Section 104B of the Resource Management Act (RMA). Section 104B states:

104B Determination of applications for discretionary or non-complying activities

- *After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
 - *(a) may grant or refuse the application; and*
 - *(b) if it grants the application, may impose conditions under section 108.*

Section 104 outlines the following matters, which are relevant for consideration of the application:

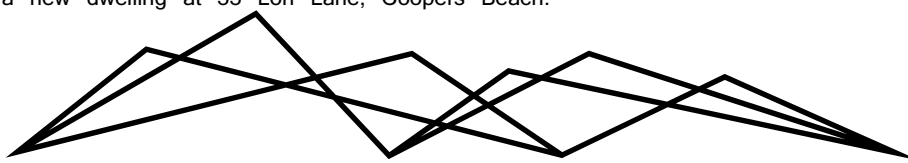
- “(1) (a) any actual and potential effects on the environment of allowing the activity; and
 (b) any relevant provisions of—
 (vi) a plan or proposed plan; and
 (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

7.2 Section 104 Assessment

7.2.1 District Plan Assessment Criteria

7.2.2.1 Matters relating to the District Plans’ relevant assessment criteria have been discussed in detail within Section 6 of this Report where it was concluded that the adverse effects of the proposal will be no more than minor. However, the relevant criteria to the District Plan rule infringements are addressed and assessed below for completeness.

Resource Consent Application for a new dwelling at 33 Lori Lane, Coopers Beach.



7.2.2.2 With regards to Stormwater Management, the following Assessment Criteria from Rule 7.6.5.2.1 are relevant:

- (a) *the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;*
- (b) *the extent to which Low Impact Design principles have been used to reduce site impermeability*
- (c) *any cumulative effects on total catchment impermeability;*
- (d) *the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;*
- (e) *the physical qualities of the soil type;*
- (f) *the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;*
- (g) *the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;*
- (h) *the extent to which landscaping and vegetation may reduce adverse effects of run-off;*
- (i) *the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.*

As touched on when Stormwater was addressed in Section 6 of this report, both sites combined areas result in an overall impermeable surfaces coverage that actually complies with the Operative Plans Stormwater Rules. With the applicant owning both sites, the driveway across the 130m² Lot 50 is causing the infringement due to the small size of this former Utility Lot.

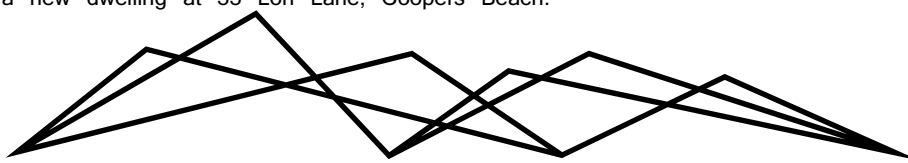
Overall, this infringement is considered a technicality and Council should assess it and treat it as such.

7.2.2.3 With regards to the Sunlight infringement, the following assessment criteria from Rule 7.6.5.3.4 are relevant:

- (a) *the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;*
- (b) *the location and proximity of adjacent residential units, and the outdoor space used by those units;*
- © *the ability to mitigate any adverse effects of loss of sunlight.*

As touched on already in Section 6 of this report, the applicant owns Lot 50 which is subject to the Sunlight Rule infringement from the proposed dwelling on Lot 34. As the applicant owns both of the aforementioned properties his written approval of the sunlight rule infringement is considered implicit.

7.2.2.4 With regards to the Earthworks infringements from the proposal, the following assessment criteria are relevant to the proposal from both the Operative District Plan and the Proposed District Plan:



Rule 12.3.6.2.2

- (i) *the effects of the area and volume of soils and other materials to be excavated; and*
- (ii) *the effects of height and slope of the cut or filled faces; and*
- (iii) *the time of the year when the earthworks will be carried out and the duration of the activity; and*
- (iv) *the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline; and*
- (v) *the extent to which the activity may adversely impact on visual and amenity values; and*
- (vi) *the extent to which the activity may adversely affect cultural and spiritual values; and*
- (vii) *the number, trip pattern and type of vehicles associated with the activity; and*
- (viii) *the location, adequacy and safety of vehicular access and egress; and*
- (ix) *the means by which any adverse environmental effects of the activity will be avoided, remedied or mitigated.*

The above criteria have effectively been dealt with and assessed earlier on in this report in Section 6.

Rule EW-S6

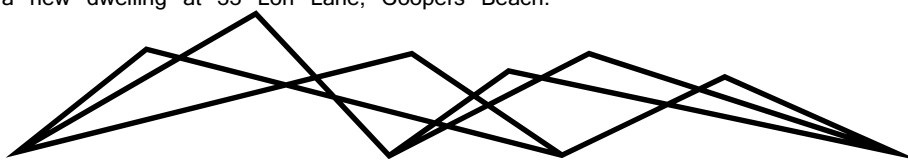
- a) *the location, scale and volume;*
- b) *depth and height of cut and fill;*
- c) *the nature of filling material and whether it is compacted;*
- d) *the extent of exposed surfaces or stockpiling of fill;*
- e) *erosion, dust and sediment controls;*
- f) *stormwater controls;*
- g) *the stability of land, buildings and infrastructure;*
- h) *the life-supporting capacity of soils;*
- i) *temporary or permanent nature of any adverse effect;*
- j) *traffic and noise effects*
- k) *time of year earthworks will be carried out and duration of the activity;*
- l) *natural character, landscape, historic heritage, spiritual and cultural values; and*
- m) *impact on visual and amenity values*

All of the above have been dealt with and addressed elsewhere earlier on in this report. Due to this, they will not be revisited again here. Overall, this earthworks setback rule infringement is not considered to result in adverse effects upon the neighbouring sites as no earthworks within the boundary setbacks of the sites will result in large, deep cuts which could cause stability or hazard exacerbation issues.

7.3 Objectives and Policies

7.3.1 Far North District Plan Operative Plan- Objectives and Policies

7.3.2 The relevant Objectives and Policies from the Operative Plan in relation to the site and the proposal are listed below along with comment as to their consistency, compliance and relevance:



7.6.3 Objectives

- 7.6.3.1 *To achieve the development of new residential areas at similar densities to those prevailing at present.*
- 7.6.3.2 *To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity.*
- 7.6.3.3 *To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive.*

7.6.4 Policies

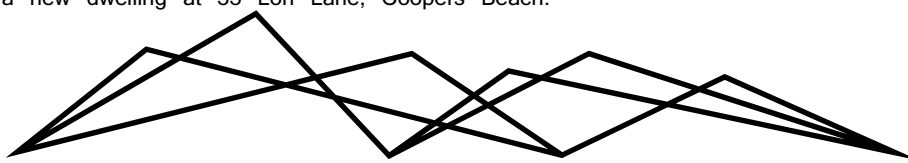
- 7.6.4.1 *That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.*
- 7.6.4.2 *That the Residential Zone be applied to areas which are currently residential but where there is scope for new residential development.*
- 7.6.4.3 *That the Residential Zone be applied to areas where expansion would be sustainable in terms of its effects on the environment.*
- 7.6.4.4 *That the Residential Zone provide for a range of housing types and forms of accommodation.*
- 7.6.4.5 *That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment.*
- 7.6.4.6 *That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.*

The applications proposed residential dwelling is considered to be consistent with the above Objectives and Policies.

12.3 Soils and Minerals

12.3.3 OBJECTIVES

- 12.3.3.1 *To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.*
- 12.3.3.2 *To maintain the life supporting capacity of the soils of the District.*
- 12.3.3.3 *To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.*



12.3.3.4 *To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity*

12.3.4 POLICIES

12.3.4.1 *That the adverse effects of soil erosion are avoided, remedied or mitigated.*

12.3.4.2 *That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.*

12.3.4.3 *That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where:*

- (a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living;*
- (b) there are significant ecological, landscape, cultural, spiritual or heritage values;*
- (c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;*
- (d) natural hazards may pose unacceptable risks.*

12.3.4.4 *That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.*

12.3.4.5 *That soil conservation be promoted.*

12.3.4.6 *That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.*

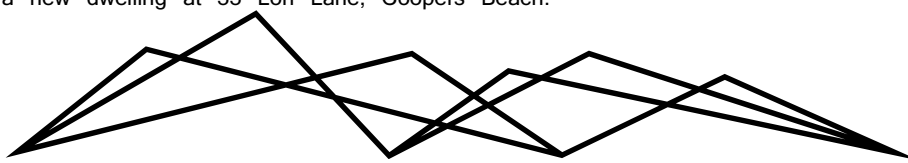
12.3.4.7 *That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.*

12.3.4.8 *That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.*

The proposed new dwelling’s required earthworks are considered consistent, and not in conflict, with the above Objectives and Policies.

7.3.3 Far North District Plan Proposed Plan- Objectives and Policies

7.3.4 The relevant Objectives and Policies from the Proposed Plan in relation to the site and the proposal are listed below along with comment as to their consistency, compliance and relevance:



Cultural Prosperity - Objectives

SD-CP-01

Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.

SD-CP-02

Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.

SD-CP-03

The District's diverse cultures and communities are celebrated and cultural heritage recognised.

SD-CP-04

The District's historic heritage is identified and managed to ensure its long-term protection for current and future generations.

SD-CP-05

A district wide approach to the impacts of climate change and natural hazards, which includes a te ao māori decision making framework, developed with iwi and hapū.

The applications proposal is not in conflict with the above Objectives.

Infrastructure and Electricity - Objectives

SD-IE-01

The benefits of infrastructure and renewable electricity generation activities across the district are recognized and provided for, while ensuring their adverse effects are well managed.

SD-IE-02

Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.

The applications proposal is not in conflict with the above Objectives.

Social Prosperity - Objectives

SD-SP-01

Community wellbeing is heightened by a sense of place.

SD-SP-02

Development of initiatives that will support the wellbeing of Tangata Whenua in partnership with iwi and hapū.

SD-SP-03

Encourage opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.

SD-CP-04

Promotion of communities and places that will meet the needs for not only the present population but future generations which are adaptive to climate change.

This applications proposal is not in conflict with these Objectives.

Economic Prosperity - Objectives

SD-EP-01

A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the District's Māori economy making a significant contribution.

SD-EP-02

Existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.

SD-EP-03

Development and retention of highly motivated, educated and skilled people in the District.

SD-EP-04

People, businesses and places are connected digitally and through integrated transport networks.

SD-EP-05

A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.

The applications proposal is consistent, and not in conflict with, the above Objectives.

Urban Form and Development - Objectives

SD-UFD-01

The wellbeing of people who live in and visit towns in the Far North is considered first when it comes to planning places and spaces.

SD-UFD-02

Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.

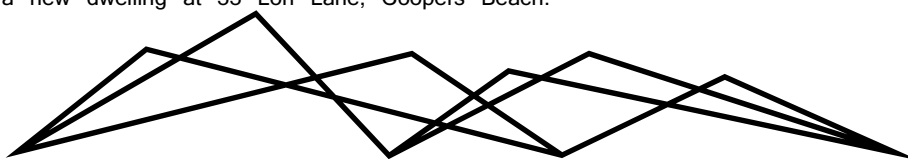
SD-UFD-03

Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.

SD-UFD-04

Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change.

The applications proposal is consistent, and not in conflict with, the above Objectives.



Infrastructure and Electricity - Objectives

SD-IE-01

The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.

SD-IE-02

Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.

The applications proposal is consistent, and not in conflict with, the above Objectives.

Natural Environment - Objectives

SD-EP-01

A culture of stewardship in the community that increases the District's biodiversity and environmental sustainability.

SD-EP-02

Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.

SD-EP-03

Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.

SD-EP-04

Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.

SD-EP-05

The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations.

SD-EP-06

Areas of significant indigenous vegetation and significant habitats of indigenous fauna and protected for current and future generations.

The applications proposal is consistent, and not in conflict with, the above Objectives.

Earthworks - Objectives

EW-01

Earthworks are enabled where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.

EW-02

Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.

EW-03

Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.

The applications proposal is consistent, and not in conflict with, the above Objectives, as demonstrated earlier on this report.

Policies

EW-P1

Enable earthworks necessary to provide for the District's social, economic and cultural well-being, and their health and safety where they provide for:

- *urban land uses and development within urban zones;*
- *rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rural zones;*
- *conservation and recreation activities;*
- *land drainage and flood control works; and*
- *installation, upgrade and maintenance of infrastructure.*

The applications proposal is considered consistent, and not in conflict with, the above Policy.

EW-P2

Ensure earthworks are managed, when it has the potential to:

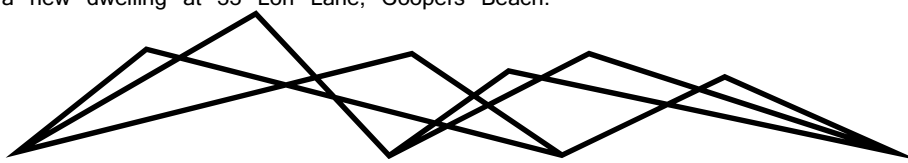
- *create new or exacerbate existing natural hazards, including but not limited to flooding, instability, and coastal hazards;*
- *result in adverse effects on the amenity, characteristics and qualities of outstanding natural landscapes, outstanding natural features, historic heritage, cultural values, indigenous biodiversity and significant natural areas and features; and*
- *adversely affect waterbodies and the coastal marine area due to inadequate setbacks.*

The applications proposal is consistent, and not in conflict with, the above Policy.

EW-P3

Ensure earthworks are located and designed appropriately to manage the effects of the activity by:

- *controlling maximum depth and height and maximum area or volume of earthworks;*
- *requiring appropriate setbacks are maintained from adjoining property boundaries, waterbodies and the coastal environment;*
- *managing the location and design of infrastructure;*
- *managing impacts on natural drainage patterns and overland flow paths; and*
- *controlling the movement of dust and sediment beyond the area of development to avoid:*



- *nuisance effects and/or amenity effects on surrounding sites, or*
- *silt and sediment entering stormwater systems or waterbodies and the coastal marine area.*

The applications proposal is consistent, and not in conflict with, the above Policy.

EW-P4

Require earthworks to be of a type, scale and form that is appropriate for the location having regards to the effects of the activity, and:

- *existing site constraints, opportunities and specific engineering requirements;*
- *the impact on existing natural landforms, features, historic heritage and indigenous biodiversity;*
- *compatibility with the visual amenity and character values of the area;*
- *changes in the natural landform that will lead to instability, erosion and scarring;*
- *impacts on natural drainage patterns and overland flow paths;*
- *using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area;*
- *minimising adverse visual effects associated with any exposed cut faces or retaining structures, including with the use of screening, landscaping and/or planting; and*
- *loss of flood storage within flood hazard areas.*

The applications proposal is consistent, and not in conflict with, the above Policy for the reasons outlined earlier in this report.

EW-P5

Manage effects on historic heritage and cultural values that may be discovered when undertaking earthworks by:

- *requiring a protocol for the accidental discovery of archaeology, kōiwi and artefacts of Māori origin; and*
- *undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.*

The applications proposal is consistent, and not in conflict with, the above Policy. The addition of an accidental discovery protocol advice note on the consent decision issued for this proposal can ensure that this Policy is achieved, if deemed necessary by Council.

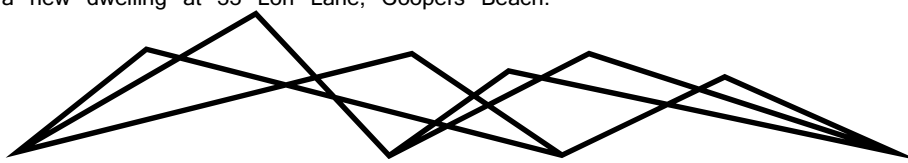
EW-P6

Require that all earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings or structures.

The applications proposal is consistent, and not in conflict with, the above Policy.

EW-P7

Ensure all earthworks associated with land development are designed and assessed in a coordinated and integrated manner at the time of subdivision, by:



- *controlling earthworks associated with subdivision, including for the purpose of site preparation, creating roads or access to/within the subdivision, and for the provision of infrastructure; and*
- *considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and/or development of land, particularly for future infill or greenfield subdivision.*

This application is not for a subdivision so this Policy is not applicable.

EW-P8

Manage earthworks to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- *the location, scale and volume;*
- *depth and height of cut and fill;*
- *the nature of filling material and whether it is compacted;*
- *the extent of exposed surfaces or stockpiling of fill;*
- *erosion, dust and sediment controls;*
- *the risks of natural hazards, particularly flood events;*
- *stormwater controls;*
- *flood storage, overland flow paths and drainage patterns;*
- *impacts on natural coastal processes;*
- *the stability of land, buildings and infrastructure;*
- *visual amenity, natural character and landscape values,*
- *historic heritage values, and whether any assessment or advice from a suitably qualified and experienced heritage expert is required;*
- *any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- *the life-supporting capacity of soils;*
- *the extent of indigenous biodiversity clearance and its effect on biodiversity values;*
- *outstanding natural character, outstanding natural landscapes and outstanding natural features;*
- *riparian margins;*
- *the location, operational and functional needs and use of infrastructure;*
- *temporary or permanent nature of any adverse effect; and*
- *traffic and noise effects.*

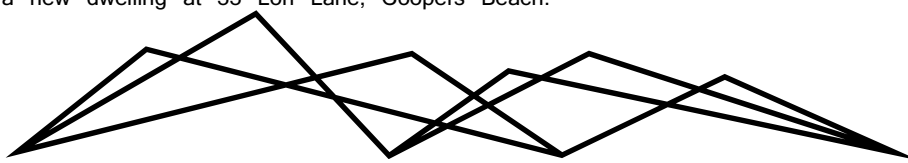
The applications proposal is consistent, and not in conflict with, the above Policy.

Objectives

GRZ-O1

The General Residential zone provides a variety of densities, housing types and lot sizes that respond to:

- housing needs and demand;*
- the adequacy and capacity of available or programmed development infrastructure;*
- the amenity and character of the receiving residential environment; and*
- historic heritage.*



The applications proposal is considered consistent with this Objective.

GRZ-02

The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.

The applications proposal is considered consistent with this Objective.

GRZ-03

Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.

The applications proposal is considered consistent with this Objective.

GRZ-04

Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.

The applications proposal is considered consistent with this Objective.

GRZ-05

Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.

The applications proposal is considered consistent with this Objective.

GRZ-06

Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.

The applications proposal is considered consistent with this Objective.

Policies

GRZ-P1

Enable land use and subdivision in the General Residential zone where:

- a) there is adequacy and capacity of available or programmed development infrastructure to support it; and*
- b) it is consistent with the scale, character and amenity anticipated in the residential environment.*

The applications proposal is considered consistent with this Policy.

GRZ-P2

Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot:

- *telecommunications:*
- *fibre where it is available; or*
- *copper where fibre is not available;*
- *local electricity distribution network;*
- *wastewater; and*
- *potable water and stormwater where it is available.*

This is not applicable to the consent applications proposal.

GRZ-P3

Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.

This is not applicable to the consent applications proposal.

GRZ-P4

Enable non-residential activities that:

- a) *do not detract from the vitality and viability of the Mixed Use zone;*
- b) *support the social and economic well-being of the community;*
- c) *are of a residential scale; and*
- d) *are consistent with the scale, character and amenity of the General Residential zone.*

The applications proposal is considered consistent with this Policy.

GRZ-P5

Provide for retirement villages where they:

- a) *compliment the character and amenity values of the surrounding area;*
- b) *contribute to the diverse needs of the community;*
- c) *do not adversely affect road safety or the efficiency of the transport network; and*
- d) *can be serviced by adequate development infrastructure.*

This is not applicable to the consent applications proposal.

GRZ-P6

Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.

The applications proposal is considered consistent with this Policy.

GRZ-P7

Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.

The applications proposal is considered to be not in conflict with this Policy.

GRZ-P8

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

- a) *consistency with the scale, design, amenity and character of the residential environment;*
- b) *the location, scale and design of buildings or structures, potential for shadowing and visual dominance;*
- c) *for residential activities:*
 - *provision for outdoor living space;*
 - *privacy for adjoining sites;*
 - *access to sunlight;*
- d) *for non-residential activities:*
 - *scale and compatibility with residential activities*
 - *hours of operation*
- e) *at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;*
- f) *the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including:*
 - *opportunities for low impact design principles*
 - *ability of the site to address stormwater and soakage;*
- g) *managing natural hazards; and*
- h) *any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The applications proposal is considered consistent with this Policy.

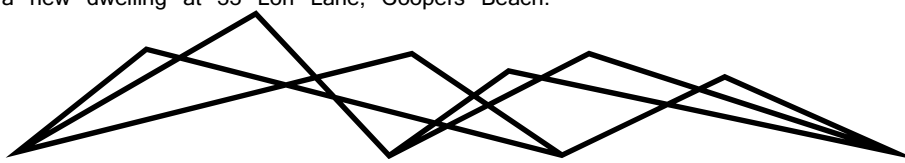
7.3.5 After reviewing the relevant zones assessment criteria and Objectives and Policies from both of the District Plans, it is considered that:

- The actual and potential effects of the proposal are acceptable.
- The proposal is consistent with the objectives and policies of the District Plans, rule statements, as well as the expected environmental outcomes.
- There are no other matters that are considered relevant to this proposal.
- Overall, the proposal meets the purpose and principles of the RMA being sustainable management of natural and physical resources.

7.4 Part 2 Matters

7.4.1 Section 104 of the Act is subject to Part 2 of the Act:

- Section 5 of the Act outlines the Act’s purpose, the basic principle of which is sustainable management – It is considered that the proposed new residential dwelling is in line with this section.



- Section 6 of the Act outlines matters of national importance - it is considered that none of sub sections (a) to (f) are relevant to this case.
- Section 7 outlines the other matters for consideration.
- Section 8 concerns the principles of the Treaty of Waitangi.

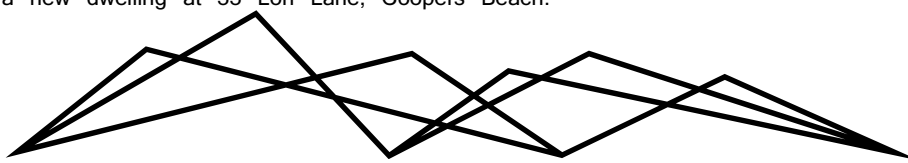
7.4.2 Overall it is considered that the proposed development as outlined in this application is not in conflict with, and therefore satisfies, all of the above sections of Part 2 of the Act.

8 Conclusion

- 8.1 This report has outlined the details of the proposed activity for a new residential dwelling at number 33 and Lot 50 Lori Lane, Coopers Beach.
- 8.2 It has been demonstrated that any effects of granting the resource consent on the environment will be acceptable, subject to conditions relating to compliance with approved plans and parameters in which the activity can be undertaken.
- 8.3 This report has considered the proposal in terms of the relevant planning instruments, particularly the Far North District Operative Plan, and found that the proposal will be consistent with all relevant objectives and policies.
- 8.4 Accordingly, it is considered that the purpose of the Act will be achieved by granting a non - notified consent to the proposal as outlined in this report.

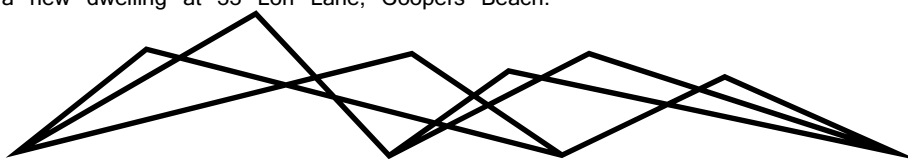
Appendix A

Record of Title & Interests



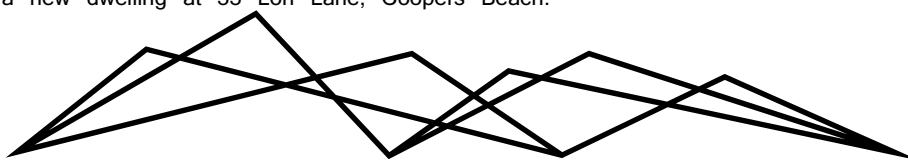
Appendix B

Development Plans



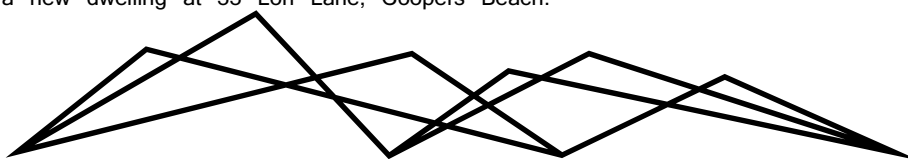
Appendix C

Geotech Report



Appendix D

Correspondence with Doubtless Bay Water





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




R. W. Muir
Registrar-General
of Land

Identifier 131378
Land Registration District North Auckland
Date Issued 28 June 2004

Prior References
NA76D/790

Estate Fee Simple
Area 130 square metres more or less
Legal Description Lot 50 Deposited Plan 331991
Registered Owners
Shane Bruce Ellis

Interests

Subject to Section 59 Land Act 1948
6058130.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.6.2004 at 9:00 am
Appurtenant hereto is a right to convey water created by Easement Instrument 6058130.4 - 28.6.2004 at 9:00 am
Land Covenant in Easement Instrument 6058130.5 - 28.6.2004 at 9:00 am
Land Covenant in Easement Instrument 6358920.5 - 24.3.2005 at 9:00 am
12769109.2 Mortgage to ANZ Bank New Zealand Limited - 18.8.2023 at 10:31 am

LC 204053 Date: 05/14

Approvals

For opinion in favour of Council's Ownership Heights Ltd - Registered Owners

I hereby certify that this plan was prepared by the North District Council pursuant to Section 223 of the Resource Management Act 1991 on the 14th day of December, 2003 subject to the granting or reserving of the easements specified in the registration instrument attached hereto.

P. J. Wallace
Authorized Officer

Memorandum of Easements Purposes	Right of Abeyance	Lot 37	Human
Right of Abeyance	Right to carry	Lot 37	Human
Right to carry	Right to carry	Lot 37	Human

Schedule of Proposed Easements

Right to carry	Lot 37	Human
Right to carry	Lot 37	Human
Right to carry	Lot 37	Human

For further easements see Schedule 2 Areas marked (A) and (B) to be subject to local easements (See Schedule 2.5.2)

Class of Survey: Class I

Total Area **63,140 ha**

Comprised in **CT 762/792 (A1)**

Spruce Reforest Area

being a portion entitled to purchase as a forested area, certified that the surveys to which the forested areas are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for Cadastral Survey 2002.

The forested areas, and the lines created in accordance with that Act and these Rules.

Signed *[Signature]* Date **15/11/04**

Field Book Theme Book

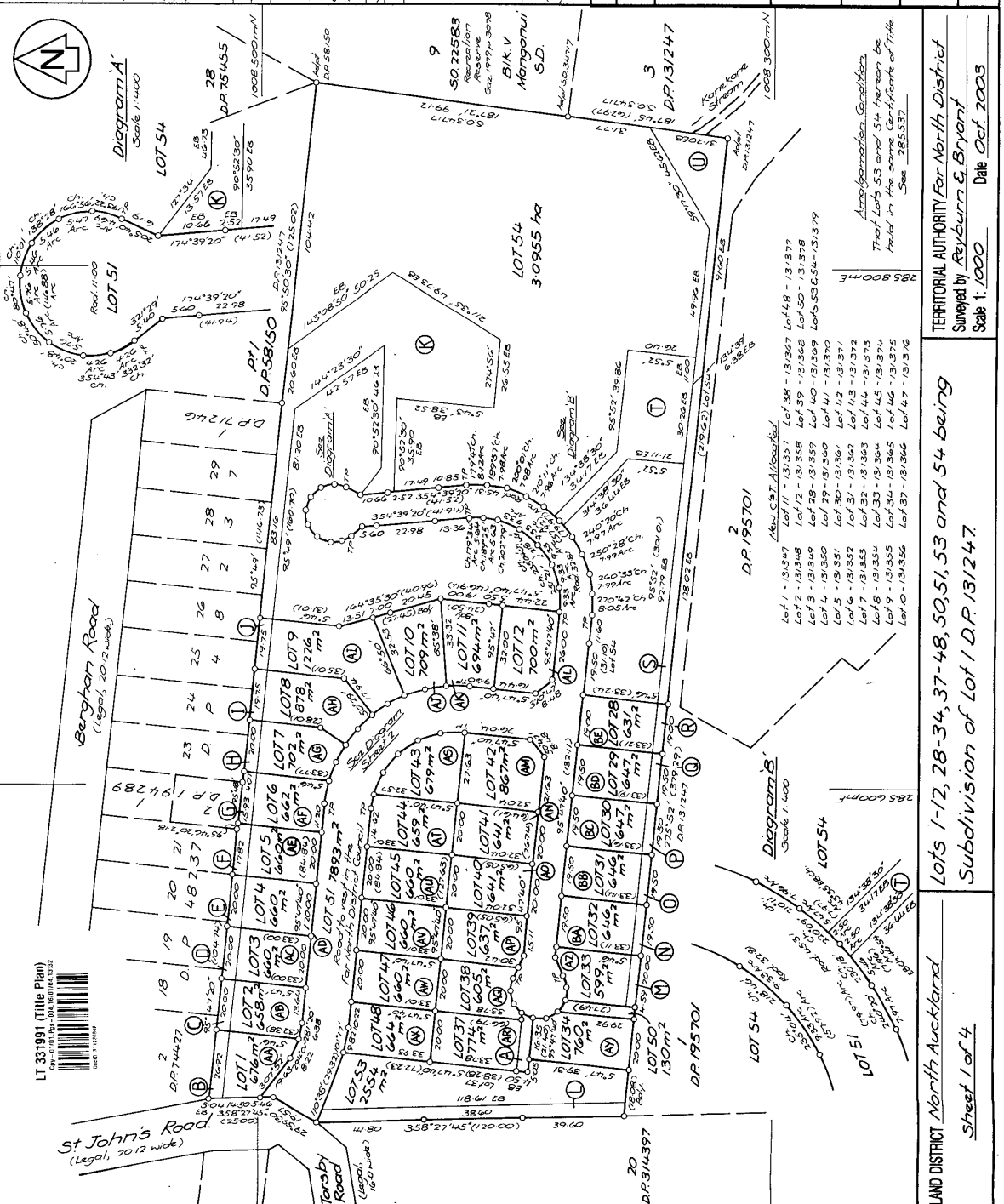
Reference Plate

Examined Correct

Approved as to Survey by Land Information NZ on **31/03/2004**

Deposited by Land Information NZ on **28/16/2004**

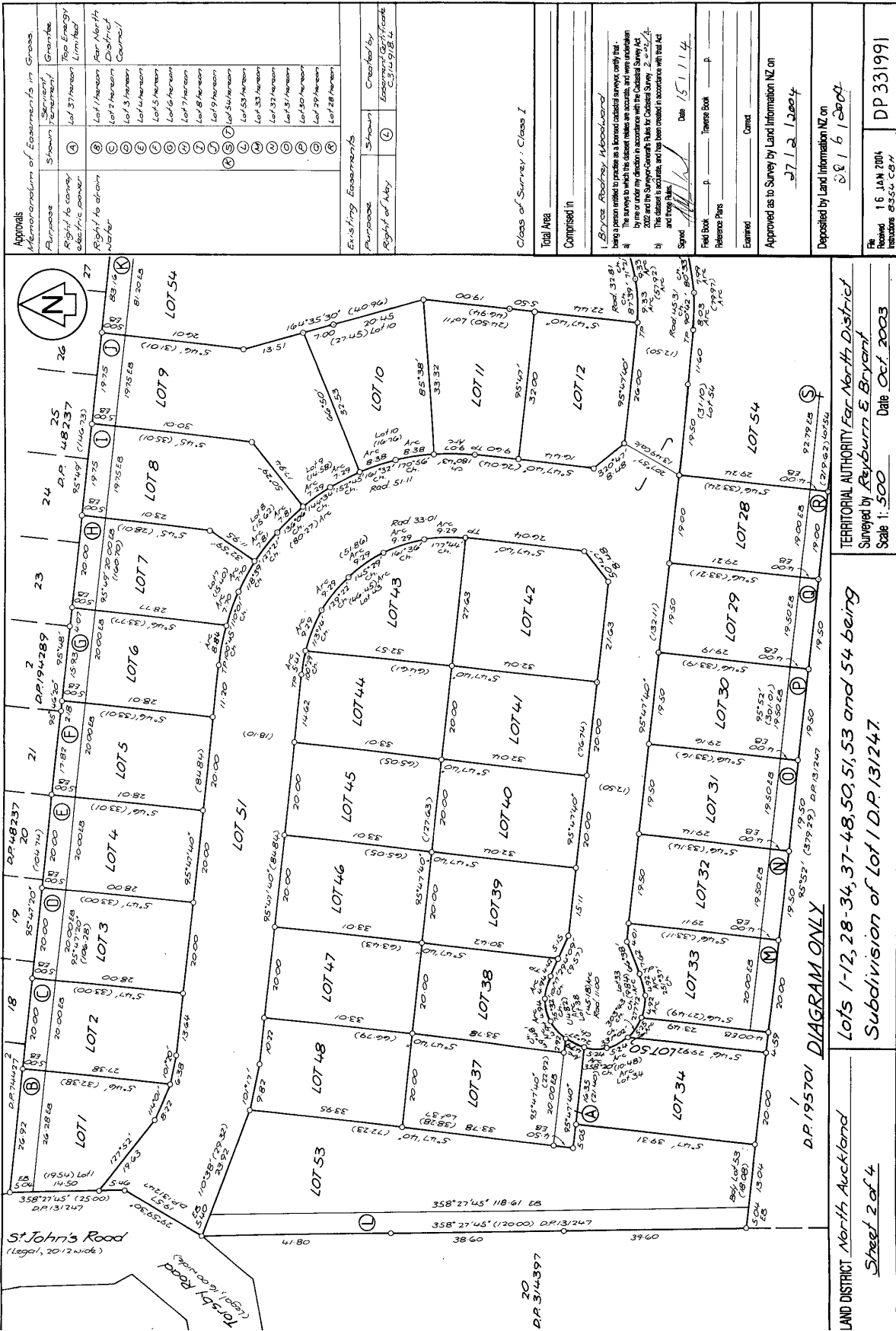
The Registrar **J.S. N. 7008**
Registrations **833/2/04**
DP 33/991



LAND DISTRICT North Auckland
Sheet 1 of 4

LAND DISTRICT North Auckland
Surveyed by **Reyburn & Bryant**
Scale 1:1000
Date **Oct. 2003**

Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being Subdivision of Lot 1 D.P. 131247.



Approvals	Memorandum of Encumbrances in Gross
Shewn	Shewn
Purpose	Purpose
Right to convey	Right to convey
electric power	electric power
Right to drain	Right to drain
water	water

Existing Encumbrances	Created by
Shewn	Shewn
Right of Way	Equipment Certificate
	C.S. 149244

Class of Survey: Class I

Total Area

Comprised in

Sydney Redfern Woodward

being a person entitled to practice as a licensed cadastral surveyor, certify that:

a) The survey to which this document relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for Cadastral Survey 2002.

b) The document is accurate, and has been created in accordance with that Act and these rules.

Signed: *[Signature]* Date: 15/11/14

Field Book: p. _____ Theme Book: p. _____

Reference Plans: _____

Examined: _____ Correct: _____

Approved as to Survey by Land Information NZ on: 27/12/2004

Deposited by Land Information NZ on: 28/16/2004

File: 16 JAN 2004

Received: 2354 C.S.H

DP 331991

TERRITORIAL AUTHORITY For North District

Surveyed by *Rayburn E Bryant*

Scale 1:500

Date Oct. 2003

D.P. 195701 DIAGRAM ONLY

Subdivision of Lot 1/ D.P. 131247

LAND DISTRICT North Auckland

Sheet 2 of 4

Approvals
 Note: Height Datum - Mean Sea Level, (L.M.A.H.)
 Origin of Levels - S.M.1623.50 SP2004
 A.L. = 22.42

Areas marked (A) - (Z) and (AA) - (ZZ) to be subject to land constraints (Building Envelopes)

Areas marked (A) - (A) and (AA) - (AA) to be subject to land constraints (Building Height Restriction) details and sections AA - JJ, see sheet 4, as follows -

Lot 1 and 7 refer Section AA.
 Lots 3, 4, 5, 6 refer Section BB.
 Lot 7 refer Section CC.
 Lot 8 refer Section DD.
 Lot 9 refer Section EE.
 Lot 10 refer Section FF.
 Lot 11 and 12 refer Section GG.
 Lot 13 - Maximum Building Height 15.00 (Level/Plane, no Section shown)
 Lot 14 refer Section HH.
 Lot 15, 16, 17 refer Section II.
 Lot 18 refer Section JJ.

Class of Survey: Class 1

Total Area

Completed in

I. Bryce Redfern Woodward
 being a person entitled to practice as a licensed cadastral surveyor, certify that the survey to which this plan relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act, 2002 and the Surveyor-General's Rules for Cadastral Survey, 2002.
 The plan is accurate, and has been created in accordance with this Act and these Rules.

Signed: *[Signature]* Date: 15.11.14

Field Book: p. Timrose Book

Reference Plans

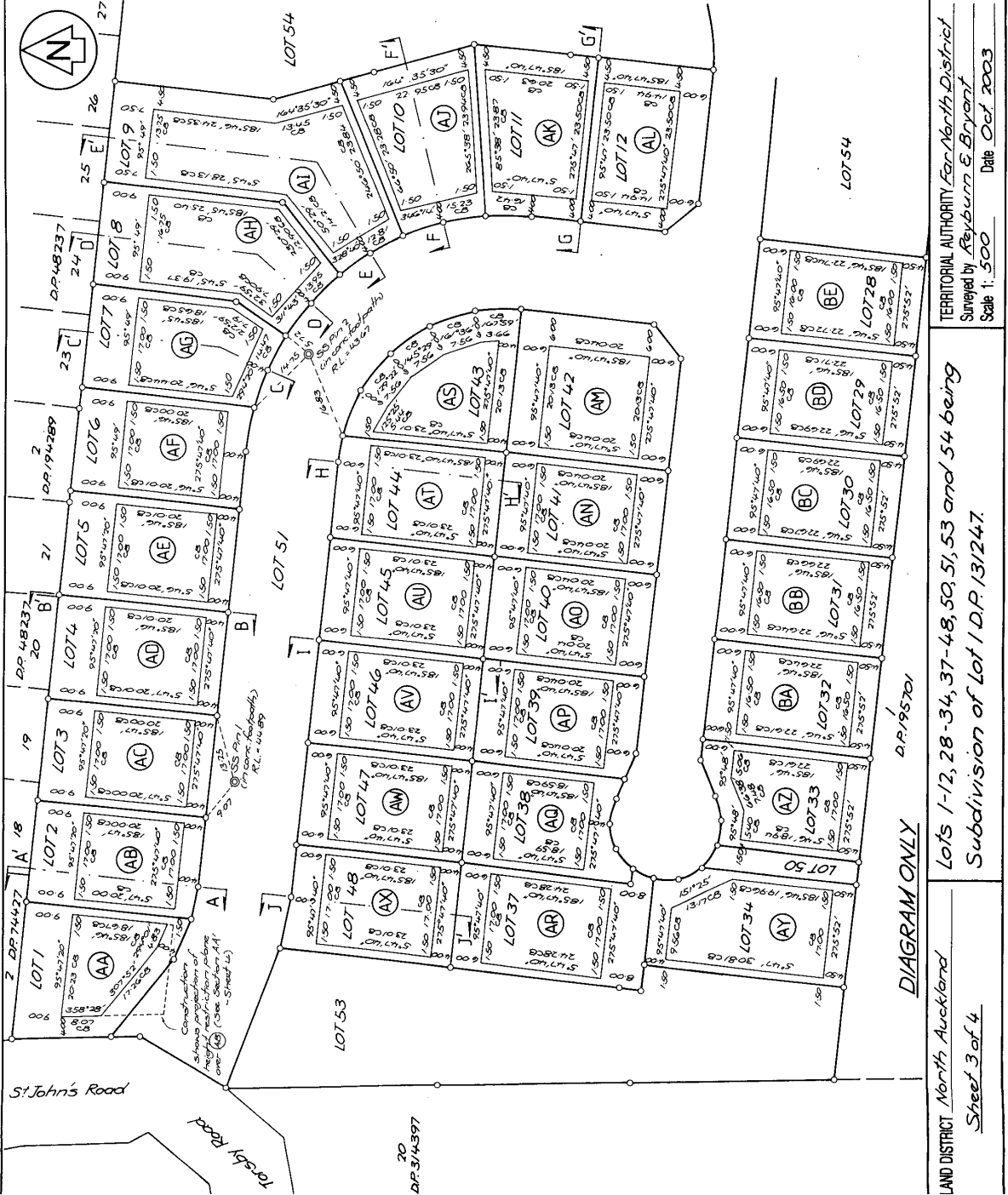
Examined: _____

Approved as to Survey by Land Information NZ on: 27.12.2004

Deposited by Land Information NZ on: 28.1.2004

16 JAN 2004
 Received
 Registrars B.S.S.U. C.S.R.

DP 331991



TERRITORIAL AUTHORITY For North District
 Surveyed by *Bryce Redfern Woodward*
 Scale 1:500 Date Oct. 2003

DIAGRAM ONLY
 D.P. 131247
 Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being
 Subdivision of Lot 1/D.P. 131247.

LAND DISTRICT North Auckland
 Sheet 3 of 4

Approvals
 Height Datum - Mean Sea Level
 UTM 11
 Origin of Levels - SW 1023 SO 59604
 RL = 22.42
 Height Restriction Details
 Angle of inclination (grade/inclination) = 4.00%
 11.00% for all sections
 All building height restrictions defined by single and/or multiple planes except that for corner of section 43
 Building Height Restriction for Lot 43 is 1.00 (Level Plane)

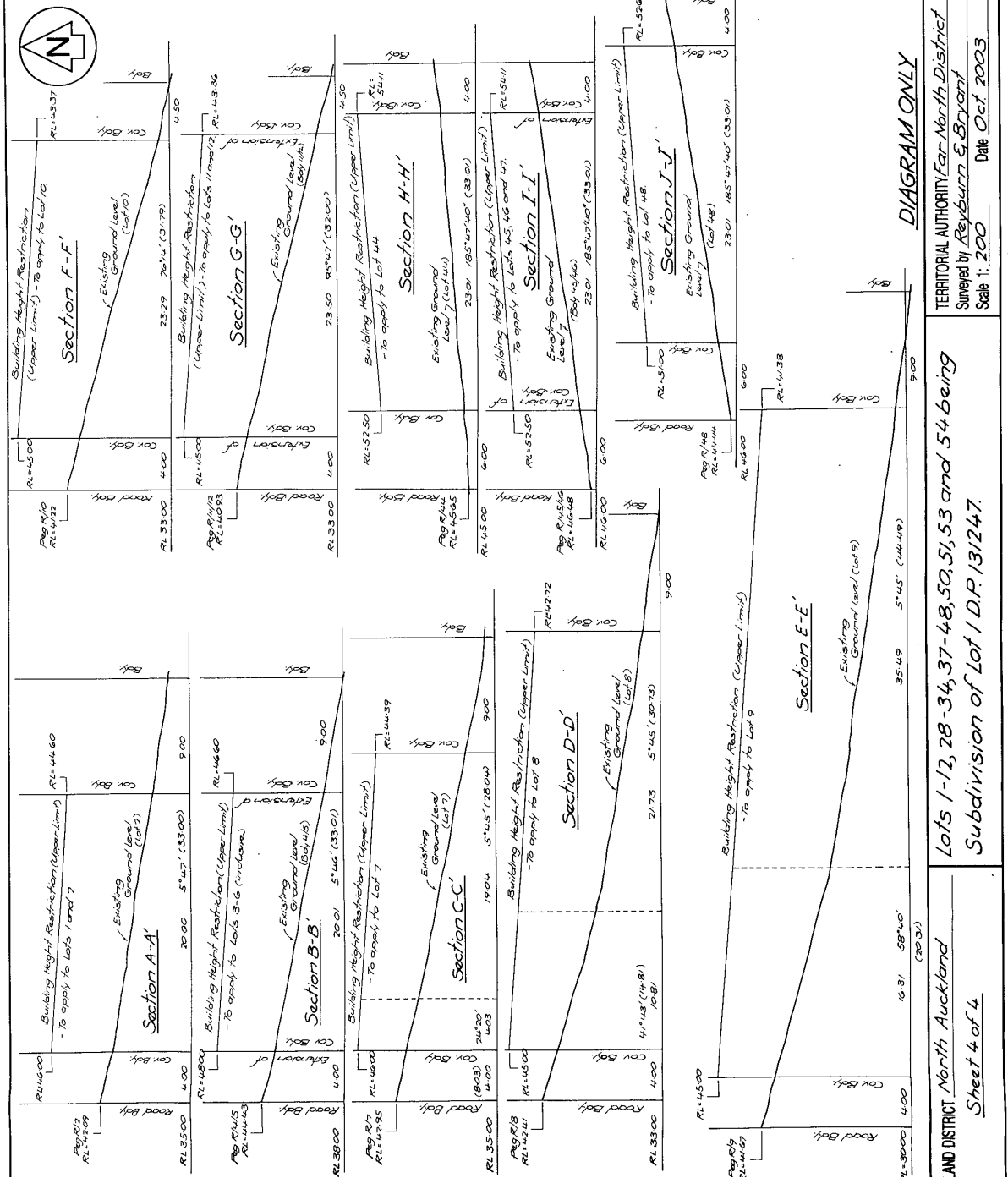


DIAGRAM ONLY
 TERRITORIAL AUTHORITY For North District
 Surveyed by Keyburn E. Bryant
 Scale 1:200 Date Oct. 2003

**Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being
 Subdivision of Lot 1 D.R. 131247.**

**AND DISTRICT North Auckland
 Sheet 4 of 4**

Class of Survey: Class 1

Total Area _____
 Completed in _____
 Bryce Rodney Woodward
 Being a person entitled to practice as a licensed cadastral surveyor, certify that:
 a) The survey to which this document relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act, 2002 and the Survey-General's Rules for Cadastral Survey 2002/2;
 b) This document is accurate, and has been created in accordance with that Act and these rules.
 Signed _____ Date 15/1/14
 Filed Book _____ Traverse Book _____
 Reference Plans _____
 Earned _____
 Approved as to Survey by Land Information NZ on 27/12/2004
 Deposited by Land Information NZ on 28/16/2004
 16 JAN 2004
 Received 8:35:4 CEST
 DP 331991



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




R. W. Muir
Registrar-General
of Land

Identifier 131365
Land Registration District North Auckland
Date Issued 28 June 2004

Prior References
NA76D/790

Estate Fee Simple
Area 760 square metres more or less
Legal Description Lot 34 Deposited Plan 331991
Registered Owners
Shane Bruce Ellis

Interests

Subject to Section 59 Land Act 1948
6058130.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.6.2004 at 9:00 am
Land Covenant in Easement Instrument 6058130.5 - 28.6.2004 at 9:00 am
Fencing Covenant in Transfer 6090534.1 - 23.7.2004 at 9:00 am
Land Covenant in Easement Instrument 6358920.5 - 24.3.2005 at 9:00 am
12769109.2 Mortgage to ANZ Bank New Zealand Limited - 18.8.2023 at 10:31 am

R.C. 2040433, 31/10/2004

Approvals

For opinion on behalf of Governors Board Heights Ltd - Registered Owners.

I hereby certify that this plan was prepared by the North District Council pursuant to Section 223 of the Resource Management Act 1991 on the 14th day of December, 2003 subject to the granting or reserving of the easements set out in the information sheet attached hereto.

P. J. K. K. K.
Authorised Officer

Memorandum of Easements Purpose	Survey/Transfer Instrument	Lot	Person
Right of Way, Right to carry, Right to install, Right to convey	(A)	Lot 37	Person

Schedule of Proposed Easements

Airspace	Shown	Registered Instrument	Lot	Person
(1)	(1)	(1)	Lot 32	Person
(2)	(2)	(2)	Lot 31	Person
(3)	(3)	(3)	Lot 30	Person
(4)	(4)	(4)	Lot 29	Person
(5)	(5)	(5)	Lot 28	Person

For further easements, see sheet 2. Areas marked (A), (B) and (C) to be subject to local easements (See Sheets 3 & 4).

Class of Survey: Class I

Total Area 6-3140 ha

Comprised in C.T. 762/792 (A1)

1. Space Reserve Acreage being a portion entitled to be released as reserve, which has been surveyed and is shown on the Survey Plan. The survey was made in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002. The classed easements, and the land created in accordance with that Act and this plan.

Signed: [Signature] Date: 15/11/04

Filed Book: [Blank] Thence Book: [Blank]

Reference Page: [Blank]

Examined: [Blank]

Approved as to Survey by Land Information NZ on 31/10/2004

Deposited by Land Information NZ on 28/16/2004

The Registrar of Land Information NZ
Registrars: [Blank]
Date: 31/10/2004

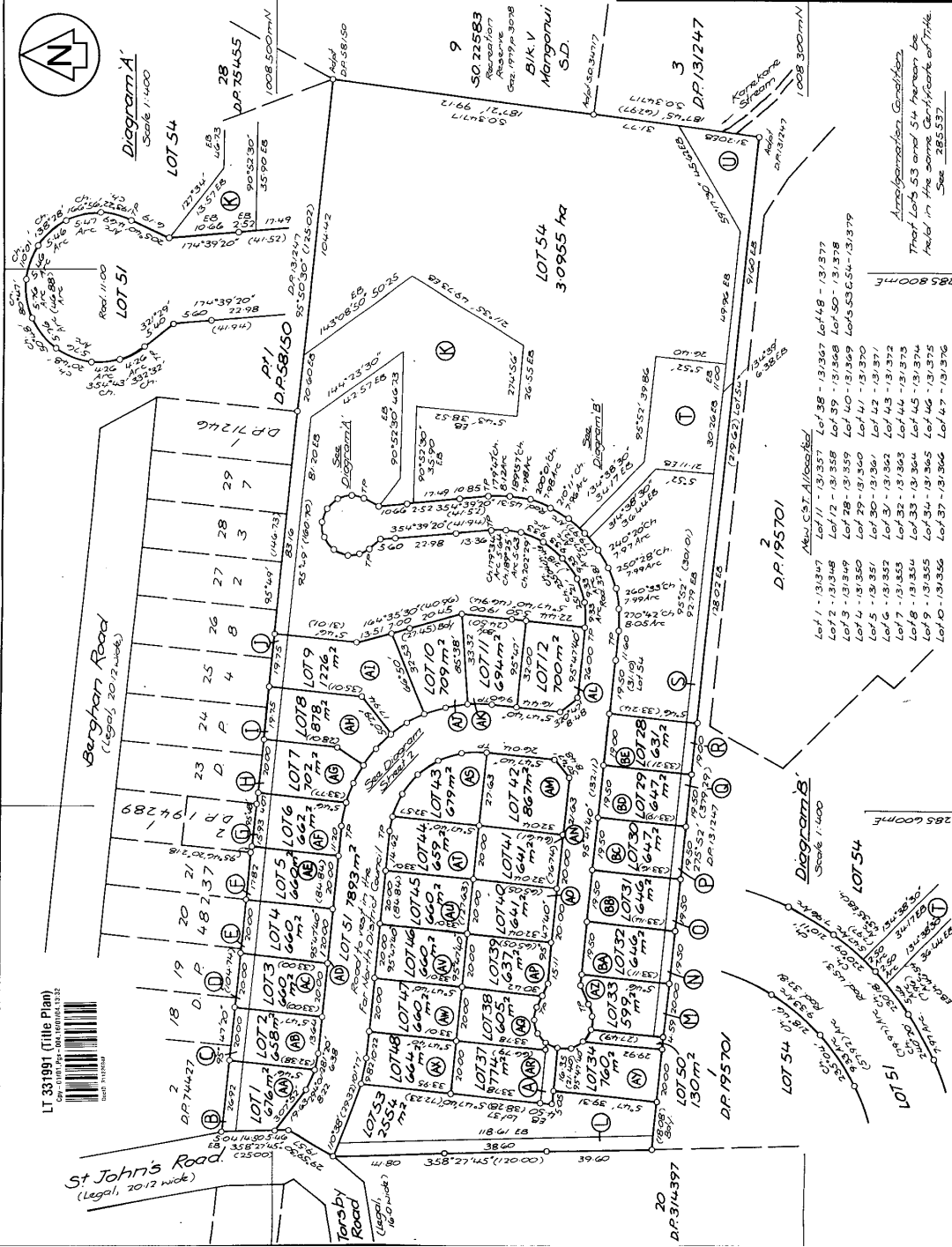


Diagram A' Scale 1:400

Diagram B' Scale 1:400

Diagram C' Scale 1:400

That Lots 53 and 54 herein be held in the same Certificate of Title See 2855337

2855337

TERRITORIAL AUTHORITY For North District Surveyed by Reyburn & Bryant Scale 1:1000 Date Oct. 2003

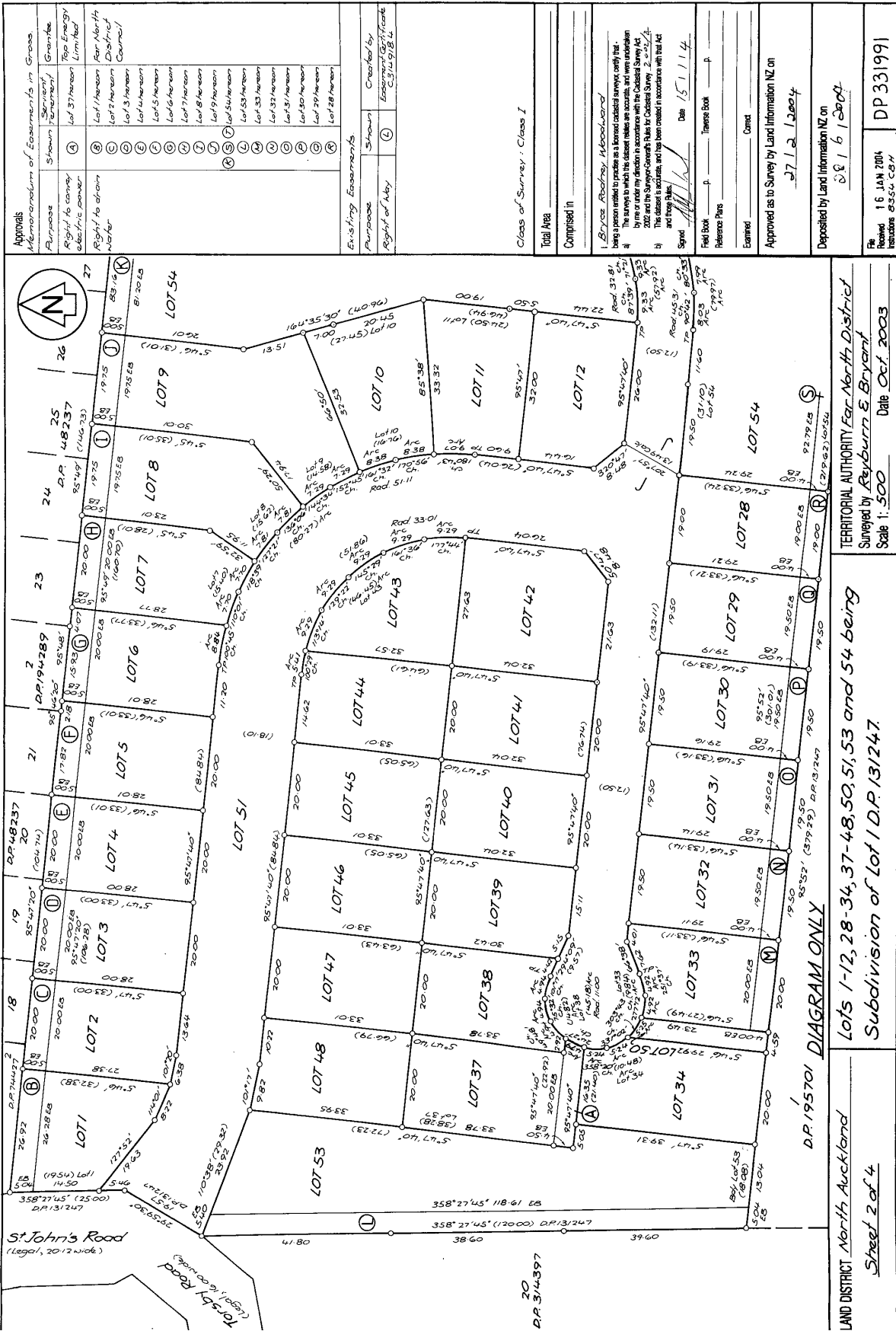
LAND DISTRICT North Auckland

Sheet 1 of 4

Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being Subdivision of Lot 1 D.P. 131247.

PROPOSED DIVISION

ALL BOUNDARY GENERAL LAND INFORMATION NEW ZEALAND



Approvals	
Memorandum of Encumbrances in Gross	Shown
Purpose	Subdivision
Right to convey	Top Energy
Right to obtain	Lot 37 (A)
Right to obtain	Lot 38 (B)
Right to obtain	Lot 39 (C)
Right to obtain	Lot 40 (D)
Right to obtain	Lot 41 (E)
Right to obtain	Lot 42 (F)
Right to obtain	Lot 43 (G)
Right to obtain	Lot 44 (H)
Right to obtain	Lot 45 (I)
Right to obtain	Lot 46 (J)
Right to obtain	Lot 47 (K)
Right to obtain	Lot 48 (L)
Right to obtain	Lot 49 (M)
Right to obtain	Lot 50 (N)
Right to obtain	Lot 51 (O)
Right to obtain	Lot 52 (P)
Right to obtain	Lot 53 (Q)
Right to obtain	Lot 54 (R)

Existing Encumbrances	
Purpose	Shown
Right of Way	Created by
	Encumbrance Certificate
	C.S. 149244

Class of Survey: Class I

Total Area

Comprised in

Suzanne Redfern Woodward

being a person entitled to practice as a licensed cadastral surveyor, certify that:

a) The survey to which this document relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for Cadastral Survey 2002.

b) The document is accurate, and has been created in accordance with that Act and these rules.

Signed: *[Signature]* Date: 15/11/14

Field Book: _____ Theme Book: _____

Reference Plans: _____

Examined: _____ Correct: _____

Approved as to Survey by Land Information NZ on: 27/12/2004

Deposited by Land Information NZ on: 28/16/2004

File: 16 JAN 2004

Received: 28/16/2004

Remuneration: 28/16/2004

DP 331991

TERRITORIAL AUTHORITY For North District

Surveyed by *Rayburn E. Bryant*

Scale 1:500

Date Oct. 2003

D.P. 195701 DIAGRAM ONLY

Subdivision of Lot 1/ D.P. 131247

LAND DISTRICT North Auckland

Sheet 2 of 4

Approvals
 Note: Height Datum - Mean Sea Level, (L.M.A.H.)
 Origin of Levels - S.M.1623.50 SP2004
 A.L. = 22.42

Areas marked (A) - (Z) and (AA) - (AZ) to be subject to land constraints (Building Envelopes)

Areas marked (A) - (A) and (AA) - (AA) to be subject to land constraints (Building Height, Floor, Roof, etc.) and (A) - (A) to be subject to height restrictions (Building Envelopes)

Sections AA - JJ, see sheet 4, as follows -
 Lots 1 and 7 refer Section AA;
 Lots 3, 4, 5, 6 refer Section BB;
 Lot 7 refer Section CC;
 Lot 8 refer Section DD;
 Lot 9 refer Section EE;
 Lot 10 refer Section FF;
 Lot 11 and 12 refer Section GG;
 Lot 13 - Maximum Building Height 15.00 (Level/Plane, no Section shown)
 Lot 14 refer Section HH;
 Lot 15, 16, 17 refer Section II;
 Lot 18 refer Section JJ

Class of Survey: Class 1

Total Area _____
 Completed in _____

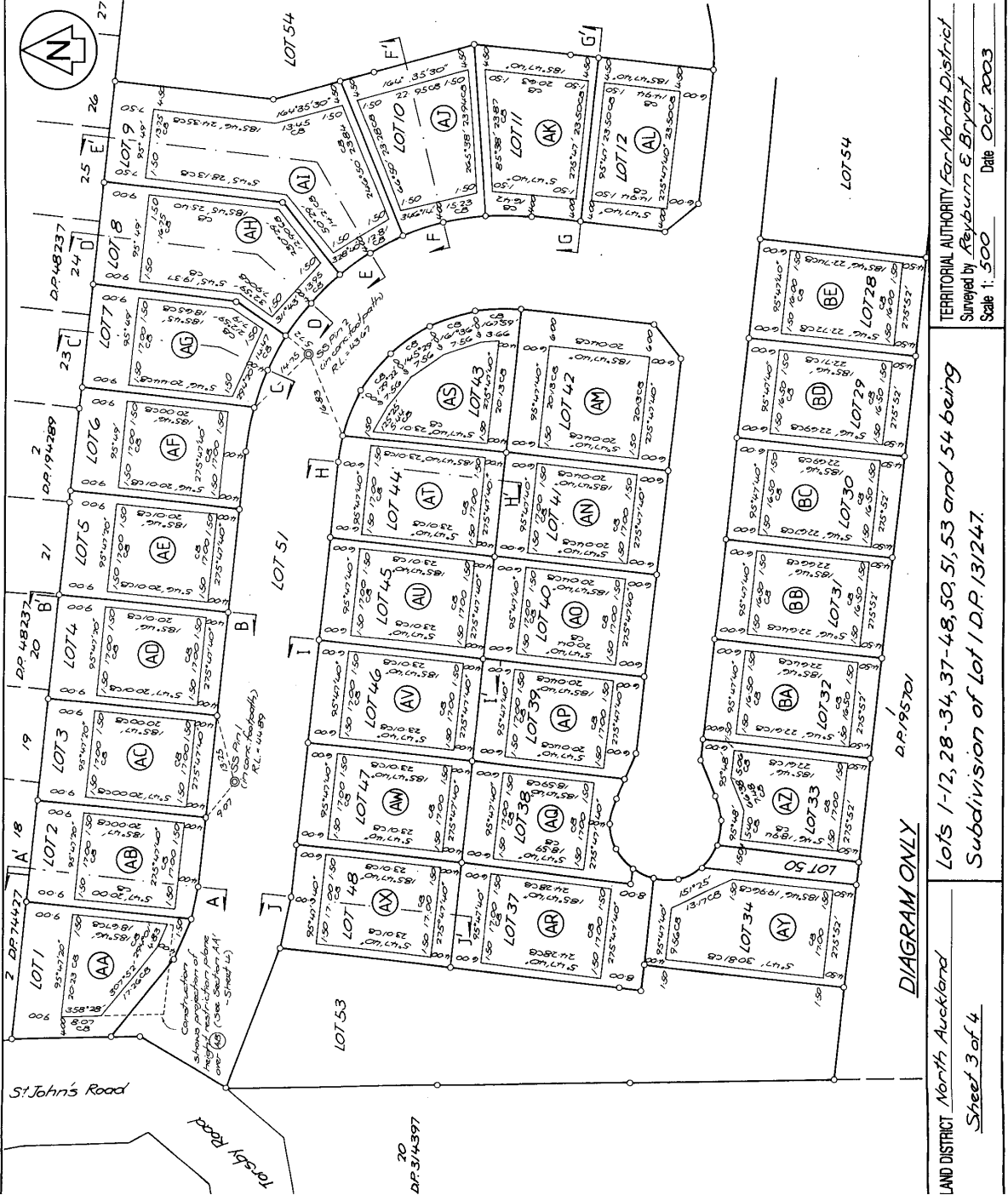
I, Bryce Redfern Woodward
 being a person entitled to practice as a licensed cadastral surveyor, certify that the survey to which this plan relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act, 2002 and the Surveyor-General's Rules for Cadastral Survey, 2002.
 The plan is accurate, and has been created in accordance with this Act and these Rules.

Signed _____ Date 15.11.14
 Field Book _____ Traverse Book _____
 Reference Plans _____
 Examined _____ Consent _____

Approved as to Survey by Land Information NZ on 27.12.2004

Deposited by Land Information NZ on 28.1.2004

Filed 16 JAN 2004
 Received Registrars B3354 C547
 DP 331991



TERRITORIAL AUTHORITY For North District
 Surveyed by Alexburn E Bryant
 Scale 1:500 Date Oct. 2003

DIAGRAM ONLY
 D.P. 195701
 Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being
 Subdivision of Lot 1 D.P. 131247.

LAND DISTRICT North Auckland
 Sheet 3 of 4

Approvals
 Height Datum - Mean Sea Level
 UTM 11
 Origin of Levels - SW 1023 SO 59604
 RL = 22.42
 Height Restriction Details
 Angle of Inclination (Grade Inflation) = 4.00%
 11 meters for all sections
 All building height restrictions defined by single and/or double lines except that for corner of section 43
 Building Height Restriction for Lot 43.151.00 (Level Plane)

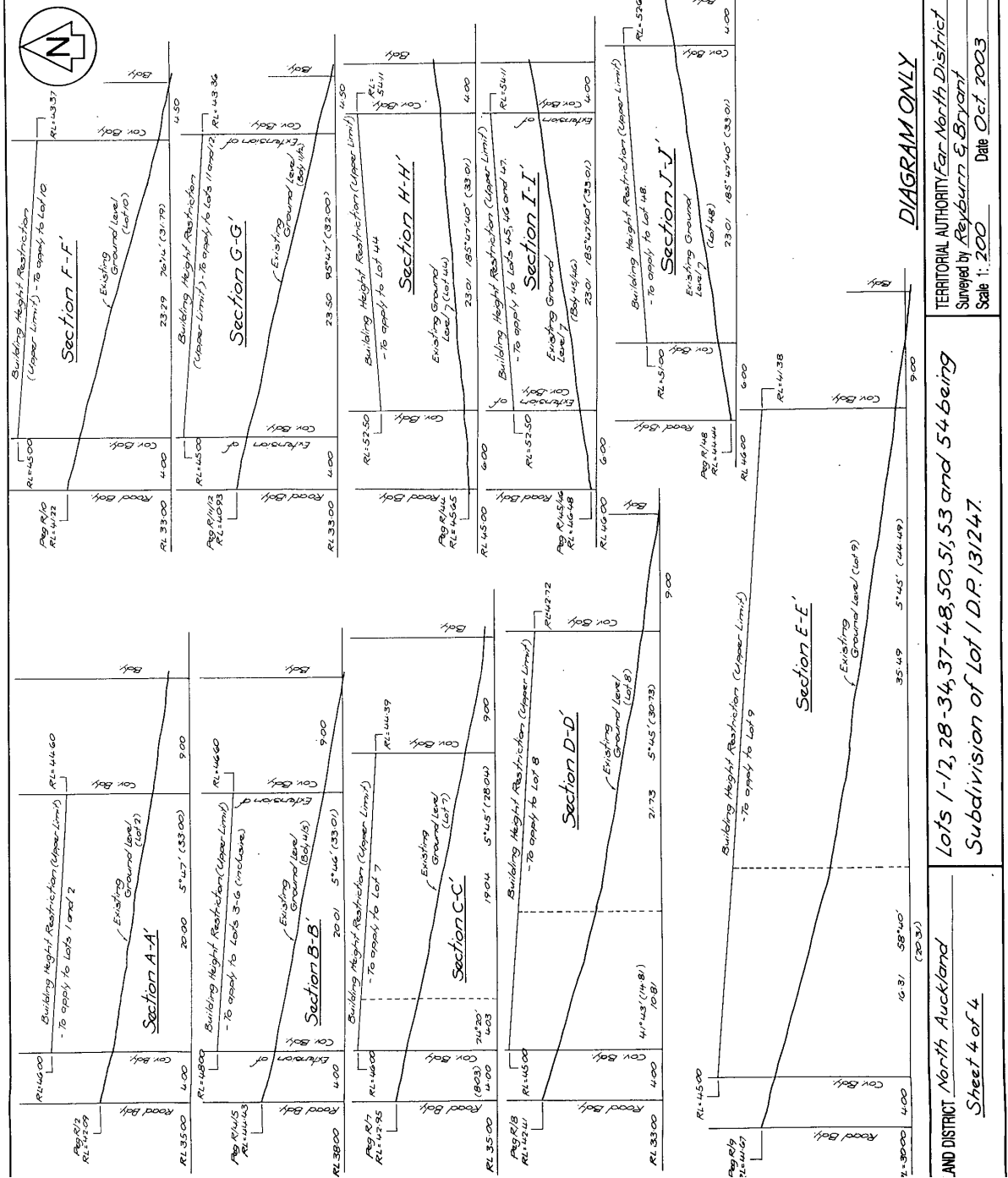


DIAGRAM ONLY
 TERRITORIAL AUTHORITY For North District
 Surveyed by Keyburn E. Bryant
 Scale 1:200 Date Oct. 2003

AND DISTRICT North Auckland
 Sheet 4 of 4
 Lots 1-12, 28-34, 37-48, 50, 51, 53 and 54 being
 Subdivision of Lot 1 D.R. 131247.

Class of Survey: Class I
 Total Area
 Completed in
 Bryce Rodney Woodward
 Being a person entitled to practice as a licensed cadastral surveyor, certify that:
 a) The survey to which this document relates is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act, 2002 and the Survey-General's Rules for Cadastral Survey 2002/2;
 b) This document is accurate, and has been created in accordance with that Act and these rules.
 Signed: *[Signature]* Date: 15/1/14
 Field Book: p. Traverse Book: p.
 Reference Plans: _____
 Earned: _____
 Approved as to Survey by Land Information NZ on: 27/12/2004
 Deposited by Land Information NZ on: 28/16/2004
 16 JAN 2004
 Received Insurances: B.354 C.217
 DP 331991

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

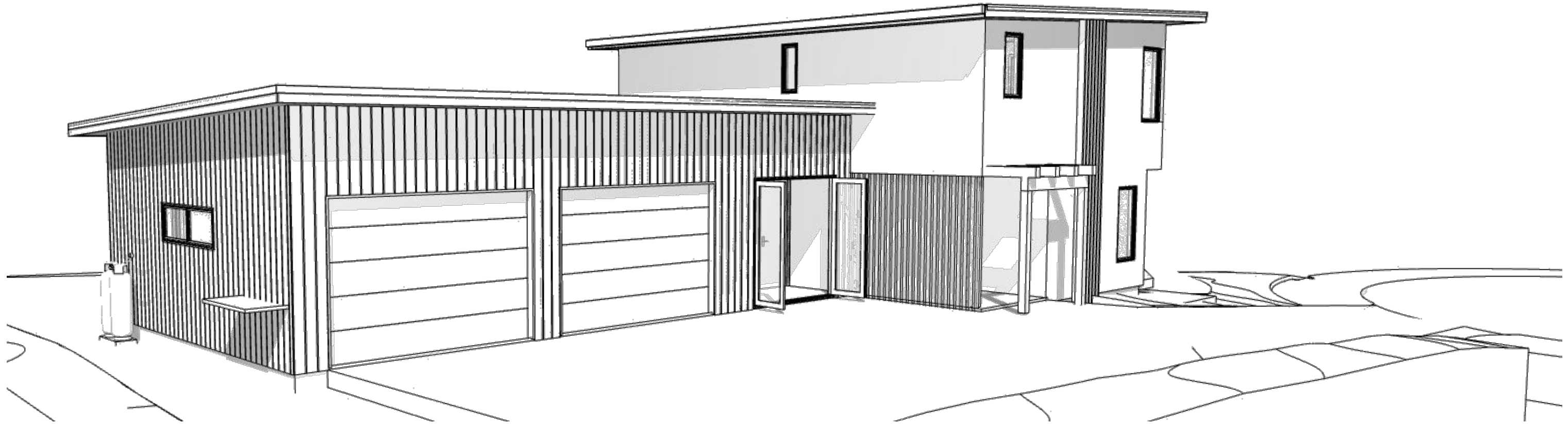
DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

NEW RESIDENTIAL DWELLING FOR **ELLIS**

SHEET INDEX	
A0001	Cover Page
A0002	Presentation
A1001	Site Plan
A1101	Excavation Plan
A1501	Floor Plan
A1502	First Floor Plan
A2001	Elevations
A2002	Elevations



LOT 34 DP 331991
33 LORI LANE COOPERS BEACH
NORTHLAND 0420



ARCLINE ARCHITECTURE LTD.
Offices: Kaitaia | Kerikeri | Whangārei
(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz



COASTAL HOMES LTD
PH (09) 406 0673
FAX (09) 406 0674
Email: info@coastal-homes.co.nz
Address: 3 Walters Way, Coopers Beach

FOR RC
25/09/2023 2:52 pm

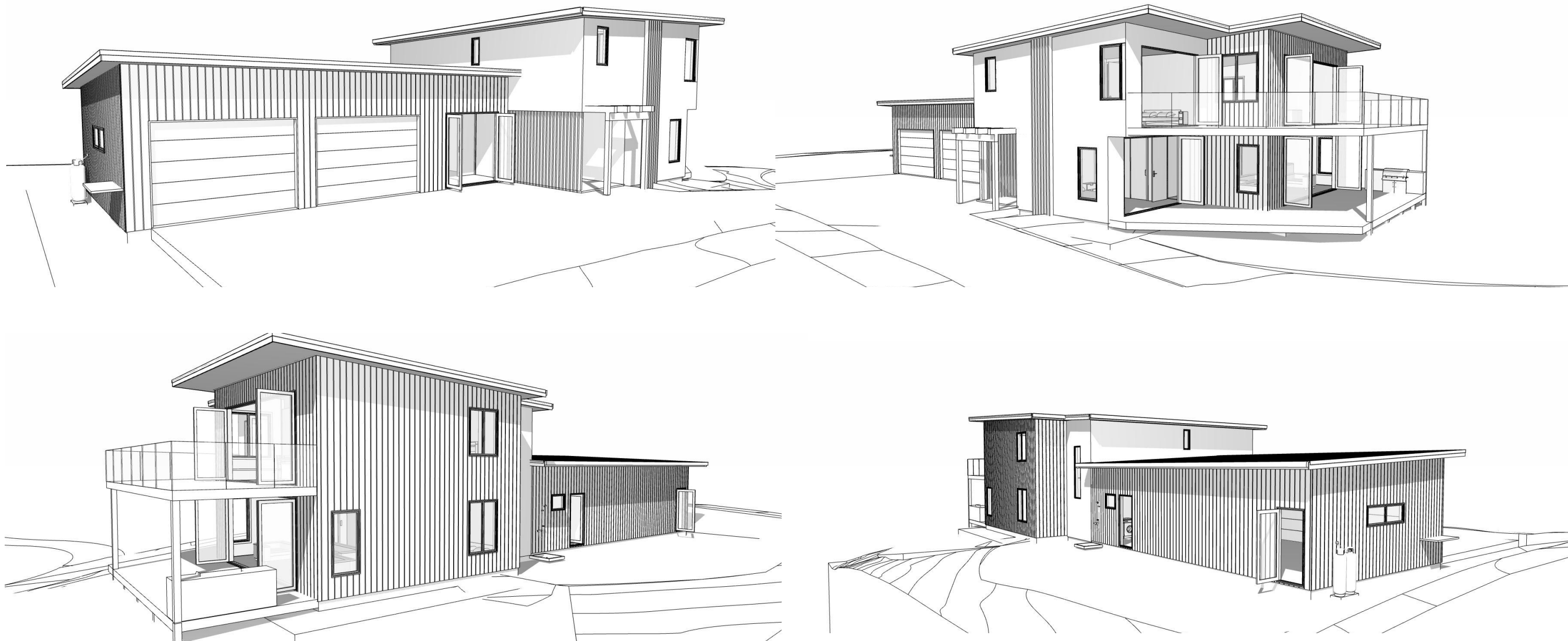
CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.



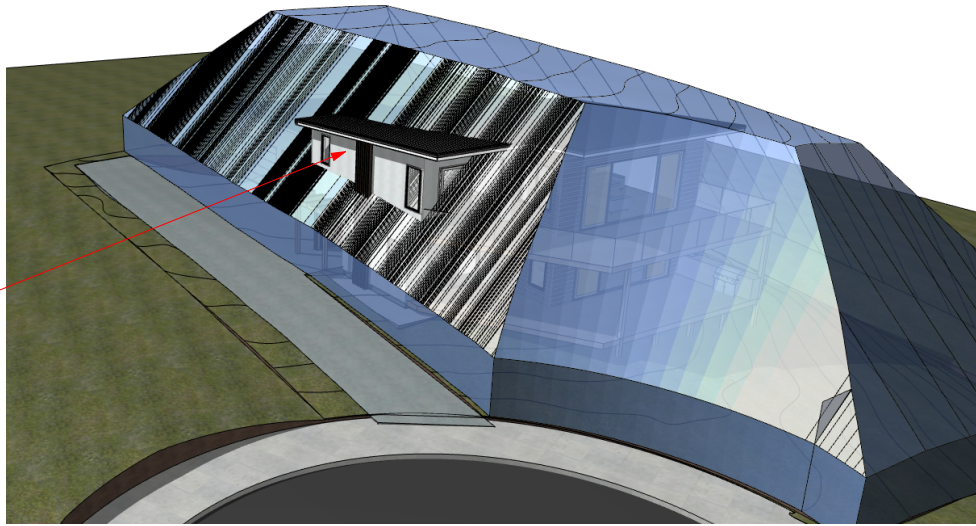
CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

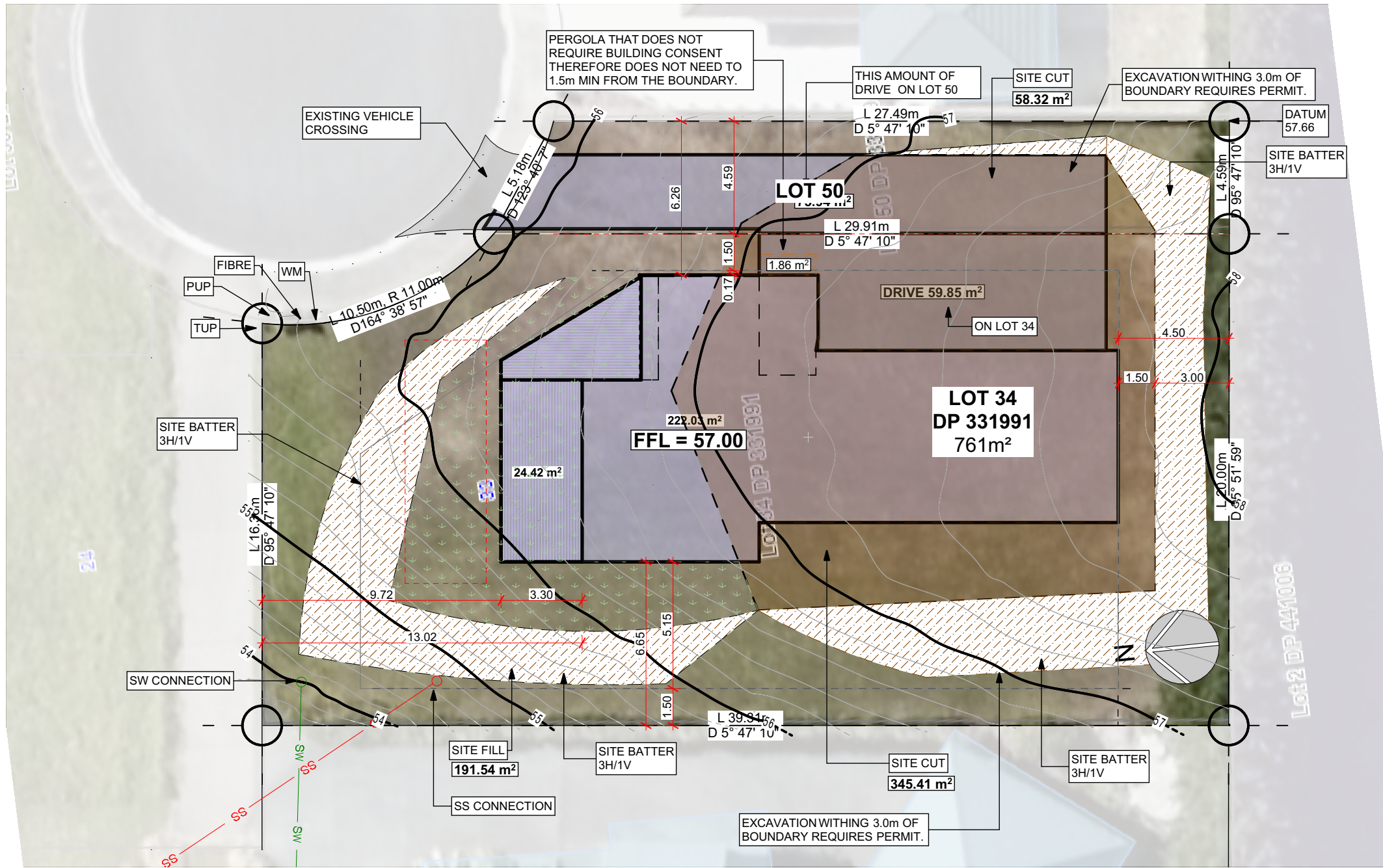
NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.



PORTION OF BUILDING NOT WITHIN HIRB FOR LOT 34

SITE PLAN NOTES:

SITE DESCRIPTION	
LOT NUMBER:	LOT 34
DP NUMBER:	DP 331991
ADDRESS:	33 LORI LANE COOPERS BEACH NORTHLAND 0420
SITE ENVIRONMENT	
CLIMATE ZONE	1
EARTHQUAKE ZONE	ZONE 1
EXPOSURE ZONE	ZONE D
LEE ZONE	NO
WIND ZONE	VERY HIGH
WIND REGION	A
RAINFALL RANGE	100mm/hr
SNOW ZONE	NO
DISTRICT PLAN COMPLIANCE	
PLANNING ZONE	RESIDENTIAL
PLANNING OVERLAY	NA
BUILDING COVERAGE	
SITE AREA	761m ²
MAX. FLOOR AREA PERMITTED:	45%
PROPOSED	226m ² (30%) COMPLIES
BUILDING HEIGHT	
MAX. HEIGHT PERMITTED	8m
PROPOSED HEIGHT	7.32m COMPLIES
HIRB	2.0m/45°
EAST BOUNDARY DOES NOT COMPLY	
SETBACK TO BOUNDARIES	
4.0m IN FROM ROAD BOUNDARY	
4.0m IN FROM NORTH BOUNDARY	
4.5m IN FROM SOUTH BOUNDARY	
1.5m IN FROM EAST & WEST BOUNDARIES.	
SETBACK TO BUSH	
GREATER THAN 20m	YES



Arcline
Architecture

Offices: Kaitiaia | Kerikeri | Whangarei
(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

COASTAL HOMES LTD

PH (09) 406 0673
FAX (09) 406 0674
Email: info@coastal-homes.co.nz
Address: 3 Walters Way, Coopers Beach

Site Plan

ELLIS
33 LORI LANE, COOPERS BEACH
NORTHLAND 0420

Rev No.	Revision	Date
---------	----------	------

Scale @ A3: 1:200
Drawn By SE
Issued: 25/09/2023
2:52 pm

Sheet No:
A1001
FOR RC

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

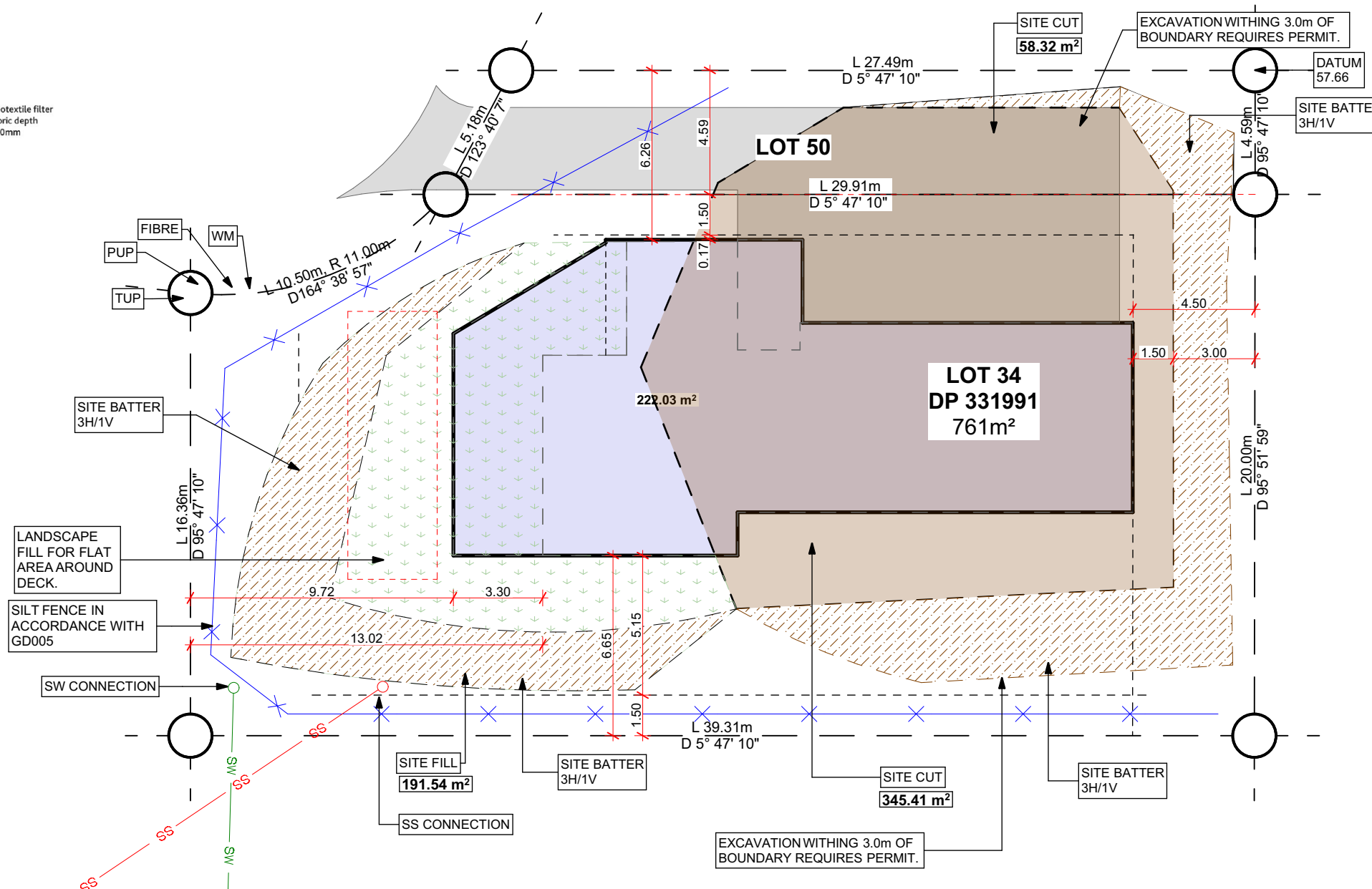
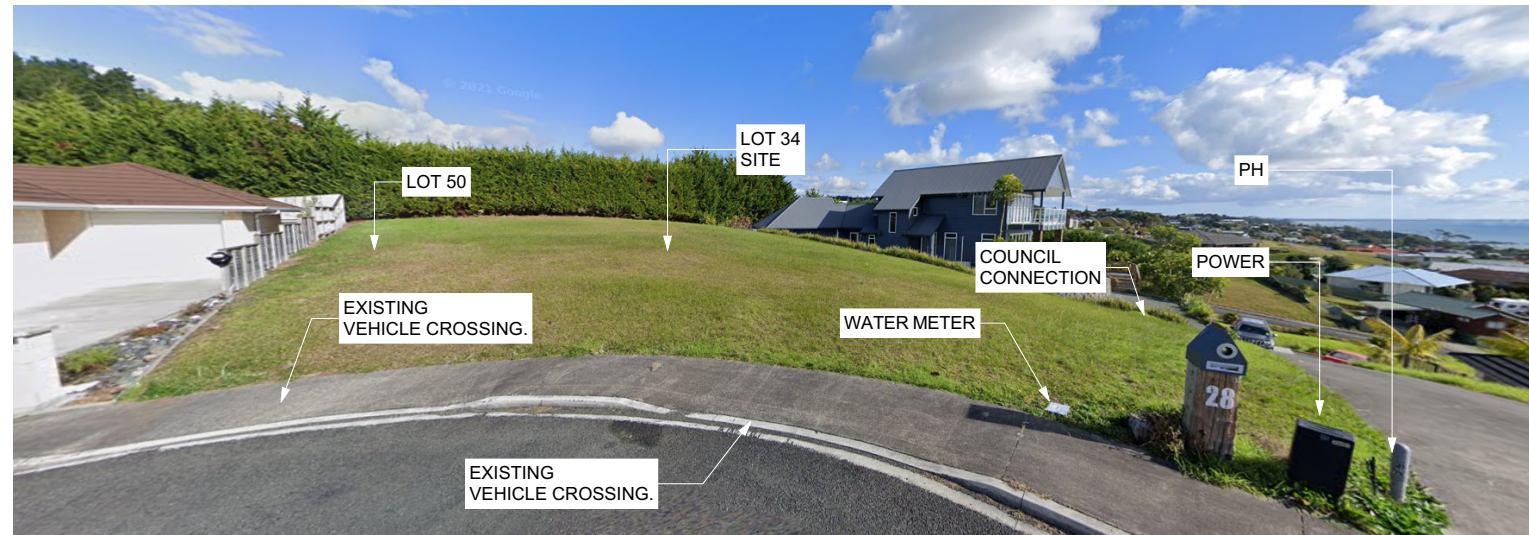
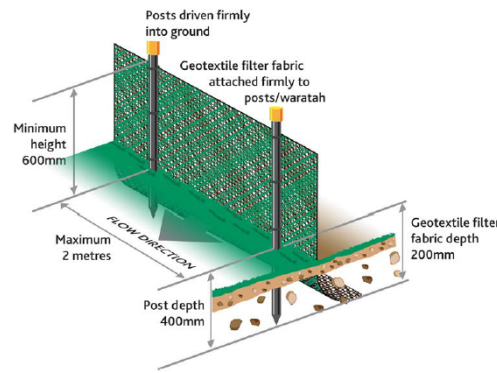
DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Proper silt fence installation is critical to its performance. It needs to:

- be installed in a trench 200mm deep by 100mm wide
- have waratahs or posts hammer-staked at least 400mm deep on the downhill side of the fabric, no more than 2m apart
- be 600mm high above ground, with an additional 200mm of cloth below ground in the trench
- have each end of the fence return up the slope roughly 2m to prevent water going around the edges
- be anchored by backfilling the trench and placing soil on top of the fabric.



GENERAL SITE WORKS NOTES:
 - ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK.
 - WORK ONLY TO FIGURED DIMENSIONS.
 - IN THE EVENT OF A DESCREPAENCY CONTACT THE DESIGNER AS SOON AS POSSIBLE

EARTHWORKS
 - STRIP TOPSOIL, BEFORE BUILDING AND DRIVEWAY AREAS
 - ALL CUBIC METERS ARE ESTIMATES. CONTRACTOR TO CONFIRM ON SITE.
 - DESIGNER TAKES NO LIABILITY FOR ADDITIONAL WORKS IF VOLUMES CHANGE.
 - THE REMOVAL OF TOPSOIL AND/OR ANY SOFT SOILS IS NOT INCLUDED IN CALCULATIONS.
 - ALL EARTHWORKS TO COMPLY WITH ACCIDENTAL DISCOVERY PROTOCOLS PER EARTHWORKS STANDARDS EW-S3 AND EW-S5
 - EARTHWORKS TO COMPLY WITH AUCKLAND COUNCIL GUIDANCE DOCUMENT GD005 FOR EROSION.

SILT FENCE
 INSTALL TEMPORARY SILT CONTROL FENCE TO DC STANDARDS.

DRIVEWAY:
 100mm 25MPA CONCRETE WITH 668 MESH, 7KG/M³ BLACK OXIDE, CONTROL CUTS @ 6M MAX CRS, BROOM FINISH. 1:100 FALL AWAY FROM BUILDING / TOWARDS SUMPS. CONSTRUCTED TO COUNCIL STANDARDS.

CHANNEL DRAINS
 MIN. 1:200 FALL TO SUMP
 3.7m MAX. DRAIN LENGTH

LOT 50 EARTHWORKS:
 VOLUME PERMITTED 200m³

CUT	22m³
FILL	0m³
GROSS CUT/FILL (EST):	22m³
	COMPLIES

AREA PERMITTED	100m²
CUT SURFACE AREA	60m²
FILL SURFACE AREA	0m²

CUT/FILL: MAX 500mm
 EXCAVATION: NOT WITHIN 3m OF ANY BDY
EARTHWORKS PERMIT REQUIRED

LOT 50 STORMWATER MANAGEMENT

SITE AREA	130m²
TOTAL AREA PERMITTED	50%
DRIVES	76m²
TOTAL PROPOSED	76m² 58%
	DOES NOT COMPLY

LOT 34 EARTHWORKS:
 VOLUME PERMITTED 200m³

CUT	212m³
FILL	60m³
GROSS CUT/FILL (EST):	272m³
	DOES NOT COMPLY

AREA PERMITTED	100m²
CUT SURFACE AREA	346m²
FILL SURFACE AREA	192m²

CUT/FILL: MAX 500mm
 EXCAVATION: NOT WITHIN 3m OF ANY BDY
EARTHWORKS PERMIT REQUIRED

LOT 34 STORMWATER MANAGEMENT

SITE AREA	761m²
TOTAL AREA PERMITTED	50%
PROPOSED ROOF AREA	229m²
DRIVES	60m²
TOTAL PROPOSED	289m² 38%
	COMPLIES

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____














NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

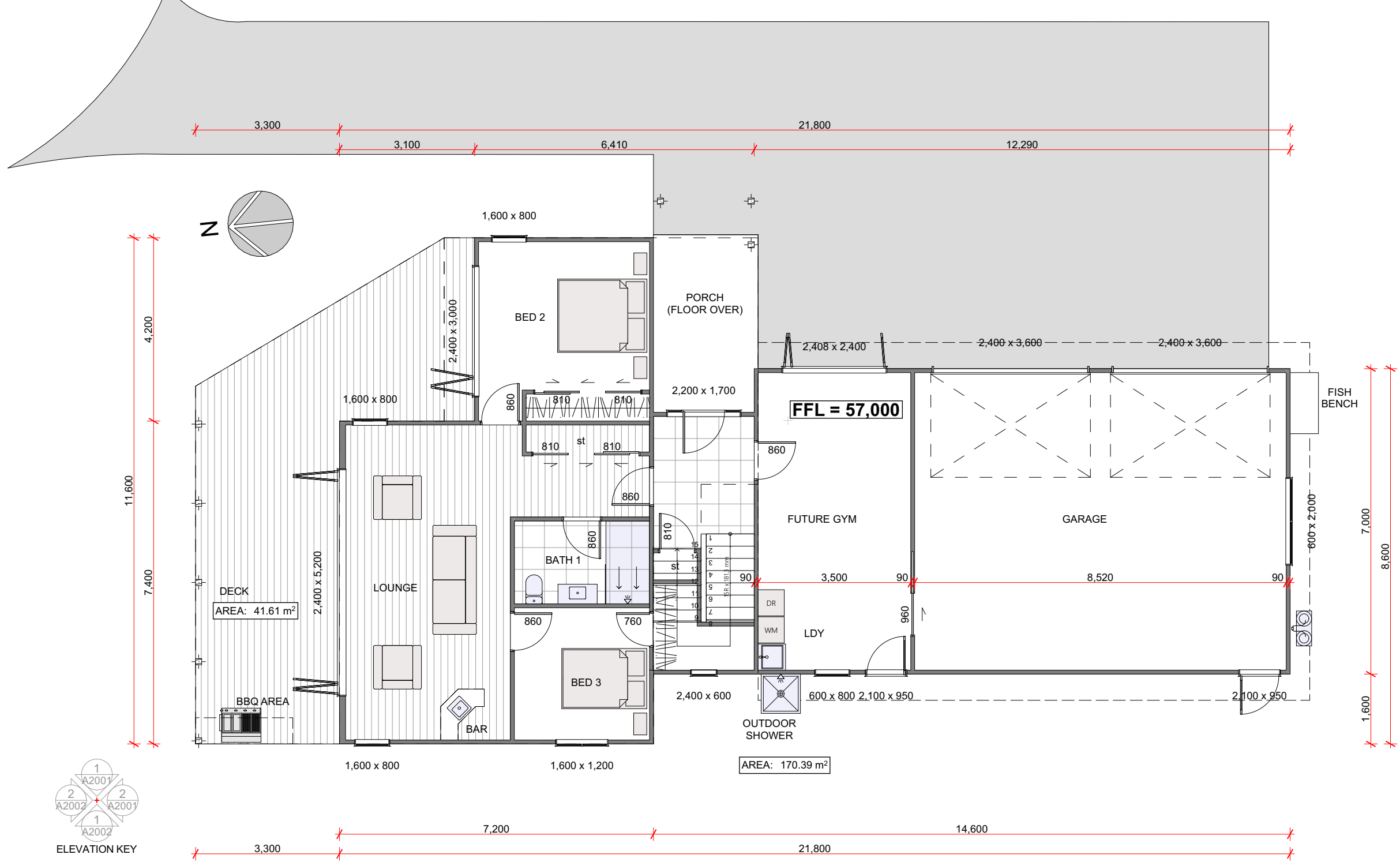
INTERIOR FINISHES

WALL LININGS
 10mm GIB.
 GIB AQUALINE TO WET AREAS.
 VILLOBOARD IN TILED SHOWERS.
 TRIBOARD IN GARAGE. 10mm GIB IN GARAGE. AS PER PLAN.

INTERNAL DOORS
 2.0m TYPICAL INTERNAL DOOR HEIGHT.

TRIMS
 60x10 FJ PINE, SINGLE BEVEL SKIRTING.
 40x10 FJ PINE ARCHITRAVE.
 SQUARE STOP (40x18 IN CUPBOARDS) SCOTIA.
 GIB COVE CLASSIC 55mm SCOTIA.

- KEY:**
-  FLAT SOFFIT
 -  RAKING CEILING
 -  CEILING HATCH
 -  WARDROBE
 -  ST. STORAGE CUPBOARD
 -  LIN LINEN CUPBOARD
 -  EXTERIOR POWER METER BOX
 -  POWER DISTRIBUTION BOARD
 -  FLOORING: TILE
 -  FLOORING: OVERLAY
 -  INSULATION TO INTERNAL WALLS
 -  MECHANICAL VENT DUCTED TO EXTERIOR
 -  EXTERIOR WATER TAP



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____














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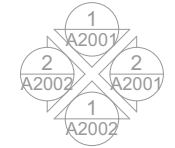
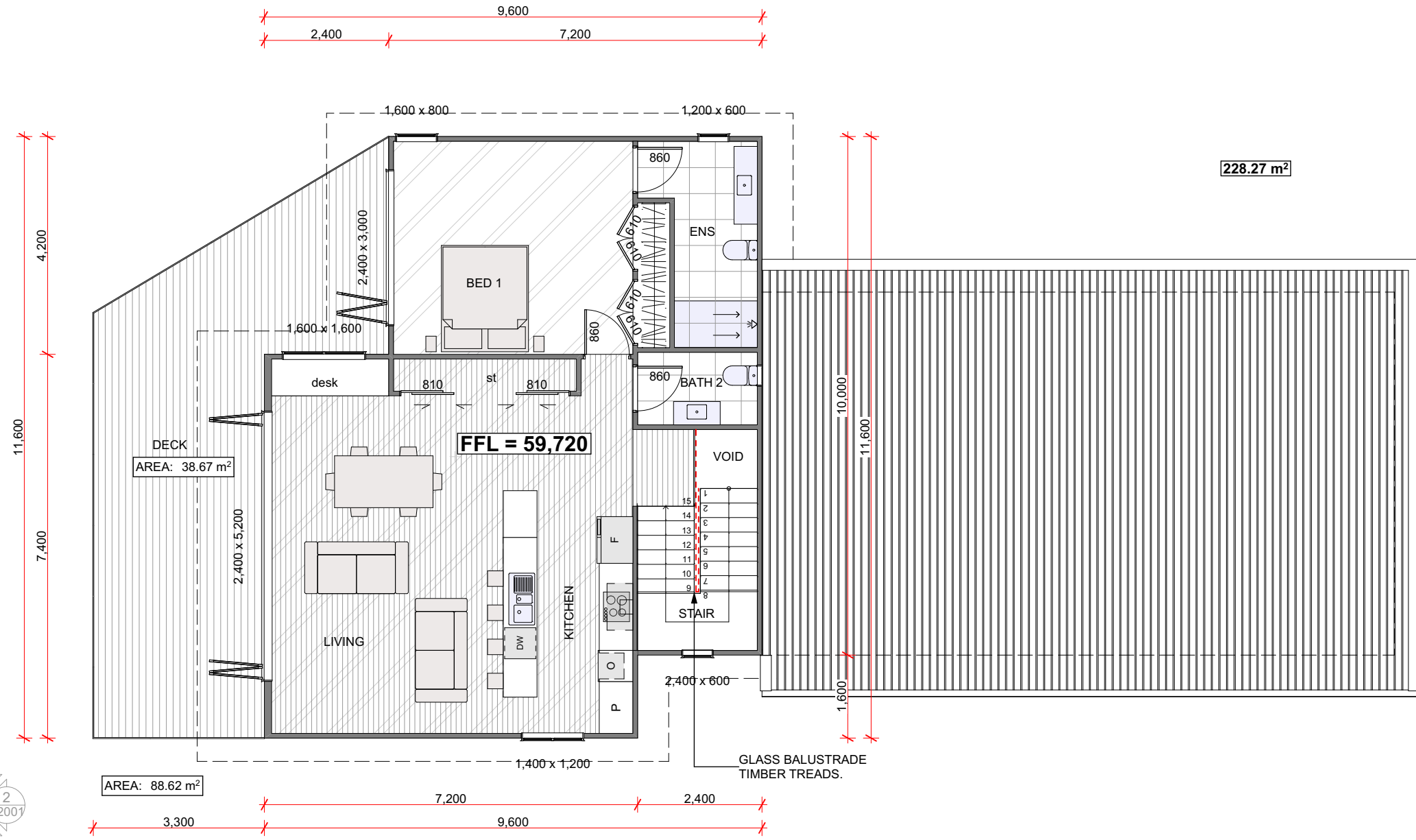
INTERIOR FINISHES

WALL LININGS
 10mm GIB.
 GIB AQUALINE TO WET AREAS.
 VILLOBOARD IN TILED SHOWERS.
 TRIBOARD IN GARAGE. 10mm GIB IN GARAGE. AS PER PLAN.

INTERNAL DOORS
 2.0m TYPICAL INTERNAL DOOR HEIGHT.

TRIMS
 60x10 FJ PINE, SINGLE BEVEL SKIRTING.
 40x10 FJ PINE ARCHITRAVE.
 SQUARE STOP (40x18 IN CUPBOARDS) SCOTIA.
 GIB COVE CLASSIC 55mm SCOTIA.

- KEY:**
-  FLAT SOFFIT
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 -  CEILING HATCH
 -  WARDROBE
 -  ST. STORAGE CUPBOARD
 -  LIN LINEN CUPBOARD
 -  EXTERIOR POWER METER BOX
 -  POWER DISTRIBUTION BOARD
 -  FLOORING: TILE
 -  FLOORING: OVERLAY
 -  INSULATION TO INTERNAL WALLS
 -  MECHANICAL VENT DUCTED TO EXTERIOR
 -  EXTERIOR WATER TAP



Arcline
 Architecture

Offices: Kaitiaia | Kerikeri | Whangarei
 (Ph): 09 408 2233
 (Email): info@arcline.co.nz
 (Web): www.arcline.co.nz

COASTAL HOMES LTD

PH (09) 406 0673
 FAX (09) 406 0674
 Email: info@coastal-homes.co.nz
 Address: 3 Walters Way, Coopers Beach

First Floor Plan

ELLIS

33 LORI LANE, COOPERS BEACH
 NORTHLAND 0420

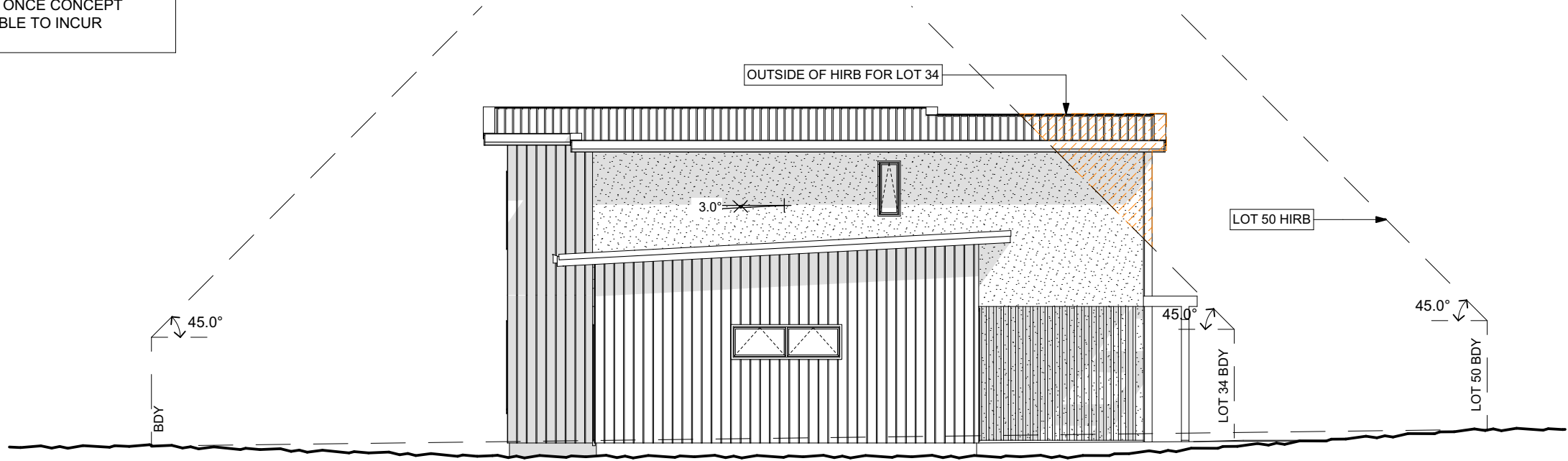
Rev No.	Revision	Date

Scale @ A3: 1:100
 Drawn By SE
 Issued: 25/09/2023
 2:52 pm

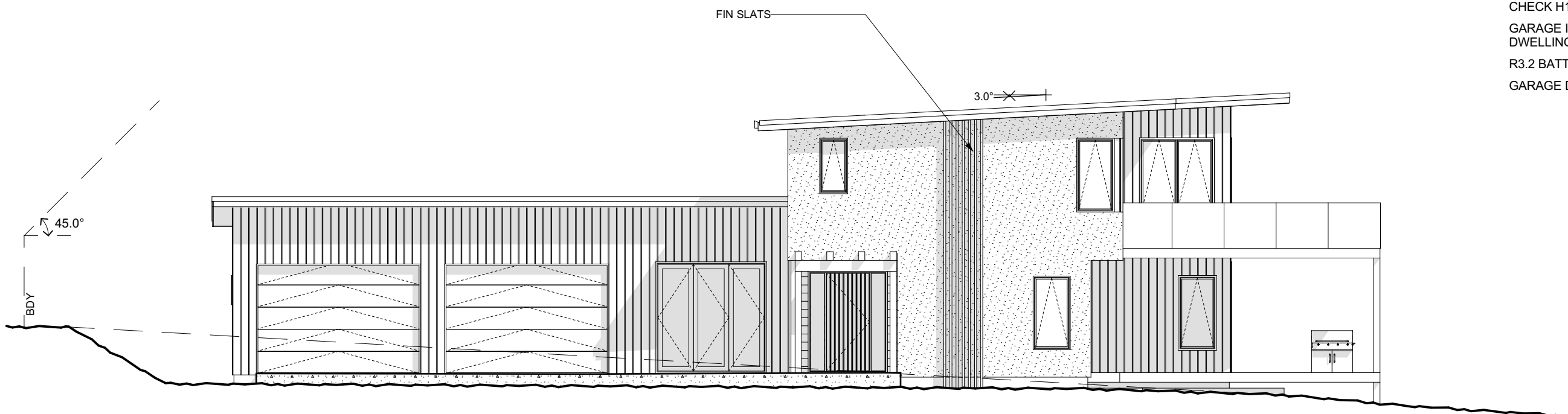
Sheet No:
A1502
 FOR RC

CLIENT CONCEPT APPROVAL
 CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.
 DATE: _____
 SIGNED: _____
 NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

ELEVATION NOTES
ROOFS
 MAXX.
 0.40G TRIMLINE.
 SCREW FIXED WITH
 LOW CARBON NON CONDUCTING SEALING
 WASHERS OR
 PROFILED WASHERS WITH EPDM SEALING
 WASHER
 AS PER ROOFING MANUFACTURERS
 SPECIFICATIONS
 EDGE FLASHINGS TO MATCH,
 uPVC
 QUARTER ROUND GUTTER
 80Ø UPVC DOWNPIPES
 BRACKETS AT 400mmCRS WITH SS
 SCREWS
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 Ex 40/25 H3.1 FASCIA BOARD
 JH 4.5mm HARDIFLEX SOFFIT LINING,
 INSTALL TO MANUFACTURERS
 RECOMMENDATIONS,(PVC JOINTERS).
WALLS
 EZI PANEL CLADDING ON
 20mm CAVITY SYSTEM
 JH OBLIQUE CLADDING ON
 20mm CAVITY SYSTEM
GLAZING / JOINERY
 DOUBLE GLAZED POWDER COATED
 ALUMINIUM JOINERY.
 WINDOW HEIGHT VARIES,
 CHECK PLANS.
 FRAMELESS GLASS EXTERIOR
 BALUSTRADE.
 FRAMELESS GLASS INTERIOR
 BALUSTRADE.
INSULATION
 R 3.2 BATTS ROOF INSULATION
 R2.4 BATTS
 WALL INSULATION
 YES
 CHECK H1
 GARAGE INSULATED AS PER THE
 DWELLING.
 R3.2 BATTS GARAGE ROOF INSULATION.
 GARAGE DOOR NOT INSULATED

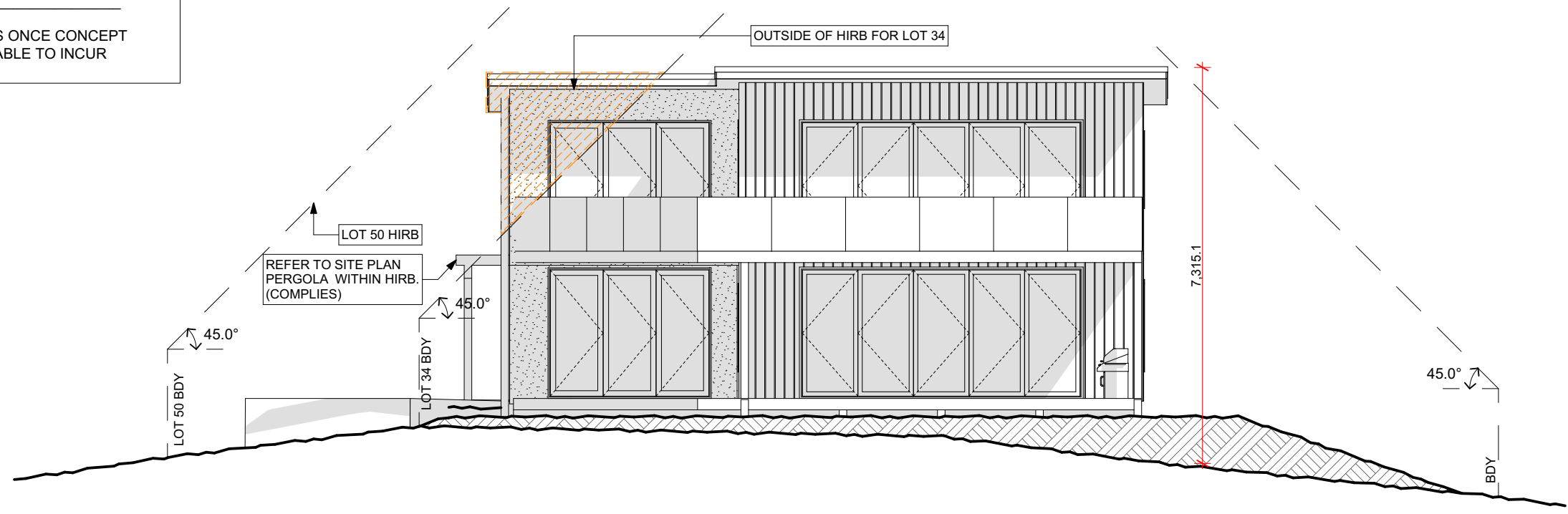


2
 A1501, A1502
 South Elevation
 1:100



1
 A1501, A1502
 East Elevation
 1:100

CLIENT CONCEPT APPROVAL
 CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.
 DATE: _____
 SIGNED: _____
 NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

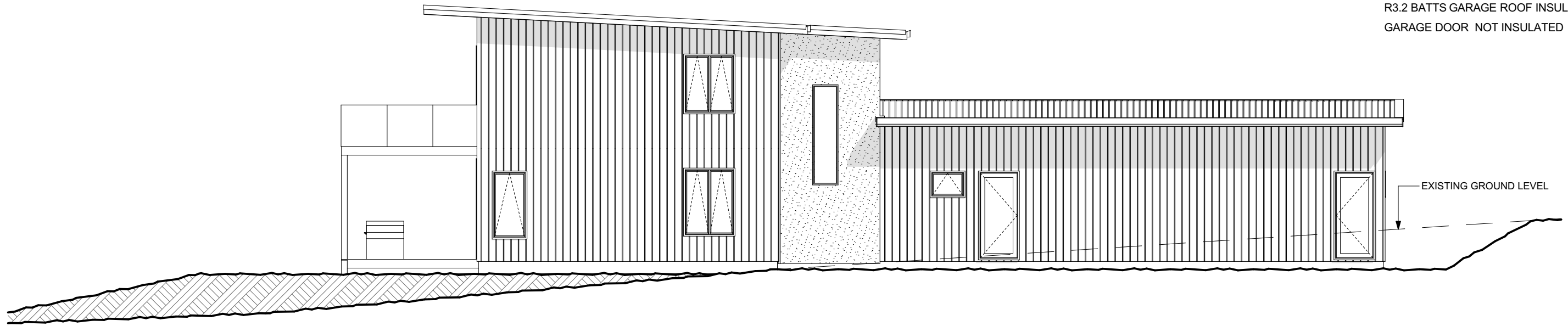


2
 A1501, A1502

North Elevation

1:100

- ELEVATION NOTES**
- ROOFS**
 MAXX.
 0.40G TRIMLINE.
 SCREW FIXED WITH
 LOW CARBON NON CONDUCTING SEALING
 WASHERS OR
 PROFILED WASHERS WITH EPDM SEALING
 WASHER
 AS PER ROOFING MANUFACTURERS
 SPECIFICATIONS
 EDGE FLASHINGS TO MATCH,
 uPVC
 QUARTER ROUND GUTTER
 80Ø UPVC DOWNPIPES
 BRACKETS AT 400mmCRS WITH SS
 SCREWS
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 Ex 40/25 H3.1 FASCIA BOARD
 JH 4.5mm HARDIFLEX SOFFIT LINING,
 INSTALL TO MANUFACTURERS
 RECOMMENDATIONS,(PVC JOINTERS).
- WALLS**
 EZI PANEL CLADDING ON
 20mm CAVITY SYSTEM
 JH OBLIQUE CLADDING ON
 20mm CAVITY SYSTEM
- GLAZING / JOINERY**
 DOUBLE GLAZED POWDER COATED
 ALUMINIUM JOINERY.
 WINDOW HEIGHT VARIES,
 CHECK PLANS.
- FRAMELESS GLASS EXTERIOR
 BALUSTRADE.
 FRAMELESS GLASS INTERIOR
 BALUSTRADE.
- INSULATION**
 R 3.2 BATTS ROOF INSULATION
 R2.4 BATTS
 WALL INSULATION
 YES
 CHECK H1
 GARAGE INSULATED AS PER THE
 DWELLING.
 R3.2 BATTS GARAGE ROOF INSULATION.
 GARAGE DOOR NOT INSULATED



1
 A1501, A1502

West Elevation

1:100

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

EI 6358920.5 Easement I

Land registration district

NORTH AUCKLAND



Cpy - 01/01, Page - 008, 24/03/06, 10:10



DocID: 311866348

Surname(s) must be underlined or in CAPITALS.

Grantor

COOPERS BEACH HEIGHTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

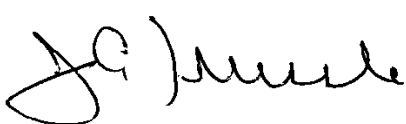
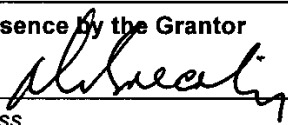
COOPERS BEACH HEIGHTS LIMITED



Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

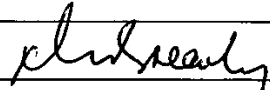
Dated this 21st day of March, 2005

Attestation

 DIRECTOR	Signed in my presence by the Grantor  <hr/> Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantor	

 DIRECTOR	Signed in my presence by the Grantee  <hr/> Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



Easement instrument Dated Page 1 of 5 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant	DP 338407	157931 to 157948 inclusive	131347 to 131358 inclusive and 131360 to 131378 inclusive and 157931 to 157948 inclusive

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied] [negatived] [added to] or [substituted]** by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Covenant provisions"

The Grantor so as to bind the land in the servient tenements **DOTH HEREBY COVENANT AND AGREE TO** the stipulations and restrictions in Schedule B hereto **TO THE INTENT** that the land in the servient tenements shall be forever bound by the stipulations and restrictions set out in Schedule A hereto for the benefit of the dominant tenements.

SCHEDULE A
SCHEDULE OF RESTRICTIVE COVENANTS

The Grantor shall not:

- (i) Permit any second-hand dwelling unit or other structure or any prebuilt transportable or relocatable dwelling or other structure to be moved on to or erected upon any lot forming part of the land secondly described ("any lot") and no second-hand materials used in the building of any dwelling unit or other structure erected on any lot.
- (ii) Use or permit to be used in the construction of any dwelling unit or accessory structure on the property any corrugated iron, flat asbestos cement sheathing in the external walls and not use any flat fibrolite/hardiflex, plywood sheathing or planks as external wall cladding except for soffits and/or unless the surface is textured in such a manner as to fully clad the bare material.
- (iii) Permit any metalclad roof that has not been factory pre-painted or pre-coated with a decorative finish.
- (iv) Permit any dwelling or accessory structure or associated works in the course of construction to be left without substantial work being carried out for a period exceeding three months and completion of construction of such dwelling unit or accessory structure shall not extend beyond 9 months from the date of commencement of construction and shall not for more than 15 months of laying down the foundations leave uncompleted any ancillary work such as driveways, fencing and landscaping.
- (v) Permit any dwelling unit to be erected on the property with a floor area of less than 100m² (The floor area measurement to be exclusive of any garage, carport, decking, breezeway or roof overhang forming part of the dwelling unit).
- (vi) Erect on the land any buildings which are outside the setback minimum distance from boundaries or above the maximum height restrictions as set out in the Schedule B hereto and more particularly delineated on DP 338407
- (vii) With the exception of Lot 9, erect more than one dwelling on the lot herein purchased.
- (viii) Erect any dwelling with less than 8 outside external corners and 6 roof planes except with the written approval of the Grantor.
- (ix) Erect any building with exposed sub floor framing or exposed foundation pole system.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

- (x) Install a water tank which is visible from any other allotment.
- (xi) Construct any dwelling unless a minimum of 75% of the exterior cladding consists of any of the following materials: Kiln fired or concrete brick, stucco textured finish, stone or timber or other high quality exterior cladding material approved by the Grantor.
- (xii) Permit or suffer the said land to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of caravans and/or vehicles for human habitation.
- (xiii) Use the land as a residence before a building has been substantially completed in accordance with the terms of this covenant and the requirements of the Far North District Council pursuant to the Building Act 1991.
- (xiv) Permit or suffer any rubbish or noxious substances likely to cause nuisance or annoyance to the neighbouring occupiers to accumulate and/or be placed upon the land.
- (xv) Bring onto or allow to remain on the land or any internal road of the subdivision any temporary dwelling, caravan, heavy trade vehicle requiring a heavy transport licence or other equipment or machinery unless garaged or screened so as to preserve the amenities of the neighbourhood and to prevent noise likely to cause offence in the subdivision.
- (xvi) Permit any shadehouse, glasshouse or polyhouse, (other than a single structure of an area less than 20m2) to be erected on the property.
- (xvii) Carry on or permit or suffer to be carried on on the property any industrial or retail activity, or any commercial activity except for a professional or clerical home occupation carried on in part of the residence by the registered proprietor.
- (xviii) Keep or permit to be kept on the land any farm animal.
- (xix) Allow the Council owned road frontage of the land or the right of way providing access to the land to become untidy or neglected.
- (xx) Carry out any construction or development work on the land without being liable to reinstate or be responsible for all costs arising from any damage or replace any loss to the landscape, roading curbs, concrete or other structures in the subdivision arising from the Grantee's use of the land directly or indirectly through the Grantee's agents or invitees.
- (xxi) Being the owners of Lots 18, 19, 20, 21, 22 and 23 remove or damage or permit to be removed or damaged the indigenous trees and brush on the existing vegetative areas of these sections.
- (xxii) Erect any fence which is higher than 1.2 metres. This does not apply to retaining walls.
- (xxiii) If there should be any breach or non-observance of any of the foregoing covenants and without prejudice to any other liability which the registered proprietor of any lot may have to any person having the benefit of this covenant the registered proprietor will upon written demand being made by any of the registered proprietors of the lots having the benefit of the covenants;
 - (a) Remove or cause to be removed from the land any dwelling unit, garage, building, fence or other structure erected or placed on the land in breach or non-observance of the foregoing covenants.
 - (b) Replace any building materials used in breach or non-observance of the foregoing covenants.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

- (xxiv) All questions which may arise between the registered proprietors of any of the subject lots in respect of the stipulations and restrictions set out herein shall be submitted to arbitration in New Zealand.
- (xxv) The Grantee shall as regards the covenants and conditions be liable only in respect of breaches of them which occur while the Grantee is the registered proprietor of the property or any part of it in respect of which any breach occurs.

Fencing

No Lot owners shall call upon Coopers Beach Heights Limited to contribute to the cost of the erection or maintenance of any fence between any Lot and any adjacent land owned by Coopers Beach Heights Limited.

SCHEDULE B**SETBACK AND HEIGHT RESTRICTIONS**

(all values in metres)

Lot	Minimum Setback from Road Boundary	Minimum Setback from Northern Boundary	Minimum Setback from Eastern Boundary	Minimum Setback from Southern Boundary	Minimum Setback from Western Boundary	Maximum Height Restriction
13	6	1.5			4.5	E
14	6	1.5		1.5	4.5	F
15	6	1.5		1.5	4.5	F
16	6	1.5		1.5	4.5	F
17	6	6	4.5	1.5	4.5	G
18	6	6		1.5	1.5	G
19	6	1.5		4		G
20	6	4		1.5		G
21	6	1.5		1.5		G
22	6	1.5		1.5		G
23	6	1.5		4		G
24	6		4	4.5	1.5	G
25	6		1.5	4.5	1.5	G
26	6		1.5	4.5	1.5	G
27	6		1.5	4.5	1.5	G
35		4	1.5	4.5	6.5	G
36		6	1.5	8	6.5	H
49	6	0	1.5	4	6.5	N

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Maximum Height Restrictions

All elevations are in metres above Mean Sea Level (MSL) Lands and Survey Datum

All structures shall be designed and constructed to be no higher than:

E Lot 13 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Western Setback Line at an elevation of 39m above MSL (Lands and Survey Datum).

F Lots 14 - 16 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Western Setback Line at an elevation of 38m above MSL (Lands and Survey Datum).

G Lots 17 - 35 8 metres above natural ground level.

H Lot 36 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Northern Boundary Setback Line at an elevation of 51.5m above MSL (Lands and Survey Datum).

N Lot 49 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above an extension of the Minimum Road Setback Line running along Lots 44 - 48, at an elevation of 47m above MSL (Lands and Survey Datum).

NOTE TO REGISTRAR:

To: Registrar
North Auckland

Would you please note the land covenants herein on all dominant tenement titles.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 6058130.5 Easement I

Cpy - 01/01, Pgs - 007, 28/08/04, 11:37



DocID: 311482316

Grantor

Surname(s) must be underlined or in CAPITALS.

COOPERS BEACH HEIGHTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

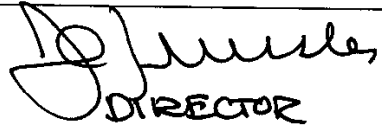

COOPERS BEACH HEIGHTS LIMITED

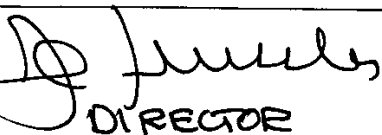

Grant of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or **creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

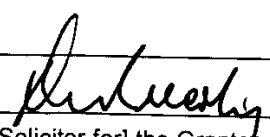
Dated this 24th day of June, 2004

Attestation

 DIRECTOR	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantor	

 DIRECTOR	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.


 [Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument Dated Page 1 of 4 pages

Schedule A (Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant	DP 331991	131347 to 131377 inclusive	131347 to 131379 inclusive

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied]** **[negatived]** **[added to]** or **[substituted]** by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

2

of

4

Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Covenant provisions"

The Grantor so as to bind the land in the servient tenements **DOETH HEREBY COVENANT AND AGREE TO** the stipulations and restrictions in Schedule B hereto **TO THE INTENT** that the land in the servient tenements shall be forever bound by the stipulations and restrictions set out in Schedule A hereto for the benefit of the dominant tenements.

SCHEDULE A
SCHEDULE OF RESTRICTIVE COVENANTS

The Grantor shall not:

- (i) Permit any second-hand dwelling unit or other structure or any prebuilt transportable or relocatable dwelling or other structure to be moved on to or erected upon any lot forming part of the land secondly described ("any lot") and no second-hand materials used in the building of any dwelling unit or other structure erected on any lot.
- (ii) Use or permit to be used in the construction of any dwelling unit or accessory structure on the property any corrugated iron, flat asbestos cement sheathing in the external walls and not use any flat fibrolite/hardiflex, plywood sheathing or planks as external wall cladding except for soffits and/or unless the surface is textured in such a manner as to fully clad the bare material.
- (iii) Permit any metalclad roof that has not been factory prepainted or precoated with a decorative finish.
- (iv) Permit any dwelling or accessory structure or associated works in the course of construction to be left without substantial work being carried out for a period exceeding three months and completion of construction of such dwelling unit or accessory structure shall not extend beyond 9 months from the date of commencement of construction and shall not for more than 15 months of laying down the foundations leave uncompleted any ancillary work such as driveways, fencing and landscaping.
- (v) Permit any dwelling unit to be erected on the property with a floor area of less than 100m² (The floor area measurement to be exclusive of any garage, carport, decking, breezeway or roof overhang forming part of the dwelling unit).
- (vi) Erect on the land any buildings which are outside the setback minimum distance from boundaries or above the maximum height restrictions as set out in the Schedule B hereto and more particularly delineated on DP 331991.
- (vii) With the exception of Lot 9, erect more than one dwelling on the lot herein purchased.
- (viii) Erect any dwelling with less than 8 outside external corners and 6 roof planes except with the written approval of the Grantor.
- (ix) Erect any building with exposed sub floor framing or exposed foundation pole system.
- (x) Install a water tank which is visible from any other allotment.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

- (xi) Construct any dwelling unless a minimum of 75% of the exterior cladding consists of any of the following materials: Kiln fired or concrete brick, stucco textured finish, stone or timber or other high quality exterior cladding material approved by the Grantor.
- (xii) Permit or suffer the said land to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of caravans and/or vehicles for human habitation.
- (xiii) Use the land as a residence before a building has been substantially completed in accordance with the terms of this covenant and the requirements of the Far North District Council pursuant to the Building Act 1991.
- (xiv) Permit or suffer any rubbish or noxious substances likely to cause nuisance or annoyance to the neighbouring occupiers to accumulate and/or be placed upon the land.
- (xv) Bring onto or allow to remain on the land or any internal road of the subdivision any temporary dwelling, caravan, heavy trade vehicle requiring a heavy transport licence or other equipment or machinery unless garaged or screened so as to preserve the amenities of the neighbourhood and to prevent noise likely to cause offence in the subdivision.
- (xvi) Permit any shadehouse, glasshouse or polyhouse, (other than a single structure of an area less than 20m²) to be erected on the property.
- (xvii) Carry on or permit or suffer to be carried on on the property any industrial or retail activity, or any commercial activity except for a professional or clerical home occupation carried on in part of the residence by the registered proprietor.
- (xviii) Keep or permit to be kept on the land any farm animal.
- (xix) Allow the Council owned road frontage of the land or the right of way providing access to the land to become untidy or neglected.
- (xx) Carry out any construction or development work on the land without being liable to reinstate or be responsible for all costs arising from any damage or replace any loss to the landscape, roading curbs, concrete or other structures in the subdivision arising from the Grantee's use of the land directly or indirectly through the Grantee's agents or invitees.
- (xxi) Being the owners of Lots 18, 19, 20, 21, 22 and 23 remove or damage or permit to be removed or damaged the indigenous trees and brush on the existing vegetative areas of these sections.
- (xxii) Erect any fence which is higher than 1.2 metres. This does not apply to retaining walls.
- (xxiii) If there should be any breach or non-observance of any of the foregoing covenants and without prejudice to any other liability which the registered proprietor of any lot may have to any person having the benefit of this covenant the registered proprietor will upon written demand being made by any of the registered proprietors of the lots having the benefit of the covenants;
 - (a) Remove or cause to be removed from the land any dwelling unit, garage, building, fence or other structure erected or placed on the land in breach or non-observance of the foregoing covenants.
 - (b) Replace any building materials used in breach or non-observance of the foregoing covenants.
- (xxiv) All questions which may arise between the registered proprietors of any of the subject lots in respect of the stipulations and restrictions set out herein shall be submitted to arbitration in New Zealand.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

(xxv) The Grantee shall as regards the covenants and conditions be liable only in respect of breaches of them which occur while the Grantee is the registered proprietor of the property or any part of it in respect of which any breach occurs.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

SCHEDULE B

SETBACK AND HEIGHT RESTRICTIONS

(all values in metres)

Lot	Minimum Setback from Road Boundary	Minimum Setback from Northern Boundary	Minimum Setback from Eastern Boundary	Minimum Setback from Southern Boundary	Minimum Setback from Western Boundary	Maximum Height Restriction
1	4	9	1.5			A
2	4	9	1.5		1.5	A
3	4	9	1.5		1.5	B
4	4	9	1.5		1.5	B
5	4	9	1.5		1.5	B
6	4	9	1.5		1.5	B
7	4	9	1.5		1.5	C
8	4	9	1.5		1.5	D
9	4	7.5	4.5	1.5	1.5	D
10	4	1.5	4.5	1.5		D
11	4	1.5	4.5	1.5		D
12		1.5	4.5	6(Road)	4(Road)	D
28	6		1.5	4.5	1.5	E
29	6		1.5	4.5	1.5	E
30	6		1.5	4.5	1.5	E
31	6		1.5	4.5	1.5	E
32	6		1.5	4.5	1.5	E
33	6		1.5	4.5	1.5	E
34	4	4	1.5	4.5	1.5	E
37		6	1.5	8	1.5	F
38	4	6	1.5		1.5	F
39	6	6	1.5		1.5	F
40	6	6	1.5		1.5	F
41	6	6	1.5		1.5	F
42	6	6			1.5	F
43	6			4	1.5	G
44	6		1.5	4	1.5	H
45	6		1.5	4	1.5	I
46	6		1.5	4	1.5	I
47	6		1.5	4	1.5	I
48	6		1.5	4	1.5	J

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

4

of

4

Pages

(Continue in additional Annexure Schedule, if required.)

Maximum Height Restrictions

All elevations are in metres above Mean Sea Level (MSL) Lands and Survey Datum

All structures shall be designed and constructed to be no higher than:

A Lots 1 - 2 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line for Lot 2 and extending onto Lot 1, at an elevation of 46m above MSL (Lands and Survey Datum).

B Lots 3 - 6 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line at an elevation of 48m above MSL (Lands and Survey Datum).

C Lot 7 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line at an elevation of 46m above MSL (Lands and Survey Datum).

D Lots 8 - 12 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 45m above MSL (Lands and Survey Datum).

E Lots 28-34 8 metres above natural ground level.

F Lots 37 - 42 8 metres above natural ground level.

G Lot 43 a level plane 51.0m above MSL (Lands and Survey Datum) covering the setback envelope.

H Lot 44 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 52.5m above MSL (Lands and Survey Datum).

I Lots 45 - 47 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 52.5m above MSL (Lands and Survey Datum).

J Lot 48 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 51m above MSL (Lands and Survey Datum).

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 6058130.4 Easement I

Copy - 01/01, Pgs - 003, 28/06/04, 11:36



Grantor

Surname(s) must be underlined or in CAPITALS.

COOPERS BEACH HEIGHTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.


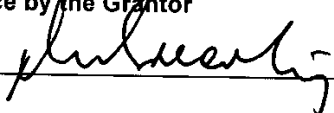
COOPERS BEACH HEIGHTS LIMITED


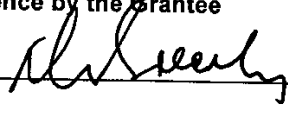
Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or **creates** the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).


Dated this 24th day of June 2004

Attestation

 DIRECTOR	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantor	

 DIRECTOR	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument

Dated

Page 1 of 2 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way, Right to convey telecommunications and computer media, Right to convey Water	"A" DP 331991	131366	131379
Right to convey Water	"M" to "S" inclusive and "U" DP 331991	131359 to 131364 inclusive and 131379	131378

(Handwritten mark)

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

(Handwritten signatures)

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Rights and Powers"

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

1. Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

FAR NORTH DISTRICT COUNCIL



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 - CONSENT NOTICE

CONO 6058130.1 Consen

Cpy - 01/04, Pgs - 003, 28/08/04, 11:29



DocID: 311482807

REGARDING RC 2040433
The subdivision of Lot 1 DP 131247
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 title of the affected allotments.

SCHEDULE

- i. All storm water from buildings, tank overflows and paved areas is to be piped to the storm water system connection points.
- ii. No building or amenity planting that may affect the flow of storm water is to be located within the drainage easements provided for within the subdivision.
- iii. Lot 50 (utility lot) is to be used for water storage and reticulation purposes only.

SIGNED:

by the FAR NORTH DISTRICT COUNCIL
under delegated authority:
RESOURCE CONSENTS MANAGER

DATED at **KAIKOHE** this *19th* day of *April* 2004

RC2040433
SRMICERT\3221
4trussler221

Landonline User ID: **LAWNPKK**

HEREWITH

Dealing / SUD Number:
(LINZ Use only)

CONO 6058130.1 Conser
Cpy - 02/04, Pgs - 003, 28/06/04, 11:29

LODGING FIRM: **LAW NORTH PARTNERS**

Survey Plan (#)

Priority Barcode/Date Stamp
(LINZ use only)

Address: **DX AA21001, KERIKERI**

Title Plan (#)

Plan Number Pre-Allocated or
to be Deposited:

Copies
(Inc. original)
DocID: 311482307

Uplifting Box Number:

Field Notes (#)

Rejected Dealing Number:

LAND INFORMATION
NEW ZEALAND
28 JUN 2004

ASSOCIATED FIRM:

Calc Sheets (#)

Other (state)

Client Code / Ref: **MN:36408-GMB**

Survey Report

LAND TITLES SERVICES

Priority Order	CT Ref:	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1		C221	FAR NORTH DISTRICT COUNCIL	50.00							\$50.00
2		C224	FAR NORTH DISTRICT COUNCIL	50.00		5,019.00 + 50.00 + 50.00 + 100.00 +		33 \$4,719			\$50.00
3		ONT	COOPERS BEACH HEIGHTS x 33		004						\$4,719.00
4		EI	COOPERS BEACH HEIGHTS	50.00		5,219.00 *					\$50.00
5		EI	COOPERS BEACH HEIGHTS	\$50.00							\$50.00
6		EI	COOPERS BEACH HEIGHTS, TOP ENERGY	50.00							\$50.00

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

Original Signatures?	
Subtotal (for this page)	\$4,969.00
Total for this dealing	\$5,019.00
Less Fees paid on Dealing #	
Cash/Cheque enclosed for	\$5,019.00

Landonline User ID: LAWNPKKE
 LODGING FIRM: LAW NORTH PARTNERS

Dealing / SUD Number:
 (LINZ Use only)
 Priority Barcode/Date Stamp
 (LINZ use only)

Client Code / Ref: MN:36408-GMB

Plan Number Pre-Allocated or
 Plan Number to be Deposited:
 Rejected Dealing Number:

Priority Order	[CT Ref]	[Type of Instrument]	[Names of Parties]	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
7	131347 TO 131355 Incl., 131359 to 131364 Incl. 131379	EI	COOPERS BEACH HEIGHTS, FNDC	50.00							\$50.00
8											
9											
10											
11											
12											
13											
Land Information New Zealand Lodgement Form Fees Receipt and Tax Invoice GST Registered Number 17-022-895 LINZ Form P005 Annotations (LINZ use only)											Subtotal (for this page) \$50.00

Joseph Hale

From: Doubtless Bay Water <office@doubtlessbaywater.com>
Sent: Monday, 18 September 2023 10:54 am
To: Joseph Hale
Subject: RE: Lot 50, Lori Lane

Hi Joseph,

As discussed this development was created by Mr Trussler. He created an independent reticulated water supply for the area, which is why he has created this lot and also why it does not state "doubtless bay water". Doubtless Bay Water later took over the Trussler water supply as he could not run it. Technically as a utility lot stating 'right to convey water' this lot is now for the benefit of Doubtless bay water supply (being the reticulated scheme servicing the area).

That being said, the lot does not have any strategic purpose for us at present, and I also cannot foresee us needing it moving forward.

I hope this answers your queries.

Kind regards,
Max Powers



Doubtless Bay Water Supply

157 Cable Bay Block Road, Coopers Beach, Northland
Postal: PO Box 165, Mangonui 0442, Northland
Ph: +64 9 406 0520 Mobile: 021 820850
www.doubtlessbaywater.com

IMPORTANT: This email is intended for the use of the individual addressee(s) named above and may contain information that is confidential. If you are not the intended recipient, any dissemination, distribution or copying of this email is not authorised.

From: Joseph Hale <joseph@elementplanning.co.nz>
Sent: Friday, September 15, 2023 4:41 PM
To: Doubtless Bay Water <office@doubtlessbaywater.com>
Subject: Lot 50, Lori Lane

Hello Max,

Thanks for the chat this morning.

As a follow up to our call, I have attached the record of title for the properties in question to this email. There appears to be no mention of Doubtless Bay Water on the title, from what I can see, but happy to be told otherwise?

As explained on the phone, my client has two lots on Lori Lane – Lot 34 and Lot 50. Lot 34 is a standard sized, residential site, with Lot 50 being a smaller lot of 130m2. The Record of Title for this site has a Consent Notice listed on it stating that *“Lot 50 (Utility Lot) is to be used for water storage and reticulation purposes only”*.

The reason I am contacting you regarding this is that my client is wanting to build a house on Lot 34, but use Lot 50 purely for an access to Lot 34 (he just wants to put a driveway across this site, as this allots him to fit a larger home on Lot 34).

In looking into this, the following has lead me to you:

- Council initially indicated that to do this we needed to apply to remove the consent notice from Lot 50 which makes mention of it only be used for stormwater and reticulation purposes.
- I then reached out to Council’s Sujeet Tikram to check about the ability to do this, given its status as a Utility Lot. Sujeet got back to me with the following: *“I am assuming that the consent notice has something to do with stormwater drainage and possible future piping of the overland flowpath circled in blue below through Lot 50 and to the cul-de-sac on Lori Lane. Council does not have a water supply scheme in Coopers Beach, but might be worth checking with Doubtless Bay water?”*.
- So based on the above, this is why I called you earlier to discuss Lot 50 and see if the client wanting to use it as an access way to his other lot was going to be a problem. Essentially we don’t want to embark on a resource consent process to remove the consent notice referring to the utility lot, if actually there are reasons as to why this cannot be removed.

If you can get back to me with your thoughts on this situation and reiterate some of your comments from our call earlier that would be much appreciated.

Kind regards

JOSEPH HALE

BA Town & Country Planning Assoc. NZPI
Director

021 136 5790

joseph@elementplanning.co.nz

PO Box 39, Waihi Beach 3642

www.elementplanning.co.nz



ELEMENT
PLANNING

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

EI 6358920.5 Easement I

Land registration district

NORTH AUCKLAND



Cpy - 01/01, Page - 008, 24/03/06, 10:10



DocID: 311866348

Surname(s) must be underlined or in CAPITALS.

Grantor

COOPERS BEACH HEIGHTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

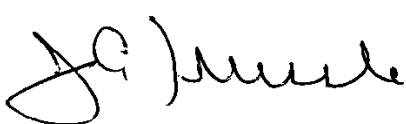
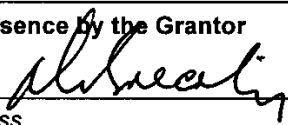
COOPERS BEACH HEIGHTS LIMITED



Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

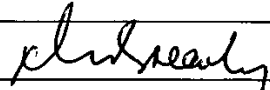
Dated this 21st day of March, 2005

Attestation

 DIRECTOR	Signed in my presence by the Grantor  <hr/> Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantor	

 DIRECTOR	Signed in my presence by the Grantee  <hr/> Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



Easement instrument Dated Page 1 of 5 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant	DP 338407	157931 to 157948 inclusive	131347 to 131358 inclusive and 131360 to 131378 inclusive and 157931 to 157948 inclusive

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied] [negatived] [added to] or [substituted]** by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Covenant provisions"

The Grantor so as to bind the land in the servient tenements **DOTH HEREBY COVENANT AND AGREE TO** the stipulations and restrictions in Schedule B hereto **TO THE INTENT** that the land in the servient tenements shall be forever bound by the stipulations and restrictions set out in Schedule A hereto for the benefit of the dominant tenements.

SCHEDULE A
SCHEDULE OF RESTRICTIVE COVENANTS

The Grantor shall not:

- (i) Permit any second-hand dwelling unit or other structure or any prebuilt transportable or relocatable dwelling or other structure to be moved on to or erected upon any lot forming part of the land secondly described ("any lot") and no second-hand materials used in the building of any dwelling unit or other structure erected on any lot.
- (ii) Use or permit to be used in the construction of any dwelling unit or accessory structure on the property any corrugated iron, flat asbestos cement sheathing in the external walls and not use any flat fibrolite/hardiflex, plywood sheathing or planks as external wall cladding except for soffits and/or unless the surface is textured in such a manner as to fully clad the bare material.
- (iii) Permit any metalclad roof that has not been factory pre-painted or pre-coated with a decorative finish.
- (iv) Permit any dwelling or accessory structure or associated works in the course of construction to be left without substantial work being carried out for a period exceeding three months and completion of construction of such dwelling unit or accessory structure shall not extend beyond 9 months from the date of commencement of construction and shall not for more than 15 months of laying down the foundations leave uncompleted any ancillary work such as driveways, fencing and landscaping.
- (v) Permit any dwelling unit to be erected on the property with a floor area of less than 100m² (The floor area measurement to be exclusive of any garage, carport, decking, breezeway or roof overhang forming part of the dwelling unit).
- (vi) Erect on the land any buildings which are outside the setback minimum distance from boundaries or above the maximum height restrictions as set out in the Schedule B hereto and more particularly delineated on DP 338407
- (vii) With the exception of Lot 9, erect more than one dwelling on the lot herein purchased.
- (viii) Erect any dwelling with less than 8 outside external corners and 6 roof planes except with the written approval of the Grantor.
- (ix) Erect any building with exposed sub floor framing or exposed foundation pole system.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

- (x) Install a water tank which is visible from any other allotment.
- (xi) Construct any dwelling unless a minimum of 75% of the exterior cladding consists of any of the following materials: Kiln fired or concrete brick, stucco textured finish, stone or timber or other high quality exterior cladding material approved by the Grantor.
- (xii) Permit or suffer the said land to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of caravans and/or vehicles for human habitation.
- (xiii) Use the land as a residence before a building has been substantially completed in accordance with the terms of this covenant and the requirements of the Far North District Council pursuant to the Building Act 1991.
- (xiv) Permit or suffer any rubbish or noxious substances likely to cause nuisance or annoyance to the neighbouring occupiers to accumulate and/or be placed upon the land.
- (xv) Bring onto or allow to remain on the land or any internal road of the subdivision any temporary dwelling, caravan, heavy trade vehicle requiring a heavy transport licence or other equipment or machinery unless garaged or screened so as to preserve the amenities of the neighbourhood and to prevent noise likely to cause offence in the subdivision.
- (xvi) Permit any shadehouse, glasshouse or polyhouse, (other than a single structure of an area less than 20m2) to be erected on the property.
- (xvii) Carry on or permit or suffer to be carried on on the property any industrial or retail activity, or any commercial activity except for a professional or clerical home occupation carried on in part of the residence by the registered proprietor.
- (xviii) Keep or permit to be kept on the land any farm animal.
- (xix) Allow the Council owned road frontage of the land or the right of way providing access to the land to become untidy or neglected.
- (xx) Carry out any construction or development work on the land without being liable to reinstate or be responsible for all costs arising from any damage or replace any loss to the landscape, roading curbs, concrete or other structures in the subdivision arising from the Grantee's use of the land directly or indirectly through the Grantee's agents or invitees.
- (xxi) Being the owners of Lots 18, 19, 20, 21, 22 and 23 remove or damage or permit to be removed or damaged the indigenous trees and brush on the existing vegetative areas of these sections.
- (xxii) Erect any fence which is higher than 1.2 metres. This does not apply to retaining walls.
- (xxiii) If there should be any breach or non-observance of any of the foregoing covenants and without prejudice to any other liability which the registered proprietor of any lot may have to any person having the benefit of this covenant the registered proprietor will upon written demand being made by any of the registered proprietors of the lots having the benefit of the covenants;
 - (a) Remove or cause to be removed from the land any dwelling unit, garage, building, fence or other structure erected or placed on the land in breach or non-observance of the foregoing covenants.
 - (b) Replace any building materials used in breach or non-observance of the foregoing covenants.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

- (xxiv) All questions which may arise between the registered proprietors of any of the subject lots in respect of the stipulations and restrictions set out herein shall be submitted to arbitration in New Zealand.
- (xxv) The Grantee shall as regards the covenants and conditions be liable only in respect of breaches of them which occur while the Grantee is the registered proprietor of the property or any part of it in respect of which any breach occurs.

Fencing

No Lot owners shall call upon Coopers Beach Heights Limited to contribute to the cost of the erection or maintenance of any fence between any Lot and any adjacent land owned by Coopers Beach Heights Limited.

SCHEDULE B**SETBACK AND HEIGHT RESTRICTIONS**

(all values in metres)

Lot	Minimum Setback from Road Boundary	Minimum Setback from Northern Boundary	Minimum Setback from Eastern Boundary	Minimum Setback from Southern Boundary	Minimum Setback from Western Boundary	Maximum Height Restriction
13	6	1.5			4.5	E
14	6	1.5		1.5	4.5	F
15	6	1.5		1.5	4.5	F
16	6	1.5		1.5	4.5	F
17	6	6	4.5	1.5	4.5	G
18	6	6		1.5	1.5	G
19	6	1.5		4		G
20	6	4		1.5		G
21	6	1.5		1.5		G
22	6	1.5		1.5		G
23	6	1.5		4		G
24	6		4	4.5	1.5	G
25	6		1.5	4.5	1.5	G
26	6		1.5	4.5	1.5	G
27	6		1.5	4.5	1.5	G
35		4	1.5	4.5	6.5	G
36		6	1.5	8	6.5	H
49	6	0	1.5	4	6.5	N

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Maximum Height Restrictions

All elevations are in metres above Mean Sea Level (MSL) Lands and Survey Datum

All structures shall be designed and constructed to be no higher than:

E Lot 13 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Western Setback Line at an elevation of 39m above MSL (Lands and Survey Datum).

F Lots 14 - 16 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Western Setback Line at an elevation of 38m above MSL (Lands and Survey Datum).

G Lots 17 - 35 8 metres above natural ground level.

H Lot 36 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Northern Boundary Setback Line at an elevation of 51.5m above MSL (Lands and Survey Datum).

N Lot 49 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above an extension of the Minimum Road Setback Line running along Lots 44 - 48, at an elevation of 47m above MSL (Lands and Survey Datum).

NOTE TO REGISTRAR:

To: Registrar
North Auckland

Would you please note the land covenants herein on all dominant tenement titles.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Lot 34

Approved by Registrar-General of Land under No. 2002/1026

Transfer instrument
Section 90, Land Transfer Act 1952



T 6090534.1 Transfer

Cpy - 01/04, Pgs - 004, 23/07/04, 07:29



DocID: 311523855

Land registration district

NORTH AUCKLAND

Unique identifier(s)
or C/T(s)

All/part

Area/description of part or stratum

131365	All	
--------	-----	--

Transferor

Surname(s) must be underlined or in CAPITALS.

COOPERS BEACH HEIGHTS LIMITED

Transferee

Surname(s) must be underlined or in CAPITALS.

Mark Norman KITCHEN and Leah Veronica PEACOCK

Estate or interest to be transferred, or easement(s) or profit(s) à prendre to be created
State if fencing covenant imposed.

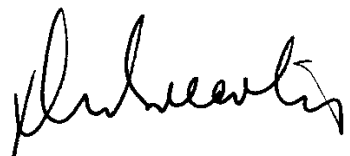
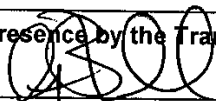
Fee Simple and the Transferee shall be bound by a fencing covenant as defined in Section 2 of the Fencing Act 1978 in favour of the Transferor

Operative clause

The Transferor transfers to the Transferee the above estate or interest in the land in the above certificate(s) of title or computer register(s) and, if an easement or profit à prendre is described above, that easement or profit à prendre is granted or created.

Dated this 19th day of July 2004

Attestation (If the transferee or grantee is to execute this transfer, include the attestation in an Annexure Schedule).

Coopers Beach Heights Limited by its attorney Dennis John McBrearty 	Signed in my presence by the Transferor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GINA BIRCHALL Address LEGAL EXECUTIVE KERIKERI
Signature [common seal] of Transferor	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Transferee

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc


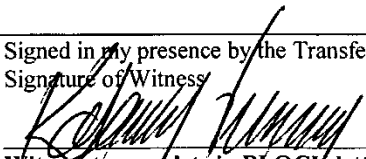
Transfer

Dated

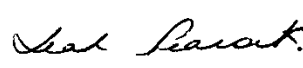
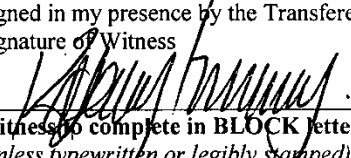
Page 1 of 1 pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Attestations"

 Signature(s) of Transferee	Signed in my presence by the Transferee MN KITCHEN Signature of Witness  <hr/> Witness to complete in BLOCK letters below (unless typewritten or legibly stamped) Witness name KN GURNEY Occupation LEGAL SECRETARY Address WHANGAREI.
	Address WHANGAREI.

Continuation of "Attestations"

 Signature(s) of Transferee	Signed in my presence by the Transferee LV PEACOCK Signature of Witness  <hr/> Witness to complete in BLOCK letters below (unless typewritten or legibly stamped) Witness name KN GURNEY Occupation LEGAL SECRETARY Address WHANGAREI.
	Address WHANGAREI.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

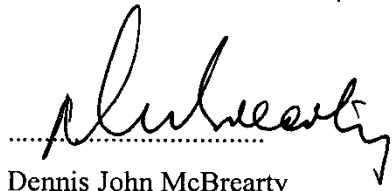
CERTIFICATE OF NON REVOCATION OF POWER OF ATTORNEY

I, Dennis John McBrearty of Paihia, Solicitor hereby certify:

1. THAT by Deed dated the 14th day of May 2004, Coopers Beach Heights Limited appointed me its attorney on the terms and subject to the conditions set out in the said Deed and registered in the North Auckland Land Registry under no. 6084129.1

2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by winding up or dissolution of Coopers Beach Heights Limited or otherwise.

SIGNED at Kerikeri this 19th day of July 2004


.....
Dennis John McBrearty

Landonline User ID: LAWFACTORLAW

LODGING FIRM: LAW FACTOR LTD

Address: 22 / 07 / 04 (3)

Uplifting Box Number: 83

ASSOCIATED FIRM: WEBB ROSS JOHNSON (SAW)

Client Code / Ref: 23128/5:VICTORIA

Dealing / SUB Number: (LINZ Use only)

Priority Barcode/Date Stamp (LINZ Use only)

AKA

T 6090534.1 Transfer
 Copy - 04/04, Pgs - 004, 23/07/04, 07:29

Copies
 (Inc. original)
 DocID: 311823886

HEREWITH	
Survey Plan (#)	
Title Plan (#)	
Traverse Sheets (#)	
Field Notes (#)	
Calc Sheets (#)	
Survey Report	

Plan Number Pre-Allocated or to be Deposited

Rejected Dealing Number

Priority Order	OT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	131365	T	COOPERS BEACH LTD TO KITCHEN & PEACOCK	50.00							\$50.00
2											
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Administrative (LINZ Use only)

Original Signatures?

Less Fees paid on Dealing #

Cash/Cheque enclosed for

Subtotal (for this page) \$50.00

Total for this dealing \$50.00

\$50.00

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 6058130.5 Easement I

Cpy - 01/01, Pgs - 007, 28/08/04, 11:37



DocID: 311482316

Grantor

Surname(s) must be underlined or in CAPITALS.

COOPERS BEACH HEIGHTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

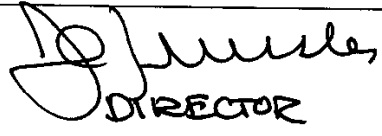

COOPERS BEACH HEIGHTS LIMITED

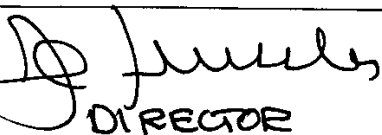

Grant of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or **creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 24th day of June, 2004

Attestation

 DIRECTOR	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantor	

 DIRECTOR	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation DENNIS JOHN McBREARTY SOLICITOR Address PAIHIA
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.


 [Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument Dated Page 1 of 4 pages

Schedule A (Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant	DP 331991	131347 to 131377 inclusive	131347 to 131379 inclusive

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied]** **[negatived]** **[added to]** or **[substituted]** by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

2

of

4

Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Covenant provisions"

The Grantor so as to bind the land in the servient tenements **DOTH HEREBY COVENANT AND AGREE TO** the stipulations and restrictions in Schedule B hereto **TO THE INTENT** that the land in the servient tenements shall be forever bound by the stipulations and restrictions set out in Schedule A hereto for the benefit of the dominant tenements.

SCHEDULE A
SCHEDULE OF RESTRICTIVE COVENANTS

The Grantor shall not:

- (i) Permit any second-hand dwelling unit or other structure or any prebuilt transportable or relocatable dwelling or other structure to be moved on to or erected upon any lot forming part of the land secondly described ("any lot") and no second-hand materials used in the building of any dwelling unit or other structure erected on any lot.
- (ii) Use or permit to be used in the construction of any dwelling unit or accessory structure on the property any corrugated iron, flat asbestos cement sheathing in the external walls and not use any flat fibrolite/hardiflex, plywood sheathing or planks as external wall cladding except for soffits and/or unless the surface is textured in such a manner as to fully clad the bare material.
- (iii) Permit any metalclad roof that has not been factory prepainted or precoated with a decorative finish.
- (iv) Permit any dwelling or accessory structure or associated works in the course of construction to be left without substantial work being carried out for a period exceeding three months and completion of construction of such dwelling unit or accessory structure shall not extend beyond 9 months from the date of commencement of construction and shall not for more than 15 months of laying down the foundations leave uncompleted any ancillary work such as driveways, fencing and landscaping.
- (v) Permit any dwelling unit to be erected on the property with a floor area of less than 100m² (The floor area measurement to be exclusive of any garage, carport, decking, breezeway or roof overhang forming part of the dwelling unit).
- (vi) Erect on the land any buildings which are outside the setback minimum distance from boundaries or above the maximum height restrictions as set out in the Schedule B hereto and more particularly delineated on DP 331991.
- (vii) With the exception of Lot 9, erect more than one dwelling on the lot herein purchased.
- (viii) Erect any dwelling with less than 8 outside external corners and 6 roof planes except with the written approval of the Grantor.
- (ix) Erect any building with exposed sub floor framing or exposed foundation pole system.
- (x) Install a water tank which is visible from any other allotment.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

- (xi) Construct any dwelling unless a minimum of 75% of the exterior cladding consists of any of the following materials: Kiln fired or concrete brick, stucco textured finish, stone or timber or other high quality exterior cladding material approved by the Grantor.
- (xii) Permit or suffer the said land to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of caravans and/or vehicles for human habitation.
- (xiii) Use the land as a residence before a building has been substantially completed in accordance with the terms of this covenant and the requirements of the Far North District Council pursuant to the Building Act 1991.
- (xiv) Permit or suffer any rubbish or noxious substances likely to cause nuisance or annoyance to the neighbouring occupiers to accumulate and/or be placed upon the land.
- (xv) Bring onto or allow to remain on the land or any internal road of the subdivision any temporary dwelling, caravan, heavy trade vehicle requiring a heavy transport licence or other equipment or machinery unless garaged or screened so as to preserve the amenities of the neighbourhood and to prevent noise likely to cause offence in the subdivision.
- (xvi) Permit any shadehouse, glasshouse or polyhouse, (other than a single structure of an area less than 20m²) to be erected on the property.
- (xvii) Carry on or permit or suffer to be carried on on the property any industrial or retail activity, or any commercial activity except for a professional or clerical home occupation carried on in part of the residence by the registered proprietor.
- (xviii) Keep or permit to be kept on the land any farm animal.
- (xix) Allow the Council owned road frontage of the land or the right of way providing access to the land to become untidy or neglected.
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- (xxi) Being the owners of Lots 18, 19, 20, 21, 22 and 23 remove or damage or permit to be removed or damaged the indigenous trees and brush on the existing vegetative areas of these sections.
- (xxii) Erect any fence which is higher than 1.2 metres. This does not apply to retaining walls.
- (xxiii) If there should be any breach or non-observance of any of the foregoing covenants and without prejudice to any other liability which the registered proprietor of any lot may have to any person having the benefit of this covenant the registered proprietor will upon written demand being made by any of the registered proprietors of the lots having the benefit of the covenants;
 - (a) Remove or cause to be removed from the land any dwelling unit, garage, building, fence or other structure erected or placed on the land in breach or non-observance of the foregoing covenants.
 - (b) Replace any building materials used in breach or non-observance of the foregoing covenants.
- (xxiv) All questions which may arise between the registered proprietors of any of the subject lots in respect of the stipulations and restrictions set out herein shall be submitted to arbitration in New Zealand.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

(xxv) The Grantee shall as regards the covenants and conditions be liable only in respect of breaches of them which occur while the Grantee is the registered proprietor of the property or any part of it in respect of which any breach occurs.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

SCHEDULE B

SETBACK AND HEIGHT RESTRICTIONS

(all values in metres)

Lot	Minimum Setback from Road Boundary	Minimum Setback from Northern Boundary	Minimum Setback from Eastern Boundary	Minimum Setback from Southern Boundary	Minimum Setback from Western Boundary	Maximum Height Restriction
1	4	9	1.5			A
2	4	9	1.5		1.5	A
3	4	9	1.5		1.5	B
4	4	9	1.5		1.5	B
5	4	9	1.5		1.5	B
6	4	9	1.5		1.5	B
7	4	9	1.5		1.5	C
8	4	9	1.5		1.5	D
9	4	7.5	4.5	1.5	1.5	D
10	4	1.5	4.5	1.5		D
11	4	1.5	4.5	1.5		D
12		1.5	4.5	6(Road)	4(Road)	D
28	6		1.5	4.5	1.5	E
29	6		1.5	4.5	1.5	E
30	6		1.5	4.5	1.5	E
31	6		1.5	4.5	1.5	E
32	6		1.5	4.5	1.5	E
33	6		1.5	4.5	1.5	E
34	4	4	1.5	4.5	1.5	E
37		6	1.5	8	1.5	F
38	4	6	1.5		1.5	F
39	6	6	1.5		1.5	F
40	6	6	1.5		1.5	F
41	6	6	1.5		1.5	F
42	6	6			1.5	F
43	6			4	1.5	G
44	6		1.5	4	1.5	H
45	6		1.5	4	1.5	I
46	6		1.5	4	1.5	I
47	6		1.5	4	1.5	I
48	6		1.5	4	1.5	J

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

4

of

4

Pages

(Continue in additional Annexure Schedule, if required.)

Maximum Height Restrictions

All elevations are in metres above Mean Sea Level (MSL) Lands and Survey Datum

All structures shall be designed and constructed to be no higher than:

A Lots 1 - 2 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line for Lot 2 and extending onto Lot 1, at an elevation of 46m above MSL (Lands and Survey Datum).

B Lots 3 - 6 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line at an elevation of 48m above MSL (Lands and Survey Datum).

C Lot 7 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line at an elevation of 46m above MSL (Lands and Survey Datum).

D Lots 8 - 12 a downward tilting plane at a slope of 4 degrees below the horizon covering the building setback envelope with its highest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 45m above MSL (Lands and Survey Datum).

E Lots 28-34 8 metres above natural ground level.

F Lots 37 - 42 8 metres above natural ground level.

G Lot 43 a level plane 51.0m above MSL (Lands and Survey Datum) covering the setback envelope.

H Lot 44 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 52.5m above MSL (Lands and Survey Datum).

I Lots 45 - 47 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 52.5m above MSL (Lands and Survey Datum).

J Lot 48 an upward tilting plane at a slope of 4 degrees above the horizon covering the building setback envelope with its lowest edge, defined by a horizontal line, directly above the Minimum Road Setback Line, at an elevation of 51m above MSL (Lands and Survey Datum).

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

FAR NORTH DISTRICT COUNCIL



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 - CONSENT NOTICE

CONO 6058130.1 Consen

Cpy - 01/04, Pgs - 003, 28/08/04, 11:29



DocID: 311482807

REGARDING RC 2040433
The subdivision of Lot 1 DP 131247
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 title of the affected allotments.

SCHEDULE

- i. All storm water from buildings, tank overflows and paved areas is to be piped to the storm water system connection points.
- ii. No building or amenity planting that may affect the flow of storm water is to be located within the drainage easements provided for within the subdivision.
- iii. Lot 50 (utility lot) is to be used for water storage and reticulation purposes only.

SIGNED:

by the FAR NORTH DISTRICT COUNCIL
under delegated authority:
RESOURCE CONSENTS MANAGER

DATED at **KAIKOHE** this *19th* day of *April* 2004

RC2040433
SRMICERT\3221
4trussler221

Landonline User ID: **LAWNPKK**

HEREWITH

Dealing / SUD Number:
(LINZ Use only)

CONO 6058130.1 Conser
Cpy - 02/04, Pgs - 003, 28/06/04, 11:29

LODGING FIRM: **LAW NORTH PARTNERS**

Survey Plan (#)

Priority Barcode/Date Stamp
(LINZ use only)

Address: **DX AA21001, KERIKERI**

Title Plan (#)

Traverse Sheets (#)

Copies
(Inc. original)
DocID: 311482307

Uplifting Box Number:

Field Notes (#)

Plan Number Pre-Allocated or
to be Deposited:

ASSOCIATED FIRM:

Calc Sheets (#)

Survey Report

Client Code / Ref: **MN:36408-GMB**

Other (state)

Rejected Dealing Number:

**LAND INFORMATION
NEW ZEALAND
28 JUN 2004
LAND TITLES SERVICES**

Priority Order	CT Ref:	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1		C221	FAR NORTH DISTRICT COUNCIL	50.00							\$50.00
2		C224	FAR NORTH DISTRICT COUNCIL	50.00		5,019.00 + 50.00 + 50.00 + 100.00 +		33 \$4,719			\$50.00
3		ONT	COOPERS BEACH HEIGHTS x 33		004						\$4,719.00
4		EI	COOPERS BEACH HEIGHTS	50.00		5,219.00 *					\$50.00
5		EI	COOPERS BEACH HEIGHTS	\$50.00							\$50.00
6		EI	COOPERS BEACH HEIGHTS, TOP ENERGY	50.00							\$50.00

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Subtotal (for this page) **\$4,969.00**

Total for this dealing **\$5,019.00**

Less Fees paid on Dealing #

Cash/Cheque enclosed for **\$5,019.00**

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

21

Landonline User ID: LAWNPKKE
 LODGING FIRM: LAW NORTH PARTNERS

Dealing / SUD Number:
 (LINZ Use only)
 Priority Barcode/Date Stamp
 (LINZ use only)

Client Code / Ref: MN:36408-GMB

Plan Number Pre-Allocated or
 Plan Number to be Deposited:
 Rejected Dealing Number:

Priority Order]	[CT Ref]	[Type of Instrument]	[Names of Parties]	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE	
7	131347 TO 131355 Incl., 131359 to 131364 Incl. 131379	EI	COOPERS BEACH HEIGHTS, FNDC	50.00							\$50.00	
8												
9												
10												
11												
12												
13												
Land Information New Zealand Lodgement Form Fees Receipt and Tax Invoice GST Registered Number 17-022-895 LINZ Form P005 Annotations (LINZ use only)											Subtotal (for this page)	\$50.00

Proposed New Residential Dwelling at 33 Lori Lane, Coopers Beach.

Schedule 4

Information required in application for resource consent

Schedule 4: replaced, on 3 March 2015, by [section 125](#) of the Resource Management Amendment Act 2013 (2013 No 63).

1 Information must be specified in sufficient detail

Any information required by this schedule, including an assessment under [clause 2\(1\)\(f\) or \(g\)](#), must be specified in sufficient detail to satisfy the purpose for which it is required.

1AA

- *[Repealed]*

1A Matters to be included in assessment of effects on environment

- *[Repealed]*

2 Information required in all applications

(1) An application for a resource consent for an activity (the **activity**) must include the following:

(a) a description of the activity:

Included, outlined in the Proposal section of the AEE.

(b) a description of the site at which the activity is to occur:

Included, outlined in the Proposal and site description sections of the AEE.

(c) the full name and address of each owner or occupier of the site:

Included, outlined in the application form.

(d) a description of any other activities that are part of the proposal to which the application relates:

Included, outlined in the AEE.

(e) a description of any other resource consents required for the proposal to which the application relates:

Not applicable.

(f) an assessment of the activity against the matters set out in [Part 2](#):

Included, outlined in the AEE.

(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

Included, outlined in the AEE.

(2) The assessment under subclause (1)(g) must include an assessment of the activity against—
(a) any relevant objectives, policies, or rules in a document; and

Included, outlined in the AEE.

(b) any relevant requirements, conditions, or permissions in any rules in a document;
and

Included, outlined in the AEE.

(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Included, outlined in the AEE.

(3) An application must also include an assessment of the activity's effects on the environment that—

(a) includes the information required by clause 6; and

Included, outlined in the AEE.

(b) addresses the matters specified in clause 7; and

Included, outlined in the AEE.

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Included, outlined in the AEE.

3 Additional information required in some applications

An application must also include any of the following that apply:

(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):

Included, outlined in the AEE.

(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):

Not applicable to this application.

(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).

Not applicable to this application.

4 Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

(a) the position of all new boundaries:

Not applicable.

(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:

Not applicable.

(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:

Not applicable to this application.

(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:

Not applicable to this application.

(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:

Not applicable to this application.

(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):

Not applicable to this application.

(g) the locations and areas of land to be set aside as new roads.

Not applicable.

5 Additional information required in application for reclamation

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

(a) the location of the area:

(b) if practicable, the position of all new boundaries:

(c) any part of the area to be set aside as an esplanade reserve or esplanade strip.

This is not applicable to the application.

Assessment of environmental effects

6 Information required in assessment of environmental effects

(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 effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

Included, outlined in the AEE.

(b) an assessment of the actual or potential effect on the environment of the activity:

Included, outlined in the AEE.

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

Not applicable to this application.

(d) if the activity includes the discharge of any contaminant, a description of—

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

Not applicable to this application.

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

Not applicable to this application.

(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 effect:

Included, outlined in the AEE.

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

Included, outlined in the AEE.

(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:

Included, outlined in the AEE.

(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).

Not applicable to this application.

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

Included, outlined in the AEE.

(3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

(a) oblige the applicant to consult any person; or

(b) create any ground for expecting that the applicant will consult any person.

Included, outlined in the AEE.

7 Matters that must be addressed by assessment of environmental effects

(1) An assessment of the 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:

(b) any physical effect on the locality, including any landscape and visual effects:

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

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

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

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

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

Points 1 (including points a to f) and 2 above have all been addressed in the Applications AEE.

SITE 33 Lori Lane, Coopers Beach

LEGAL DESCRIPTION Lot 34 DP 331991

PROJECT Site Investigation for Proposed Dwelling

CLIENT Coastal Homes (2008) Ltd




REFERENCE NO. 128824

DOCUMENT Site Specific Geotechnical Report

STATUS/REVISION NO. FINAL – Pending Geotechnical Review of Development
and Foundation Plans for Building Consent

DATE OF ISSUE 31 August 2023

Report Prepared For	Email
Angela Mdouari	info@coastal-homes.co.nz

Authored by	N. Ngaropo (BSc (Geol))	Engineering Geologist	nikora@wjl.co.nz	
Reviewed by	S. Page	Engineering Technician	shaun@wjl.co.nz	
Approved by	D. Soric (BE), CMEngNZ, CPEng)	Senior Geotechnical Engineer	damir@wjl.co.nz	

1. EXECUTIVE SUMMARY

The following table is intended to be a concise summary which must be read in conjunction with the relevant report sections as referenced herein.

Development Type:	New Residential Dwelling
Development Proposals Supplied:	In Part – Draft Concept Plans including Proposed Site Plan, Floor Plans and Elevations prepared by Coastal Homes (2008) Limited.
NZS3604 Type Structure/s:	Yes
Geology Encountered:	Awhitu Group Alluvium
Fill Encountered:	Fill was not encountered
Overall Site Gradient in Proximity to Development:	Generally sloping terrain with grades of less than 10° heading west.
Natural Hazards:	<p>Stability: Overall Low Risk of deep-seated global instability – refer to Section 8.2.</p> <p>Liquefaction: Negligible risk of liquefaction susceptibility and damage – refer to Section 8.3.</p>
Retaining Walls:	No proposed retaining walls, however, existing retaining walls have been erected along the western and part of the eastern boundaries of the site for neighboring properties. Care should be given for the future development either maintaining a minimum envelope setback of 45° up from the toe of both retaining walls or Specifically Engineered Designed (SED) foundations to be adjusted in depth accordingly.
Suitable Shallow Foundation Type(s):	Reinforced Concrete Raft Type Slab Foundation
Shallow Soil Bearing Capacity:	Yes – Natural Soils & Engineered Fill Only Geotechnical Ultimate Bearing Capacity = 300 kPa
NZBC B1 Expansive Soils Classification:	Class S – Slightly Expansive (Ys=22mm)
NZS1170.5:2004 Site Subsoil Classification:	Class C – Shallow Soil stratigraphy
Earthworks:	It is envisioned that a minor earthworks operation associated with foundation excavations of the proposed dwelling will be carried out on site. Refer report text and Section 9.4 for guidance and limitations.
Further Geotechnical Review of Development Proposals Required:	Development Proposals should be reviewed prior to using this report for Building Consent.
Consent Application Report Suitable for:	Building Consent

2. INTRODUCTION

2.1. SCOPE OF WORK

Wilton Joubert Limited (WJL) was engaged by the client, **Coastal Homes (2008)**, Ltd to undertake a geotechnical assessment of ground conditions at the above site, where we understand, it is proposed to construct a new residential dwelling.

2.2. SUPPLIED INFORMATION

Our assessment is based on email correspondence with the client and the following development proposals:

- Draft hand sketch drawings (undated and unreferenced), prepared by Coastal Homes (2008) Limited. The drawings include site, floor and elevation plans.

Please note, the primary purpose of this report is to support the geotechnical suitability of the proposed development in principle, subject to the specific design of foundations and possible retaining walls. This report alone should not be used to support any future Building Consent application/s unless submitted to Council in conjunction with a Geotechnical Review Memorandum supporting such future specific design.

3. SITE DESCRIPTION

The proposed development will be constructed within the following property, which is located in the coastal community of Coopers Beach, Northland:

- Number 33 Lori Lane, legally described as Lot 34 DP 331991

The ~763m² site is situated on gently sloping terrain, located off the upper cul-de-sac end of Lori Lane. Refer Figure 1. The eastern and western boundaries are bordered by timber retaining walls with maximum heights in the order of 1.2m and 2.4m, respectively. Refer Figures 4 & 5. The land surrounding the proposed development primarily consists of pasture cover, with neighbouring properties mostly of similar urban/rural residential lifestyle and no obvious influencing features identified. Refer Figures 2 & 3.

There were no signs of hummocky ground and/or soil cracking apparent within the immediate vicinity of the subject site during our on-site investigation.

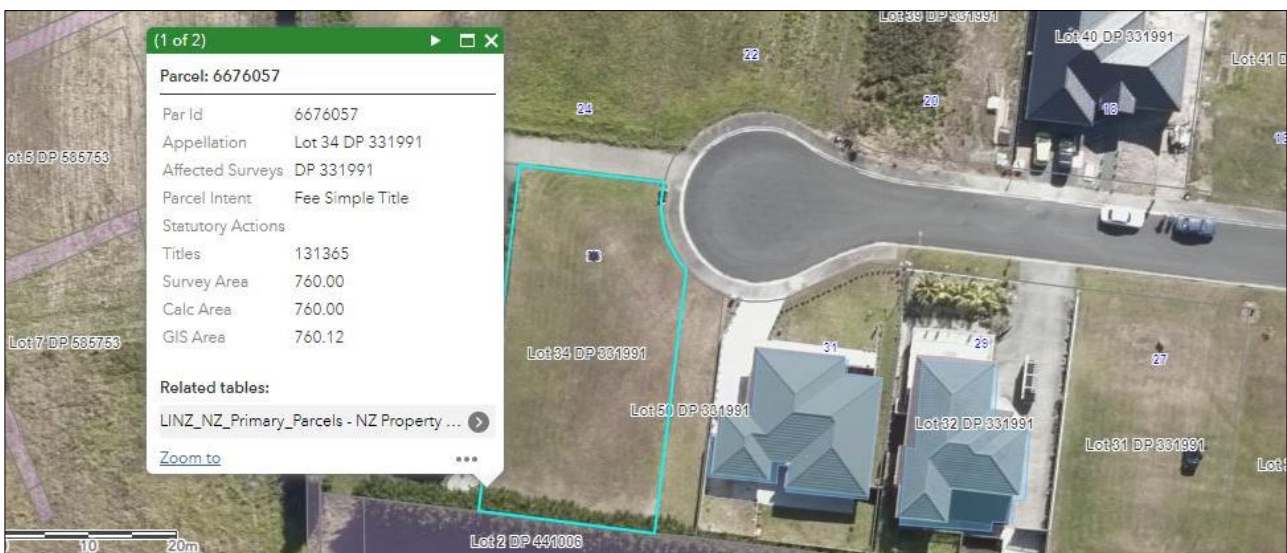


Figure 1: Aerial view with the subject property highlighted in blue. North is up the page (From Far North District Council's [FNDC] on-line GIS database)



Figure 2: Drone Photo – Birds-Eye View of the Proposed Development. Orange Cones are Indicative of Field Test Location.



Figure 3: Photo – Overlooking Development Site. Orange Cones are indicative of Field-Testing Locations.



Figure 4: Site Photo – Overlooking the Neighbouring Retaining Wall to The West of Site.



Figure 5: Site Photo – Overlooking the Neighbouring Retaining Wall to The East of Site.

Far North District Council (FNDC) GIS Maps do not indicate that any Potable Water connections are available to the site, however, Wastewater and Stormwater Infrastructure is present within the property and also along Lori Lane as per Figure 6 below.

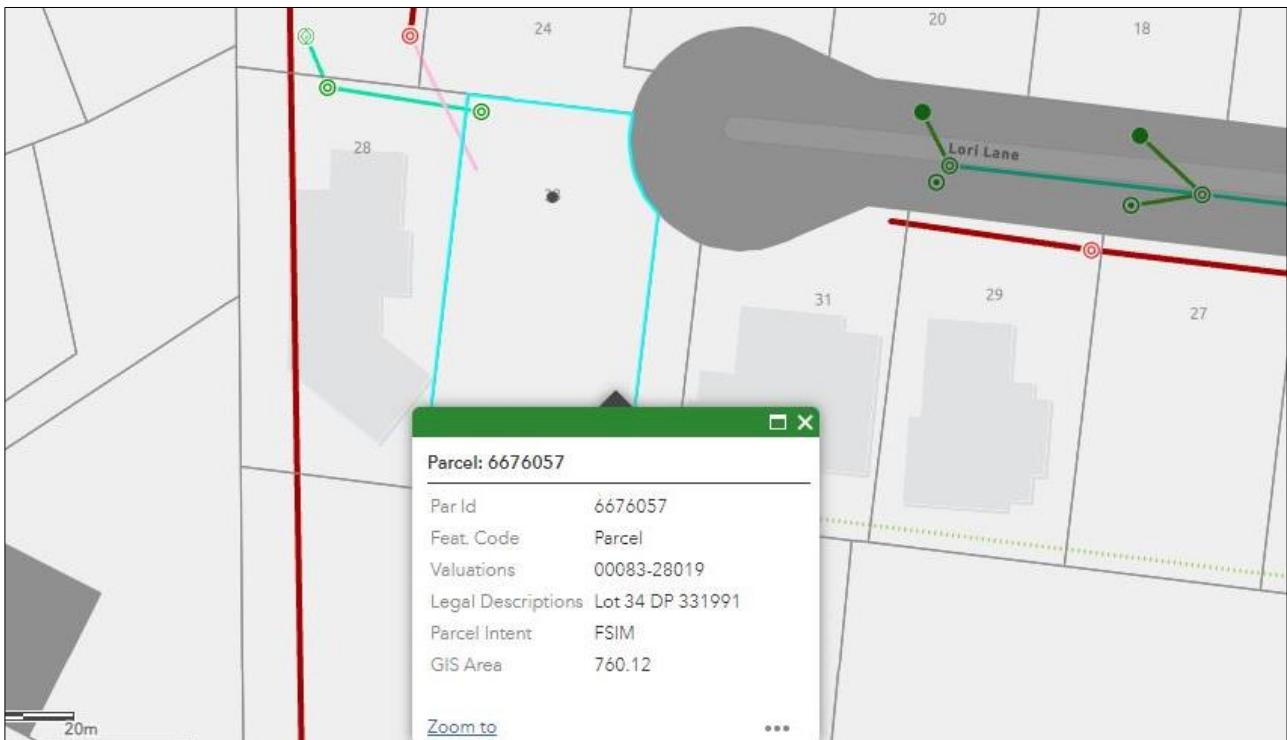


Figure 6: Aerial View from FNDC Showing Available Stormwater Services.

4. DEVELOPMENT PROPOSALS

Based on our review of the supplied hand sketch drawings, we understand that it is proposed to construct a new two-storey residential dwelling on-site. The dwelling is to comprise of a 148m² ground floor founded on a reinforced raft slab foundation system and a 97m² upper floor founded on a suspended timber floor. Areas of timber decking are also proposed.

For the purposes of this report, we have assumed the dwelling will comprise of a lightweight building designed and constructed generally in keeping with the requirements of NZS3604:2011.

We are unsure of the proposed finished floor level (FFL) for the dwelling. To create a level building platform, cut/fill earthworks in the order of approximately less than 2.0m will be required.

As a result, the principal objectives were to investigate and assess the suitability of potential foundation options for the site subsoils, not only primarily in terms of bearing capacity, but also for differential foundation movement.

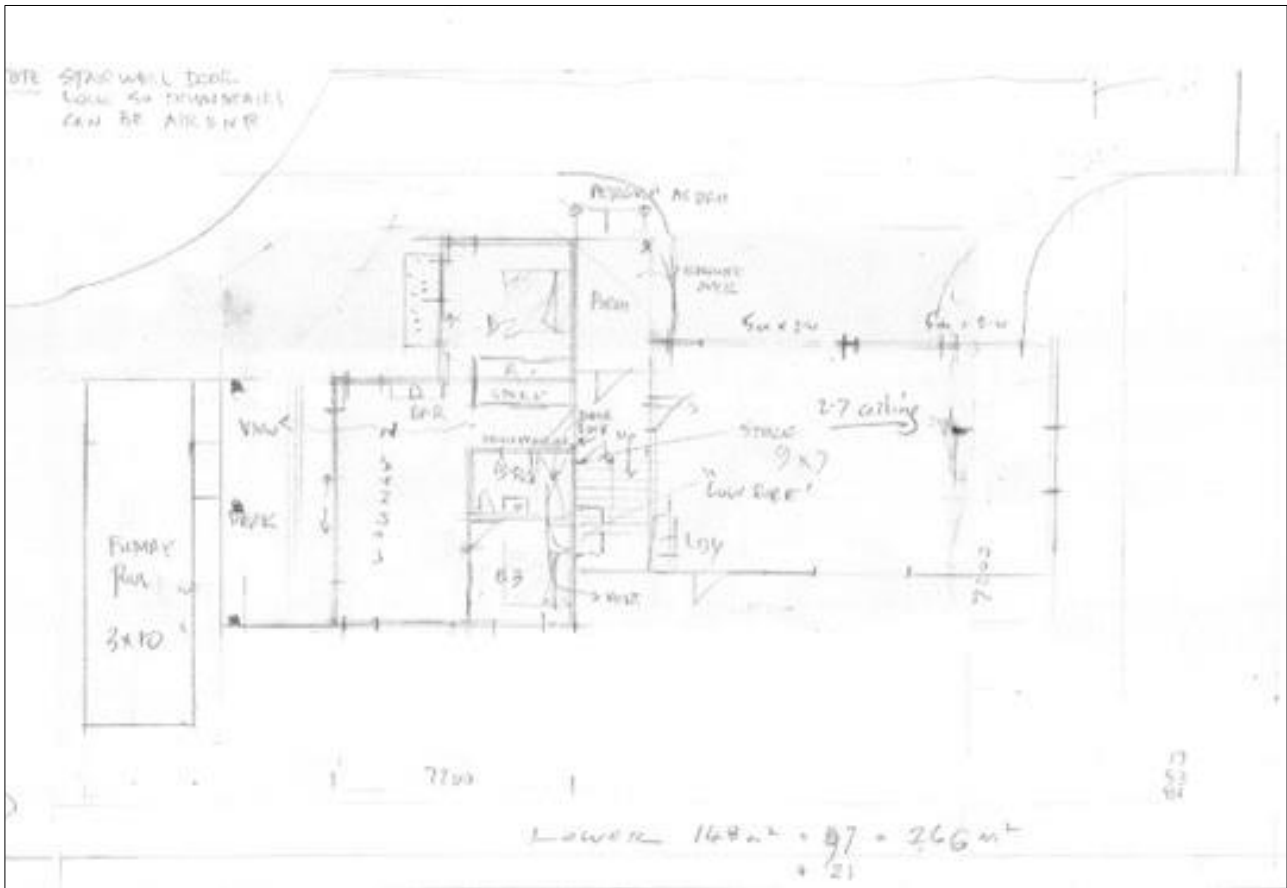


Figure 7: Excerpt of Supplied Site Plan Showing Proposed Dwelling Lower-Level Floor Plan(Source: Coastal Homes (2008) Limited).

5. DESKTOP STUDY

5.1. PUBLISHED GEOLOGY

Local geology at the property is noted on the GNS Science New Zealand Geology Web Map, Scale 1:250,000, as; **Awhitu Group alluvium**, described as “Partly consolidated sandstone and mudstone of high terraces”, near a geological boundary of an older **Mangonui Formation (Reinga Group)**, described as “Conglomerate, pebbly sandstone, mudstone and lignite”, refer; ‘GNS Science Website’ and Figure 8 below:

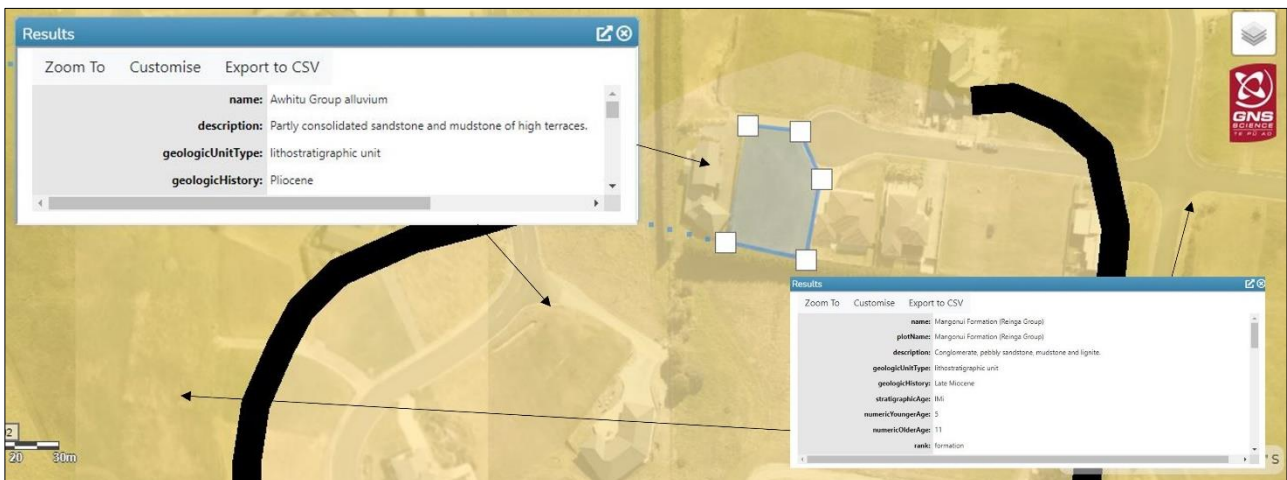


Figure 8: Screenshot from New Zealand Geology Web Map hosted by GNS Science. Subject Site Highlighted in Blue.

6. GEOTECHNICAL INVESTIGATION

6.1. FIELDWORK

WJL carried out a shallow ground investigation on 28th of August 2023. Our subsoil testing of the proposed development involved the following:

- Four hand auger boreholes (HA01 – HA04) of 50mm diameter, drilled to a maximum depth of 1.2m below ground level (mbgl)
- Seven (DCP) Scala Penetrometer Tests carried out from the surface and also from the invert of all boreholes to a maximum depth of 1.9mbgl.

The approximate locations of the HA's are shown on the appended site plan. The soil sample arisings from the boreholes were logged in accordance with the "Field Description of Soil and Rock", NZGS, December 2005.

In-situ undrained shear vane tests were measured at intervals of depth and then adjusted in accordance with the New Zealand Geotechnical Society (NZGS); Guidelines for Handheld Shear Vane Testing, August 2001, with strengths classified in accordance with the NZGS Field Classification Guidelines; Table 2.10, December 2005. The materials identified are described in detail on the appended records, together with the results of the various tests undertaken, plus the groundwater conditions as determined during time on site.

7. GEOTECHNICAL FINDINGS

The following is a summary of the ground conditions encountered in our investigation. Please refer to the appended logs for greater detail.

7.1. TOPSOIL

Topsoil was encountered to depths between 0.10m-0.15m.

7.2. FILLED GROUND

Imported fill was not encountered on site.

7.3. NATURAL GROUND

The underlying natural deposits encountered to the base of all boreholes were indicative of Awhitu Group Alluvium, as mapped by GNS. These natural soils comprised predominantly of loose to medium dense Silty SANDS and Sandy SILTS.

Measured in-situ, BS1377 adjusted peak shear strengths in the natural soils exceeded 223 kPa-225kPa and/or was Unable to Penetrate (UTP) through the soil's due to compactness. Sensitivities to disturbance below the surface and through to the refusal depths of around 1.0m-1.2m, were unable to be determined due to the non-cohesive and very stiff to hard nature of the materials encountered throughout.



Figure 9 – Arisings from HA01 (0.0m-1.2m).



Figure 10 – Arisings from HA02 (0.0m – 1.1m).



Figure 11 – Arisings from HA04 (0.0m-1.0m).

7.4. GROUNDWATER

Groundwater was not encountered in any of the investigated boreholes during our investigation.

7.5. SUMMARY TABLE

The following table summarises our inferred stratigraphic profiling.

Table 1: Stratigraphic Summary UTP = Unable To Penetrate. NE = Not Encountered

Investigation Hole ID	Topsoil	Awhitu Group Alluvium Materials	Ground Water Level Encountered During Drilling	Reason for Borehole Termination
HA01 (1.2m drill depth)	0.0m – 0.15m	0.15m – 1.2m	NE	Shallow Refusal - Too Dense To Auger
HA02 (1.1m drill depth)	0.0m – 0.1m	0.1m – 1.1m	NE	Shallow Refusal - Too Dense To Auger
HA03 (1.1m drill depth)	0.0m – 0.1m	0.1m – 1.1m	NE	Shallow Refusal - Too Dense To Auger
HA04 (1.0m drill depth)	0.0m – 0.15m	0.15m – 1.0m	NE	Shallow Refusal - Too Dense To Auger
Minimum Cu (kPa)	-	>223 kPa	-	-
Maximum Cu (kPa)	-	>225 kPa / UTP	-	-
Average Cu (kPa)	-	>223 kPa	-	-

8. GEOTECHNICAL DISCUSSION

8.1. SHALLOW SOIL EXPANSIVITY

Absent of site-specific testing and based on the sandy nature of the underlying deposits, we provide a conservative preliminary soil expansivity classification of Class S (Slightly) expansive soils as defined in clause 7.5.13.1.2, as introduced to NZS3604 by Amendment 19 of NZBC Structure B1/AS1.

- **NZBC B1 Expansive Soil Class S**
- **Upper Limit of Characteristic surface movement (ys) 22mm**

Foundation design recommendations are given in the appropriate Conclusions and Recommendations section below.

Given that the soils are not considered to lie within the definition of “good ground” as per NZS3604, the design of shallow foundations are no longer covered by that standard, and care must be taken to mitigate against the potential seasonal shrinkage and swelling effects of expansive foundation soils on both superstructures and floors. We therefore recommend specific engineering design should be undertaken by a qualified engineer for the design of the proposed foundations.

8.2. SITE STABILITY

Our site investigation was carried out within the proposed development areas for the new dwelling where slope grades and topography were predominantly uniform, with gently sloping grades of less than 10° across the site. No signs of hummocky ground, soil creep and/or cracking within close vicinity of the proposed building platform were evident during our site investigation. Grades beyond the site fall towards the northwest and where areas are generally well developed in residential properties.

It should be noted that the eastern and western boundaries are bordered by timber retaining walls with maximum heights in the order of 1.2m and 2.4m, respectively. It is recommended that the development is designed to allow all foundations to be offset to a minimum 1V:1H (45°) line of influence from the toe of both walls for surcharge purposes. Any future foundations within this offset will need to be subject to specific engineering design (SED) and appropriately deepened below this line of influence to avoid surcharge loads on neighboring walls.

On the basis of:

- No obvious evidence of deep-seated instability within the immediate vicinity of influence of the proposed development area,
- The high DCP-Scala Penetrometer results encountered, including shallow refusal depths ranging between 1.0m to 1.2m,
- The absence of groundwater at our hand auger borehole testing locations, and
- The gentle slope grade across the property,

we consider that the risk of deep-seated global slope instability impacting the development to be significantly low.

In the long-term, provided that all of the recommendations within this report, or subsequent revisions, are adhered to, then we do not anticipate any significant risk of instability either within, or immediately beyond, the proposed building site.

8.3. LIQUEFACTION ASSESSMENT

Liquefaction is a natural phenomenon where a loss of strength of sand-like soils is experienced following cyclic induced stress, which is typically a result of prolonged seismic shaking and the resultant increase in pore water pressure of saturated soils. Recent examples of this were experienced in Christchurch and the greater Canterbury Region during the Canterbury Earthquake Sequence between 2010-2011.

Cyclic loading during prolonged seismic shaking induces an increase in pore water pressure, which in turn decreases the effective stress of a sand-like deposit of soil. Excess pore water pressure (EPWP) can build to such an extent that the effective stress of the underlying soils is reduced to near zero, whereby the soils no longer carry shear strength and behave as a semi solid/fluid. In such a scenario, excess pore water pressures will follow the path of least resistance to eventual dissipation, which can lead to the manifestation of liquefied soils towards the surface, or laterally towards a free-face (edge of slope, riverbank, etc.) or layers that have not yet undergone liquefaction.

A screening procedure based on geological criteria was adopted to examine whether the proposed development might be susceptible to liquefaction, with observations as follows:

- There are no known active faults traversing through the site,
- There is no historical evidence of liquefaction at this location,
- The building site is elevated above ponding and natural drainage features, and
- The subsoils at both building platforms are from the Pliocene age, allowing for adequate consolidation in comparison to Holocene age material (10,000 years).

Furthermore, the FNDC GIS maps show an “Unlikely” Liquefaction Vulnerability classification for this site.

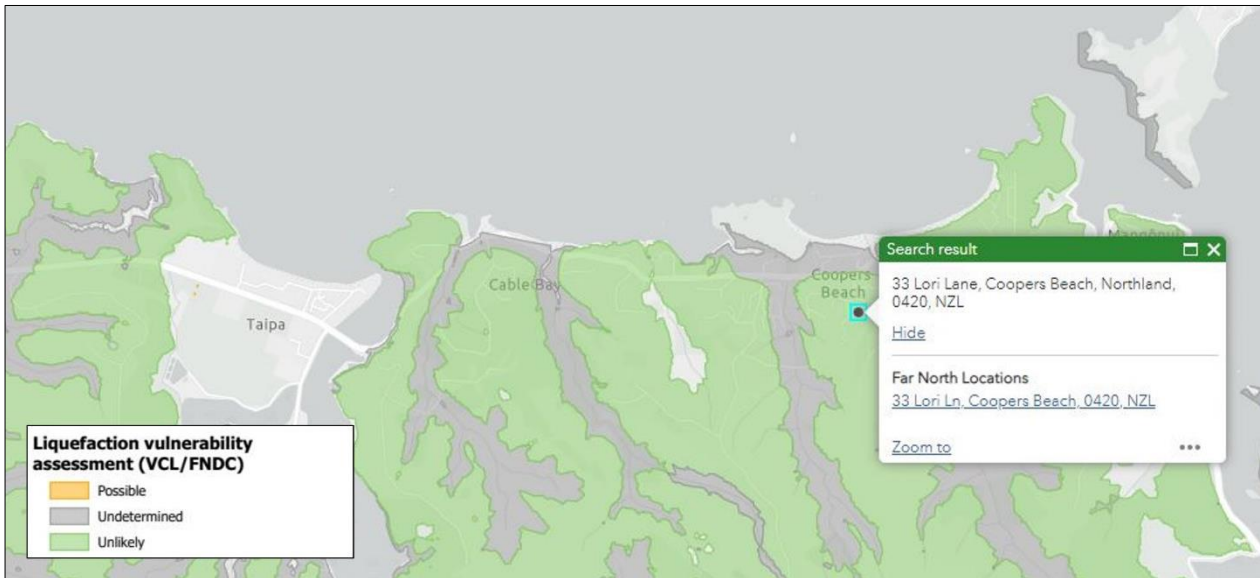


Figure 12– Screenshot of the FNDC GIS Liquefaction Vulnerability Map.

Based on the above, we conclude that the soils at the development site have a negligible risk of liquefaction susceptibility and liquefaction damage is therefore unlikely.

9. CONCLUSIONS AND RECOMMENDATIONS

On the basis of the above analyses, we consider that the risk of moderate to deep-seated slope instability impacting on a future development within the site to be satisfactorily low, provided all recommendations contained within our report are implemented in design and construction.

With regard to the Building Act 2004; Sections 71-72, we believe on reasonable grounds that:

- i. The current proposed site development and associated building work within the relayed building platforms should not accelerate, worsen, or result in slippage or subsidence on the land on which the building work is to be carried out or any other property; and
- ii. The land beneath the building footprints and surrounding immediate amenity areas of relayed building platforms are neither subject nor likely to be subject to slippage or subsidence, provided the development is undertaken in accordance with the recommendations and guidance of this report.

9.1. SHALLOW FOUNDATION BEARING CAPACITY

The following bearing capacity values are considered to be appropriate for the design of shallow foundations for the proposed dwelling, subject to founding directly on or within competent engineered fill and/or natural ground, for which careful Geo-Professional inspections of the subgrade should be undertaken to check that underlying ground conditions are in keeping with our expectations:

Geotechnical Ultimate Bearing Capacity	300 kPa
ULS Dependable Bearing Capacity ($\Phi=0.5$)	150 kPa

When finalising the development proposals, it should be checked that all foundations lie outside 45° envelopes rising up from:

- 0.50m below the invert of service trenches and/or
- the toe of adjacent retaining walls,

unless such foundation details are found by specific design, to be satisfactory. All non-complying foundations should be referred to a Chartered Structural Engineer and will require appropriate deepening with piles below the line of influence.

During inspections, it is important to exercise caution to verify that the natural ground meets the recommended bearing capacity mentioned in this report. This is crucial for preserving stability and structural integrity.

9.2. SHALLOW FOUNDATIONS ON EXPANSIVE SOILS

As described earlier in this report, we have estimated the classification of the soils:

- **NZBC B1 Expansive Soil Class S**
- **Upper Limit of Characteristic surface movement (ys) 22mm**

For a shallow foundation, possessing sufficient lateral stability is crucial. Adequate lateral stability is essential to protect the foundation's integrity and prevent any potential damage to the structure and adjacent elements. It is also essential to ensure that the load from a foundation does not impose any additional stress or load on the surrounding features.

Soil expansiveness can be mitigated for foundations as follows:

- **For Concrete Slab Foundations:**
 - A specifically designed reinforced concrete stiffened raft designed for a Y_s value of 22mm founded on 100mm of engineered hardfill.
- **For Pile Foundations**
 - Bored, concrete-encased timber shallow piles with a minimum embedment of 0.45m below finished ground level and 0.30m into very stiff natural ground, whichever is deeper, supporting a suspended timber subfloor,
 - Any NZ3604 style isolated footings require a minimum embedment of 0.45m below final cleared ground level and founded into natural soils.

9.3. NZS1170.5:2004 SITE SUBSOIL CLASSIFICATION

We consider the proposed buildings to be underlain with a Class C – Shallow Soil stratigraphy.

9.4. SITE PREPARATION AND EARTHWORKS

We are unsure of the proposed FFL's for both structures. To create a level building platform, cut/fill earthworks in the order of approximately less than 2.0m will be required.

We anticipate earthworks will be undertaken associated with the foundation excavations for TC2 systems.

All earthworks should be undertaken in accordance with the following standards:

- NZS4431:2022 "Code of Practice for Earth Fill Residential Development" &
- Section 2 "Earthworks & Geotechnical Requirements" of NZS4404:2010 "Land Development and Subdivision Infrastructure" &

- Chapter 2 “Site Development Suitability (Geotechnical and Natural Hazards” of the Far North District Council Engineering Standards, (Version 0.6 issued May 2023).SITE CLEARANCE & PREPARATION

The competency of the exposed subgrade underlying all future foundations and structures should be confirmed by a Geo-Professional. In this regard, we recommend the stripping of all vegetation, topsoil as well as all non-engineered fill deposits prior to requesting Geo-Professional inspection/s of the stripped ground to confirm that the underlying natural subgrade conditions are in keeping with the expectations of this report. Without such inspections being undertaken, a Chartered Professional Geotechnical Engineer is unable to issue a Producer Statement - PS4 – Design Review which could result in the failure to meet Building Consent requirements as set by Council as conditions of consent.

9.5. SUBGRADE PROTECTION

The subgrade should not be exposed for any prolonged period but should be covered with a 100mm thick layer of granular fill such as GAP40 basecourse, as soon as possible.

Likewise, pile/pier inverts should be poured as soon as possible once inspected by a Geo-Professional or covered with a protective layer of site concrete.

If subgrade degradation occurs by:

- excessive drying out resulting in desiccation shrinkage cracking, it will be necessary to either re-hydrate the subgrade or undercut the degraded material and replace with compacted hardfill
- or
- excessive subgrade softening after a period of wet weather resulting in weakened soils, it will be necessary to undercut the degraded material and replace with compacted hardfill.

9.6. HARDFILL COMPACTION

The compaction of the hardfill should be undertaken using either a heavy plate compactor or a steel wheeled roller with low frequency dynamic compaction. Hardfill layers should not exceed 0.15m at a time, and where the total depths exceed 0.6m, there is likely to be a Building Consent condition for observation/testing of the hardfill by a Geo-Professional. We recommend achieving the following compacted target values, with equivalence testing using either a Clegg Impact Hammer or DCP-Scala Penetrometer.

Foundation Support Type	CBR	Equivalent Clegg Impact Value (CIV)	Equivalent DCP-Scala Penetrometer Blows
Foundation Footings & Beams (Over a depth of no less than twice the foundation width)	≥ 10%	Minimum 15 Average 18	≥5 blows/100mm. (NZS3604)
Floor Slabs	≥ 7%	Minimum 12 Average 15	≥3.5 blows/100mm (NZS3604)

Table 3: Hardfill Compaction Specifications

All exposed soils should be re-grassed and / or planted as soon as practicable to aid in reducing the risk of erosion.

9.7. TEMPORARY & LONG-TERM EARTHWORK BATTERS

We recommend that earthworks only be undertaken during periods of fine weather.

During times of inclement weather, the earthworks site should be shaped to assist in stormwater run-off. Any batter excavations should be protected with a geotextile fabric with the toe of the excavations shaped so as to avoid ponded water, as saturating site soils could result in a reduction of bearing capacities.

Temporary stormwater diversion must be constructed around the upslope perimeter of the bulk excavation to direct overland flows away from the excavation. This could take the form of a soil bund or other measures as deemed appropriate by the supervising Geo-Professional.

All temporary cuts should be battered back at grades no steeper than 1V:1H.

We do not recommend leaving any cuts and fills that exceed respective vertical heights of 1.0m and 0.30m height unsupported.

Unsupported temporary cuts can induce slippage of the ground above, especially where heavy construction plant is present close to the edge of the cut. We recommend intensive monitoring of the site by a Geotechnical Engineer where temporary cuts are present.

Unsupported cuts below 1.0m in height should be battered no steeper than 1V:3H (18°) or if this cannot be achieved due to site constraints, they should be supported by a SED retaining structure.

Unsupported fills below 0.30m in depth should be battered no steeper than 1V:4H (14°) or if this cannot be achieved due to site constraints, they should be supported by a SED retaining structure.

Finally, all exposed batters should be covered with topsoil or geotextile before being re-grassed and/or planted as soon as practicable to aid in stabilising the slopes.

The structural designer and building contractor should ensure that a satisfactory FoS against ground instability is available at all stages of the development.

9.8. CUT/FILL LIMITATIONS

Generally speaking, fills greater than 0.60m depth which have not been reviewed and approved herein, should be considered as being outside the constraints of NZS3604, and hence should not be undertaken on this site unless reviewed and approved by a Geo-Professional familiar with the report contents herein. Filling in excess of this magnitude may, in certain circumstances, disturb existing stability conditions such as by overloading slopes and/or retaining walls, or inducing consolidation settlements of adjacent structures.

In a like fashion, cuts that could remove the support from slopes and/or adjacent structures (be they existing or future proposed), should also be restricted unless specifically reviewed and approved.

For the reasons stated above, any future retaining walls supporting cut and/or fills in excess of these magnitudes will likely require specific assessment and, if considered appropriate, be subject to SED. We understand that a structural engineer has already been engaged in the design aspect of the proposed developments and expect the recommendations within this report to be accommodating.

9.9. GENERAL SITE WORKS

We stress that any and all works should be undertaken in a careful and safe manner so that Health & Safety is not compromised, and that suitable Erosion & Sediment control measures should be put in place. Any stockpiles placed should be done so in an appropriate manner so that land stability and/or adjacent structures are not compromised.

Furthermore:

- All works must be undertaken in accordance with the Health and Safety at Work Act 2015.
- Any open excavations should be fenced off or covered, and/or access restricted as appropriate.
- The location of all services should be verified at the site prior to the commencement of construction.
- The Contractor is responsible at all times for ensuring that all necessary precautions are taken to protect all aspects of the works, as well as adjacent properties, buildings and services.
- Should the contractor require any site-specific assistance with safe construction methodologies, please contact Wilton Joubert Limited for further assistance.

9.10. RETAINING WALLS

For the design of cantilever and/or flexible diaphragm retaining walls that can deform sufficiently to mobilize active pressures (i.e., timber pole retaining walls not supporting critical structures and/or long-term traffic loads), we recommend calculating coefficients of active lateral earth pressure (K_a).

However, for stiff, inflexible retaining walls, which are unable to deflect sufficiently to generate active earth pressures (i.e., concrete and/or masonry retaining walls supporting building loads and/or driveways/car-parking areas), we recommend calculating coefficients of at-rest lateral earth pressure (K_0).

We recommend assuming the following soils parameters for retaining wall design:

Material Type	Angle of Internal Friction ϕ'	Bulk Density, Gamma	Undrained Shear Strength (S_u) for Pole/Pile Embedment*
Natural Soils	30°	18 kN/m ³	60 kPa

*For the calculation of pole embedment depths, the Broms method as specified in B1/VM4 may be used provided that depths are not less than 4 pile diameters, for which the above stated undrained shear strength value may be assumed, provided an appropriate strength reduction factor is applied and is subject to confirmation by Engineering inspection during construction.

To the above figures please apply an appropriate strength reduction factor for satisfying Ultimate Limit State conditions.

The above figures also make no allowances for any surcharges, be they ground slopes and/or applied loads, and hence, all retaining wall designs should also accommodate all anticipated upslope surcharges.

Furthermore, reduced toe support by existing or proposed excavations and/or slopes must be taken into consideration.

To avoid build-up of hydrostatic pressures, retaining walls must be constructed with appropriate behind-wall drainage comprising:

- A perforated drain coil wrapped in filter sock, located at the base of the walls, connected into an approved stormwater disposal system,
- Followed by backfilling behind all retaining walls lightly tamped, free draining granular backfill, such as scoria or 40/20 blue chip, extending up to within 300mm of their full height with material.

9.11. LONG-TERM FOUNDATION CARE & MAINTENANCE

The recommendations given above to mitigate the risk of expansive soils, do not necessarily remove the risk of external influences affecting the moisture in the subgrade supporting the foundations.

All owners should also be aware of the detrimental effects that significant trees can have on building foundation soils, viz:

- their presence can induce differential consolidation settlements beneath foundations through localised soil water deprivation, or conversely
- foundation construction too soon after their removal can result in soil swelling and raising foundations as the soils rehydrate.

To this end, care should be taken to avoid:

- having significant trees positioned where their roots could migrate beneath the house foundations, and
- constructing foundations on soils that have been differentially excessively desiccated by nearby trees, whether still existing, or recently removed.

We recommend that homeowners make themselves familiar with the appended Homeowners' Guide published by CSIRO, with particular emphasis on maintenance of drains, water pipes, gutters, and downpipes.

10. STORMWATER & SURFACE WATER CONTROL

Uncontrolled stormwater flows must not be allowed to run onto or over site slopes, or to saturate the ground, so as to adversely affect slope stability or foundation conditions.

Overland flows and similar runoff such as from any higher ground should be intercepted by means of shallow surface drains and/or small bunds and be directed away from the building footprint to protect the building platforms from both saturation and erosion. Water collected in interceptor drains should be diverted away from the building site to an appropriate disposal point. All stormwater runoff from roofs and paved areas, should be collected in sealed pipes and be discharged to a Council approved stormwater reticulation system.

Under no circumstances should concentrated overflows from any source discharge into or onto the ground in an uncontrolled fashion.

11. UNDERGROUND SERVICES

Far North District Council (FNDC) GIS Maps indicate underground services, specifically stormwater infrastructure, to be present at the north-western corner of the property. Other underground services, public or private, mapped, or unmapped, of any type could be present, hence we recommend staying on the side of caution during the commencement of any work within the proposed development areas.

12. FUTURE CONSTRUCTION MONITORING

The foregoing statements are Professional Opinion, based on a limited collection of information, some of which is factual, and some of which is inferred. Because soils are not a homogeneous, manufactured building component, there always exists a level of risk that inferences about soil conditions across the greater site, which have been drawn from isolated "pin-prick" locations, may be subject to localized variations. Generally, any investigation is deemed less complete until the applicability of its inferences and the Professional

Opinions arising out of those are checked and confirmed during the construction phase, to an appropriate level.

It is increasingly common for the Building Consent Authorities (BCA) to require a Producer Statement – Construction (PS4) which is an important document. The purpose of the PS4 is to confirm the Engineers' Professional Opinion to the BCA that specific elements of construction, such as the verification of design assumptions and soil parameters (NZBC clause B1/VM4 2.0.8), are in accordance with the approved Building Consent (BC) and its related documents, which should include the subject Geotechnical Report. Where site works will involve the placement of fill, the PS4 should reference NZBC clause B1/VM1 10.1.

For Wilton Joubert Limited to issue a PS4 to meet the above clauses of the NZBC, we will need to carry out the site inspections as per the BC and Council requirements.

We require at least 48 hours' notice for site inspections.

Site inspections should be undertaken by a Chartered Professional Geotechnical Engineer or their Agent, who is familiar with both this site and the contents of this geotechnical report.

Prior to works commencement, the above Engineer should be contacted to confirm the construction methodologies, inspection, and testing frequency.

The primary purpose of the site inspections is to check that the conditions encountered are consistent with those expected from the investigations and adopted for the design as discussed herein. If anomalies or uncertainties are identified, then further Professional advice should be sought from the Geo-Professional, which will allow the timely provision of solutions and recommendations should any engineering problems arise.

Upon satisfactory completion of the above work aspects, Wilton Joubert Limited would then be in a position to issue the PS4 as required by Council.

At this time, the following Geotechnical site inspections and testing should include, but are not limited to:

- Subgrade stripping,
- Pre-pour retaining wall footing excavations (if required),
- Hardfill testing,
- Pre-pour pile footing excavations.

13. LIMITATIONS

We anticipate that this report is to be submitted to Council in support of a Building Consent application.

This report has been commissioned solely for the benefit of our clients, **Coastal Homes (2008) Ltd**, in relation to the project as described herein, and to the limits of our engagement, with the exception that the local Territorial Authority may rely on it to the extent of its appropriateness, conditions and limitations, when issuing the subject consent. Any variations from the development proposals as described herein as forming the basis of our appraisal should be referred to us for further evaluation. Copyright of Intellectual Property remains with Wilton Joubert Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants, or agents, in respect of any other geotechnical aspects of this site, nor for its use by any other person or entity, and any other person or entity who relies upon any information contained herein does so entirely at their own risk. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.

Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary and does not remove the necessity for the normal inspection of site conditions and the design of foundations as would be made under all normal circumstances.

Thank you for the opportunity to provide our service on this project, and if we can be of further assistance, please do not hesitate to contact us.

Yours faithfully,

WILTON JOUBERT LIMITED

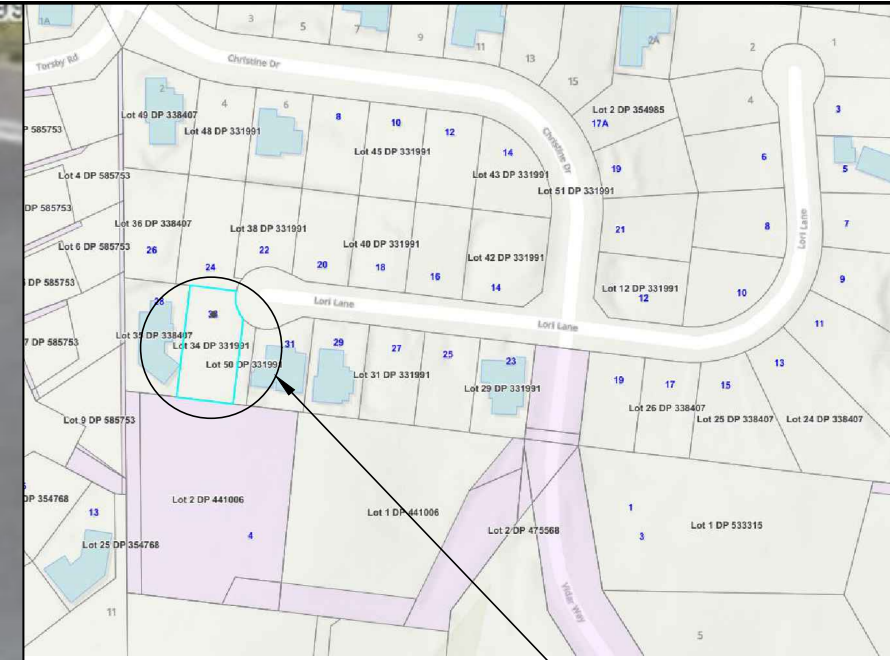
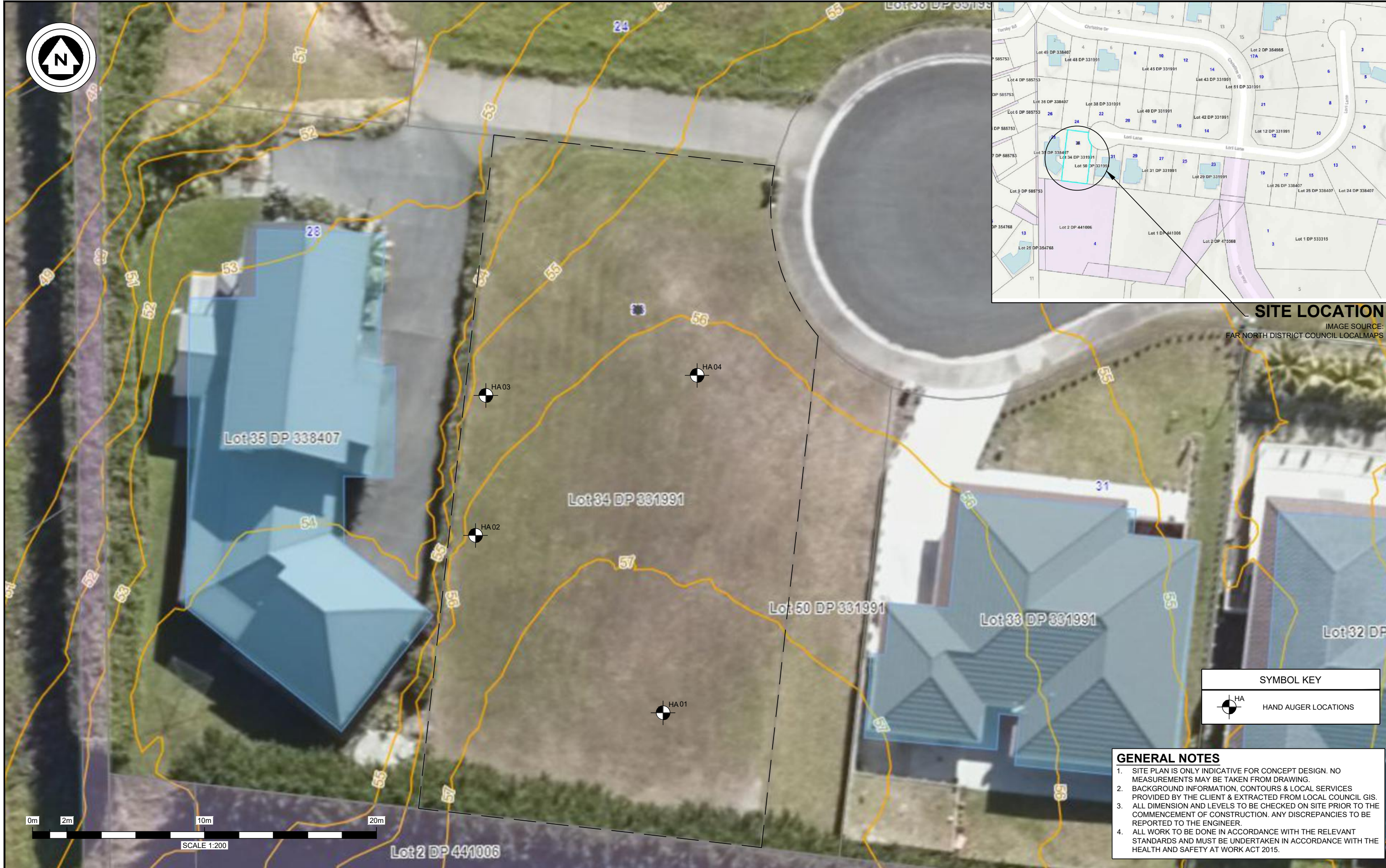
Enclosures:

Site Plan (1 sheet)

Hand Auger Borehole Records (4 sheets)

'Foundation Maintenance & Footing Performance' sheet BTF18: A Homeowner's Guide, published by CSIRO (4 sheets)

Construction Monitoring (1 sheet)



SITE LOCATION

IMAGE SOURCE:
FAR NORTH DISTRICT COUNCIL LOCALMAPS

SYMBOL KEY	
	HA HAND AUGER LOCATIONS

- GENERAL NOTES**
1. SITE PLAN IS ONLY INDICATIVE FOR CONCEPT DESIGN. NO MEASUREMENTS MAY BE TAKEN FROM DRAWING.
 2. BACKGROUND INFORMATION, CONTOURS & LOCAL SERVICES PROVIDED BY THE CLIENT & EXTRACTED FROM LOCAL COUNCIL GIS.
 3. ALL DIMENSION AND LEVELS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER.
 4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE RELEVANT STANDARDS AND MUST BE UNDERTAKEN IN ACCORDANCE WITH THE HEALTH AND SAFETY AT WORK ACT 2015.

WILTON JOUBERT
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ISSUE / REVISION			
No.	DATE	BY	DESCRIPTION
A	AUG 2023	NPN	ISSUED WITH GEOTECHNICAL REPORT

DESIGNED BY:
DRAWN BY:
CHECKED BY:
SURVEYED BY:

NPN
SJP
OTHER

SERVICES NOTE
WHERE EXISTING SERVICES ARE SHOWN, THEY ARE INDICATIVE ONLY AND MAY NOT INCLUDE ALL SITE SERVICES. WILTON JOUBERT LTD DOES NOT WARRANT THAT ALL, OR INDEED ANY SERVICES ARE SHOWN. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING SERVICES PRIOR TO AND FOR THE DURATION OF THE CONTRACT WORKS.

GEOTECHNICAL
DESIGN / DRAWING SUBJECT TO ENGINEERS APPROVAL

DRAWING TITLE:
SITE PLAN

PROJECT DESCRIPTION:
PROPOSED RESIDENTIAL DWELLING

PROJECT TITLE:
**LOT 34 DP 331991
33 LORI LANE
COOPERS BEACH
NORTHLAND**

ORIGINAL DRAWING SIZE: A3	OFFICE: KERIKERI
DRAWING SCALE: 1:200	CO-ORDINATE SYSTEM: NOT COORDINATED
DRAWING NUMBER: 128824-G600	ISSUE: A
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HAND AUGER : HA01

JOB NO.: 128824 SHEET: 1 OF 4

START DATE: 28/08/2023

NORTHING:

GRID:

DIAMETER: 50mm

EASTING:

SV DIAL: 772

ELEVATION: Ground

FACTOR: 1.606

DATUM:

CLIENT: Coastal Homes (2008) Ltd

PROJECT: Geotechnical Investigation for Building Consent

SITE LOCATION: 33 Lori Lane, Coopers Beach - Lot 34 DP 331991

STRATIGRAPHY	SOIL DESCRIPTION	LEGEND	DEPTH (m)	WATER	SHEAR VANE				COMMENTS, SAMPLES, OTHER TESTS	
					PEAK STRENGTH (kPa)	REMOULD STRENGTH (kPa)	SENSITIVITY	DCP - SCALA (Blows / 100mm)		
Topsoil	Fine Sandy TOPSOIL - dark brown, firm, wet, non plastic		0.0 - 0.05	Groundwater Not Encountered				0.5		
	Silty fine SAND, dark grey, loose, moist to wet		0.05 - 0.2					0.5		
Awhitu Group	Fine Sandy SILT, greyish white, moist, loose to medium dense	0.2 - 0.4					4			
	0.5m: frequent orange inclusions	0.4 - 0.6	√225+		-	-	6			
	0.8m: becoming brown	0.6 - 0.8					3			
	Silty fine SAND, dark brown, moist, medium dense	0.8 - 1.0					5			
			1.0 - 1.2					8		
			1.2 - 1.4					10		
			1.4 - 1.6					11		
			1.6 - 1.8					12		
			1.8 - 2.0				14			
			2.0 - 2.2				12			
			2.2 - 2.4				14			
			2.4 - 2.6				14			
			2.6 - 2.8				16			
			2.8 - 3.0				30			
			3.0 - 3.2							
			3.2 - 3.4							
			3.4 - 3.6							
			3.6 - 3.8							
			3.8 - 4.0							
			4.0 - 4.2							
			4.2 - 4.4							
			4.4 - 4.6							
			4.6 - 4.8							
			4.8 - 5.0							

REMARKS
 End of borehole @ 1.20m (Target Depth: 3.00m)

NZGS Definition of Relative Density for Coarse Grain soils: VL - Very Loose; L - Loose; MD - Medium Dense; D - Dense; VD - Very Dense

LOGGED BY: SP ▼ Standing groundwater level

CHECKED BY: NN ▽ GW while drilling

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HAND AUGER : HA02

JOB NO.: 128824 SHEET: 2 OF 4
 START DATE: 28/08/2023 NORTHING: GRID:
 DIAMETER: 50mm EASTING:
 SV DIAL: DR4802 ELEVATION: Ground
 FACTOR: 1.59 DATUM:

CLIENT: Coastal Homes (2008) Ltd
 PROJECT: Geotechnical Investigation for Building Consent
 SITE LOCATION: 33 Lori Lane, Coopers Beach - Lot 34 DP 331991

STRATIGRAPHY	SOIL DESCRIPTION	LEGEND	DEPTH (m)	WATER	SHEAR VANE			DCP - SCALA (Blows / 100mm)	COMMENTS, SAMPLES, OTHER TESTS
					PEAK STRENGTH (kPa)	REMOULD STRENGTH (kPa)	SENSITIVITY		
Topsoil	Fine Sandy TOPSOIL - dark brown, firm, wet, non plastic		0.0 - 0.05					0.5	
Awhitu Group	Slightly Silty Fine SAND, light grey, loose, moist 0.3m: becoming brown, grey		0.05 - 0.2	Groundwater Not Encountered				0.5	
			0.2 - 0.3					2	
	0.3 - 0.4	2							
	0.4 - 0.5	2							
	0.5 - 0.6	6							
	0.6 - 0.8	8							
	0.8 - 0.9	20							
	0.9 - 1.0	223+							
	1.0 - 1.1								
	EOH: 1.10m - (Refusal - Too Dense To Auger)							1.1 - 1.2	
			1.2 - 1.4						
			1.4 - 1.6						
			1.6 - 1.8						
			1.8 - 2.0						
			2.0 - 2.2						
			2.2 - 2.4						
			2.4 - 2.6						
			2.6 - 2.8						
			2.8 - 3.0						

REMARKS
 End of borehole @ 1.10m (Target Depth: 5.00m)

NZGS Definition of Relative Density for Coarse Grain soils: VL - Very Loose; L - Loose; MD - Medium Dense; D - Dense; VD - Very Dense

LOGGED BY: NN ▼ Standing groundwater level
 CHECKED BY: SP ▽ GW while drilling

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HAND AUGER : HA03

JOB NO.: 128824 SHEET: 3 OF 4

START DATE: 28/08/2023

NORTHING:

GRID:

DIAMETER: 50mm

EASTING:

SV DIAL: DR4802

ELEVATION: Ground

FACTOR: 1.59

DATUM:

CLIENT: Coastal Homes (2008) Ltd

PROJECT: Geotechnical Investigation for Building Consent

SITE LOCATION: 33 Lori Lane, Coopers Beach - Lot 34 DP 331991

STRATIGRAPHY	SOIL DESCRIPTION	LEGEND	DEPTH (m)	WATER	SHEAR VANE				COMMENTS, SAMPLES, OTHER TESTS	
					PEAK STRENGTH (kPa)	REMOLD STRENGTH (kPa)	SENSITIVITY	DCP - SCALA (Blows / 100mm)		
Topsoil	Fine Sandy TOPSOIL - brown, firm, moist, non plastic		0.0 - 0.1	Groundwater Not Encountered				1.5		
Awhitu Group	Silty Fine SAND, light greyish white, loose, moist		0.1 - 0.2					1.5		
			0.2 - 0.4					4		
	Fine Sandy SILT, brown with frequent rootlets of <2mmØ, very stiff, moist, non plastic		0.4 - 0.5		UTP	-	-	3		
			0.5 - 0.6					3		
			0.6 - 0.7					6		
			0.7 - 0.8		0.7m: becoming light brown with occasional dark brown streaks			11		
			0.8 - 0.9							
			0.9 - 1.0			223+	-	-		
			1.0 - 1.1							
			1.1 - 1.2		EOH: 1.10m - (Refusal - Too Dense To Auger)				30	

REMARKS

End of borehole @ 1.10m (Target Depth: 3.00m)

NZGS Definition of Relative Density for Coarse Grain soils: VL - Very Loose; L - Loose; MD - Medium Dense; D - Dense; VD - Very Dense

LOGGED BY: NN

▼ Standing groundwater level

CHECKED BY: SP

▽ GW while drilling



185 Waipapa Road, Kerikeri 0295
 Phone: 09-945 4188
 Email: jobs@wjl.co.nz
 Website: www.wiltonjoubert.co.nz

HAND AUGER : HA04

JOB NO.: 128824 SHEET: 4 OF 4

START DATE: 28/08/2023

NORTHING:

GRID:

DIAMETER: 50mm

EASTING:

SV DIAL: DR4802

ELEVATION: Ground

FACTOR: 1.59

DATUM:

CLIENT: Coastal Homes (2008) Ltd

PROJECT: Geotechnical Investigation for Building Consent

SITE LOCATION: 33 Lori Lane, Coopers Beach - Lot 34 DP 331991

STRATIGRAPHY	SOIL DESCRIPTION	LEGEND	DEPTH (m)	WATER	SHEAR VANE				COMMENTS, SAMPLES, OTHER TESTS
					PEAK STRENGTH (kPa)	REMOULD STRENGTH (kPa)	SENSITIVITY	DCP - SCALA (Blows / 100mm)	
Topsil	Fine Sandy TOPSOIL - brown, dark brown, firm, moist, non plastic		0.0 - 0.1	Groundwater Not Encountered					
Awhitu Group	Fine SAND, white, light grey, loose to medium dense, moist		0.1 - 0.4						
	Fine Sandy SILT, brown, dark brown streaks, very stiff to hard, moist, non plastic		0.4 - 1.0		UTP	-	-		
	EOH: 1.00m - (Refusal - Too Dense To Auger)		1.0 - 3.0		223+	-	-	30	

REMARKS

End of borehole @ 1.00m (Target Depth: 3.00m)

NZGS Definition of Relative Density for Coarse Grain soils: VL - Very Loose; L - Loose; MD - Medium Dense; D - Dense; VD - Very Dense

LOGGED BY: NN

▼ Standing groundwater level

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Foundation Maintenance and Footing Performance: A Homeowner's Guide



PUBLISHING
BTF 18-2011
 replaces
Information
Sheet 10/91

Buildings can and often do move. This movement can be up, down, lateral or rotational. The fundamental cause of movement in buildings can usually be related to one or more problems in the foundation soil. It is important for the homeowner to identify the soil type in order to ascertain the measures that should be put in place in order to ensure that problems in the foundation soil can be prevented, thus protecting against building movement.

This Building Technology File is designed to identify causes of soil-related building movement, and to suggest methods of prevention of resultant cracking in buildings.

Soil Types

The types of soils usually present under the topsoil in land zoned for residential buildings can be split into two approximate groups – granular and clay. Quite often, foundation soil is a mixture of both types. The general problems associated with soils having granular content are usually caused by erosion. Clay soils are subject to saturation and swell/shrink problems.

Classifications for a given area can generally be obtained by application to the local authority, but these are sometimes unreliable and if there is doubt, a geotechnical report should be commissioned. As most buildings suffering movement problems are founded on clay soils, there is an emphasis on classification of soils according to the amount of swell and shrinkage they experience with variations of water content. The table below is Table 2.1 from AS 2870-2011, the Residential Slab and Footing Code.

Causes of Movement

Settlement due to construction

There are two types of settlement that occur as a result of construction:

- Immediate settlement occurs when a building is first placed on its foundation soil, as a result of compaction of the soil under the weight of the structure. The cohesive quality of clay soil mitigates against this, but granular (particularly sandy) soil is susceptible.
- Consolidation settlement is a feature of clay soil and may take place because of the expulsion of moisture from the soil or because of the soil's lack of resistance to local compressive or shear stresses. This will usually take place during the first few months after construction, but has been known to take many years in exceptional cases.

These problems are the province of the builder and should be taken into consideration as part of the preparation of the site for construction. Building Technology File 19 (BTF 19) deals with these problems.

Erosion

All soils are prone to erosion, but sandy soil is particularly susceptible to being washed away. Even clay with a sand component of say 10% or more can suffer from erosion.

Saturation

This is particularly a problem in clay soils. Saturation creates a bog-like suspension of the soil that causes it to lose virtually all of its bearing capacity. To a lesser degree, sand is affected by saturation because saturated sand may undergo a reduction in volume, particularly imported sand fill for bedding and blinding layers. However, this usually occurs as immediate settlement and should normally be the province of the builder.

Seasonal swelling and shrinkage of soil

All clays react to the presence of water by slowly absorbing it, making the soil increase in volume (see table below). The degree of increase varies considerably between different clays, as does the degree of decrease during the subsequent drying out caused by fair weather periods. Because of the low absorption and expulsion rate, this phenomenon will not usually be noticeable unless there are prolonged rainy or dry periods, usually of weeks or months, depending on the land and soil characteristics.

The swelling of soil creates an upward force on the footings of the building, and shrinkage creates subsidence that takes away the support needed by the footing to retain equilibrium.

Shear failure

This phenomenon occurs when the foundation soil does not have sufficient strength to support the weight of the footing. There are two major post-construction causes:

- Significant load increase.
- Reduction of lateral support of the soil under the footing due to erosion or excavation.

In clay soil, shear failure can be caused by saturation of the soil adjacent to or under the footing.

GENERAL DEFINITIONS OF SITE CLASSES

Class	Foundation
A	Most sand and rock sites with little or no ground movement from moisture changes
S	Slightly reactive clay sites, which may experience only slight ground movement from moisture changes
M	Moderately reactive clay or silt sites, which may experience moderate ground movement from moisture changes
H1	Highly reactive clay sites, which may experience high ground movement from moisture changes
H2	Highly reactive clay sites, which may experience very high ground movement from moisture changes
E	Extremely reactive sites, which may experience extreme ground movement from moisture changes

Notes

1. Where controlled fill has been used, the site may be classified A to E according to the type of fill used.
2. Filled sites. Class P is used for sites which include soft fills, such as clay or silt or loose sands; landslide; mine subsidence; collapsing soils; soil subject to erosion; reactive sites subject to abnormal moisture conditions or sites which cannot be classified otherwise.
3. Where deep-seated moisture changes exist on sites at depths of 3 m or greater, further classification is needed for Classes M to E (M-D, H1-D, H2-D and E-D).

Tree root growth

Trees and shrubs that are allowed to grow in the vicinity of footings can cause foundation soil movement in two ways:

- Roots that grow under footings may increase in cross-sectional size, exerting upward pressure on footings.
- Roots in the vicinity of footings will absorb much of the moisture in the foundation soil, causing shrinkage or subsidence.

Unevenness of Movement

The types of ground movement described above usually occur unevenly throughout the building's foundation soil. Settlement due to construction tends to be uneven because of:

- Differing compaction of foundation soil prior to construction.
- Differing moisture content of foundation soil prior to construction.

Movement due to non-construction causes is usually more uneven still. Erosion can undermine a footing that traverses the flow or can create the conditions for shear failure by eroding soil adjacent to a footing that runs in the same direction as the flow.

Saturation of clay foundation soil may occur where subfloor walls create a dam that makes water pond. It can also occur wherever there is a source of water near footings in clay soil. This leads to a severe reduction in the strength of the soil which may create local shear failure.

Seasonal swelling and shrinkage of clay soil affects the perimeter of the building first, then gradually spreads to the interior. The swelling process will usually begin at the uphill extreme of the building, or on the weather side where the land is flat. Swelling gradually reaches the interior soil as absorption continues. Shrinkage usually begins where the sun's heat is greatest.

Effects of Uneven Soil Movement on Structures

Erosion and saturation

Erosion removes the support from under footings, tending to create subsidence of the part of the structure under which it occurs. Brickwork walls will resist the stress created by this removal of support by bridging the gap or cantilevering until the bricks or the mortar bedding fail. Older masonry has little resistance. Evidence of failure varies according to circumstances and symptoms may include:

- Step cracking in the mortar beds in the body of the wall or above/below openings such as doors or windows.
- Vertical cracking in the bricks (usually but not necessarily in line with the vertical beds or perpend).

Isolated piers affected by erosion or saturation of foundations will eventually lose contact with the bearers they support and may tilt or fall over. The floors that have lost this support will become bouncy, sometimes rattling ornaments etc.

Seasonal swelling/shrinkage in clay

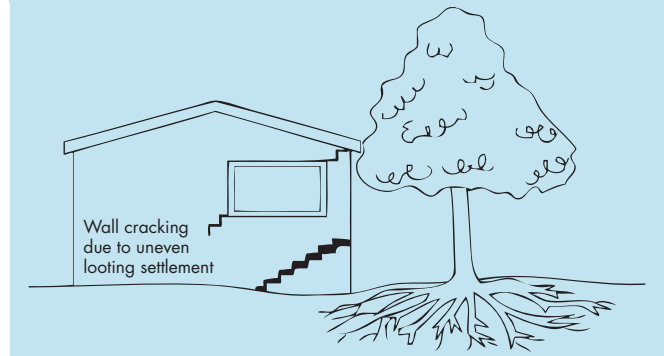
Swelling foundation soil due to rainy periods first lifts the most exposed extremities of the footing system, then the remainder of the perimeter footings while gradually permeating inside the building footprint to lift internal footings. This swelling first tends to create a dish effect, because the external footings are pushed higher than the internal ones.

The first noticeable symptom may be that the floor appears slightly dished. This is often accompanied by some doors binding on the floor or the door head, together with some cracking of cornice mitres. In buildings with timber flooring supported by bearers and joists, the floor can be bouncy. Externally there may be visible dishing of the hip or ridge lines.

As the moisture absorption process completes its journey to the innermost areas of the building, the internal footings will rise. If the spread of moisture is roughly even, it may be that the symptoms will temporarily disappear, but it is more likely that swelling will be uneven, creating a difference rather than a disappearance in symptoms. In buildings with timber flooring supported by bearers and joists, the isolated piers will rise more easily than the strip footings or piers under walls, creating noticeable doming of flooring.

As the weather pattern changes and the soil begins to dry out, the external footings will be first affected, beginning with the locations where the sun's effect is strongest. This has the effect of lowering the

Trees can cause shrinkage and damage



external footings. The doming is accentuated and cracking reduces or disappears where it occurred because of dishing, but other cracks open up. The roof lines may become convex.

Doming and dishing are also affected by weather in other ways. In areas where warm, wet summers and cooler dry winters prevail, water migration tends to be toward the interior and doming will be accentuated, whereas where summers are dry and winters are cold and wet, migration tends to be toward the exterior and the underlying propensity is toward dishing.

Movement caused by tree roots

In general, growing roots will exert an upward pressure on footings, whereas soil subject to drying because of tree or shrub roots will tend to remove support from under footings by inducing shrinkage.

Complications caused by the structure itself

Most forces that the soil causes to be exerted on structures are vertical – i.e. either up or down. However, because these forces are seldom spread evenly around the footings, and because the building resists uneven movement because of its rigidity, forces are exerted from one part of the building to another. The net result of all these forces is usually rotational. This resultant force often complicates the diagnosis because the visible symptoms do not simply reflect the original cause. A common symptom is binding of doors on the vertical member of the frame.

Effects on full masonry structures

Brickwork will resist cracking where it can. It will attempt to span areas that lose support because of subsided foundations or raised points. It is therefore usual to see cracking at weak points, such as openings for windows or doors.

In the event of construction settlement, cracking will usually remain unchanged after the process of settlement has ceased.

With local shear or erosion, cracking will usually continue to develop until the original cause has been remedied, or until the subsidence has completely neutralised the affected portion of footing and the structure has stabilised on other footings that remain effective.

In the case of swell/shrink effects, the brickwork will in some cases return to its original position after completion of a cycle, however it is more likely that the rotational effect will not be exactly reversed, and it is also usual that brickwork will settle in its new position and will resist the forces trying to return it to its original position. This means that in a case where swelling takes place after construction and cracking occurs, the cracking is likely to at least partly remain after the shrink segment of the cycle is complete. Thus, each time the cycle is repeated, the likelihood is that the cracking will become wider until the sections of brickwork become virtually independent.

With repeated cycles, once the cracking is established, if there is no other complication, it is normal for the incidence of cracking to stabilise, as the building has the articulation it needs to cope with the problem. This is by no means always the case, however, and monitoring of cracks in walls and floors should always be treated seriously.

Upheaval caused by growth of tree roots under footings is not a simple vertical shear stress. There is a tendency for the root to also exert lateral forces that attempt to separate sections of brickwork after initial cracking has occurred.

The normal structural arrangement is that the inner leaf of brickwork in the external walls and at least some of the internal walls (depending on the roof type) comprise the load-bearing structure on which any upper floors, ceilings and the roof are supported. In these cases, it is internally visible cracking that should be the main focus of attention, however there are a few examples of dwellings whose external leaf of masonry plays some supporting role, so this should be checked if there is any doubt. In any case, externally visible cracking is important as a guide to stresses on the structure generally, and it should also be remembered that the external walls must be capable of supporting themselves.

Effects on framed structures

Timber or steel framed buildings are less likely to exhibit cracking due to swell/shrink than masonry buildings because of their flexibility. Also, the doming/dishing effects tend to be lower because of the lighter weight of walls. The main risks to framed buildings are encountered because of the isolated pier footings used under walls. Where erosion or saturation causes a footing to fall away, this can double the span which a wall must bridge. This additional stress can create cracking in wall linings, particularly where there is a weak point in the structure caused by a door or window opening. It is, however, unlikely that framed structures will be so stressed as to suffer serious damage without first exhibiting some or all of the above symptoms for a considerable period. The same warning period should apply in the case of upheaval. It should be noted, however, that where framed buildings are supported by strip footings there is only one leaf of brickwork and therefore the externally visible walls are the supporting structure for the building. In this case, the subfloor masonry walls can be expected to behave as full brickwork walls.

Effects on brick veneer structures

Because the load-bearing structure of a brick veneer building is the frame that makes up the interior leaf of the external walls plus perhaps the internal walls, depending on the type of roof, the building can be expected to behave as a framed structure, except that the external masonry will behave in a similar way to the external leaf of a full masonry structure.

Water Service and Drainage

Where a water service pipe, a sewer or stormwater drainage pipe is in the vicinity of a building, a water leak can cause erosion, swelling or saturation of susceptible soil. Even a minuscule leak can be enough to saturate a clay foundation. A leaking tap near a building can have the same effect. In addition, trenches containing pipes can become watercourses even though backfilled, particularly where broken rubble is used as fill. Water that runs along these trenches can be responsible for serious erosion, interstrata seepage into subfloor areas and saturation.

Pipe leakage and trench water flows also encourage tree and shrub roots to the source of water, complicating and exacerbating the problem. Poor roof plumbing can result in large volumes of rainwater being concentrated in a small area of soil:

- Incorrect falls in roof guttering may result in overflows, as may gutters blocked with leaves etc.

- Corroded guttering or downpipes can spill water to ground.
- Downpipes not positively connected to a proper stormwater collection system will direct a concentration of water to soil that is directly adjacent to footings, sometimes causing large-scale problems such as erosion, saturation and migration of water under the building.

Seriousness of Cracking

In general, most cracking found in masonry walls is a cosmetic nuisance only and can be kept in repair or even ignored. The table below is a reproduction of Table C1 of AS 2870-2011.

AS 2870-2011 also publishes figures relating to cracking in concrete floors, however because wall cracking will usually reach the critical point significantly earlier than cracking in slabs, this table is not reproduced here.

Prevention/Cure

Plumbing

Where building movement is caused by water service, roof plumbing, sewer or stormwater failure, the remedy is to repair the problem. It is prudent, however, to consider also rerouting pipes away from the building where possible, and relocating taps to positions where any leakage will not direct water to the building vicinity. Even where gully traps are present, there is sometimes sufficient spill to create erosion or saturation, particularly in modern installations using smaller diameter PVC fixtures. Indeed, some gully traps are not situated directly under the taps that are installed to charge them, with the result that water from the tap may enter the backfilled trench that houses the sewer piping. If the trench has been poorly backfilled, the water will either pond or flow along the bottom of the trench. As these trenches usually run alongside the footings and can be at a similar depth, it is not hard to see how any water that is thus directed into a trench can easily affect the foundation's ability to support footings or even gain entry to the subfloor area.

Ground drainage

In all soils there is the capacity for water to travel on the surface and below it. Surface water flows can be established by inspection during and after heavy or prolonged rain. If necessary, a grated drain system connected to the stormwater collection system is usually an easy solution.

It is, however, sometimes necessary when attempting to prevent water migration that testing be carried out to establish watertable height and subsoil water flows. This subject is referred to in BTF 19 and may properly be regarded as an area for an expert consultant.

Protection of the building perimeter

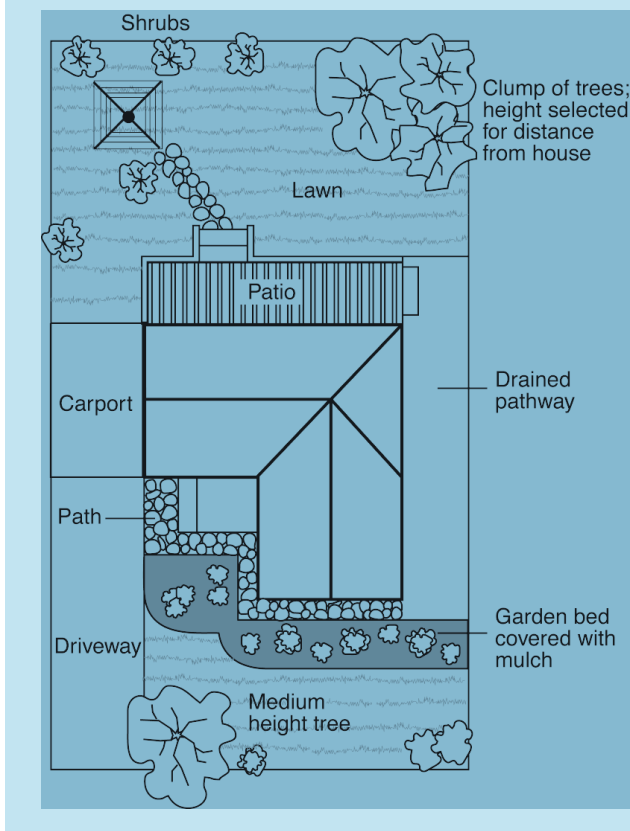
It is essential to remember that the soil that affects footings extends well beyond the actual building line. Watering of garden plants, shrubs and trees causes some of the most serious water problems.

For this reason, particularly where problems exist or are likely to occur, it is recommended that an apron of paving be installed around as much of the building perimeter as necessary. This paving should

CLASSIFICATION OF DAMAGE WITH REFERENCE TO WALLS

Description of typical damage and required repair	Approximate crack width limit (see Note 3)	Damage category
Hairline cracks	<0.1 mm	0
Fine cracks which do not need repair	<1 mm	1
Cracks noticeable but easily filled. Doors and windows stick slightly.	<5 mm	2
Cracks can be repaired and possibly a small amount of wall will need to be replaced. Doors and windows stick. Service pipes can fracture. Weathertightness often impaired.	5–15 mm (or a number of cracks 3 mm or more in one group)	3
Extensive repair work involving breaking-out and replacing sections of walls, especially over doors and windows. Window and door frames distort. Walls lean or bulge noticeably, some loss of bearing in beams. Service pipes disrupted.	15–25 mm but also depends on number of cracks	4

Gardens for a reactive site



extend outwards a minimum of 900 mm (more in highly reactive soil) and should have a minimum fall away from the building of 1:60. The finished paving should be no less than 100 mm below brick vent bases.

It is prudent to relocate drainage pipes away from this paving, if possible, to avoid complications from future leakage. If this is not practical, earthenware pipes should be replaced by PVC and backfilling should be of the same soil type as the surrounding soil and compacted to the same density.

Except in areas where freezing of water is an issue, it is wise to remove taps in the building area and relocate them well away from the building – preferably not uphill from it (see BTF 19).

It may be desirable to install a grated drain at the outside edge of the paving on the uphill side of the building. If subsoil drainage is needed this can be installed under the surface drain.

Condensation

In buildings with a subfloor void such as where bearers and joists support flooring, insufficient ventilation creates ideal conditions for condensation, particularly where there is little clearance between the floor and the ground. Condensation adds to the moisture already present in the subfloor and significantly slows the process of drying out. Installation of an adequate subfloor ventilation system, either natural or mechanical, is desirable.

Warning: Although this Building Technology File deals with cracking in buildings, it should be said that subfloor moisture can result in the development of other problems, notably:

- Water that is transmitted into masonry, metal or timber building elements causes damage and/or decay to those elements.
- High subfloor humidity and moisture content create an ideal environment for various pests, including termites and spiders.
- Where high moisture levels are transmitted to the flooring and walls, an increase in the dust mite count can ensue within the living areas. Dust mites, as well as dampness in general, can be a health hazard to inhabitants, particularly those who are abnormally susceptible to respiratory ailments.

The garden

The ideal vegetation layout is to have lawn or plants that require only light watering immediately adjacent to the drainage or paving edge, then more demanding plants, shrubs and trees spread out in that order.

Overwatering due to misuse of automatic watering systems is a common cause of saturation and water migration under footings. If it is necessary to use these systems, it is important to remove garden beds to a completely safe distance from buildings.

Existing trees

Where a tree is causing a problem of soil drying or there is the existence or threat of upheaval of footings, if the offending roots are subsidiary and their removal will not significantly damage the tree, they should be severed and a concrete or metal barrier placed vertically in the soil to prevent future root growth in the direction of the building. If it is not possible to remove the relevant roots without damage to the tree, an application to remove the tree should be made to the local authority. A prudent plan is to transplant likely offenders before they become a problem.

Information on trees, plants and shrubs

State departments overseeing agriculture can give information regarding root patterns, volume of water needed and safe distance from buildings of most species. Botanic gardens are also sources of information. For information on plant roots and drains, see Building Technology File 17.

Excavation

Excavation around footings must be properly engineered. Soil supporting footings can only be safely excavated at an angle that allows the soil under the footing to remain stable. This angle is called the angle of repose (or friction) and varies significantly between soil types and conditions. Removal of soil within the angle of repose will cause subsidence.

Remediation

Where erosion has occurred that has washed away soil adjacent to footings, soil of the same classification should be introduced and compacted to the same density. Where footings have been undermined, augmentation or other specialist work may be required. Remediation of footings and foundations is generally the realm of a specialist consultant.

Where isolated footings rise and fall because of swell/shrink effect, the homeowner may be tempted to alleviate floor bounce by filling the gap that has appeared between the bearer and the pier with blocking. The danger here is that when the next swell segment of the cycle occurs, the extra blocking will push the floor up into an accentuated dome and may also cause local shear failure in the soil. If it is necessary to use blocking, it should be by a pair of fine wedges and monitoring should be carried out fortnightly.

This BTF was prepared by John Lewer FAIB, MIAMA, Partner, Construction Diagnosis.

The information in this and other issues in the series was derived from various sources and was believed to be correct when published.

The information is advisory. It is provided in good faith and not claimed to be an exhaustive treatment of the relevant subject.

Further professional advice needs to be obtained before taking any action based on the information provided.

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CONSTRUCTION MONITORING SERVICES

Construction monitoring is a service, which provides the client with independent verification (to the extent of the consultant's engagement) that the works have been completed in accordance with specified requirements. Most construction projects are unique, and construction works are often complex in detail and skilled professional involvement is necessary for the successful execution of such projects.

The decision as to which level is appropriate will be project dependent, but factors influencing the level of construction monitoring for a project are the size and importance of the project, the complexity of the construction works, and the experience and demonstrated skill in quality management of the constructor. The primary responsibility for completing the contract works in accordance with the requirements of the plans and specifications is the constructor's.

The involvement of the consultants is important during the construction phase to ensure that the design is being correctly interpreted, the construction techniques are appropriate and do not reduce the effectiveness of the design and the work is completed generally in accordance with the plans and specifications. The risk of non-compliance can be reduced by increasing the involvement of the consultant.

Table 1 sets out the five levels of construction monitoring, describes the types of review and indicates where a particular level of monitoring is appropriate. Tables 2 and 3 provide rating values for various aspects of a project to enable an assessment of an appropriate monitoring level to be made.

Table 1

LEVEL	REVIEW	COMMENT
CM1	Monitor the outputs from another party's quality assurance programme against the requirements of the plans and specifications. Visit the works at a frequency agreed with the client to review important materials of construction critical work procedures and/or completed plant or components. Be available to advise the constructor on the technical interpretation of the plans and specifications.	This level is only a secondary service. It may be appropriate where:- For the design consultant when another party is engaged to provide a higher level of construction monitoring or review during the period of construction or:- When the project works are the subject of a performance based specification and performance testing is undertaken and monitored by others.
CM2	Review, preferable at the earliest opportunity, a sample of each important work procedure, material of construction and component for compliance with the requirements of the plans and specifications and review a representative sample of each important completed work prior to enclosure or completion as appropriate. Be available to provide the constructor with technical interpretation of the plans and specification.	This level of service is appropriate for smaller projects of a routine nature being undertaken by an experienced and competent constructor and where a higher than normal risk of non-compliance is acceptable. It provides for the review of a representative sample of work procedures and materials of construction. The assurance of compliance of the finished work is dependent upon the constructor completing the work to at least the same standard as the representative sample reviewed.
CM3	Review, to an extent agreed with the client, random samples of important work procedures, for compliance with the requirements of the plans and specifications and review important completed work prior to enclosure or on completion as appropriate. Be available to provide the constructor with technical interpretation of the plans and specifications.	This level of service is appropriate for medium sized projects of a routine nature being undertaken by an experienced constructor when a normal risk of non-compliance is acceptable.
CM4	Review, at a frequency agreed with the client, regular samples of work procedures, materials of construction and components for compliance with the requirements of the plans and specifications and review the majority of completed work prior to the enclosure or on completion as appropriate.	This level of service is appropriate for projects where a lower than normal risk of non-compliance is required.
CM5	Maintain personnel on site to constantly review work procedures, materials of construction and components for compliance with the requirements of the plans and specifications and review completed work prior to enclosure or on completion as appropriate.	This level of service is appropriate for Major projects -Projects where the consequences of failure are critical -Projects involving innovative or complex construction procedures. The level of service provides the client with the greatest assurance that the completed work complies with the requirements of the plans and specifications.

Source www.ipenz.org.nz/ipenz/practicesupport/endorsedinfo/codes

Table 2

CRITERIA	K	ASSESSMENT				SELECTED VALUE
		Small	Medium	Large	Major	
Project Status		Small	Medium	Large	Major	
	KA	1	2	3	4	
Complexity of work procedures		Routine	Difficult	Complex		
	KB	2	4	6		
Constructor's relevant experience		Inexperienced	Experienced	Certified ISO 9000		
	KC	6	2	1		
Consequences of non-compliance		Minor	Moderate	Serious	Critical	
	KD	1	4	6	12	
KTOTAL = KA + KB + KC + KD ->						

Table 3

KTOTAL	LEVEL OF CONSTRUCTION MONITORING				
	CM1	CM2	CM3	CM4	
5-6	-	Sampling only	-	-	-
7-8	-	N/A	Weekly	-	-
9-10	A	N/A	Twice Weekly	-	-
11-12	Secondary	N/A	N/A	Twice Weekly	-
13-14	Service	N/A	N/A	Every second day	-
15-16	-	N/A	N/A	Daily	-
17-	-	N/A	N/A	N/A	Constant

N/A = Not Appropriate

- Secondary Service - This level of service is only appropriate when another party is responsible for undertaking the primary review of construction standards.

- Table 3 indicates the frequency of review considered to be appropriate for the project concerned. Not indicated is the time input requirement at each review. The time on each occasion will increase with the increased size and complexity of the construction works and should be agreed with the consultant at the time of engagement.

- Frequency of inspection is intended to be indicative of involvement with actual frequency dependent on the rate of progress of the works.