

16. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Meg Cavell

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Meg Cavell

Signature:

(signature of bill payer)

Date 14-Aug-2026

MANDATORY

17. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

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

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

18. Declaration

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

Name (please write in full)

Meg Cavell

Signature

Date 14-Aug-2026

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

See overleaf for a checklist of your information...



Retaining Wall Remediation

54 Kerikeri Road

Assessment of Environmental Effects and Statutory Analysis

14 August 2026

B&A

Urban & Environmental

Prepared for:
Investore Property Limited

B&A Reference:

025043

Status:

Final Revision 1

Date:

14 August 2026

Prepared by:

A handwritten signature in black ink, appearing to read 'Megan Hart'.

Megan Hart

Intermediate Planner, Barker & Associates Limited

Reviewed by:

A handwritten signature in black ink, appearing to read 'M. Dalton'.

Makarena Dalton

Senior Associate, Barker & Associates Limited

Contents

1.0	Applicant and Property Details	5
2.0	Introduction	7
2.1	Background	7
3.0	Site Context	8
3.1	Site Description	8
3.2	Surrounding Locality	10
4.0	Proposal	11
5.0	Reasons for Consent	11
5.1	Far North Operative District Plan 2009 (ODP)	12
5.2	Far North Proposed District Plan (Decisions Version) (PDP)	12
5.3	Activity Status	12
6.0	Public Notification Assessment (Sections 95A, 95C and 95D)	13
6.1	Assessment of Steps 1 to 4 (Sections 95A)	13
6.2	Section 95D Statutory Matters	14
6.3	Land Excluded from the Assessment	15
6.4	Assessment of Effects on the Wider Environment	15
6.5	Summary of Effects	18
6.6	Public Notification Conclusion	18
7.0	Limited Notification Assessment (Sections 95B, 95E to 95G)	19
7.1	Assessment of Steps 1 to 4 (Sections 95B)	19
7.2	Section 95E Statutory Matters	20
7.3	Assessment of Effects on Persons	20
7.4	Limited Notification Conclusion	22
8.0	Consideration of Applications (Section 104)	22
8.1	Statutory Matters	22
8.2	Weighting of Proposed Plan Changes: ODP and PDP Decisions Version	23
9.0	Effects on the Environment (Section 104(1))	23
10.0	District Plan and Statutory Documents (Section 104(1)(B))	24
10.1	Objectives and Policies of the ODP	24
10.2	Objectives and Policies of the PDP Decisions Version	25
10.3	Summary	26
11.0	Part 2 Matters	26
12.0	Other Matters (Section 104(1)(C))	27
12.1	Record of Title Interests	27
13.0	Section 104(6A) Significant Non-compliances	27
14.0	Section 104D Non-complying Activities	27
15.0	Section 106A Natural Hazards	28
16.0	Conclusion	28

Appendices

Appendix 1	Record of Title and Interests
Appendix 2	2090546 RMA LUC Decision and Plans
Appendix 3	Item 6.3 Report presented to the Ordinary Council meeting 13 February 2026
Appendix 4	Revocation Correspondence
Appendix 5	Licence to Occupy
Appendix 6	Engineering Drawings
Appendix 7	Landscape Drawings
Appendix 8	Rules Assessment ODP
Appendix 9	Rules Assessment PDP Decisions Version

1.0 Applicant and Property Details

To:	Far North District Council
Site Address:	44, 46, 54, 56 Kerikeri Road and 4, 6, 8, 12, 16A, and 16B Butler Road, known as '54 Kerikeri Road'.
Applicant Name:	Investore Property Limited
Address for Service:	Barker & Associates Ltd PO Box 1986, Shortland Street, Auckland 1140 Attention: Megan Hart
Legal Description:	Lot 10 DP 62588, Unit B and Accessory Unit 2 and 4 Deposited Plan 115681, Lot 4 and Lot 7-8 Deposited Plan 38925 and Lot 1-2 Deposited Plan 62588 and Lot 1-2 Deposited Plan 66054 and Section 1 Survey Office Plan 447750 (refer to Records of Title as Appendix 1)
Site Area:	2.03 ha
Site Owners:	Investore Property Limited, Far North District Council, and New Zealand Red Cross Incorporated
District Plan:	Far North Operative District Plan (ODP)
ODP Zoning:	Commercial Zone, Recreation Activities Zone
ODP Precinct:	Nil
ODP Overlays & Controls:	Nil
Proposed District Plan:	Far North Proposed District Plan – Decisions Version 30 June 2026 (PDP)
PDP Zoning:	Town Centre, Natural Open Space
Designations:	Nil
Additional Limitations:	Nil
Locality Diagram:	Refer to Figure 1 .
Brief Description of Proposal:	Remedial works to an existing retaining wall including application of concrete overlay, installation of soil nails and replacement of existing wall components.
Summary of Reasons for Consent:	ODP: A building which is not ancillary to the principal recreation activity on site, and alterations to the

existing retaining wall which will be located within the 2m boundary setback are both **non-complying** activities.

PDP (Decisions Version): An alteration to an existing structure that does not meet standards is a **restricted discretionary activity** in the Natural Open Space Zone.

2.0 Introduction

This report has been prepared to address a resource consent application submitted by Investore Property Limited (hereafter referred to as 'the Applicant') for the maintenance and extension of the existing retaining wall at the site known as 54 Kerikeri Road. This report is intended to address the relevant matters under the Resource Management Act 1991 ('RMA').

2.1 Background

The subject site contains an existing retaining wall located along the western and southern boundaries of the Woolworths supermarket site at 54 Kerikeri Road, Kerikeri. The retaining wall was previously authorised under Resource Consent 2090546 RMALUC (and subsequent variations) and forms an important component of the site's landform and boundary treatment. A copy of this decision and the approved plans are attached as **Appendix 2**.

Following recent engineering inspections, it was identified that the foot of the retaining wall is located beyond the adjoining site boundary at Lot 10 DP 62588 and Unit B and Accessory Unit 2 and 4 Deposited Plan 115681, and that sections of the retaining wall are exhibiting signs of structural deterioration and failure. As a result, the Applicant has been engaging with Far North District Council ('FNDC') as the owners of Lot 10 DP 62588 and Unit B and Accessory Unit 2 and 4 Deposited Plan 115681 to authorise the existing structure, rectify the boundary encroachment and enable the remedial works to be undertaken. A process to revoke the reserve status of the affected reserve land (Lot 10 DP 62588) is underway, and remedial works are planned to ensure the ongoing stability and function of the retaining structure. The reserve revocation process and proposed remedial works are outlined at Section 2.1.1 below.

The Applicant has undertaken discussions with Far North District Council, adjoining landowners and other relevant stakeholders regarding access arrangements and the implementation of the proposed remedial works. The proposal has been developed to address the identified structural issues while maintaining the existing function of the retaining wall and minimising effects on the surrounding environment.

2.1.1 Revocation

As outlined above, a portion of the existing retaining wall extends beyond the site boundary and onto adjoining land owned by FNDC, including land held as recreation reserve. To provide a long-term solution to the existing encroachment, a revocation process has been initiated to revoke the reserve status of the small areas of recreation reserve occupied by the wall.

The revocation process is required to enable the affected land to subsequently be incorporated into the supermarket property through a boundary adjustment. Council approval of the revocation and subsequent sale of the affected Council land will be required following the public consultation process and any hearing required under the Reserves Act 1977.

The Bay of Islands-Whangaroa Community Board endorsed the initiation of public consultation under section 24 of the Reserves Act 1977 to consider the revocation of the affected reserve land in October 2024. The matter was subsequently presented to Far North District Council at its Ordinary Council meeting on 13 February 2025, with a recommendation that Council approve the initiation of the public consultation process. A copy of the Item Report presented to the Ordinary Council meeting is included as **Appendix 3**.

Whilst not forming part of this application, following completion of the revocation process, a boundary adjustment is proposed to alter the property boundaries to reflect the location of the existing and proposed retaining structures. The boundary adjustment will transfer the limited areas of Council-owned land occupied by the retaining wall so that the retaining structure is no longer located on Council-owned land. The boundary adjustment will not result in the creation of any additional allotments and is intended to provide certainty regarding the long-term ownership and responsibility for the retaining wall. Council has identified reserve revocation followed by a boundary adjustment as the preferred long-term solution for addressing the existing encroachment.

Should Council consider it necessary to secure the boundary adjustment through a condition of this land use consent, the Applicant offers a condition requiring the necessary boundary adjustment to be undertaken.

Refer to **Appendix 4** for correspondence regarding the reserve revocation process.

2.1.2 Remedial works

The proposed works are primarily remedial in nature and involve strengthening and repairing the existing retaining wall, constructing a new piled retaining structure, and installing replacement fencing above the wall. Limited vegetation clearance is also required to facilitate construction access and enable ongoing maintenance of the retaining structure.

2.1.3 Licence to Occupy

A Licence to Temporarily Occupy ('LTO') has been entered into between Far North District Council and the Applicant to enable access to and temporary occupation of adjoining Council-owned land and recreation reserve land for the purpose of undertaking preliminary investigations and remedial works on the retaining wall. The licensed areas include part of the Council-owned property at 16 Butler Road and part of the adjoining recreation reserve. The licence provides for occupation for a period of up to 24 months, or until completion of the works, whichever occurs first, and enables access to the licensed areas via 16 Butler Road and Kerikeri Road.

Separate arrangements have been made for 16 Butler Road to remain unoccupied for the duration of the construction works. Further details including a copy of the Licence to Occupy and the arrangements for the relocation of the tenants at 16 Butler Road are provided at **Appendix 5**. These arrangements are considered in Section 7.3.2 below.

3.0 Site Context

3.1 Site Description

The site is located at the corner of Kerikeri Road and Butler Road, as shown in **Figure 1** below. It is irregular in shape and bounded by residential properties to the west and a portion of the southern boundary, and commercial properties to the east and a portion of the southern boundary.



Figure 1: Locality Plan. Source: Core Logic Emaps.

The site is approximately 2.03ha, and is occupied by a number of activities, as detailed below:

- Lot 10 Deposited Plan 62588 is the southern-most property within the subject site. This lot is unoccupied greenspace which features dense shrubbery throughout. Boundary treatments vary, but are largely undefined;
- Unit A and Accessory Unit 1 and 3 Deposited Plan 115681 (16A and 16B Butler Road) are also located on the western boundary of the site, behind 14 Butler Road. The properties are occupied by two residential units, contained within one duplex building. While the property boundaries are largely defined by fencing and mature vegetation, the western boundary is also defined by a retaining wall and 1.8m steel fence atop the wall; and
- The balance lots are occupied by the Woolworths supermarket building, with the area to the east of the building occupied by car parking ancillary to the supermarket activity. The site boundaries are defined by landscaping (low stone walls, low hedging and grasses, and taller specimen trees), particularly near the interface with the Butler and Kerikeri Road roundabout. Some landscaping is also dispersed amongst the parking and vehicle manoeuvring spaces.

In respect to topography, the site falls towards the western and southern boundaries, with a change of approximately 10 m in elevation across the site. The gradient is variable due to the presence of an existing retaining wall located along the southern and western perimeter of the Woolworths supermarket building, which retains a significant portion of the elevation change across the site. The retaining wall straddles the boundary between the Woolworths site and adjoining properties, as shown in **Figure 2** below.



Figure 2: Aerial showing approximate location of the existing retaining (red line) wall within the site (blue).
 Source: Core Logic Emaps.

Under the PDP, a portion of the site is subject to the River Flood Hazard Zone (10 Year ARI Event) and the River Flood Hazard Zone (100 Year ARI Event) overlays, as illustrated in **Figure 3** below.



Figure 3: The river Flood Hazard (10 year and 100 year ARI events) overlay the site. Source: FNDC Online Maps.

3.2 Surrounding Locality

The subject site is located at the southern end of the Commercial area within Kerikeri Township. The site is surrounded by residential activity to the west and south, with retail and commercial activities extending to the north and west.

4.0 Proposal

Due to the structural deterioration of the existing retaining wall, remedial works are required to reinforce the wall and establish fencing atop. The proposal involves repair works to, and an extension of, the existing retaining wall.

As described in section 2.1 above, portions of the retaining wall extend beyond the site boundary and encroach onto the adjoining Council-owned recreation reserve and the property at 16 Butler Road. The long-term occupation of this land following completion of the works is being addressed separately through the reserve revocation process and subsequent boundary adjustment.

A summary of the key elements of the proposal is set out below. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.

4.1.1 Replacement of Existing Structure:

- Approximately 3.4m of the existing crib wall is proposed to be removed, and replaced with a new retaining wall, which will align with the existing block wall. The pile timber retaining wall will have a height of approximately 1.6m, with a new block wall and footing to be installed above, with a height of approximately 0.9m. Installation of a new fence above the new block wall is proposed, which will replicate the existing fence. The new structure will be established within the supermarket building site, adjacent to the property at 14 Butler Road. Engineering drawings have been prepared by KCL Engineering Services and are enclosed as **Appendix 6**.

4.1.2 Alteration to an Existing Structure:

- Remedial works are proposed to approximately 104m of the existing crib wall. The existing crib wall will be cleared of vegetation and loose debris. Then ground anchors and reinforcing bars will be installed, and shotcrete applied to the existing retaining wall face. The alteration of the existing crib wall involves the application and a concrete overlay and soil nails that will result in the toe of the retaining wall extending further into the properties 16A, 16B and the Council owned reserve by approximately 300mm – 450mm.

4.1.3 Ancillary Works

Other site works include:

- Vegetation clearance within the Council greenspace to gain access to the retaining wall. In addition, a 1m clearance is proposed to be maintained for ongoing maintenance, and any additional vegetation clearance will be replaced. A landscape plan prepared by Hawthorn Landscape Architects is enclosed as **Appendix 7** that details the proposed replacement planting.

5.0 Reasons for Consent

The site is subject to the provisions of the Far North Operative District Plan 2009 (ODP) and the Far North Proposed District Plan Decisions Version (PDP Decisions Version). Since notification of the PDP, the planning framework applying to the site has undergone significant change through the hearings process, including amendments to the zoning applicable to the site. Accordingly, the

proposal has been assessed against the relevant provisions of each planning document. A review of the relevant provisions and consent triggers under each planning framework is provided below.

5.1 Far North Operative District Plan 2009 (ODP)

A rules assessment against the provisions of the ODP is attached as **Appendix 8**. The site is subject to both the Commercial zone and Recreation Activities zone. The proposal requires consent for the matters outlined below.

9.6 Recreation Activities Zone

The proposal is for a **non-complying** activity pursuant to Rule 9.6.5.3, for the following reasons:

- **9.6.5.1.1 Purpose of buildings:** The proposal involves a building (retaining wall) which has been established within the recreation zone, which is not an ancillary to the principal recreational activity on site.
- **9.6.5.1.6 Setback from Boundaries:** The proposed alterations to the existing retaining wall will be located within the 2m boundary setback required by this rule.

5.2 Far North Proposed District Plan (Decisions Version) (PDP)

A rules assessment against the provisions of the PDP is attached as **Appendix 9**. The site is subject to both the Town Centre zone and Natural Open Space zone. The proposal requires consent for the matters outlined below.

NOSZ - Natural Open Space

- NOSZ R1, PER-2 - new buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures: The proposed development involves the extension and alteration to an existing structure which does not meet standard NOSZ-S3 setback, as follows:
 - Northern Boundary: The retaining wall and fence located on the northern boundary of the reserve (also described as the southern retaining wall) exceeds the required setback for a total length of 36.5m. *NB: This infringement is identified on an internal site boundary.*

This is a **restricted discretionary** activity pursuant to rule NOSZ R1.

5.3 Activity Status

Overall, this application is for a **non-complying** activity.

6.0 Public Notification Assessment (Sections 95A, 95C and 95D)

6.1 Assessment of Steps 1 to 4 (Sections 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

6.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not precluded.

6.1.3 Step 3: If not required by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be less than minor.

6.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

The proposal involves the remediation of, and extension of, the existing retaining wall, which is currently exhibiting signs of structural deterioration. Other proposed works are ancillary to the undertaking of the proposed remediation and extension.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

6.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 6.3 below.

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.

In this case the permitted baseline provides for buildings and structures that comply with the applicable permitted standards. Accordingly, the effects associated with a complying structure of a similar nature and location may be disregarded when assessing the effects of the proposal.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

The Far North District Council as the owner of 16A and 16B Butler Road has provided their written approval to the proposal and therefore adverse effects on them have been disregarded. A copy of the correspondence with Far North District Council is located at **Appendix 5**.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties, and an assessment of adverse effects.

6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 4** below, and include:

- 60 Kerikeri Road (John Butler Centre), 1, 7, 9, 1/11, 2/11, 3/11, 13, and 15 Butler Road (north);
- 1 Hobson Avenue, 23, 25, 27, 33 and 35 Kerikeri Road (east, separated by Kerikeri Road);
- 48, 50, and 53 Kerikeri Road (east);
- 2, 8, 10, 12, 14, 16, 20, and 23 Aranga Road, 11, 2, 14, 16, and 18 Morcom Lane (south); and
- 14, 22, 24, 26B, 28, 30, 34, and 36 Butler Road (west).



Figure 4: Adjacent properties in relation to subject site. Source: Core Logic Emaps.

6.4 Assessment of Effects on the Wider Environment

The following sections set out an assessment of wider effects of the proposal, and it is considered that effects in relation to the following matters are relevant:

- Temporary construction activities;
- Recreation effects;
- Neighbourhood character and building intensity; and
- Natural hazards.

These matters are set out and discussed below.

6.4.1 Temporary Construction Activities

The location of the works will assist in limiting the extent of any construction-related effects on the wider environment. The retaining wall is located adjacent to an area of established vegetation within the Council greenway, with the works positioned between the vegetation and the existing retaining wall. As a result, the receiving environment is separated from the immediate construction area, reducing the extent to which any construction-related effects are likely to be experienced beyond the site.

The works are anticipated to require a limited amount of small-scale construction equipment appropriate to the constrained work area, and all works are proposed to occur during standard working hours, when a greater level of background activity is typically present. Accordingly, any noise generated by the construction equipment is anticipated to be of limited duration and extent.

Having regard to construction effects on the surrounding and wider transport network, due to the limited scale of the works, the small amount of equipment required, and the absence of significant earthworks, the proposal is not anticipated to generate substantial construction traffic or heavy vehicle movements. Any construction-related traffic will be temporary in nature and readily accommodated by the surrounding transport network. Accordingly, effects on the transport network are anticipated to be negligible.

Overall, temporary construction effects, including effects on the use and amenity of the adjoining recreation reserve, are considered to be negligible.

6.4.2 Recreation Effects

With respect to the Recreation Activities Zone provisions, the retaining wall is an existing structure and the proposed works largely involve its remediation and strengthening. The works will result in an additional encroachment of up to 0.45m at the greatest depth into the adjoining reserve land. The nature of the encroachment is illustrated in sheet C1-12 'Site Encroachment Plan' of the engineering drawings which is attached at **Appendix 6**. A snip of this page is provided in **Figure 5** below. Given the limited extent of the overall encroachment, its location within the vegetated area immediately adjoining the existing retaining wall, and the limited recreational use within this area, the proposed construction activities are not anticipated to materially affect the recreational use, accessibility or amenity of the wider reserve.

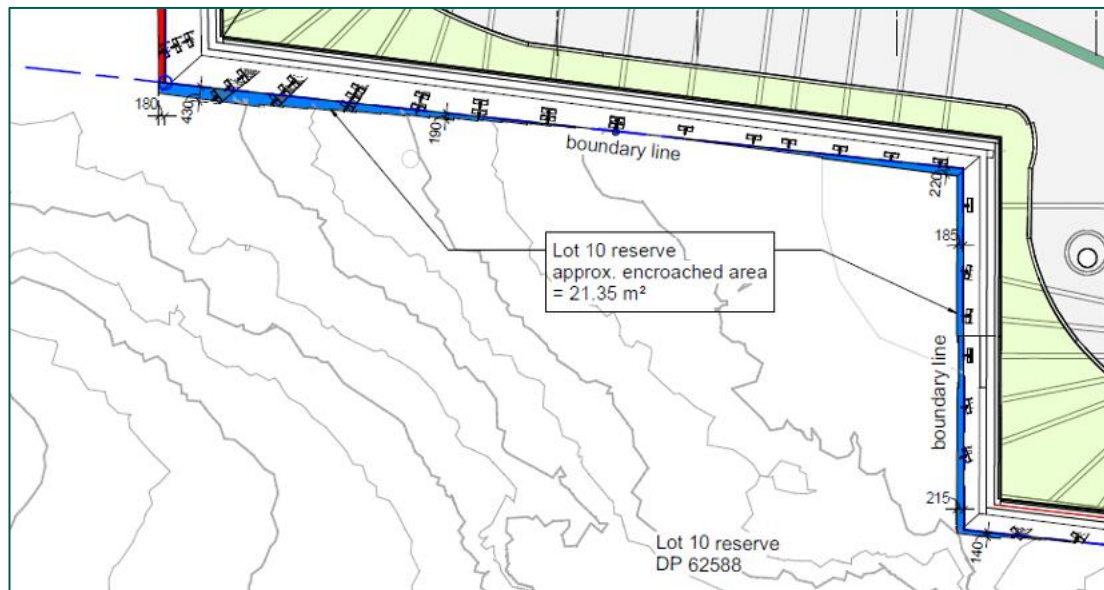


Figure 5: The extent of the wall encroachment into the reserve land (blue). Source: KCL Engineering Services.

The temporary occupation of Council land required to undertake the works is separately provided for through the Licence to Temporarily Occupy. In the longer term, the reserve revocation and subsequent boundary adjustment processes outlined in Section 2.1.1 will formally address the existing occupation of Council land by the retaining wall. In this context, the non-compliances associated with the proposed construction activity within the Recreation Activities Zone are not anticipated to result in any material loss of recreational amenity or use of the wider reserve.

Clearance of approximately 200m² of vegetation within the reserve is required to enable the remedial works. The vegetation is a mix of native and exotic plantings and will be reinstated with native plantings as shown in the landscape plan provided as **Appendix 7**.

Overall, effects on the recreation values are considered to be no more than minor when accounting for the existing structure, the extent of the encroachment and the proposed replacement planting.

6.4.3 Neighbourhood Character and Building Intensity

The retaining wall is an existing feature of the site, and the proposed remedial works largely involve reinforcing and repairing the existing structure. While a section of retaining wall extension is proposed, the works are ancillary to the existing retaining wall and do not represent a material increase in the scale or intensity of development within the surrounding environment.

In addition, the areas of retaining wall subject to remedial works and extension are not readily visible from the wider environment. The residential buildings located at 14, 16A and 16B Butler Road screen views of the proposed wall extension from the west, while the established vegetation within the Council greenway screens the remedial works from the south. As a result, the proposal will have a limited visual presence and is unlikely to alter the perceived character of the surrounding area.

While vegetation clearance is required to facilitate access to the retaining wall and establish an ongoing 1m maintenance setback, the proposal includes replacement planting throughout the affected areas of the greenway, excluding the area required to remain clear for maintenance purposes. Although there will be a short-term reduction in vegetation cover and associated

landscape amenity values, these effects are anticipated to diminish over time as replacement vegetation establishes and matures.

Accordingly, the proposal is anticipated to result in less than minor adverse effects on neighbourhood character. This conclusion reflects the limited and temporary reduction in vegetation cover associated with the works, which is anticipated to diminish over time as replacement planting establishes and matures. The proposal is not anticipated to result in any adverse effects on building intensity, given the retaining wall is an existing feature of the site and the works do not represent a material increase in the scale or intensity of development.

Overall, the proposal is not anticipated to result in any discernible change to the character of the wider environment, and any associated effects are considered to be negligible.

6.4.4 Natural Hazards

Based on the flood hazard mapping shown in **Figure 3** above, a small area of the site is identified as being subject to flood hazard. The mapped hazard area is confined to the western portion of the site within the vegetated stream margin and does not extend into the area where the proposed retaining wall remediation works are to be undertaken.

The proposed works are limited to the repair and replacement of sections of the existing retaining wall and associated reinstatement works. No new buildings or structures are proposed within the identified flood hazard area, and no earthworks or modifications to ground levels are proposed within the flood-prone land. As such, the proposal is not anticipated to reduce flood storage capacity, alter flood conveyance, or impede flood flows.

The remediation works are localised in nature and confined to previously modified areas surrounding the existing retaining wall. The proposal does not facilitate further development within the hazard area, nor does it result in an increase in the number of people, buildings, or assets exposed to flood risk. Accordingly, the proposal does not increase the vulnerability of people or property to natural hazard events.

Given the limited scale and location of the proposed works, and noting that no works are proposed within the mapped flood hazard area, the proposal will not increase flood hazard risk on the site or elsewhere. Therefore, no flood hazard risk effects are anticipated.

6.5 Summary of Effects

Overall, it is considered that any adverse effects on the environment relating to this proposal will be less than minor.

6.6 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

7.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

7.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

7.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land (being on land, or adjacent to land, that is subject to a statutory acknowledgement area).

The above does not apply to this proposal.

7.1.2 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

7.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

7.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 6.1.4 above, it is considered that special circumstances do not apply.

7.2 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

These matters were addressed in section 6.2 above, and written approval from Far North District Council has been obtained regarding effects on persons at 16A and 16B Butler Road as a result of the retaining wall remedial works activity.

Having regard to the above provisions, an assessment is provided below.

7.3 Assessment of Effects on Persons

Adverse effects in relation to building intensity, visual dominance, and amenity on persons are considered below.

Wider effects, such as temporary construction activities, recreation values, neighbourhood character and building intensity, and natural hazards were considered in section 6.4 above, and considered to be less than minor.

7.3.1 Adjacent Persons (excluding 14 Butler Road)

The proposal is limited in scale and relates to a discrete area of existing development within the site. The works comprise the replacement and upgrade of an existing retaining wall and associated earthworks. The proposal does not facilitate any substantive change to the established use of the site.

The retaining wall is located within an existing developed environment and is separated from adjoining properties by existing buildings, fencing, vegetation and changes in topography. As a result, the works will have a limited visual presence when viewed from adjoining properties. While temporary construction activities will occur during implementation of the works, these effects will be short-term and small in nature, typical of construction projects of this scale.

Having regard to the scale and nature of the proposal, together with the existing screening and separation between the works and adjoining properties, any adverse effects on adjacent persons in relation to building intensity, visual dominance and amenity values are considered to be less than minor. Overall, the proposal is not expected to result in any adverse effects on adjacent persons, with any temporary construction-related effects also being less than minor.

7.3.2 14 Butler Road

The proposal involves remedial works adjacent to, but not within, the property boundary. The proposed works involve the removal of 3.4m of the existing crib wall, which will be replaced by a new timber piled retaining wall, construction of a new block wall and fence above the portion of new retaining wall, and remediation of the existing retaining wall. Works comprise vegetation and debris removal, installation of ground anchors and reinforcing bars, and application of shotcrete to the retaining wall face.

While construction activities and vegetation removal may result in short-term disturbance, these effects will be temporary in nature and are necessary to maintain the ongoing function and stability of the retaining wall. Any affected areas will be reinstated following completion of the works, and replacement landscaping and boundary treatments will be provided where required.

Overall, any adverse effects on the owner and occupier of the site are considered to be less than minor.

7.3.3 Persons within the Site

The proposal involves remedial works within a number of separately owned properties that form part of the wider subject site. Given the differing ownership arrangements and the varying extent of works proposed within each property, a property-specific assessment has been undertaken. **Table 1** below identifies the proposed works within each affected property and provides an assessment of the associated effects on the respective landowners and occupiers.

Consultation with the landowners of the properties where remedial works are proposed is ongoing, and written approvals have been obtained from some affected parties, as discussed in section 7.2 above and identified in **Table 1** below.

In summary, the proposed works within private properties are temporary in nature and are limited to retaining wall stabilisation works and vegetation removal. Replacement landscaping will be provided where vegetation removal is required, and any access required to undertake works within privately owned land will be subject to separate agreements between the Applicant and the affected landowners.

Table 1: Assessment of Effects on Persons within the Site

Property address and owner	Proposed Works	Assessment of Effects
16A and 16B Butler Road Far North District Council <i>(written approval and LTO obtained)</i>	Remediation of the existing retaining wall, the toe of which is located within 16A and 16B Butler Road. Works comprise vegetation and debris removal, installation of ground anchors and reinforcing bars, and application of shotcrete to the retaining wall face.	While temporary access, vegetation removal and construction activities will be required, these works are necessary to maintain the ongoing function and stability of the retaining wall. An agreement with FNDC has been reached whereby the property at 16A and 16B Butler Road will remain vacant during the period of construction works. Therefore, any potential adverse effects on residents may be disregarded.

		Overall, any adverse effects on the owner and occupiers of the site are considered to be less than minor.
Lot 10 Deposited Plan 62588 (greenspace) Far North District Council <i>(Written approval and LTO obtained)</i>	Remediation of the existing retaining wall. Works comprise vegetation and debris removal, installation of ground anchors and reinforcing bars, and application of shotcrete to the retaining wall face. Vegetation clearance within the property to facilitate construction access. Replacement planting within areas affected by vegetation clearance.	While the proposed works will result in a temporary reduction in vegetation cover, replacement planting is proposed throughout the affected areas (excluding a 1m setback). Overall, any adverse effects on the owner of the site are considered to be less than minor.

7.3.4 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to building intensity, visual dominance, and amenity effects. Wider effects, including neighbourhood character and building intensity, and boundary adjustments/easements were assessed in section 6.4 above and are considered to be less than minor.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

7.4 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

8.0 Consideration of Applications (Section 104)

8.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;

- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a non-complying activity, section 104D of the Act states that a council may only grant the application if:

- (a) adverse effects will be no more than minor; or
- (b) the activity is not contrary to the objectives and policies of the relevant plans.

8.2 Weighting of Proposed Plan Changes: ODP and PDP Decisions Version

The Resource Management Act 1991 requires that resource consent applications be assessed against the provisions of both operative and proposed planning documents where relevant. In this case, the proposal has been assessed against the Far North Operative District Plan 2009 (ODP), and the Far North Proposed District Plan - Decisions Version (PDP).

In considering the relevant planning framework, it is appropriate to determine the weight to be afforded to each planning document. Case law has established that the weight attributed to proposed planning provisions is influenced by a range of factors, including the extent to which the provisions have progressed through the statutory process and the likelihood of further change.

The PDP Decisions Version represents Council's decisions following consideration of submissions and the recommendations of the Independent Hearings Panel and has therefore progressed substantially through the statutory process. Notwithstanding this, as the PDP Decisions Version is yet to progress through the appeal process, it is recognised that further changes to the planning framework may still occur.

In this instance, the ODP and PDP in relation to bulk and location controls and the purpose of reserve land is consistent across both planning frameworks. Accordingly, a conservative approach has been adopted, and no greater weight has been attributed to PDP Decisions Version. Instead, the proposal has been assessed against both planning frameworks on an equal basis.

This approach is further supported by the nature of the proposal. The works are limited in scale and relate primarily to the remediation and upgrade of an existing retaining wall. While there are differences between the relevant provisions of the ODP and the PDP, the PDP generally adopts a more enabling approach. Notwithstanding these differences, the assessment contained within this report demonstrates that the proposal is consistent with the objectives and policies of both planning frameworks. As such, the weighting applied does not materially influence the overall assessment or conclusions reached.

9.0 Effects on the Environment (Section 104(1))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above that any wider adverse effects relating to the proposal will be less than minor and that no persons would be adversely affected by the proposal.

Further, it is considered that the proposal will also result in positive effects including:

- The remediation and strengthening of an existing retaining wall, improving the long-term stability, resilience, and healthy and safety of the site;
- The reduction of risks associated with the continued deterioration of the existing retaining structure; and
- Improved certainty regarding the ongoing ownership, access and maintenance of the retaining wall through the establishment of appropriate legal arrangements.

Overall, it is considered that the proposal will have positive effects, and any actual and potential adverse effects on the environment of allowing the activity are less than minor.

10.0 District Plan and Statutory Documents (Section 104(1)(B))

10.1 Objectives and Policies of the ODP

10.1.1 Commercial Zone

The Commercial Zone objectives and policies seek to provide for commercial activities while ensuring that development maintains the amenity of the surrounding environment and avoids, remedies or mitigates adverse effects on adjoining sites.

The proposal is consistent with these provisions. The works are limited to the remediation and partial replacement of an existing retaining wall associated with an established commercial activity. The proposal does not alter the existing use of the site, increase the scale or intensity of commercial activity, or generate additional demand on infrastructure and services. Rather, the works are required to maintain the ongoing function, stability and safe operation of the site.

The proposal has also been designed to minimise adverse effects on surrounding properties. The works are located along an existing retaining wall alignment and are largely screened by existing buildings, fencing, topography and vegetation. Any construction-related effects will be temporary in nature, and the completed works will maintain the existing function and appearance of the site boundary.

Accordingly, the proposal is considered to be consistent with the objectives and policies of the Commercial Zone.

10.1.2 Recreation Activities Zone

The Recreation Activities Zone objectives and policies seek to ensure that recreation areas are retained for recreational purposes and that activities within these areas are undertaken in a manner that maintains amenity values and avoids, remedies or mitigates adverse effects on the surrounding environment.

The proposal is consistent with these provisions. Works within the Recreation Activities Zone are limited to retaining wall remediation, vegetation clearance required to facilitate construction access, and the establishment of an ongoing maintenance setback. These works are necessary to maintain the stability and ongoing function of the existing retaining wall.

The proposal will not alter the primary recreational function of the land, nor will it result in the loss of recreational opportunities within the zone. While a portion of vegetation will be removed to

facilitate the works and ongoing maintenance access, replacement planting is proposed within affected areas where practicable. Accordingly, any effects on amenity values will be temporary and localised in nature.

The proposal will ensure the continued safe operation and maintenance of the retaining wall. Accordingly, the proposal is considered to be consistent with the objectives and policies of the Recreation Activities Zone.

10.2 Objectives and Policies of the PDP Decisions Version

10.2.1 Town Centre Zone

The Town Centre Zone objectives and policies seek to provide for commercial, residential and community activities within Kerikeri's town centre while ensuring development is undertaken in a manner that supports the function, vitality and amenity of the centre. Particular emphasis is placed on managing adverse effects, achieving high quality urban form, and ensuring development responds appropriately to adjoining environments and zone interfaces.

The proposal is consistent with these provisions. The works are limited to the remediation and partial replacement of an existing retaining wall associated with an established supermarket activity within the Town Centre Zone. The proposal does not alter the existing use of the site, constrain the future operation of the town centre, or compromise the ability of the zone to accommodate commercial, residential or community activities. Rather, the works support the ongoing safe and efficient operation of an established activity within the town centre.

The proposal also responds appropriately to the amenity and interface outcomes sought by the Town Centre Zone provisions. The retaining wall is an existing feature of the site and the proposed works largely involve repair and strengthening of that structure. While a small section of retaining wall replacement is proposed, the works will maintain the existing function of the site boundary and will not result in any material increase in building scale, visual dominance or development intensity. Furthermore, the works are located adjacent to existing development and are screened by existing buildings, fencing, vegetation and topography, limiting their visibility from surrounding properties and public areas.

Where works are proposed adjacent to the Natural Open Space Zone and neighbouring properties, any potential adverse effects are appropriately managed through the limited scale of the proposal, replacement planting, and the retention of existing boundary treatments. As discussed throughout this report, any construction-related effects will be temporary and localised in nature.

Accordingly, the proposal is considered to be consistent with the objectives and policies of the Town Centre Zone, particularly those relating to the management of adverse effects, compatibility with adjoining environments, and the ongoing function and operation of the Kerikeri town centre

10.2.2 Natural Open Space Zone

The Natural Open Space Zone objectives and policies seek to protect and enhance the natural, cultural, historic heritage and natural character values of open space areas while providing for land use that is compatible with, and complementary to, those values. The provisions also seek to ensure that activities within the zone maintain public access and use where appropriate and avoid adverse effects on the character and function of open space environments.

The proposal is consistent with these provisions. Works within the Natural Open Space Zone are limited to retaining wall remediation, vegetation clearance required to facilitate construction access, and the establishment of an ongoing maintenance setback. These works are required to maintain the stability and ongoing function of the existing retaining wall and do not alter the primary purpose or function of the open space land.

While vegetation clearance is required in some locations, replacement planting is proposed throughout affected areas where practicable, excluding the maintenance setback required to enable future access to the retaining wall. As a result, any reduction in vegetation cover and associated amenity values will be localised and temporary in nature. The proposal will not result in any significant adverse effects on the natural character, open space values or visual amenity of the zone.

The proposal will not restrict public access to, or use of, the open space area on a permanent basis. Any construction-related restrictions will be temporary and limited to the duration of the works. Furthermore, the proposal assists in managing land stability and maintaining an existing retaining structure, providing an ongoing benefit to both the subject site and surrounding environment.

Accordingly, the proposal is considered to be consistent with the objectives and policies of the Natural Open Space Zone, particularly those relating to maintaining the character and function of the zone, managing adverse effects, and enabling activities that are compatible with the purpose of the zone.

10.3 Summary

It is considered that the proposed development is generally in accordance with the objectives and policies of the ODP and PDP.

11.0 Part 2 Matters

While it is not necessary to take recourse to Part 2 given that it has already been incorporated into the ODP / PDP, we do so for completeness.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant Plan objectives and policies, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

12.0 Other Matters (Section 104(1)(C))

12.1 Record of Title Interests

The Record of Title for the site are subject to a number of interests (refer **Appendix 1**). The relevant interests are discussed in **Table 2** below:

Table 2: Record of Title interests

Interest		Comment
Easement A473407	Certificate	This interest relates to the access right of way benefiting 16A and 16B Butler Road. This interest has no bearing on the application
Land Transfer 62588		This interest relates to the subdivision of land and vesting of the greenspace with council as a recreation reserve. This interest has no bearing on the application.
SO 447750 Easement 9266493.1	created by Instrument	This interest relates to the Right of Way established on a small portion of the site, on the corner of Kerikeri Road and Butler Road. This interest has no bearing on the application.

13.0 Section 104(6A) Significant Non-compliances

Under Section 104(6A) of the RMA, a consent authority may decline an application for resource consent if the applicant has a record of significant non-compliance with a requirement of this Act.

The applicant, Investore Property Limited, is not a natural person and has not been the subject of a non-compliance.

14.0 Section 104D Non-complying Activities

To be able to grant consent to a non-complying activity, a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan or plan (s104D(1)(b)). This consideration is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under section 104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

As identified in the assessment above, the adverse effects of the activity on the wider environment will be no more than minor and the proposed activity will not be contrary to the objectives and policies of the plan. As such the application can be considered under section 104 and a determination made on the application as provided by section 104B.

15.0 Section 106A Natural Hazards

Under section 106A of the Act, a consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.

As discussed in section 6.5.4 above, while a small area of the site is identified as being subject to flood hazard, the mapped hazard area is confined to the vegetated stream margin and does not extend into the area where the proposed retaining wall remediation works are to be undertaken. No new buildings or structures are proposed within the flood hazard area, and no earthworks or modifications to ground levels are proposed within the flood-prone land.

The proposal does not facilitate further development within the hazard area, nor does it increase the number of people, buildings, or assets exposed to flood risk. The proposal will not increase flood hazard risk on the site or elsewhere and no flood hazard risk effects are anticipated.

Accordingly, it is considered that the proposal will not result in a significant risk from natural hazards and there is no basis for refusal under section 106A of the Act.

16.0 Conclusion

The proposal involves retaining wall remediation and ancillary activities at 4 Kerikeri Road.

Based on the above report it is considered that:

- Public notification is not required as adverse effects in relation to construction activities, neighbourhood character and building intensity, and natural hazards are considered to be less than minor;
- Limited notification is not required as no persons are considered to be adversely affected;
- The proposal accords with the relevant ODP/PDP objectives and policies. There are also positive effects including improved long-term stability of the site and surrounding land;
- The proposal will not give rise to significant natural hazards; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis. The applicant respectfully requests that draft conditions of consent be provided to them pursuant to section 107G of the Act.



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



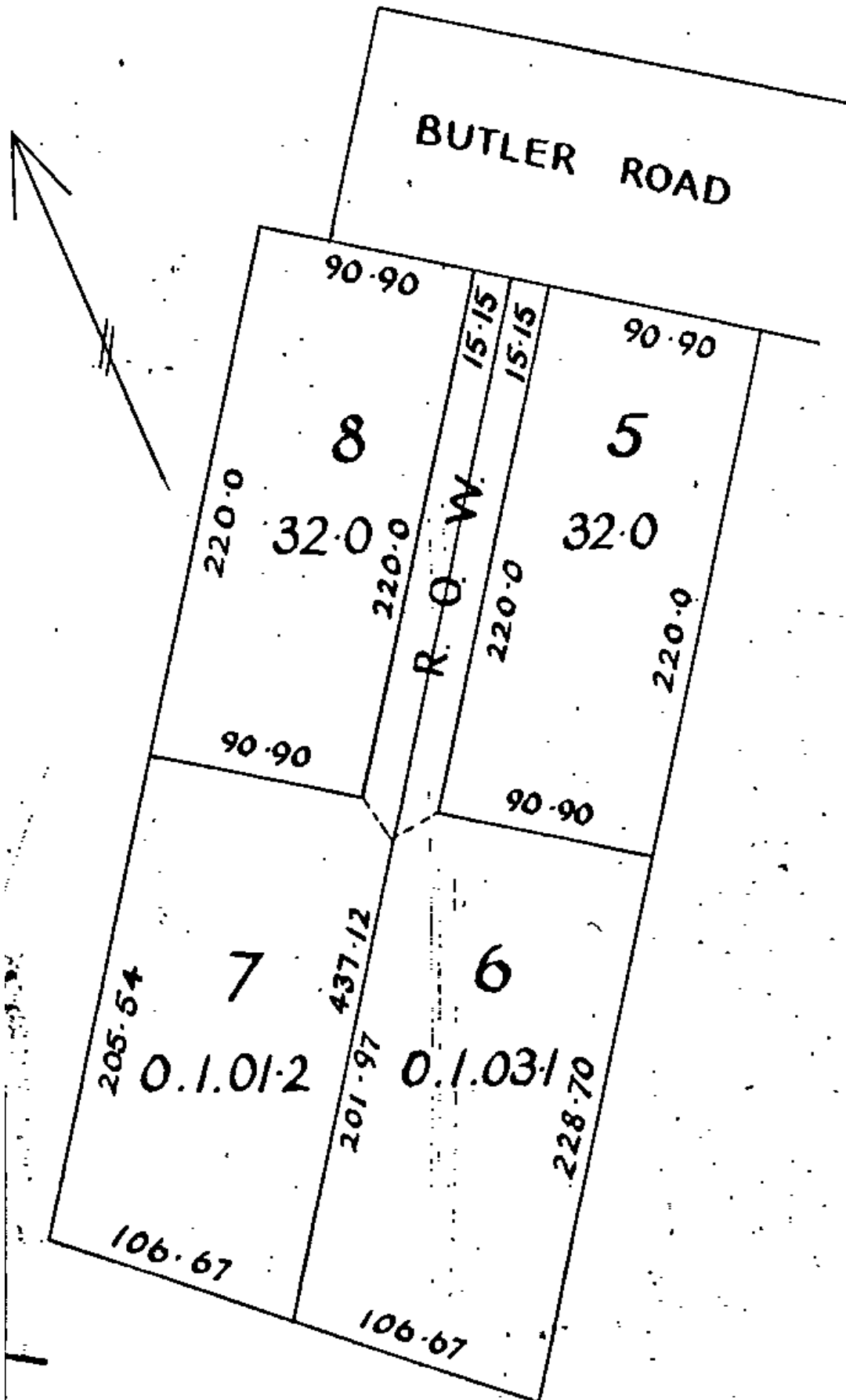

R.W. Muir
Registrar-General
of Land

Identifier **NA18C/1450**
Land Registration District **North Auckland**
Date Issued 28 April 1970

Prior References
NA1100/85

Estate Fee Simple
Area 809 square metres more or less
Legal Description Lot 5 Deposited Plan 62588
Registered Owners
New Zealand Red Cross Incorporated

Interests





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




R.W. Muir
Registrar-General
of Land

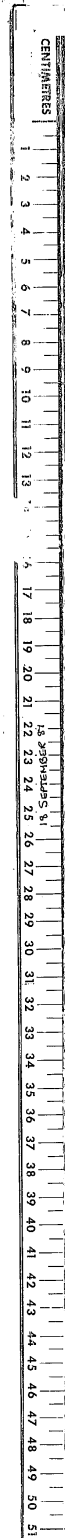
Identifier **NA65D/308**
Land Registration District **North Auckland**
Date Issued 14 August 1987

Prior References
NA18C/1451

Supplementary Record Sheet
NA65D/310

Estate Stratum in Freehold
Legal Description Unit A and Accessory Unit 1 and 3
Deposited Plan 115681
Registered Owners
Far North District Council

The above estates are subject to the reservations, restrictions, encumbrances, liens and interests noted below and on the relevant unit plan and supplementary record sheet

L & S FORM 493

**SUPPLEMENTARY RECORD SHEET
UNDER UNIT TITLES ACT 1972****Search Copy****Identifier****NA65D/310****Land Registration District****North Auckland****Date Issued**

14 August 1987

Plan Number

DP 115681

Subdivision of

Lot 6 Deposited Plan 62588

Unit Titles Issued

NA65D/308

NA65D/309

Interests**OWNERSHIP OF COMMON PROPERTY**

Pursuant to Section 47 Unit Titles Act 2010 -

(a) the body corporate owns the common property and

(b) the owners of all the units are beneficially entitled to the common property as tenants in common in shares proportional to the ownership interest (or proposed ownership interest) in respect of their respective units.

The above memorial has been added to Supplementary Record Sheets issued under the Unit Titles Act 1972 to give effect to Section 47 of the Unit Titles Act 2010.

Appurtenant hereto is a right of way specified in Easement Certificate A473407

Subject to a right of way over part coloured blue on Plan 62588 specified in Easement Certificate A473407

The easements specified in Easement Certificate A473407 are subject to Section 37 (1) (a) Counties Amendment Act 1961



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




R.W. Muir
Registrar-General
of Land

Identifier **NA65D/309**
Land Registration District **North Auckland**
Date Issued 14 August 1987

Prior References
NA18C/1451

Supplementary Record Sheet
NA65D/310

Estate Stratum in Freehold
Legal Description Unit B and Accessory Unit 2 and 4
Deposited Plan 115681
Registered Owners
Far North District Council

The above estates are subject to the reservations, restrictions, encumbrances, liens and interests noted below and on the relevant unit plan and supplementary record sheet

Approvals: *M. Tracy B. K. Tracy*

REGISTERED OWNER
ADDRESS OF BODY CORPORATE :-
16 BUTLER ROAD KERIKERI.

SCHEDULE

Description	Area	Unit	Height	Upper	Lower	New C.S.T.	Notes
UNIT A	0m ²	426	80 00	60 00	65 00	398	
UNIT B	0m ²	426	80 00	60 00	65 00	398	
AU 1	20m ²	18	80 00	60 00	65 00	398	
AU 2	19m ²	18	80 00	60 00	65 00	398	
AU 3	75m ²	30	80 00	60 00	65 00	398	
AU 4	18m ²	18	80 00	60 00	65 00	398	

TOTAL UNIT ENTITLEMENT 1000

SUPPLEMENTARY RECORD SHEET
UNIT ENTITLEMENT SHEET
I HAVE ACCESSED THE UNIT ENTITLEMENT SHOWN HEREON IN ACCORDANCE WITH THE UNIT TITLES ACT 1972.

REGISTERED VALUER
PURSUANT TO SECTION 5(1)(a) OF THE UNIT TITLES ACT 1972, I HEREBY CERTIFY THAT THE UNIT ENTITLEMENT SHOWN HEREON IS CORRECT AND ACCORDS WITH THE UNIT TITLES ACT 1972.

APPROPRIANT / EASEMENT
PURPOSE
RIGHT OF WAY
1:11131:1

LEVELS ARE IN TERMS OF LANDS & SURVEY DATUM.
ORIGIN OF LEVELS RM.47 SO.35465 RL.79.83

Total Area 1090 m²
Comprised in CT 18C1451 (ALL)

I, Robert John Donaldson
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to the provisions of section 20(2) of the Survey Act 1986, do hereby certify that the survey shown on this plan and from surveys conducted by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.

Dated at Kerikeri this 25th day of September 1986
at 5:47 PM
Field Book p. Transverse Book p.
Reference Plans DP 62588, DP 66054

Examined *M. Tracy* Correct
Approved as to Survey
23 / 1 / 87 Deputy Chief Surveyor
Deposited this 30th day of August 1987
R. J. Donaldson & Assoc. Land Registrar
File 1544-2
Received
DP 115 681
Instructions

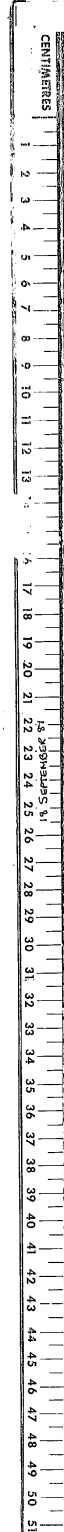
LAND DISTRICT NORTH AUCKLAND.
SURVEY BLK. & DIST. XI KERIKERI.
NZMS 261 SHT
RECORD MAP No Kerikeri 1

PLAN OF UNITS ON LOT 6 DP 62588.

TERRITORIAL AUTHORITY BAY OF ISLANDS COUNTY.
Surveyed by R. J. DONALDSON & ASSOC.
Scale 1 : 200 Date AUGUST 1986.

W. J. HANLEY, SURVEYOR GENERAL, DEPARTMENT OF LANDS AND SURVEY NEW ZEALAND WELLINGTON

Printed by Sherrin Imports Ltd. Auckland, New Zealand





**SUPPLEMENTARY RECORD SHEET
UNDER UNIT TITLES ACT 1972**

Search Copy

Identifier NA65D/310
Land Registration District North Auckland
Date Issued 14 August 1987
Plan Number DP 115681

Subdivision of
Lot 6 Deposited Plan 62588

Unit Titles Issued

NA65D/308

NA65D/309

Interests

OWNERSHIP OF COMMON PROPERTY

Pursuant to Section 47 Unit Titles Act 2010 -

(a) the body corporate owns the common property and

(b) the owners of all the units are beneficially entitled to the common property as tenants in common in shares proportional to the ownership interest (or proposed ownership interest) in respect of their respective units.

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Subject to a right of way over part coloured blue on Plan 62588 specified in Easement Certificate A473407

The easements specified in Easement Certificate A473407 are subject to Section 37 (1) (a) Counties Amendment Act 1961



Title Plan - SO 447750

Survey Number	SO 447750
Surveyor Reference	20913 Progressive Enterprisers Limited
Surveyor	Kurt Eric Watson
Survey Firm	Survey & Planning Solutions (2010) Limited
Surveyor Declaration	I Kurt Eric Watson, being a licensed cadastral surveyor, certify that: (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and (b) the survey was undertaken by me or under my personal direction. Declared on 20 Oct 2011 09:16 AM

Survey Details

Dataset Description	SECTIONS 1 & 2 AND EASEMENT OVER LOT 10 DP 62588		
Status	Approved as to Survey		
Land District	North Auckland	Survey Class	Class A
Submitted Date	20/10/2011	Survey Approval Date	02/11/2011
		Deposit Date	

Territorial Authorities

Far North District

Comprised In

CT 524772
CT NA1100/85

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Section 1 Survey Office Plan 447750	Fee Simple Title	0.1971 Ha	
Section 2 Survey Office Plan 447750	Legalisation	0.0034 Ha	
Area A Survey Office Plan 447750	Easement		
Total Area		0.2005 Ha	

Schedule / Memorandum

Land Registration District

North Auckland

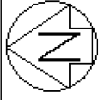
Plan Number

SO 447750

Territorial Authority (the Council)

Far North District

Schedule of Easement			
Purpose/Interest	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	LOT 10 DP 62588 (Recreational Reserve)	Sec 1 SO 447750 (Pt Lot 1 DP 87260) Lots 1 & 2 DP 66054 Lots 1 & 2 DP 62588 Lots 4, 7 & 8 DP 38925



Non Primary

BUTLER ROAD
LEGAL (20.12 wide)

BUTLER ROAD
LEGAL (20.12 wide)

KERIKERI ROAD
LEGAL (20.12 wide)

KERIKERI ROAD
LEGAL (20.12 wide)

Section 2

Section 1

Section 2
0.0034Ha

Section 1
0.1971Ha

Lot 7 DP 38925

Lot 4 DP 38925

Lot 3 DP 38925

Lot 2 DP 130291

Lot 1 DP 130291

Lot 1 DP 62588
Lot 2 DP 62588
Lot 2 DP 66054

Lot 10 DP 62588
RECREATIONAL RESERVE

Lot 48 DP 339310

124°49'30"
2.85

36°49'50"
36.57

Lot 7 DP 38925

124°49'50"
3.68

169°49'30"
8.62

10.77
169°20'02.691"

7.31
198°07'00"

8.45
214°49'30"

3.74
214°49'30"

18.29
214°49'30"

55.32
304°49'30"

Lot 4 DP 38925

34°49'30"
4.50

43°00'10"
13.70

14.88
328°33'00"

T1/1

WILLIAMS & KING

Surveyor: Kurt Eric Watson
Firm: Survey & Planning Solutions (2010) Li

Title Plan
SO 447750
Approved on: 21/11/2011

SECTIONS 1 & 2 AND EASEMENT OVER LOT 10 DP 62588

Land District: North Auckland

Digitally Generated Plan
Generated on: 02/11/2011 2:55pm Page 3 of 3



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




R.W. Muir
Registrar-General
of Land

Identifier **566382**
Land Registration District **North Auckland**
Date Issued 30 September 2011

Prior References
NA1100/85

Estate Fee Simple
Area 7325 square metres more or less
Legal Description Lot 10 Deposited Plan 62588
Purpose Recreation Reserve
Registered Owners
Far North District Council

Interests

Subject to a right of way, electricity supply, telecommunications and right to convey water easements over part herein described in and created by Transfer C402728.1 - 10.8.1992 at 1.30 pm

Subject to the Reserves Act 1977

Subject to a vehicular right of way over part marked A on SO 447750 created by Easement Instrument 9266493.1 - 13.12.2012 at 4:29 pm

12401062.2 Surrender of the right of way and a right to convey water and telecommunications and an electricity supply rights over part herein created by Transfer C402728.1 appurtenant to Lot 1 DP 348294 and 5/8 share in Lot 57 DP 348294 (held in RT 198250) - 14.9.2022 at 4:51 pm

Land Transfer Office

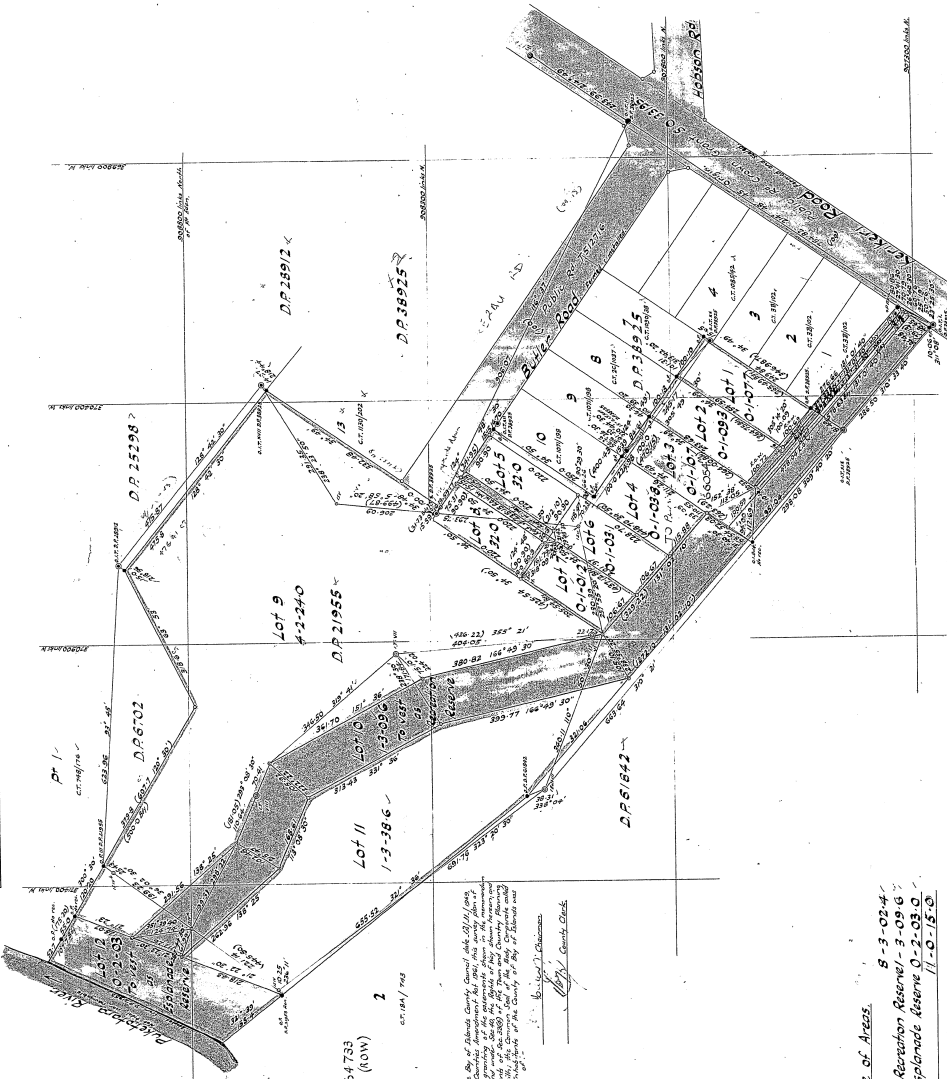
Deposited this 28th day of August 1920
 Land Transfer Office
 62588



Mortgage of Documents	
Document	Amount
1st of 1st	1000
2nd of 1st	1000
3rd of 1st	1000
4th of 1st	1000
5th of 1st	1000
6th of 1st	1000
7th of 1st	1000
8th of 1st	1000
9th of 1st	1000
10th of 1st	1000

Condition of Documents
 62588
 The above documents are referred to in the Land Transfer Office

LAND & DEEDS	
Document	Amount
1st of 1st	1000
2nd of 1st	1000
3rd of 1st	1000
4th of 1st	1000
5th of 1st	1000
6th of 1st	1000
7th of 1st	1000
8th of 1st	1000
9th of 1st	1000
10th of 1st	1000



Approved as a condition of the sale of the above land by the Land Transfer Office, the following conditions apply:—
 1. The land shall be used for the purpose of a public reserve.
 2. The land shall be used for the purpose of a public reserve.
 3. The land shall be used for the purpose of a public reserve.
 4. The land shall be used for the purpose of a public reserve.
 5. The land shall be used for the purpose of a public reserve.
 6. The land shall be used for the purpose of a public reserve.
 7. The land shall be used for the purpose of a public reserve.
 8. The land shall be used for the purpose of a public reserve.
 9. The land shall be used for the purpose of a public reserve.
 10. The land shall be used for the purpose of a public reserve.



Schedule of Areas
 Lot 10 to 12 as Reserve Reserve - 3-09-0
 Lot 12 to 10 as Reserve Reserve - 3-09-0
 Total Area 11-0-18-0

Plan of Subd of Pt Lot 39 DP 21955 & Lots 11 & 12 DP 38925 being Pt of C 3

Approved as to form
 By the Surveyor
 1920

Block XI Keri Keri S.D.
 North Auckland Land District
 Surveyed by D. B. van Statten September 1919

Scale: One chain to an inch
 Surveyed by D. B. van Statten September 1919

62588

62588

Approved as to substance
 By the Surveyor
 1920

Block XI Keri Keri S.D.
 North Auckland Land District
 Surveyed by D. B. van Statten September 1919

62588



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




R.W. Muir
Registrar-General
of Land

Identifier **603184**
Land Registration District **North Auckland**
Date Issued 16 November 2012

Prior References
524772

Estate	Fee Simple
Area	1.1873 hectares more or less
Legal Description	Lot 4 and Lot 7-8 Deposited Plan 38925 and Lot 1-2 Deposited Plan 62588 and Lot 1-2 Deposited Plan 66054 and Section 1 Survey Office Plan 447750

Registered Owners
Investore Property Limited

Interests

Subject to Section 59 Land Act 1948 (affects Lots 7 - 8 DP 38925 herein)

481140.1 Imposing a condition under Subject to Section 402C (1) Counties Act 1956 - 4.10.1978 at 9.05am (affects Section 1 SO 447750 herein)

9221540.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Far North District Council - 30.10.2012 at 7:00 am

Appurtenant hereto is a vehicular right of way created by Easement Instrument 9266493.1 - 13.12.2012 at 4:29 pm

10484087.2 Mortgage to (now) New Zealand Permanent Trustees Limited - 28.9.2016 at 3:06 pm

11046051.1 Variation of Mortgage 10484087.2 - 2.3.2018 at 6:08 pm

Land Transfer Office

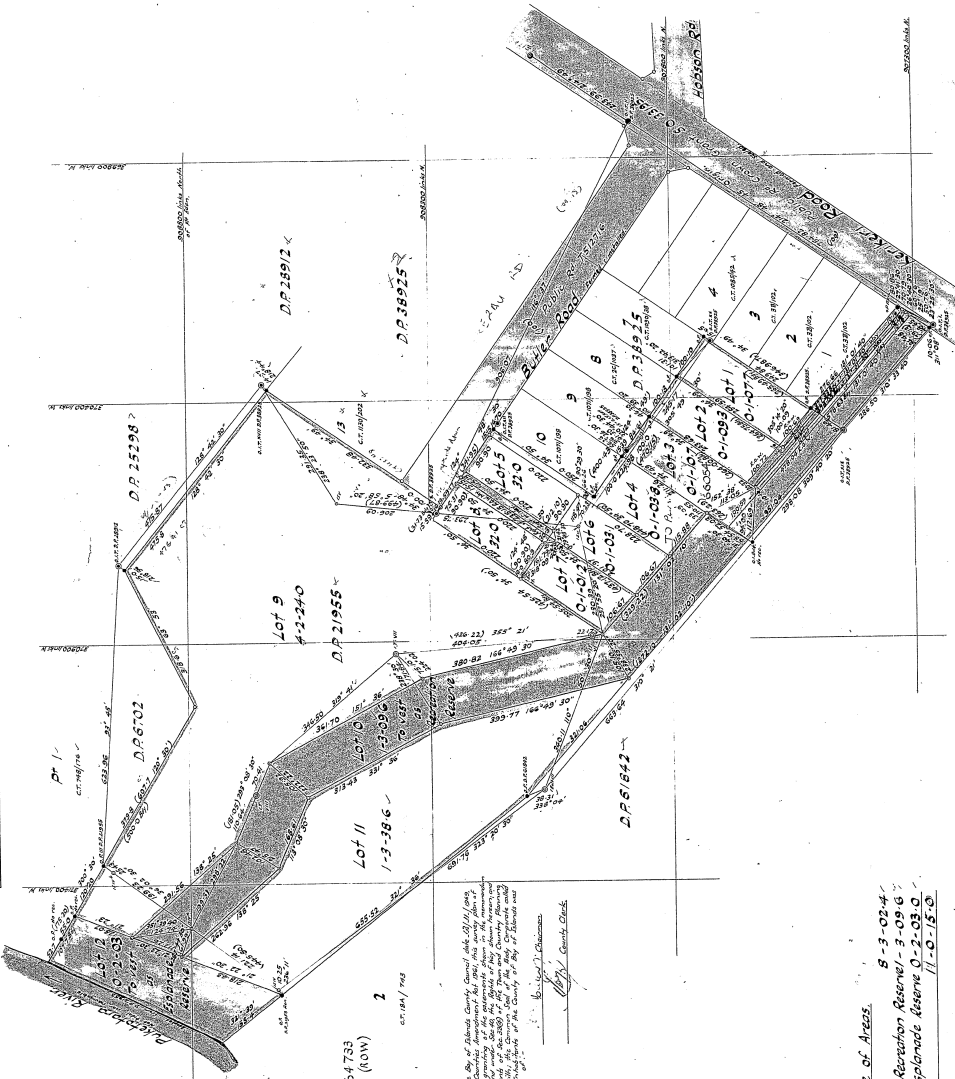
Deposited this 28th day of August 1920
 Land Transfer Office
 62588



Mortgage of Documents	
Document	Amount
1st	£1000
2nd	£500
3rd	£250
4th	£125
5th	£62 10
6th	£31 5
7th	£15 7 10

Condition of Documents
 62588
 The above documents are referred to in the Land Transfer Office

LAND & DEEDS	
Document	Amount
1st	£1000
2nd	£500
3rd	£250
4th	£125
5th	£62 10
6th	£31 5
7th	£15 7 10



Approved as a condition of the sale of the above land by the County Council, the following conditions apply to the land sold, and the purchaser shall be bound to observe the same:



Schedule of Areas
 Lot 10 to 12 as Recreation Reserve - 3-09-0
 Lot 12 to 10 as Recreation Reserve - 0-2-09-0
 Total Area 11-0-18-0

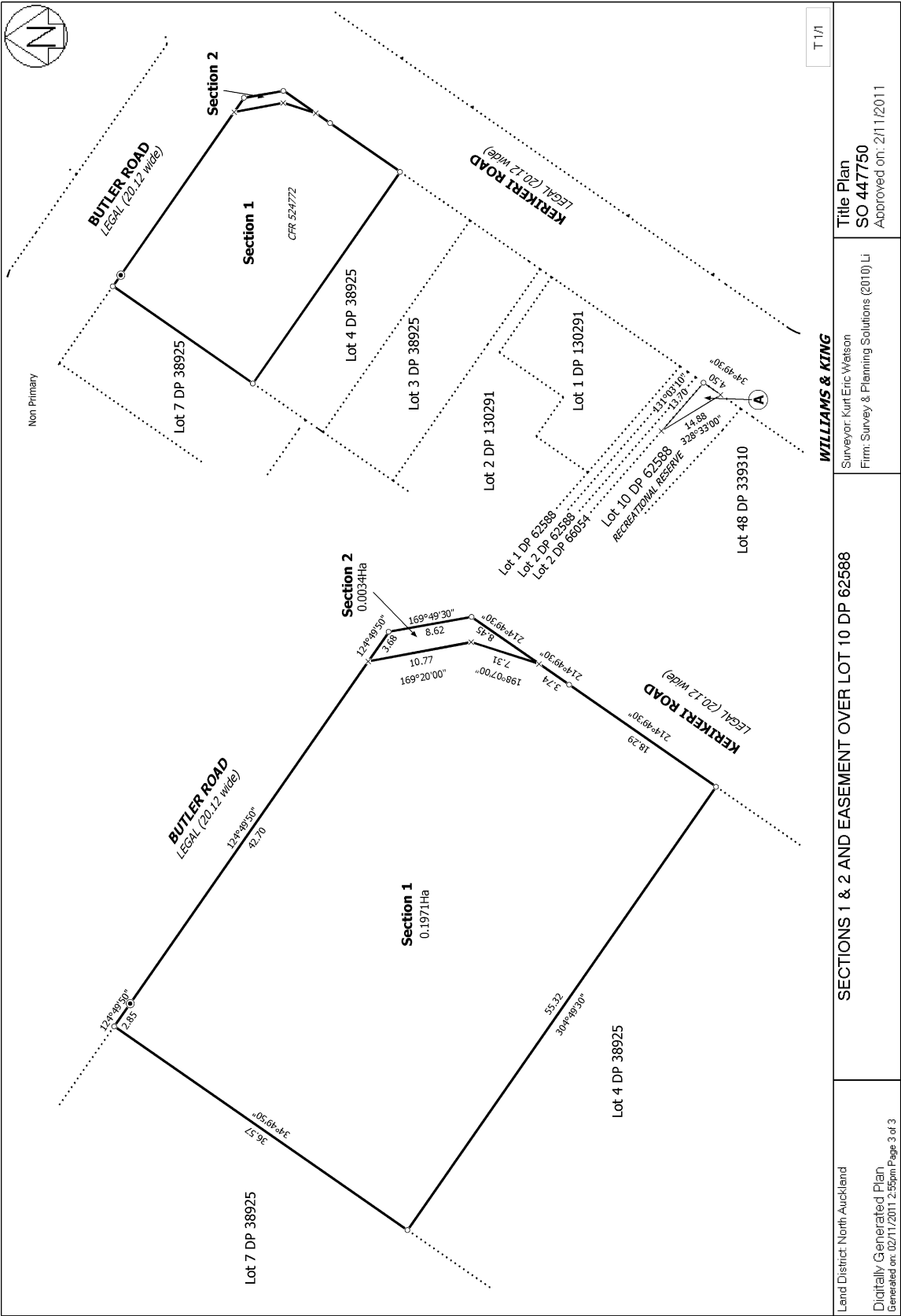
Plan of Subd of Pt Lot 39 DP 21955 & Lots 11 & 12 DP 38925 being Pt of C 3

Approved as to form
 By the Surveyor
 19/8/20

Block XI Kerikeri S.D.
 North Auckland Land District
 Surveyed by D. B. van Statten September 1919
 Scale: One chain to an inch

62588
 Registered Owner
 62588

Approved as to substance
 By the Surveyor
 19/8/20



View Instrument Details



Instrument No 9266493.1
Status Registered
Date & Time Lodged 13 December 2012 16:29
Lodged By Barnard, Kelly Marie
Instrument Type Easement Instrument



Affected Computer Registers Land District

603184	North Auckland
566382	North Auckland

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emily Rachel Gilbert as Grantor Representative on 11/12/2012 06:14 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emily Rachel Gilbert as Grantee Representative on 11/12/2012 06:15 PM

*** End of Report ***

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

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Far North District Council

Grantee

General Distributors Limited

Grant of Easement or *Profit à prendre* or Creation of 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)

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Vehicular right of way	"A" on SO 447750	Lot 10 DP 62588 (Title 566382)	Sec 1 SO 447750 (Pt Lot 1 DP 87260), Lots 1&2 DP 66054, Lots 1&2 DP 62588, Lots 4,7 and 8 DP 38925 (Title 603184)

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 specified classes of easements are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007.

~~The implied rights and powers are hereby {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)~~



Department of Conservation
Te Papa Atawhai

CONSENT OF MINISTER

Pursuant to section 48(1)(f) of the Reserves Act 1977 and to a delegation from the Minister of Conservation, the Community Support Manager for the Northland Conservancy, Department of Conservation, hereby consents to the granting of the below described right of way easements, subject to the requirements of the Resource Management Act 1991

Area: Marked 'A' on SO 447750

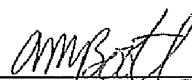
Dominant tenements: Lots 1 & 2 DP 62588; Lots 1 & 2 DP 66054; Lots 4, 7 & 8 DP 38925; and Section 1 SO 447750 (Pt Lot 1 DP 87260)

Servient tenement: Lot 10 DP 62588
(Recreation reserve vested in the Far North District Council)

Dated this 22nd day of August 2012

SIGNED BY

Andrea Booth
Community Support Manager



In the presence of:

Witness M. Atkinson

Occupation Business Services Officer

Address 12 Whareora Road, Whangarei 0112

(T)

A473407 EC**EASEMENT CERTIFICATE**

(IMPORTANT—Registration of this certificate does not of itself create any of the easements specified herein.)

I, RICHARD DOWDEN GLASS of Kerikeri contractor

being the registered proprietor of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the first day of December 1969 under No. 62588 ... are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE

DEPOSITED PLAN No. 62588

Nature of Easement (e.g., Right of Way, etc.)	SERVIENT TENEMENT		Dominant Tenement Allotment No(s).	Title Reference
	Allotment No.	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	pt Lot 1	Yellow	Lots 2 & 3	C.T. 1100/85
Right of Way	pt Lot 2	Blue	Lots 1 & 3	
Right of Way	pt Lot 3	Yellow	Lots 1 & 2	
Right of Way	pt Lot 6	Blue	Lot 7	
Right of Way	pt Lot 7	Yellow	Lot 6	

1. Rights and powers:

State whether any
rights or powers set
out here are in
addition to or in
substitution for those
set out in the Seventh
Schedule to the Land
Transfer Act 1952.

Nil.

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Nil.

Dated this 10 day of June 1970

Signed by the above-named RICHARD DOWDEN GLASS
in the presence of

Richard Glass

Witness: *Ross*

Occupation: *Police*

Address: *Whangarei*

A473407

296

No.

EASEMENT CERTIFICATE

situated in Bay of Islands County

23048
124 A06 07
XRP_000052050

Particulars entered in the Register-book,

Vol. 18C, folio 1446-1448,
1451-1452
the 15th day of JUNE 1970
at 11.35 o'clock.



[Signature]
District
Assistant Land Registrar.

of the District of North Auckland

The certificate referred to herein when
is subject to Section
of the Counties Amendment Act
1961.

A. I. R.

A. 53206 + transfer creates the
easements relative thereto
[Signature]
1100/85 9/- V
180/777 1000
1000 Sol
1000
C. J. Whangarei
1000

LAND & DEEDS	
Nature:	Ease/Conf
Firm:	G. J. Whangarei
15 JUN 1970	
Time:	11.35
Fee:	\$ 2.00
Abstract No.	4467

WEBB, ROSS & ROSS
Solicitors,
WHANGAREI.

Correct for the purposes of the Land Transfer Act.

[Signature]
Solicitor for the Registered Proprietor.

RIGHTS AND POWERS OF GRANTEES IMPLIED IN CERTAIN EASEMENTS BY SECTION 90D OF THE LAND TRANSFER ACT 1952

"1. RIGHT OF WAY

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee, his servants, tenants, agents, workmen, licensees, and invitees (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times by day and by night to go pass and repass, with or without horses and domestic animals of any kind and with or without carriages, vehicles, motor vehicles, machinery, and implements of any kind, over and along the land over which the right of way is granted or created.

"2. RIGHT TO CONVEY WATER

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to take, convey, and lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity, consistent with the rights of other persons having the same or similar rights, from the source of supply or point of entry, as the case may be, and following the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause 5 of this Schedule.

"3. RIGHT TO DRAIN WATER

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to drain and discharge water (whether rain, tempest, spring, soakage, or seepage water) in any quantities along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause 5 of this Schedule (or, where open drains are provided for, similar rights in regard to those drains, with the necessary modifications as are provided for in respect of pipe lines in the additional rights so set out).

"4. RIGHT TO DRAIN SEWAGE

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to drain, discharge, or convey sewage and other waste material and fluid in any quantities along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause 5 of this Schedule.

"5. ADDITIONAL RIGHTS ATTACHING TO EASEMENTS OF RIGHT TO CONVEY WATER AND OF RIGHT TO DRAIN WATER AND OF RIGHT TO DRAIN SEWAGE

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) for the purposes of the easement concerned—

- To use any line of pipes already laid on the stipulated course or any pipe or pipes in replacement or in substitution for all or any of those pipes:
- Where no such line of pipes exists, to lay, place, and maintain, or to have laid, placed, and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under or over the surface (as the parties decide) of the land over which the easement is granted or created and along the line defined for the purpose where such a line has been so defined:
- In order to construct or maintain the efficiency of any such pipe line, the full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee, his tenants, servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created (or, where only the position of the pipe line is defined in the easement, upon such part of the land of the grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, and renewing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the land of the grantor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired."



7,500/6/65—4666 W K

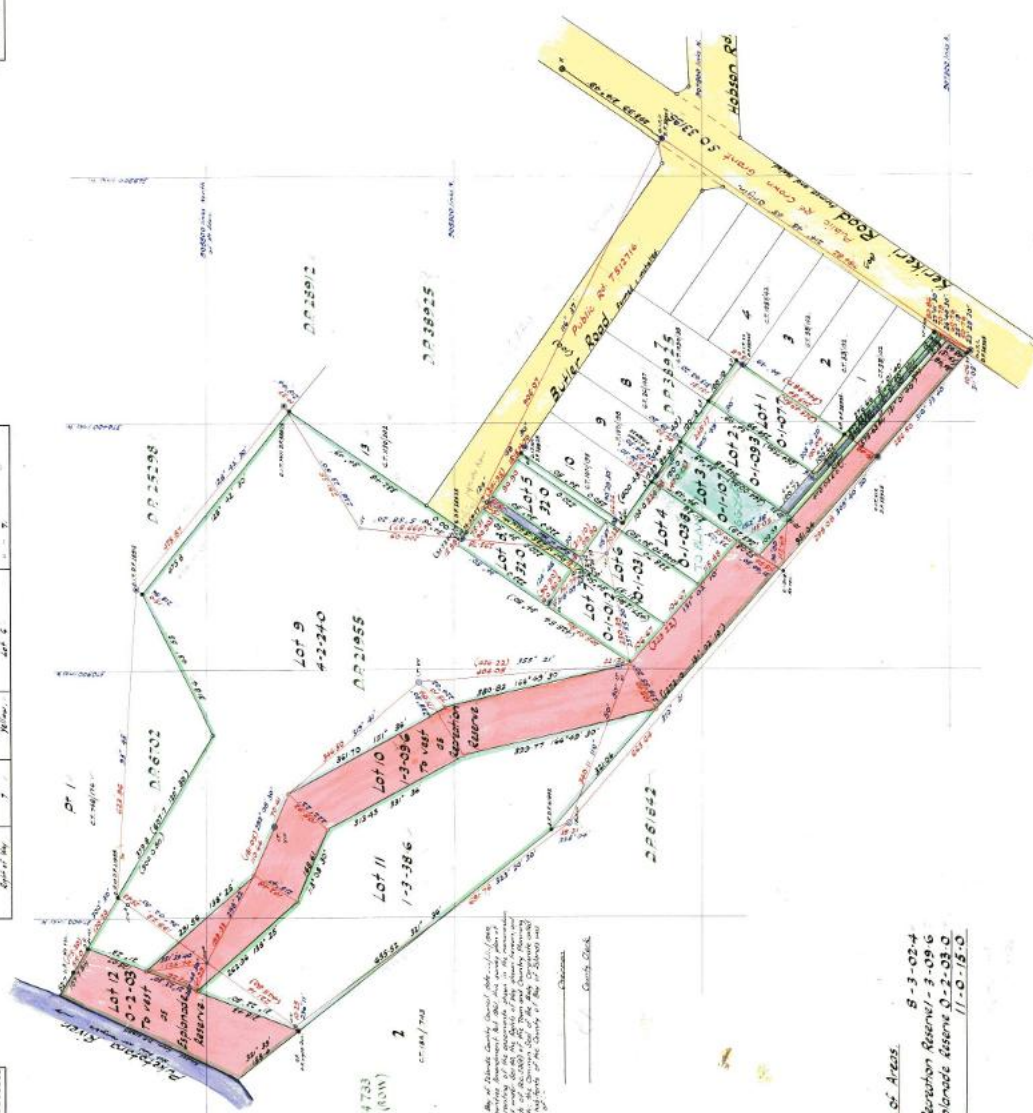
62588 Conditional Consent

Treatment	Measurements of Pigments			Average Pigment	Pigment
	mg. per g. leaf	mg. per g. leaf	mg. per g. leaf		
Control	1	10.0	1.0	1.0	1.0
100 mg. per g. leaf	2	10.0	1.0	1.0	1.0
200 mg. per g. leaf	3	10.0	1.0	1.0	1.0
300 mg. per g. leaf	4	10.0	1.0	1.0	1.0
400 mg. per g. leaf	5	10.0	1.0	1.0	1.0
500 mg. per g. leaf	6	10.0	1.0	1.0	1.0
600 mg. per g. leaf	7	10.0	1.0	1.0	1.0

Deposited this 28th day
of April 1922.
J. H. Smith

LAND & DEEDS
 Volume 124
 Page 124
 1917, 1918
 1919, 1920
 1921, 1922
 1923, 1924
 1925, 1926
 1927, 1928
 1929, 1930
 1931, 1932
 1933, 1934
 1935, 1936
 1937, 1938
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62588



lots / to 9 c 11	8-3-02-4
of 10 To vest as Recreation Reserve / - 3-09-6	
of 12 To vest as Esplanade Reserve Q-2-03-0	
Total Area	11-0-15-0

Plan of Subd^m of P¹ Lot 39, D.P. 21955, & Lots 11 & 12, D.P. 38925, being P¹ O.L.C. 3
Comprised in C.T. 1100/85⁴⁰

Approved as to Survey
M. L. Huntington
Chief Surveyor
12/2/70

Block XI Kerikeri S D
North Auckland Land District
Bay of Islands County
Scale: One chain to an inch
Surveyed by D B van Stummer September 1959
Completed 5.11.1960

[illegible]

Registered Owner:

62588

RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

Wayne Smith
Greg Wilson

Decision Date:
Granted Date:
Issued Date:



RMA Number RC-2090546-RMALUC
RFS Type Land Use
Legal Description LOT 3 DP 38925, Lot 4 DP 38925, Lot 7 DP 38925, Lot 8 DP 38925, Lot 1 DP 87260, Lot 1 DP 62588, Lot 2 DP 62588
Val. No. 00215-40100, 00215-39802, 00215-39700
Applicant **Progressive Enterprises Ltd.**
Start Date 9 April 2009
Location 4, 6, 8 & 12 Butler Road and 44, 46, 54 & 56 Kerikeri Road, Kerikeri
Activity Restricted Discretionary
Outcome Approval
Zone Commercial
Area of Site 0.8439ha
Proposal proposed 3800m² supermarket and carparking for 165 cars
Issues Traffic and access effects, suitability of signage.

Property File	Sewerage	Roading	Com Fac	Finance	Transit NZ	DoC	Policy	Property Co-ordinator
✓	✓	✓						
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	Building	Comm Brd	Doubtless Bay Water Supply Co.
✓		✓						



D. O. R.

FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: RC-2090546-RMALUC

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

Progressive Enterprises Ltd.

The activity to which this decision relates: proposed development and operation of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars within the Commercial Zone.

already owned, & sign

Subject Site Details

Address:	54 Kerikeri Road, Kerikeri 0230
Legal Description:	LOT 4 DP 38925
Certificate of Title reference:	NA-1085/42, NA-1090/38, NA-21C/1443, NA-21C/1444, NA-44D/1091

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

1. The activity shall be carried out in accordance with the approved plans prepared by Woodhams/Meikle/Zhan Architects, drawings No. RMA 101 Rev B, F & G dated 11 September 2009 and RMA 101 Rev C dated 8 September 2009 attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The consent holder shall submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines current at the time of submitting the plans for approval. In particular the plans shall show:
 - i) The entrance and exit points for both Kerikeri Road and Butler Road complete with the sweep paths accommodating the largest vehicles using the entrances, for example, a "B" train unit;
 - ii) details of external vehicle circulation paths;
 - iii) parking loading and layout bays;
 - iv) the upgrading of the Kerikeri Road / Butler Road roundabout generally in accordance with the recommendations of the specialist traffic assessment prepared by "Flow Transportation Specialists Ltd. " dated October 2009;
 - v) the inclusion of hard and soft landscaping elements generally in accordance with the landscape themes and materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan where appropriate within the design of the upgrading of the Kerikeri Road / Butler Road roundabout
 - vi) the restriction of the Kerikeri Road customer vehicle crossing to allow only for "left turn in / left turn out" vehicular access;
 - vii) the upgrading of the Kerikeri Road / Butler Road roundabout to include

- viii) safe passage for cyclists;
- ix) offsite and onsite pedestrian access;
- x) a fence design for the common boundary between 52 and 54 Kerikeri Road that minimises the potential for sight line obstruction for both pedestrians and motorists along Kerikeri Road;
- xi) onsite stormwater reticulation including retention storage and flow reticulation;
- xii) the siting of a pedestrian "zebra" crossing opposite the Council recreation reserve

3. Following approval of the plans (as required by condition 2 of this approval) and selection of the contractor and prior to the commencement of any works, provide to Council;

- i) Details of the successful contractor
- ii) Details of the planned date and duration of contract
- iii) Details of the supervising engineer
- iv) A construction management plan. The plan shall contain information and site management procedures for the following:
 - The timing of any and all demolition and construction works, including hours of work, key project personnel, and site management personnel.
 - The transport of all or any demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of vehicles.
 - Control of dust and noise on-site during construction, and any necessary avoidance or remedial measures.
 - Details of onsite flow attenuation such that the outflow from the site will not exceed the predevelopment flows.
 - Prevention of earth and other material being deposited on surrounding roads from trucks and remedial action should it occur.
 - A traffic management plan outlining the measures intended to minimize disruption to users of Kerikeri, Butler and Hobson Roads and means of advising users of the works and possible disruptions. This traffic control plan shall be prepared by a person or organization appropriately experienced with the requirements for temporary traffic management.
- a) Undertake all works as per the approved engineering plans in accordance with the approved construction management plan. Construction Noise shall meet the limits recommended in, and shall be measured in accordance with the methods specified in NZS 6803:1999, Construction Noise.
- b) Upon completion of the works and prior to the commencement of operation of the development, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- c) Provide three copies of as-built plans, which are prepared in accordance with NZS 4404:2004 Schedule 1D:
- d) Provide evidence that a maintenance agreement has been entered into with the Contractor who is to maintain the works on Council road

and other works which are to vest in Council, for a minimum period of 12 months. The minimum value of the bond, or retention monies held in lieu of a bond is to be 10% of the construction cost.

- b* *approved*
4. The consent holder shall provide to the Council's satisfaction a landscaping plan, to be prepared by a suitably qualified professional, which details the planting concepts set out in the "Littoralis" Landscape Plans dated 7 April 2009. This report shall also take into account the means of further incorporating the landscape themes materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of three further planting season from the time of planting. *o-d?*

The approved landscaping is to be provided prior to commencement of operation of the supermarket, or otherwise bonded, and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, at least within the next planting season (May to September inclusive).

5. The consent holder shall undertake ongoing maintenance of vegetation planted in accordance with Condition 4 and is to provide a bond for the provision of landscape maintenance and plant replacement as may be required, for a period of three years in accordance with the following schedule:

(a) The consent holder shall pay a bond to equate to 150% of the total landscaping value to Council, to be held under the following conditions:

- i. This bond shall be paid prior to the commencement of landscaping on the site and shall be either cash or guaranteed in accordance with Councils Bonds and Undertakings Policy # 3102;
- ii. The bond shall be held for a minimum period of 36 months from the date of demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent, and shall be released in the following increments:
 - 70% upon demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent.
 - Further 10% increments subsequent to annual reviews and when, in the opinion of Councils Monitoring Officer the said condition has been satisfied.
- iii. Any costs incurred in the preparing, checking, monitoring and release of the bond is to be met by the consent holder.

6. The hours of operation of the supermarket shall be limited to 0700-2200 seven days a week.
7. Prior to construction, evidence shall be provided to Council's duly delegated officer that the existing individual allotments have been held together in such a way that they cannot be disposed of separately without the consent of Council.
8. The exterior of the building and pedestal sign to be finished in the recessive colours as set out in the approved plans.

Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. Should any site be inadvertently uncovered, the procedure is that work should cease, with the trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).

Statutory Information

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision

1. Description of the Activity:

The land use application involves the development of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars with associated landscaping, heavy vehicle loading on a site zoned commercial under the Operative District Plan. The land use is proposed to operate between the hours of 07.00am to 10.00pm, seven days a week.

2. District Plan Rules Affected:

The proposed activity does not comply with permitted activity rules "7.7.5.3.2 Traffic Intensity", "15.1.7.2 Vehicle Access" and "16.6.2.1 Signs" of the Operative District plan and is a restricted discretionary activity in accordance with Rule 7.7.5.1.3 of the District Plan.

3. Principal Issues in Contention and Main Findings on those Issues:

The principal issues in contention and main findings on those issues were:

- (a) Issues – the ability of the existing road network to accommodate the additional traffic generated by the introduction of a supermarket at the subject site, the suitability of the measures proposed to mitigate the potential effects upon pedestrian and vehicular safety and the potential visual effects from the proposed commercial signage in an area that effectively represents the gateway to the town centre.
- (b) Main Findings - Assessment of the proposal under the relevant criteria of the District Plan determined that the potential effects would be no more than minor. The form, scale and appearance of proposed signage has been subject to design

revisions that were considered to result in improved visual integration with the commercial context and gateway status of the locality.

The operation of the supermarket in relation to the local road network has similarly been assessed to result in effects that would be no more than minor given the imposition of conditions of consent requiring specified upgrades to the roundabout intersection that would service the supermarket, restrictions to vehicular access points to the site and the development of pedestrian crossing to the south of the site on Kerikeri Road.

Appropriate measures have been implemented through consent conditions so as to ensure that any adverse effects relating to access, pedestrian and traffic safety and efficiency and visual impact are controlled to an acceptable level.

**4. Relevant Statutory Provisions:
Policy Statements & Plan Provisions:**

(a) The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objective 7.7.3.1 and policy 7.7.4.3 seek to ensure that standards be applied that protect visual and environmental amenity within the Commercial Zone, and the amenity of adjacent zones.

Assessment of the proposed land use and consideration of the spatial context of the subject site in relation to other commercial areas and non commercial land uses identified that the siting and design of the commercial building and the associated operational elements have incorporated suitable measures and safeguards to minimise any potential effects to an acceptable level. Further measures have been imposed through consent conditions so as to provide further certainty as to the environmental outcomes sought under the objectives and policies for the zone.

Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

Overall, the proposal is considered consistent with relevant District Plan objectives and policies. In the context of the zoning under the District Plan and the existing environment, the proposal will create positive environmental outcomes and any adverse environmental effects likely to be created by the establishment and operation of the activities proposed, including those specifically addressed through consent conditions, will be no more than minor.

Approval

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

Wayne E. Smith, Team Leader Resource Consents Team Leader

Date

Right of Objection

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

Lapsing Of Consent

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

The consent is given effect to; or

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

RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

Wayne Smith
Greg Wilson

Decision Date:

Granted Date:

Issued Date:

RMA Number RC-2090546-RMALUC
RFS Type Land Use
Legal Description LOT 4 DP 38925
Val. No. 00215-40100, 00215-39802, 00215-39700
Applicant **Progressive Enterprises Ltd.**
Start Date 9 April 2009
Location 54 Kerikeri Road, Kerikeri 0230
Activity Restricted Discretionary
Outcome Approval
Zone Commercial
Area of Site 0.8439ha
Proposal proposed 4200m2 supermarket and carparking for 165 cars
Issues Traffic and Access effects, suitability of signage.

Property File	Sewerage	Roading	Com Fac	Finance	Transit NZ	DoC	Policy	Property Co-ordinator
✓	✓	✓						
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	Building	Comm Brd	Doubtless Bay Water Supply Co.
✓		✓						



FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: RC-2090546-RMALUC

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

Progressive Enterprises Ltd.

The activity to which this decision relates: proposed development and operation of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars with associated landscaping, heavy vehicle loading and a roadside internally illuminated pedestal sign 7.5m in height on a site located within the Commercial Zone.

Subject Site Details

Address:	54 Kerikeri Road, Kerikeri 0230
Legal Description:	LOT 4 DP 38925
Certificate of Title reference:	NA-1085/42, NA-1090/38, NA-21C/1443, NA-21C/1444, NA-44D/1091

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

1. The activity shall be carried out in accordance with the approved plans prepared by Woodhams/Meikle/Zhan Architects, drawings No. RMA 101 Rev B, F & G dated 11 September 2009 and RMA 101 Rev C dated 8 September 2009 attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The consent holder shall submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines current at the time of submitting the plans for approval. In particular the plans shall show:
 - i) The entrance and exit points for both Kerikeri Road and Butler Road complete with the sweep paths accommodating the largest vehicles using the entrances, for example, a "B" train unit;
 - ii) details of external vehicle circulation paths;
 - iii) parking loading and layout bays;
 - iv) the upgrading of the Kerikeri Road / Butler Road roundabout generally in accordance with the recommendations of the specialist traffic assessment prepared by "Flow Transportation Specialists Ltd. " dated October 2009;
 - v) the inclusion of hard and soft landscaping elements generally in accordance with the landscape themes and materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan where appropriate within the design of the upgrading of the Kerikeri Road / Butler Road roundabout
 - vi) the restriction of the Kerikeri Road customer vehicle crossing to allow only for "left turn in / left turn out" vehicular access;

- vii) the upgrading of the Kerikeri Road / Butler Road roundabout to include safe passage for cyclists;
- viii) offsite and onsite pedestrian access;
- ix) a fence design for the common boundary between 52 and 54 Kerikeri Road that minimises the potential for sight line obstruction for both pedestrians and motorists along Kerikeri Road;
- x) onsite stormwater reticulation including retention storage and flow reticulation;
- xi) the siting of a pedestrian "zebra" crossing opposite the Council recreation reserve

3. Following approval of the plans (as required by condition 2 of this approval) and selection of the contractor and prior to the commencement of any works, provide to Council;

- i) Details of the successful contractor
 - ii) Details of the planned date and duration of contract
 - iii) Details of the supervising engineer
 - iv) A construction management plan. The plan shall contain information and site management procedures for the following:
 - The timing of any and all demolition and construction works, including hours of work, key project personnel, and site management personnel.
 - The transport of all or any demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of vehicles.
 - Control of dust and noise on-site during construction, and any necessary avoidance or remedial measures.
 - Details of onsite stormwater flow attenuation such that the outflow from the site will not exceed the predevelopment flows.
 - Prevention of earth and other material being deposited on surrounding roads from trucks and remedial action should it occur.
 - A traffic management plan outlining the measures intended to minimize disruption to users of Kerikeri, Butler and Hobson Roads and means of advising users of the works and possible disruptions. This traffic control plan shall be prepared by a person or organization appropriately experienced with the requirements for temporary traffic management.
- a) Undertake all works as per the approved engineering plans in accordance with the approved construction management plan. Construction Noise shall meet the limits recommended in, and shall be measured in accordance with the methods specified in NZS 6803:1999, Construction Noise.
- b) Upon completion of the works and prior to the commencement of operation of the development, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- c) Provide three copies of as-built plans, which are prepared in accordance with NZS 4404:2004 Schedule 1D:

- d) Provide evidence that a maintenance agreement has been entered into with the Contractor who is to maintain the works on Council road and other works which are to vest in Council, for a minimum period of 12 months. The minimum value of the bond, or retention monies held in lieu of a bond is to be 10% of the construction cost.
4. The consent holder shall provide for Council's approval a landscaping plan, to be prepared by a suitably qualified professional, which details the planting concepts set out in the "Littoralis" Landscape Plans dated 7 April 2009. This report shall also take into account the means of further incorporating the landscape themes and materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of three further planting season from the time of planting.
- The approved landscaping is to be provided prior to commencement of operation of the supermarket, or otherwise bonded, and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, at least within the next planting season (May to September inclusive).
5. The consent holder shall undertake ongoing maintenance of vegetation planted in accordance with Condition 4 and is to provide a bond for the provision of landscape maintenance and plant replacement as may be required, for a period of three years in accordance with the following schedule:
- (a) The consent holder shall pay a bond to equate to 150% of the total landscaping value to Council, to be held under the following conditions:
- i. This bond shall be paid prior to the commencement of landscaping on the site and shall be either cash or guaranteed in accordance with Councils Bonds and Undertakings Policy # 3102;
 - ii. The bond shall be held for a minimum period of 36 months from the date of demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent, and shall be released in the following increments:
 - 70% upon demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent.
 - Further 10% increments subsequent to annual reviews and when, in the opinion of Councils Monitoring Officer the said condition has been satisfied.
 - iii. Any costs incurred in the preparing, checking, monitoring and release of the bond is to be met by the consent holder.
6. The hours of operation of the supermarket shall be limited to 0700-2200 seven days a week.
7. Prior to construction, evidence shall be provided to Council's duly delegated officer that the existing individual allotments have been held together in such a way that they cannot be disposed of separately without the consent of Council.
8. The exterior of the building and pedestal sign to be finished in the recessive colours as set out in the approved plans.

9. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review conditions of this consent that relate to traffic and access effects, annually during the month of December. The review may be initiated for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of monitoring of the consent and/or as a result of the Far North District Council or duly delegated authority Council Officer Monitoring the state of the environment in the area.
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
 - (c) To deal with any inadequacies or inconsistencies the Far North District Council or duly delegated Council Officer considers there to be, in the conditions of the consent, following the establishment of the activity the subject of this consent.
 - (d) To deal with any material inaccuracies that may in future be found in the information made available with the application (Notice may be served at any time for this reason).
 - (e) The consent holder shall meet all reasonable costs of such review.

Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. Should any site be inadvertently uncovered, the procedure is that work should cease, with the trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).
2. The operation of the supermarket and heavy commercial vehicle movements to and from the site will be necessary to comply with the maximum noise standard prescribed in the District Plan relevant for the commercial zone and residential zone interface.

Statutory Information

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision

1. Description of the Activity:

The land use application involves the development of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars with associated landscaping, heavy vehicle loading on a site zoned commercial under the Operative District Plan. The land use is proposed to operate between the hours of 07.00am to 10.00pm, seven days a week.

2. District Plan Rules Affected:

The proposed activity does not comply with permitted activity rules "7.7.5.3.2 Traffic Intensity", "15.1.7.2 Vehicle Access" and "16.6.2.1 Signs" of the Operative District Plan and is a restricted discretionary activity in accordance with Rule 7.7.5.1.3 of the District Plan.

3. Principal Issues in Contention and Main Findings on those Issues:

The principal issues in contention and main findings on those issues were:

- (a) Issues – the ability of the existing road network to accommodate the additional traffic generated by the introduction of a supermarket at the subject site, the suitability of the measures proposed to mitigate the potential effects upon pedestrian and vehicular safety and the potential visual effects from the proposed commercial signage in an area that effectively represents the gateway to the town centre.
- (b) Main Findings - Assessment of the proposal under the relevant criteria of the District Plan determined that the potential effects would be no more than minor. The form, scale and appearance of proposed signage has been subject to design revisions that were considered to result in improved visual integration with the commercial context and gateway status of the locality.

The operation of the supermarket in relation to the local road network has similarly been assessed to result in effects that would be no more than minor given the imposition of conditions of consent requiring specified upgrades to the roundabout intersection that would service the supermarket, restrictions to vehicular access points to the site and the development of pedestrian crossing to the south of the site on Kerikeri Road.

Appropriate measures have been implemented through consent conditions so as to ensure that any adverse effects relating to access, pedestrian and traffic safety and efficiency and visual impact are controlled to an acceptable level.

4. Relevant Statutory Provisions:

Policy Statements & Plan Provisions:

- (a) The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objective 7.7.3.1 and policy 7.7.4.3 seek to ensure that standards be applied that protect visual and environmental amenity within the Commercial Zone, and the amenity of adjacent zones.

Assessment of the proposed land use and consideration of the spatial context of the subject site in relation to other commercial areas and non commercial land uses identified that the siting and design of the commercial building and the associated

operational elements have incorporated suitable measures and safeguards to minimise any potential effects to an acceptable level. Further measures have been imposed through consent conditions so as to provide further certainty as to the environmental outcomes sought under the objectives and policies for the zone.

Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

Overall, the proposal is considered consistent with relevant District Plan objectives and policies. In the context of the zoning under the District Plan and the existing environment, the proposal will create positive environmental outcomes and any adverse environmental effects likely to be created by the establishment and operation of the activities proposed, including those specifically addressed through consent conditions, will be no more than minor.

Approval

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

Wayne E. Smith, Team Leader Resource Consents Team Leader

Date

Right of Objection

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

Lapsing Of Consent

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

The consent is given effect to; or

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

RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

Wayne Smith
Greg Wilson

Decision Date:

Granted Date:

Issued Date:

RMA Number RC-2090546-RMALUC
RFS Type Land Use
Legal Description LOT 4 DP 38925
Val. No. 00215-40100, 00215-39802, 00215-39700
Applicant **Progressive Enterprises Ltd.**
Start Date 9 April 2009
Location 54 Kerikeri Road, Kerikeri 0230
Activity Restricted Discretionary
Outcome Approval
Zone Commercial
Area of Site 0.8439ha
Proposal proposed 4200m2 supermarket and carparking for 165 cars
Issues Traffic and Access effects, suitability of signage.

Property File	Sewerage	Roading	Com Fac	Finance	Transit NZ	DoC	Policy	Property Co-ordinator
✓	✓	✓						
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	Building	Comm Brd	Doubtless Bay Water Supply Co.
✓		✓						



FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: RC-2090546-RMALUC

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

Progressive Enterprises Ltd.

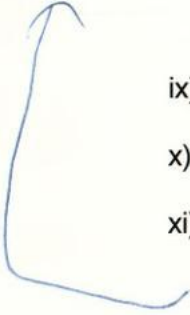
The activity to which this decision relates: proposed development and operation of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars within the Commercial Zone.

Subject Site Details

Address:	54 Kerikeri Road, Kerikeri 0230
Legal Description:	LOT 4 DP 38925
Certificate of Title reference:	NA-1085/42, NA-1090/38, NA-21C/1443, NA-21C/1444, NA-44D/1091

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

1. The activity shall be carried out in accordance with the approved plans prepared by Woodhams/Meikle/Zhan architects, , drawings No. RMA 101 rev B, F & G dated 11 September 2009 and RMA 101 rev C dated 8 September 2009 attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The consent holder shall submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines current at the time of submitting the plans for approval. In particular the plans shall show:
 - i) The entrance and exit points for both Kerikeri Road and Butler Road complete with the sweep paths accommodating the largest vehicles using the entrances, for example, a "B" train unit;
 - ii) details of external vehicle circulation paths;
 - iii) parking loading and layout bays;
 - iv) the upgrading of the Kerikeri Road / Butler Road roundabout generally in accordance with the recommendations of the specialist traffic assessment prepared by "Flow Transportation Specialists Ltd. " dated October 2009;
 - v) the restriction of the Kerikeri Road customer vehicle crossing to allow only for "left turn in / left turn out" vehicular access;
 - vi) the upgrading of the Kerikeri Road / Butler Road roundabout to include safe passage for cyclists;
 - vii) offsite and onsite pedestrian access;
 - viii) a fence design for the common boundary between 52 and 54 Kerikeri Road that minimises the potential for sight line obstruction for both pedestrians and motorists along Kerikeri Road;

- 
- ix) onsite stormwater reticulation including retention storage and flow reticulation;
- x) the siting of a pedestrian "zebra" crossing opposite the Council recreation reserve *to be incl. Kerikeri Road adjacent to*
- xi) the inclusion of hard and soft landscaping elements generally in accordance with the landscape themes and materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan
- proposed soft pedist*

3. Following approval of the plans (as required by condition 2 of this approval) and selection of the contractor and prior to the commencement of any works, provide to Council;

- i) Details of the successful contractor
- ii) Details of the planned date and duration of contract
- iii) Details of the supervising engineer
- iv) A construction management plan. The plan shall contain information and site management procedures for the following:
 - The timing of any and all demolition and construction works, including hours of work, key project personnel, and site management personnel.
 - The transport of all or any demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of vehicles.
 - Control of dust and noise on-site during construction, and any necessary avoidance or remedial measures.
 - Details of onsite flow attenuation such that the outflow from the site will not exceed the predevelopment flows.
 - Prevention of earth and other material being deposited on surrounding roads from trucks and remedial action should it occur.
 - A traffic management plan outlining the measures intended to minimize disruption to users of Kerikeri, Butler and Hobson Roads and means of advising users of the works and possible disruptions. This traffic control plan shall be prepared by a person or organization appropriately experienced with the requirements for temporary traffic management.
- a) Undertake all works as per the approved engineering plans in accordance with the approved construction management plan. Construction Noise shall meet the limits recommended in, and shall be measured in accordance with the methods specified in NZS 6803:1999, Construction Noise.
- b) Upon completion of the works and prior to the commencement of operation of the development, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- c) Provide three copies of as-built plans, which are prepared in accordance with NZS 4404:2004 Schedule 1D:
- d) Provide evidence that a maintenance agreement has been entered into with the Contractor who is to maintain the works on Council road and other works which are to vest in Council, for a minimum period of

12 months. The minimum value of the bond, or retention monies held in lieu of a bond is to be 10% of the construction cost.

- be given for the development*
4. The consent holder shall provide to the Council's satisfaction a landscaping plan, to be prepared by a suitably qualified professional, which details the planting concepts set out in the "Littoralis" dated 7 April 2009. This report shall also take into account the means of further incorporating the landscape themes materials consistent with the Kerikeri Mainstreet Project, as set out in the Kerikeri Urban Amenity Plan. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of three further planting season from the time of planting.

The approved landscaping is to be provided prior to commencement of operation of the supermarket, or otherwise bonded, and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, at least within the next planting season (May to September inclusive).

5. The consent holder shall undertake ongoing maintenance of vegetation planted in accordance with Condition 4 and is to provide a bond for the provision of landscape maintenance and plant replacement as may be required, for a period of three years in accordance with the following schedule:

(a) The consent holder shall pay a bond to equate to 150% of the total landscaping value to Council, to be held under the following conditions:

- i. This bond shall be paid prior to the commencement of landscaping on the site and shall be either cash or guaranteed in accordance with Councils Bonds and Undertakings Policy # 3102;
- ii. The bond shall be held for a minimum period of 36 months from the date of demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent, and shall be released in the following increments:
 - 70% upon demonstration to Council's Monitoring Officer of completion of landscaping in accordance with the requirements of condition 2 of this consent.
 - Further 10% increments subsequent to annual reviews and when, in the opinion of Councils Monitoring Officer the said condition has been satisfied.
- iii. Any costs incurred in the preparing, checking, monitoring and release of the bond is to be met by the consent holder.

6. The hours of operation of the supermarket shall be limited to 0700-2200 seven days a week.

7. Prior to construction, evidence shall be provided to Council's duly delegated officer that the existing individual allotments have been held together in such a way that they cannot be disposed of separately without the consent of Council.

8. The exterior of the building and pedestal sign to be finished in the recessive colours as set out in the approved plans.

Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. Should any site be inadvertently uncovered, the procedure is that work should cease, with the trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).

Statutory Information

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision

1. Description of the Activity:

The land use application involves the development of a supermarket comprising 4200m² gross floor area and carparking spaces for 165 cars with associated landscaping, heavy vehicle loading on a site zoned commercial under the Operative District Plan. The land use is proposed to operate between the hours of 07.00am to 10.00pm, seven days a week.

2. District Plan Rules Affected:

The proposed activity does not comply with permitted activity rules "7.7.5.3.2 Traffic Intensity", "15.1.7.2 Vehicle Access" and "16.6.2.1 Signs" of the Operative District plan and is a restricted discretionary activity in accordance with Rule 7.7.5.1.3 of the District Plan.

3. Principal Issues in Contention and Main Findings on those Issues:

The principal issues in contention and main findings on those issues were:

- (a) Issues – the ability of the existing road network to accommodate the additional traffic generated by the introduction of a supermarket at the subject site, the suitability of the measures proposed to mitigate the potential effects upon pedestrian and vehicular safety and the potential visual effects from the proposed commercial signage in an area that effectively represents the gateway to the town centre.

- (b) Main Findings - Assessment of the proposal under the relevant criteria of the District Plan determined that the potential effects would be no more than minor. The form, scale and appearance of proposed signage has been subject to design revisions that were considered to result in improved visual integration with the commercial context and gateway status of the locality.

The operation of the supermarket in relation to the local road network has similarly been assessed to result in effects that would be no more than minor given the imposition of conditions of consent requiring specified upgrades to the roundabout intersection that would service the supermarket, restrictions to vehicular access points to the site and the development of pedestrian crossing to the south of the site on Kerikeri Road.

Appropriate measures *have been* are able to be implemented through consent conditions so as to ensure that any adverse effects relating to access, pedestrian and traffic safety and efficiency and visual impact are controlled to an acceptable level.

**4. Relevant Statutory Provisions:
Policy Statements & Plan Provisions:**

- (a) The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objective 7.7.3.1 and policy 7.7.4.3 seek to ensure that standards be applied that protect visual and environmental amenity within the Commercial Zone, and the amenity of adjacent zones.

Assessment of the proposed land use and consideration of the spatial context of the subject site in relation to other commercial areas and non commercial land uses identified that the siting and design of the commercial building and the associated operational elements have incorporated suitable measures and safeguards to minimise any potential effects to an acceptable level. Further measures have been imposed through consent conditions so as to provide further certainty as to the environmental outcomes sought under the objectives and policies for the zone.

Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

Overall, the proposal is considered consistent with relevant District Plan objectives and policies. In the context of the zoning under the District Plan and the existing environment, the proposal will create positive environmental outcomes and any adverse environmental effects likely to be created by the establishment and operation of the activities proposed, including those specifically addressed through consent conditions, will be no more than minor.

In terms of minimisation of adverse effects, the proposed land use is considered to

result in a land use outcome that would be consistent with the sustainable management purpose of the RMA.

Approval

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

Wayne E. Smith, Team Leader Resource Consents Team Leader

Date

Right of Objection

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

Lapsing Of Consent

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

The consent is given effect to; or

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

RECORD OF DECISION ON RESOURCE CONSENT APPLICATIONS

Participants:

Wayne Smith
Greg Wilson

Decision Date:

Granted Date:

Issued Date:

RMA Number RC-2090546-RMALUC
RFS Type Land Use
Legal Description LOT 4 DP 38925
Val. No. 00215-40100, 00215-39802, 00215-39700
Applicant **Progressive Enterprises Ltd.**
Start Date 9 April 2009
Location 54 Kerikeri Road, Kerikeri 0230
Activity Restricted Discretionary
Outcome Approval
Zone Commercial
Area of Site 0.8439ha
Proposal proposed 4200m2 supermarket and carparking for 165 cars
Issues Traffic and Access effects, suitability of signage.

Property File	Sewerage	Roading	Com Fac	Finance	Transit NZ	DoC	Policy	Property Co-ordinator
✓	✓	✓						
Monitoring	Env Health	Liq License	Legal	NZHPT	NRC	Building	Comm Brd	Doubtless Bay Water Supply Co.
✓		✓						

d) The following amalgamation condition:

- That Lot 1 hereon be held as to two undivided one half shares by the owners of Lots 2 & 3 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith. (see 662167).

3. That before a certificate is issued pursuant to Section 223 of the Act, the subdividing owner shall:

- a) Submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines current at the time of submitting the plans for approval.
In particular the plans shall show:

- i) ~~The road to vest on lot 100 formed and sealed with asphaltic concrete to comply with the Council standard for a Type C Urban Street.~~
- ii) ~~A reticulated water system with a connection to each lot.~~
- iii) ~~A reticulated wastewater disposal system with a connection to each lot.~~
- iii) Road markings and street lighting on the roads to vest in accordance with Transit New Zealand Manual of Traffic Signs and Marking.
- iv) A reticulated stormwater system with a connection to each lot, including local treatment. The applicant shall demonstrate that an adequate means of draining all parts of the property exists.
- v) The proposed stormwater control works to be in place prior to and during construction.
- vi) Permanent stormwater control structures.
- vii) A footpath along the western side of State Highway 1 as shown on the submitted plans.

- b) ~~Provide for Council's approval a preferred road name and two alternatives for the road to vest. The applicant is advised that in accordance with Community Board policy that road names should reflect the history of the area.~~

4. That before a certificate is issued pursuant to Section 224(e) of the Act, the consent holder shall:

- a) Following approval of the plans (as required by condition 3(a) of this approval) and selection of the contractor and prior to the commencement of any works, provide to Council;

- i) Details of the successful contractor
- ii) Details of the planned date and duration of contract
- iii) Details of the supervising engineer
- iv) A construction management plan. The plan shall contain information and site management procedures for the following:
 - The timing of any and all demolition and construction works, including hours of work, key project personnel, and site management personnel.
 - The transport of all or any demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of vehicles.
 - Control of dust and noise on-site during construction, and any necessary avoidance or remedial measures.

Details of on site flow attenuation such that the outflow from the site ~~is no~~ will not exceed the the predevelopment flows

Insert

- entrance & exit points from both Kerikeri Road and Butter Road complete with the swept paths accommodating the largest vehicles using the entrances
- details of internal ^{vehicle} circulation paths
- parking ~~and~~ ^{loading} layout & loading bays
- ~~ston~~ upgrading of the Kerikeri Road & roundabout
- offsite & on site pedestrian access
- on site stormwater retention including ~~flow~~ ^{retention} storage & flow attenuation.

Keiheri Road
& Butler Road

- Prevention of earth and other material being deposited on surrounding roads from trucks and remedial action should it occur.
- A traffic management plan outlining the measures intended to minimize disruption to users of ~~State Highway 1, North Road and Donald Lane~~ and means of advising users of the works and possible disruptions. This traffic control plan shall be prepared by a person or organization appropriately experienced with the requirements for ~~work within a State Highway, and shall be approved by Transit New Zealand or an agency approved by them.~~ Temporary Traffic Management

b) Undertake all works as per the approved engineering plans in accordance with the approved construction management plan. Construction Noise shall meet the limits recommended in, and shall be measured in accordance with the methods specified in NZS 6803:1999, Construction Noise.

c) Upon completion of the works, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.

~~d) Provide written confirmation from Transit New Zealand that all of their requirements for works on the State Highway have been satisfied.~~

e) Provide three copies of as-built plans, which are to include the following information: prepared in accordance with NZS 4404:2007 Schedule 1D

- i) Drawings showing the location of all underground services, including co-ordinates of hydrants, valves and manhole lids and levels of manhole inverts and lids to DOSDLI datum. This information is also to be provided in a digital format to enable it to be added to Council's GIS data base.
- ii) Stormwater overland flow paths including the extent and level of floodwater for a storm event with a 1% AEP.
- iii) The area and extent of any fill material placed on the site.
- iv) A schedule of assets, which are to vest in council, listing the quantity, the unit rate and the value of each of the components (this information is required for valuation purposes)
- v) Information for RAMM database;
 - Subgrade depth, aggregate Type and source
 - Base course depth, aggregate type and source
 - Lime or cement stabilisation details
 - Seal coat details including binder type/grade and residual application rate
 - Details of asphaltic concrete (Where used)
 - Details of water meters including Model ID, zero reading, meter location

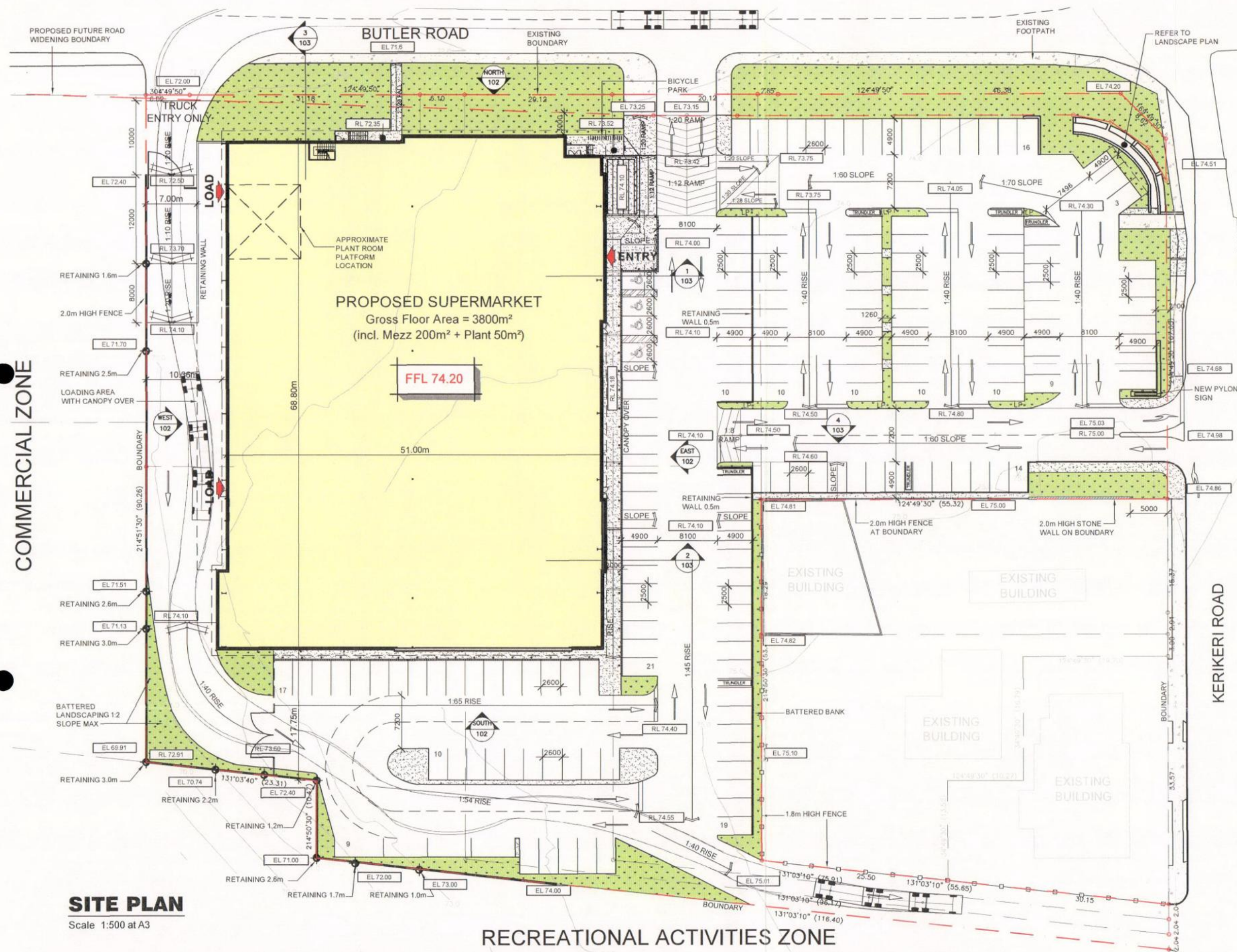
f) Provide evidence that a maintenance agreement has been entered into with the Contractor who is to maintain the works to vest in Council, for a minimum period of 12 months. The minimum value of the bond is to be 10% of the construction cost.

~~g) Provide evidence that electrical and telecommunication services have been~~

on council road and

other works which are

or retention monies held in lieu of a bond



SITE PLAN
Scale 1:500 at A3

AREAS SCHEDULE:

Gross Floor Area: (includes Mezz Floor 200m² + Plant 50m²)	3800m²
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CAR PARKING:

Total Carparks Provided:	175
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LEGEND

EL 00.00	EXISTING LEVELS
RL 00.00	PROPOSED LEVELS
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PYLON SIGN
Scale 1:100 at A3



LOCALITY PLAN
N.T.S.

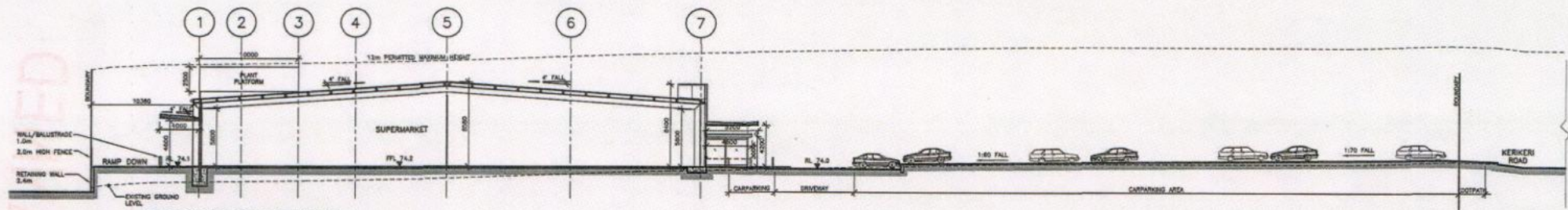
RMA ISSUE

PROPOSED COUNTDOWN KERIKERI - SITE PLAN

KERIKERI ROAD, KERIKERI

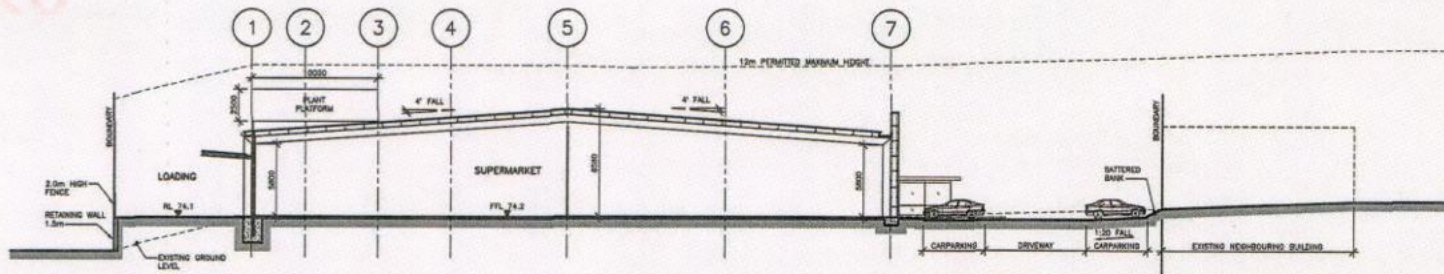
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JOB NO: 2019-54
DWG NO: RMA101-revN

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215



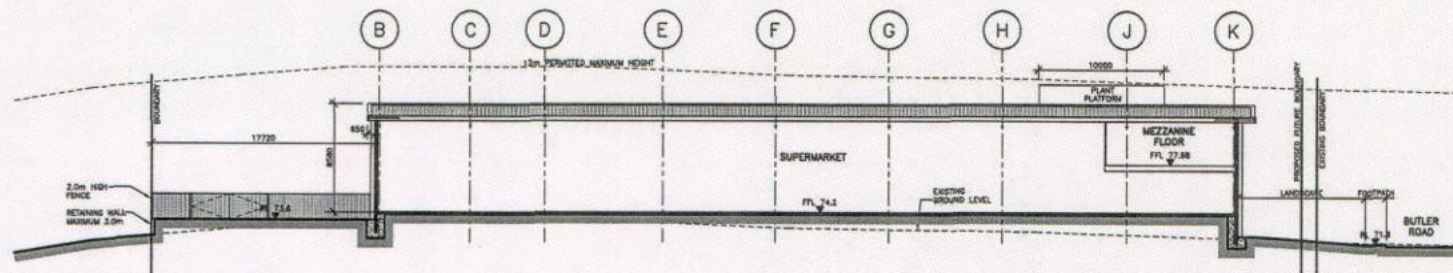
CROSS SECTION 1

Scale 1:400 at A3



CROSS SECTION 2

Scale 1:400 at A3



LONG SECTION 3

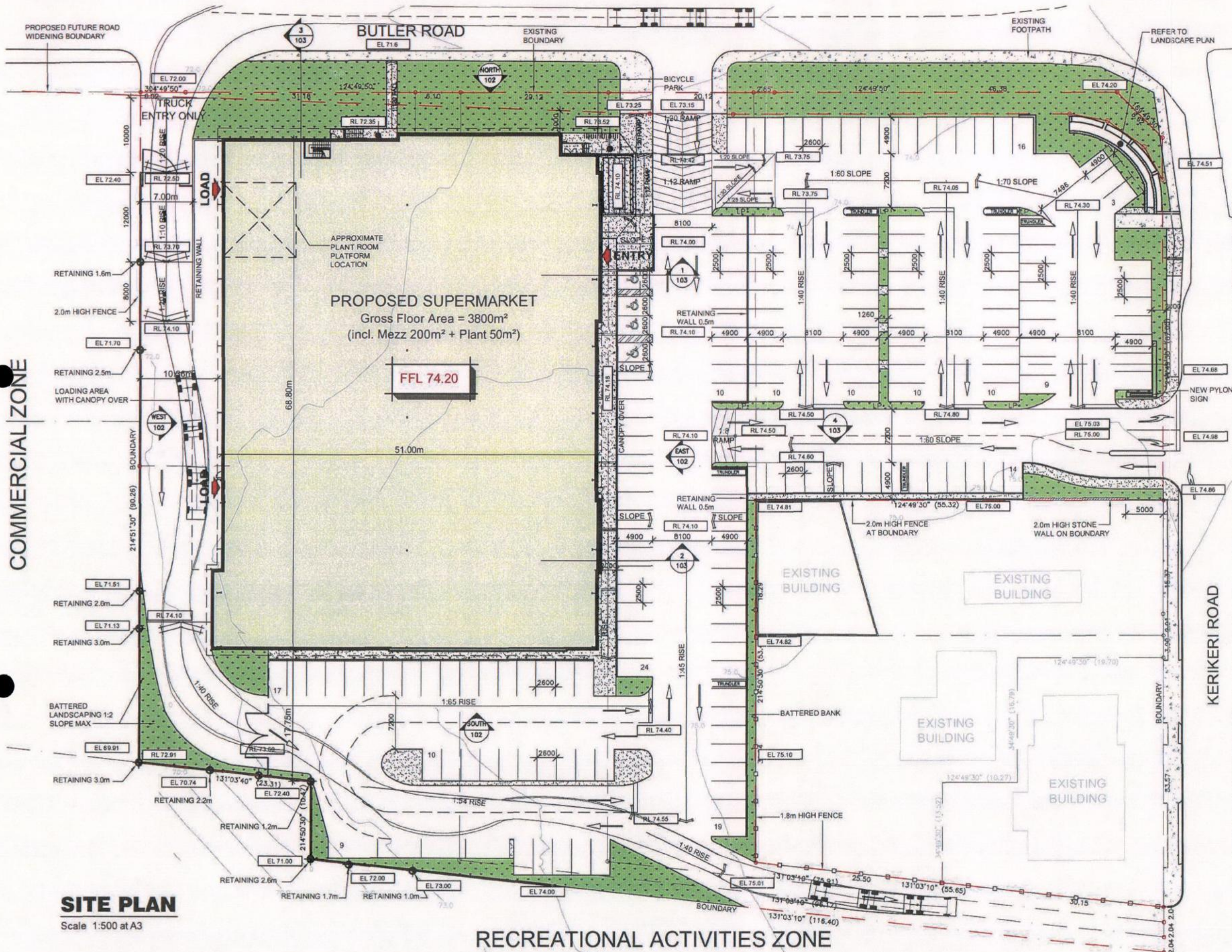
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PROPOSED COUNTDOWN KERIKERI - SECTIONS KERI KERI ROAD, KERI KERI

SCALE: 1:400 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA 103-revG

RMA ISSUE


WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215



AREAS SCHEDULE:

Gross Floor Area:	3800m²
(includes Mezz Floor 200m² + Plant 50m²)	

CAR PARKING:

Total Carparks Provided:	175
--------------------------	-----

LEGEND

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RL 00.00	PROPOSED LEVELS
[Pattern]	INDICATES CONCRETE PAVING BROOM FINISH



PYLON SIGN

Scale 1:100 at A3



LOCALITY PLAN

N.T.S.

RMA ISSUE

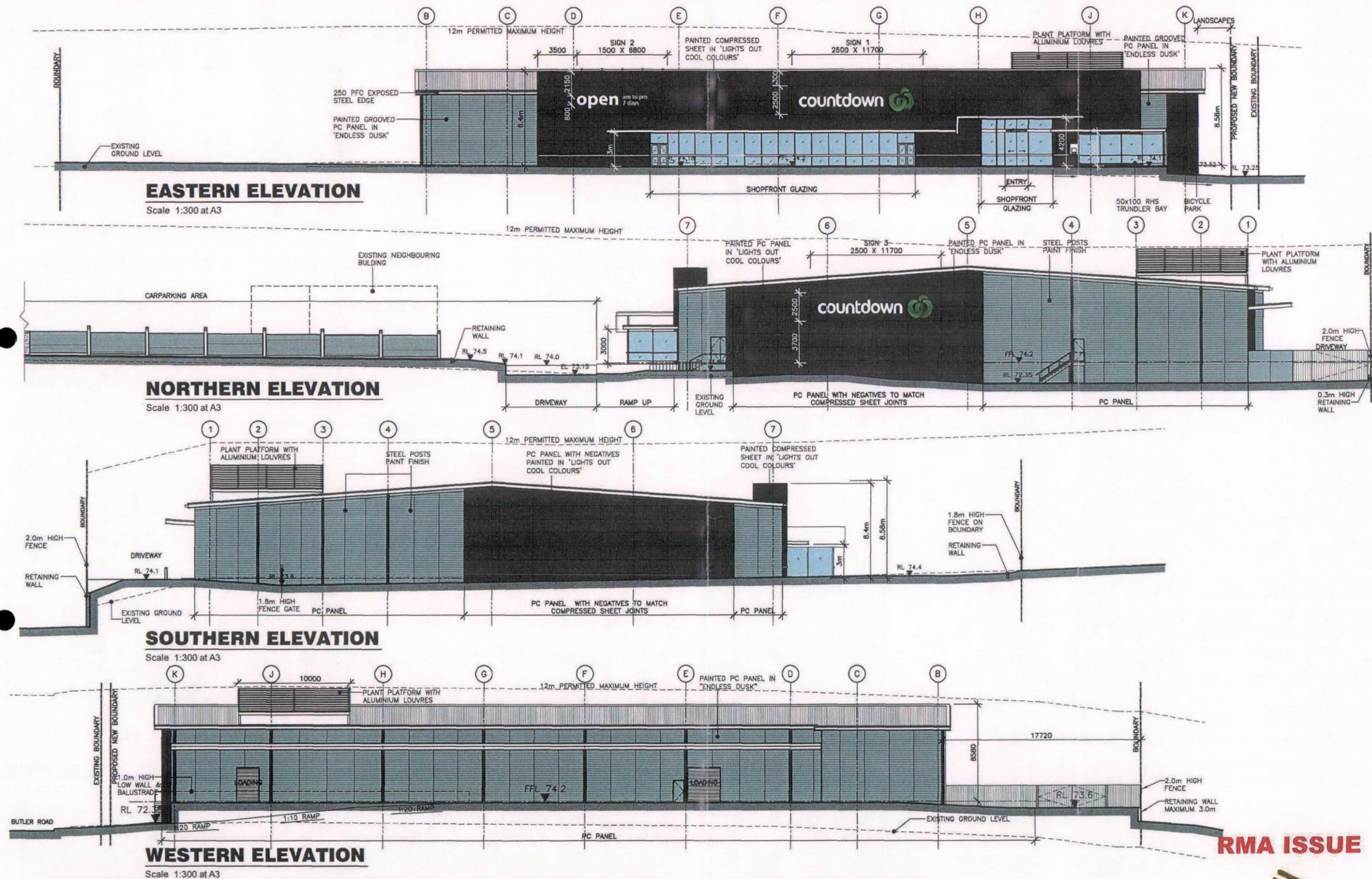


WOODHAMSMEIKLE/ZHAN
architects
Ph 09 377 5215

SITE PLAN
Scale 1:500 at A3

PROPOSED COUNTDOWN KERIKERI - SITE PLAN
KERIKERI ROAD, KERIKERI

SCALE: 1:500 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA101-revM



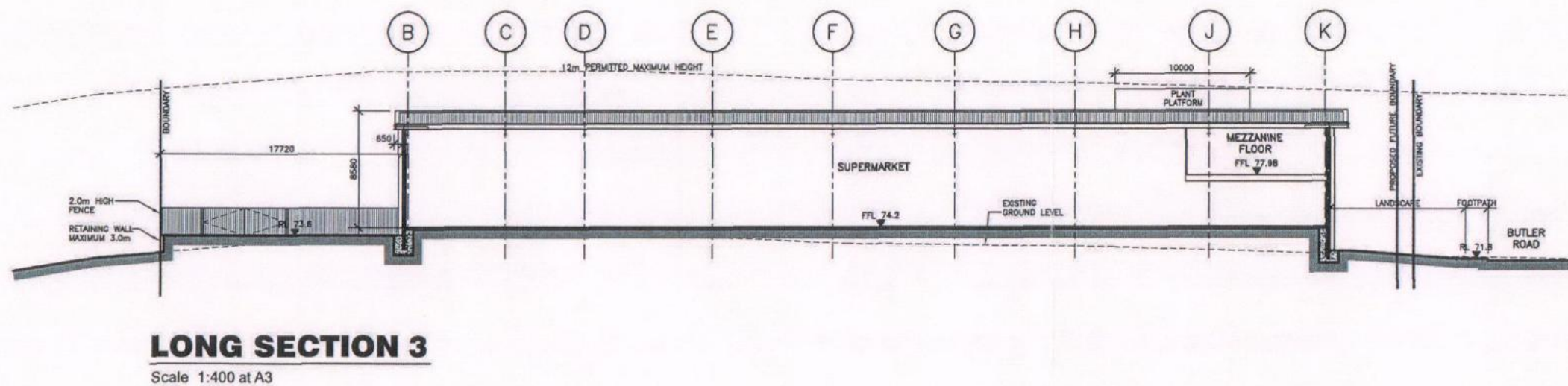
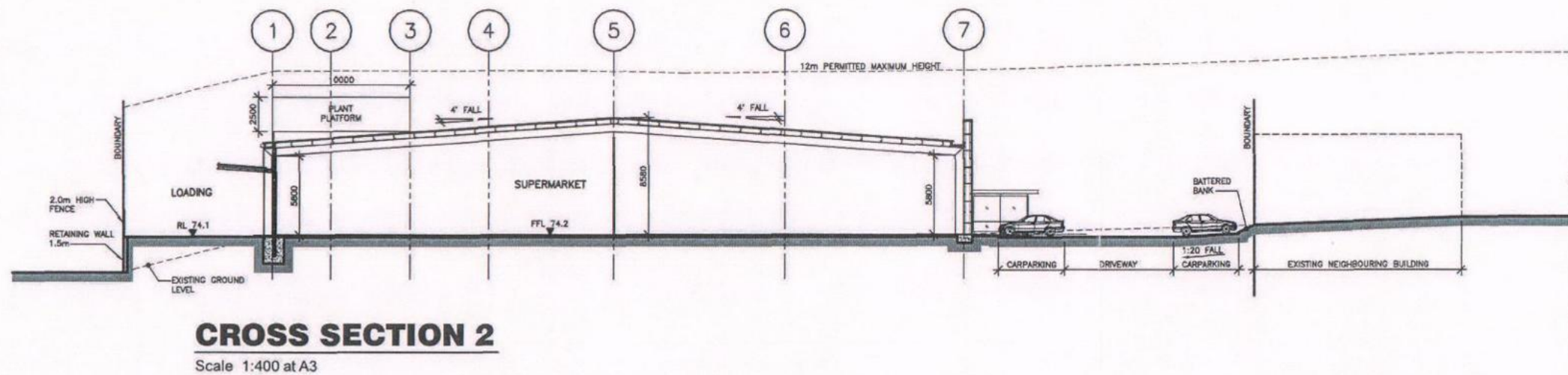
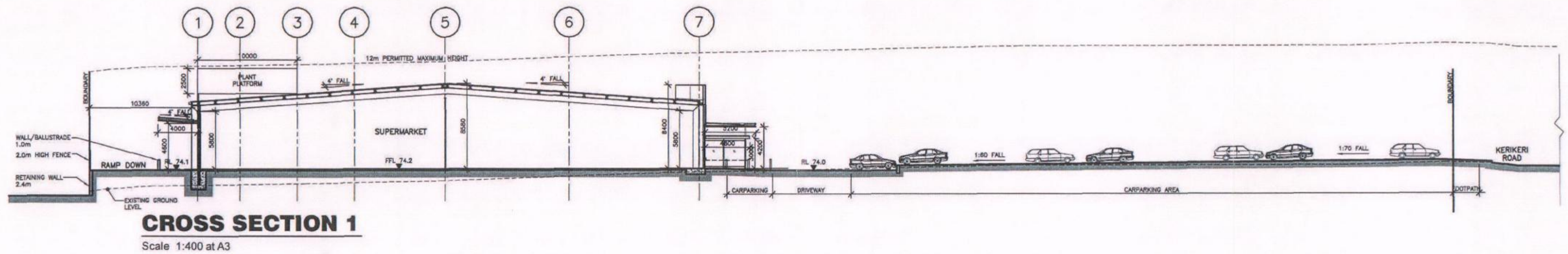
PROPOSED COUNTDOWN KERIKERI - ELEVATIONS

KERI KERI ROAD, KERI KERI

SCALE: 1:300 at A3
DATE: 14 FEB 2010
JOB NO: 2019-54
DWG NO: RMA 102-revH

RMA ISSUE

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215



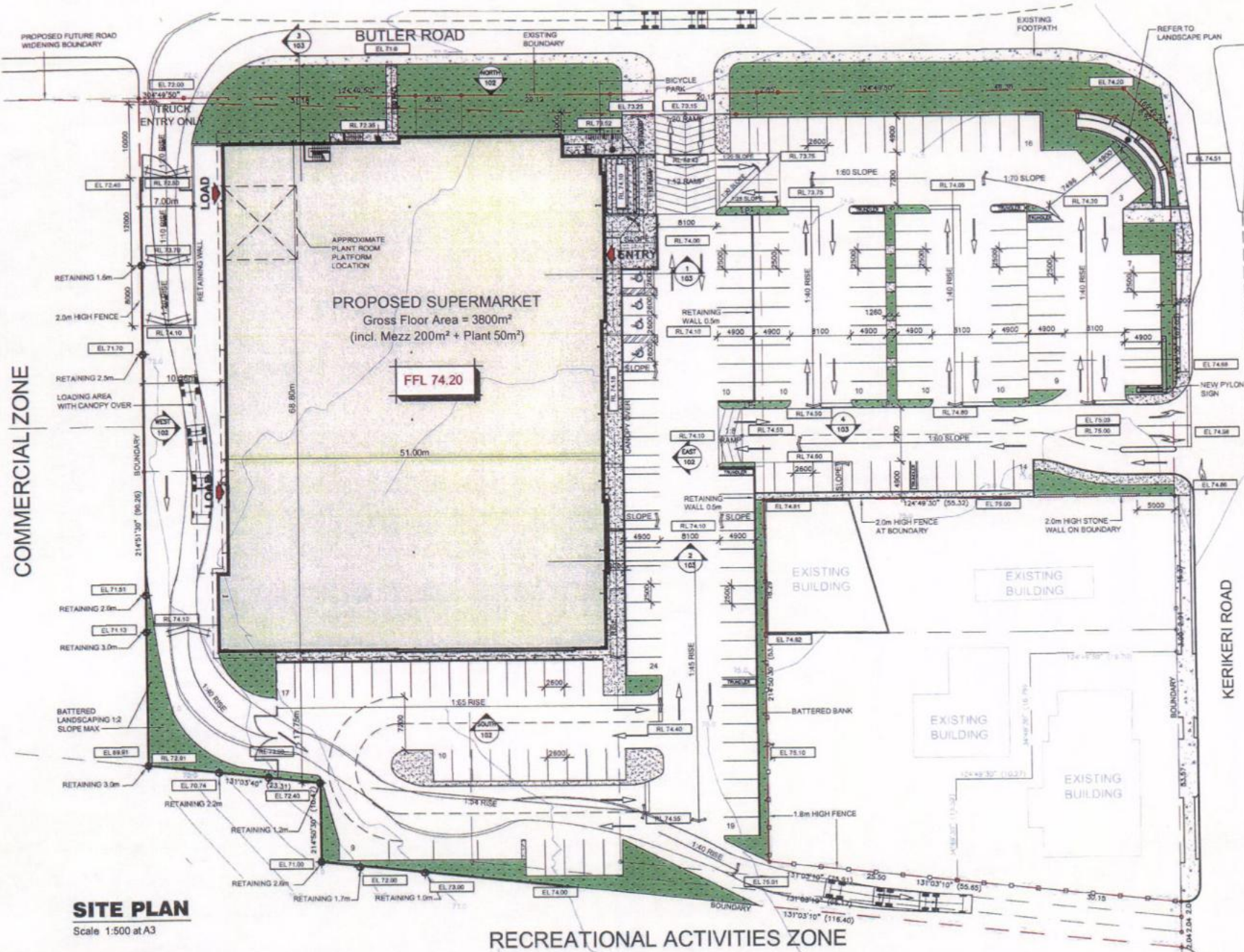
PROPOSED COUNTDOWN KERIKERI - SECTIONS

KERI KERI ROAD, KERI KERI

SCALE: 1:400 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA 103-revG

RMA ISSUE

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215



SITE PLAN
Scale 1:500 at A3

PROPOSED COUNTDOWN KERIKERI - SITE PLAN

KERIKERI ROAD, KERIKERI

AREAS SCHEDULE:

Gross Floor Area:	3800m²
(includes Mezz 200m² + Plant 50m²)	

CAR PARKING:

Total Carparks Provided:	175
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LEGEND

EL 00.00	EXISTING LEVELS
RL 00.00	PROPOSED LEVELS
[Pattern]	INDICATES CONCRETE PAVING BROOM FINISH



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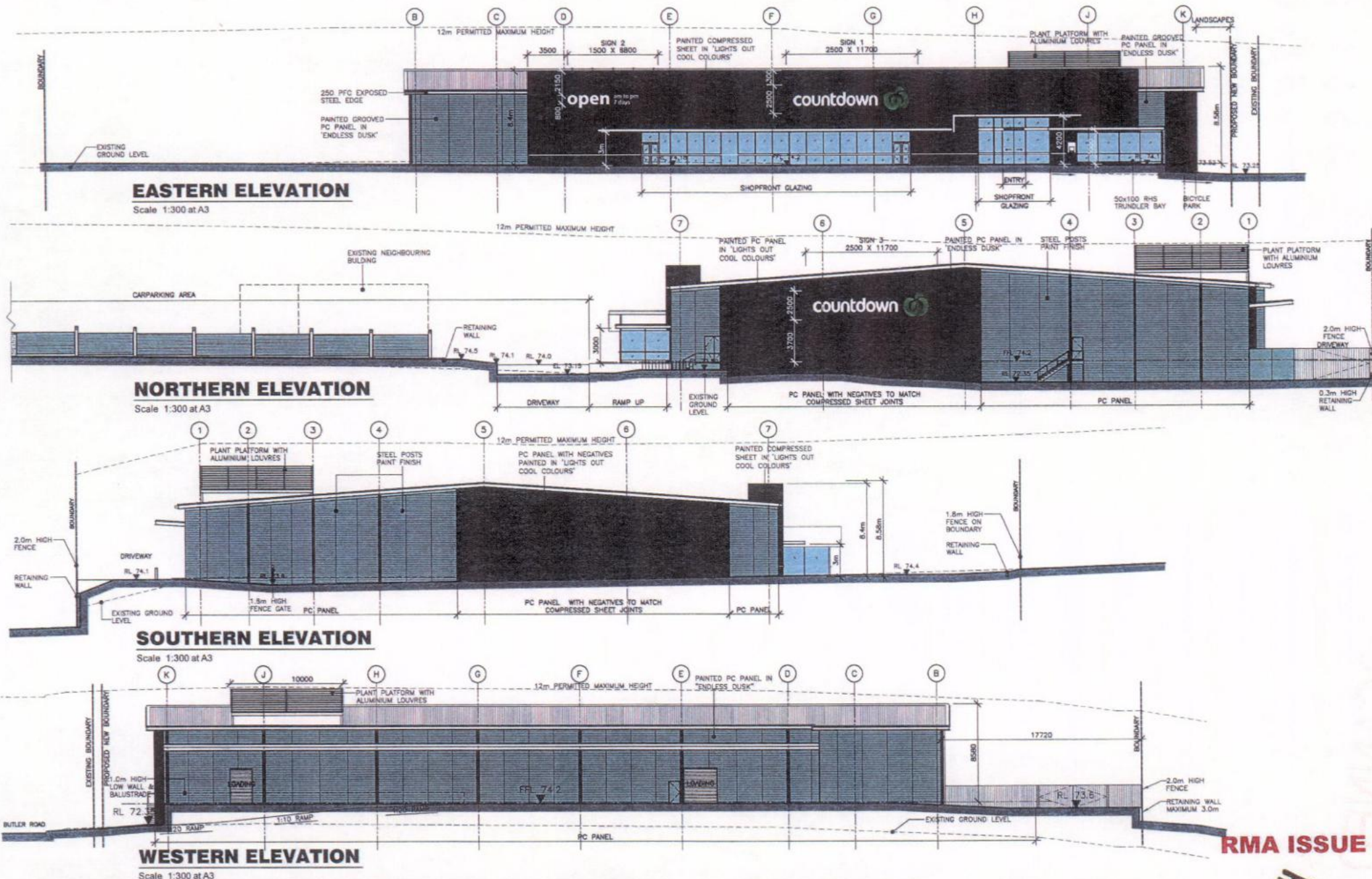


LOCALITY PLAN
N.T.S.

RMA ISSUE

SCALE: 1:500 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA101-revM

WOODHAMS/MEIKLE/ZHAN
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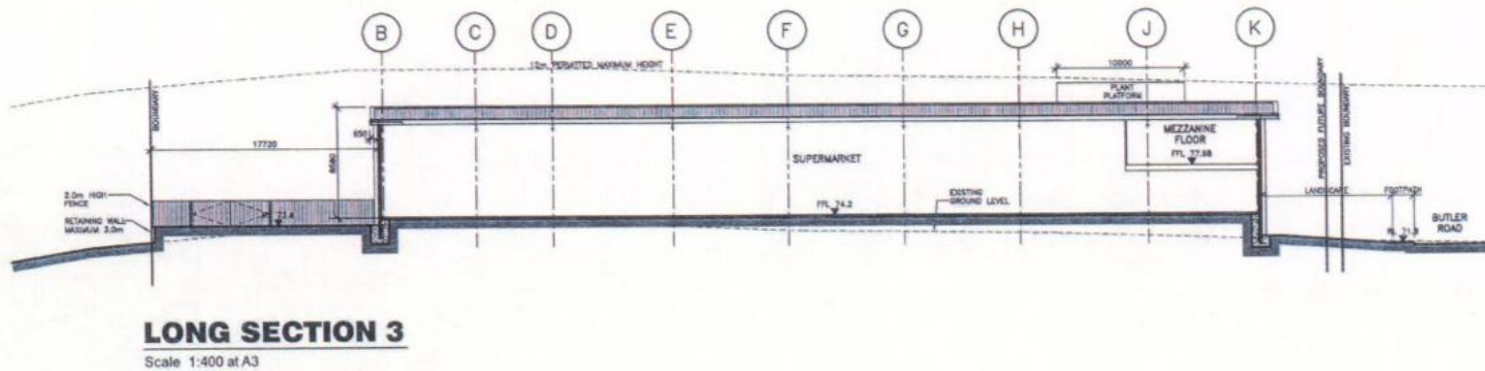
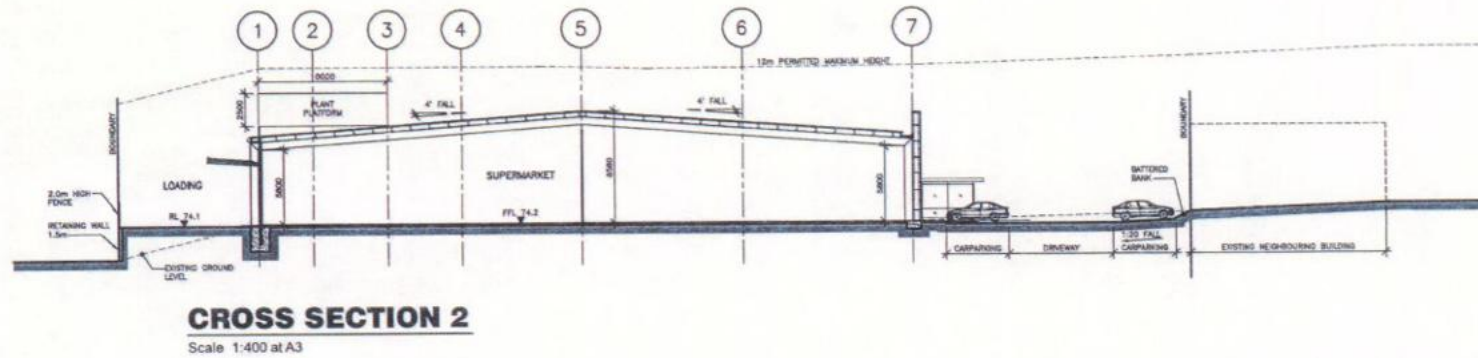
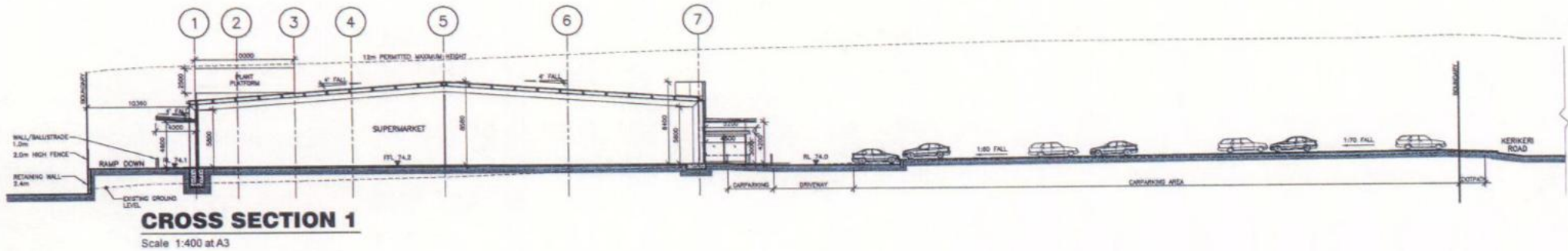


PROPOSED COUNTDOWN KERIKERI - ELEVATIONS KERI KERI ROAD, KERI KERI

SCALE: 1:300 at A3
DATE: 14 FEB 2010
JOB NO: 2019-54
DWG NO: RMA 102-revH

RMA ISSUE

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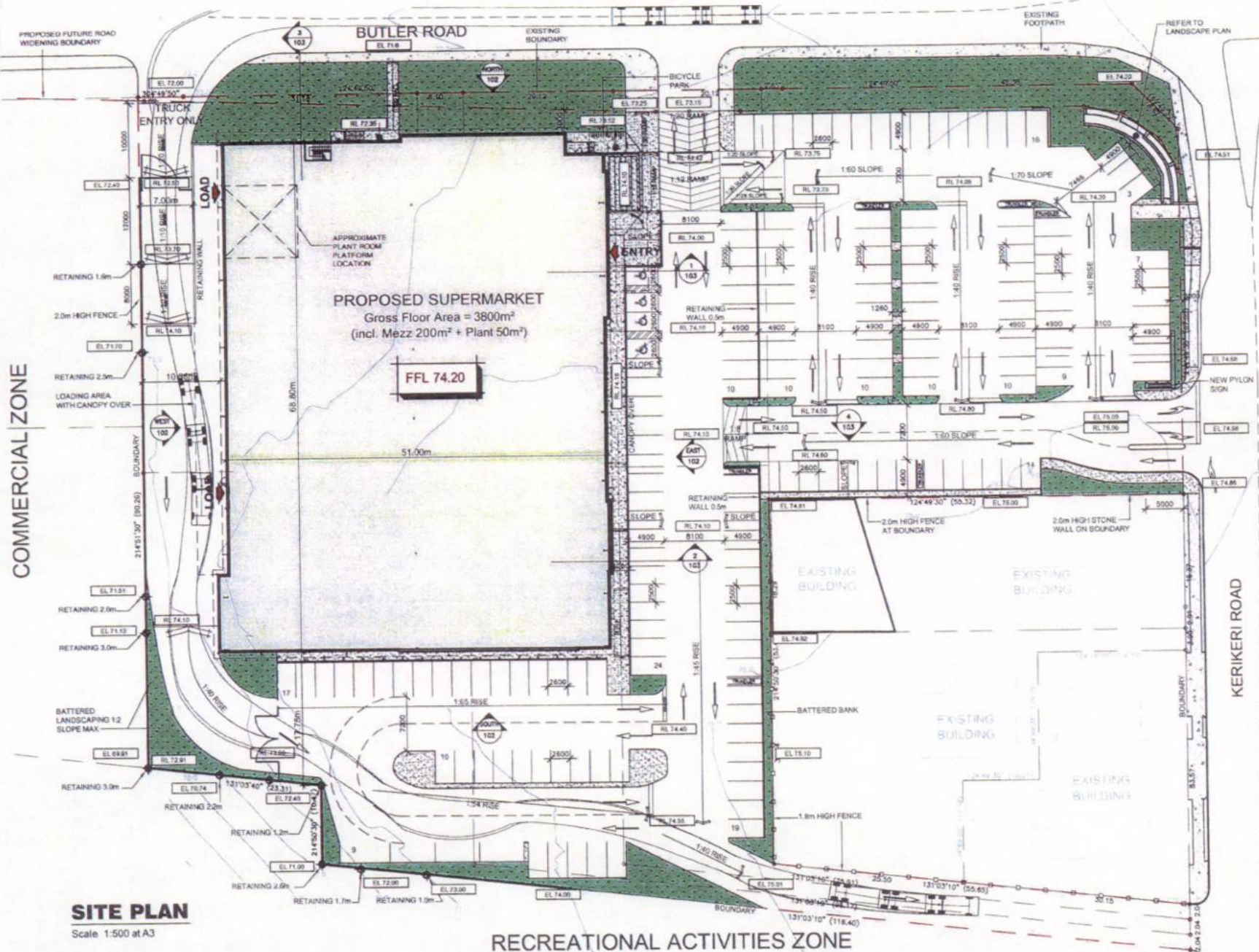


PROPOSED COUNTDOWN KERIKERI - SECTIONS KERI KERI ROAD, KERI KERI

SCALE: 1:400 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
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AREAS SCHEDULE:

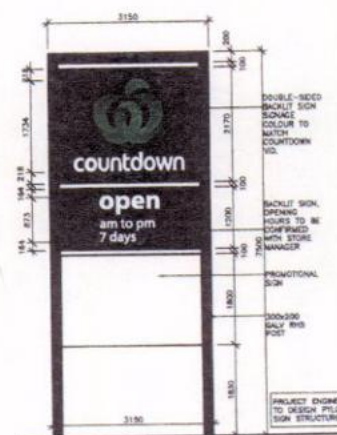
Gross Floor Area: 3800m²
(includes Mezz Floor 200m² + Plant 50m²)

CAR PARKING:

Total Carparks Provided: 175

LEGEND

EL 00.00	EXISTING LEVELS
RL 00.00	PROPOSED LEVELS
	INDICATES CONCRETE PAVING BROOM FINISH



PYLON SIGN

Scale 1:100 at A3



LOCALITY PLAN

N.T.S.

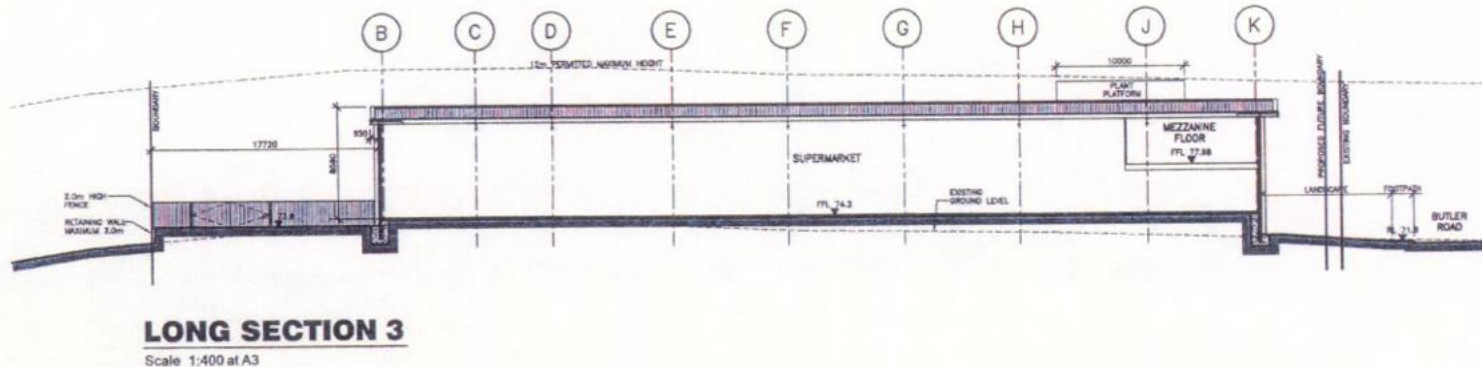
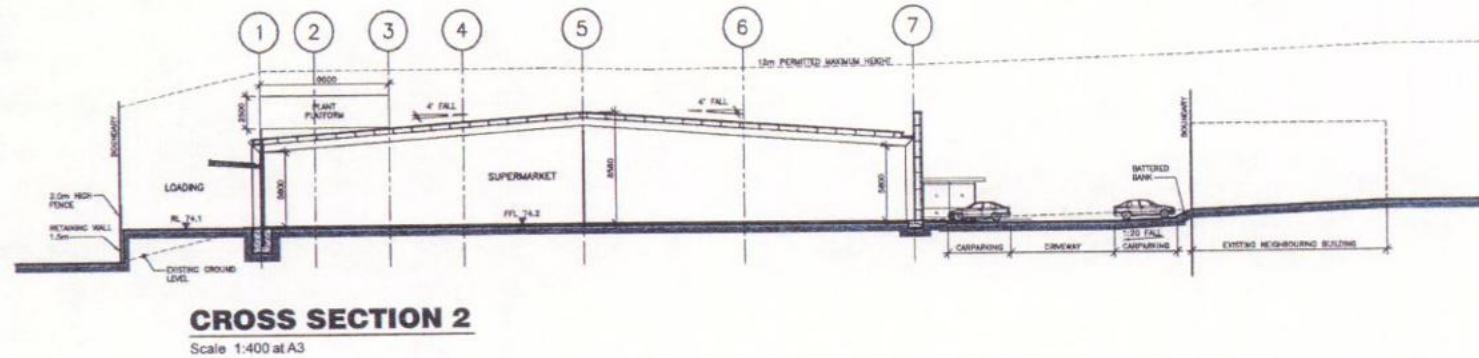
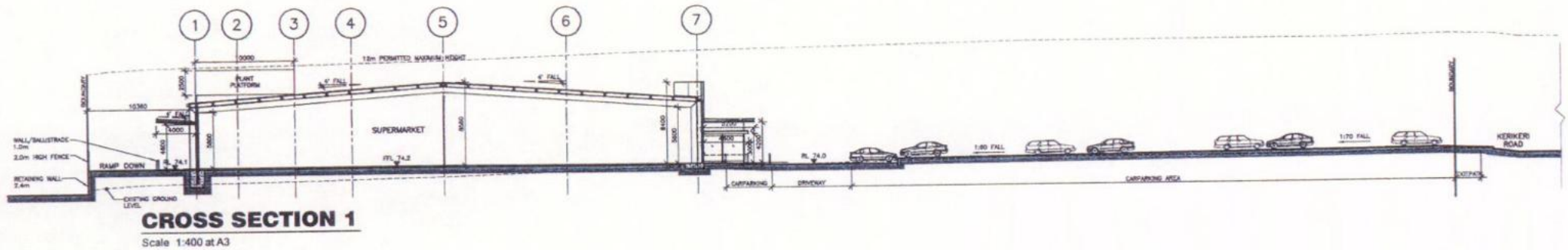
RMA ISSUE

PROPOSED COUNTDOWN KERIKERI - SITE PLAN

KERIKERI ROAD, KERIKERI

SCALE: 1:500 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA101-revM

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215

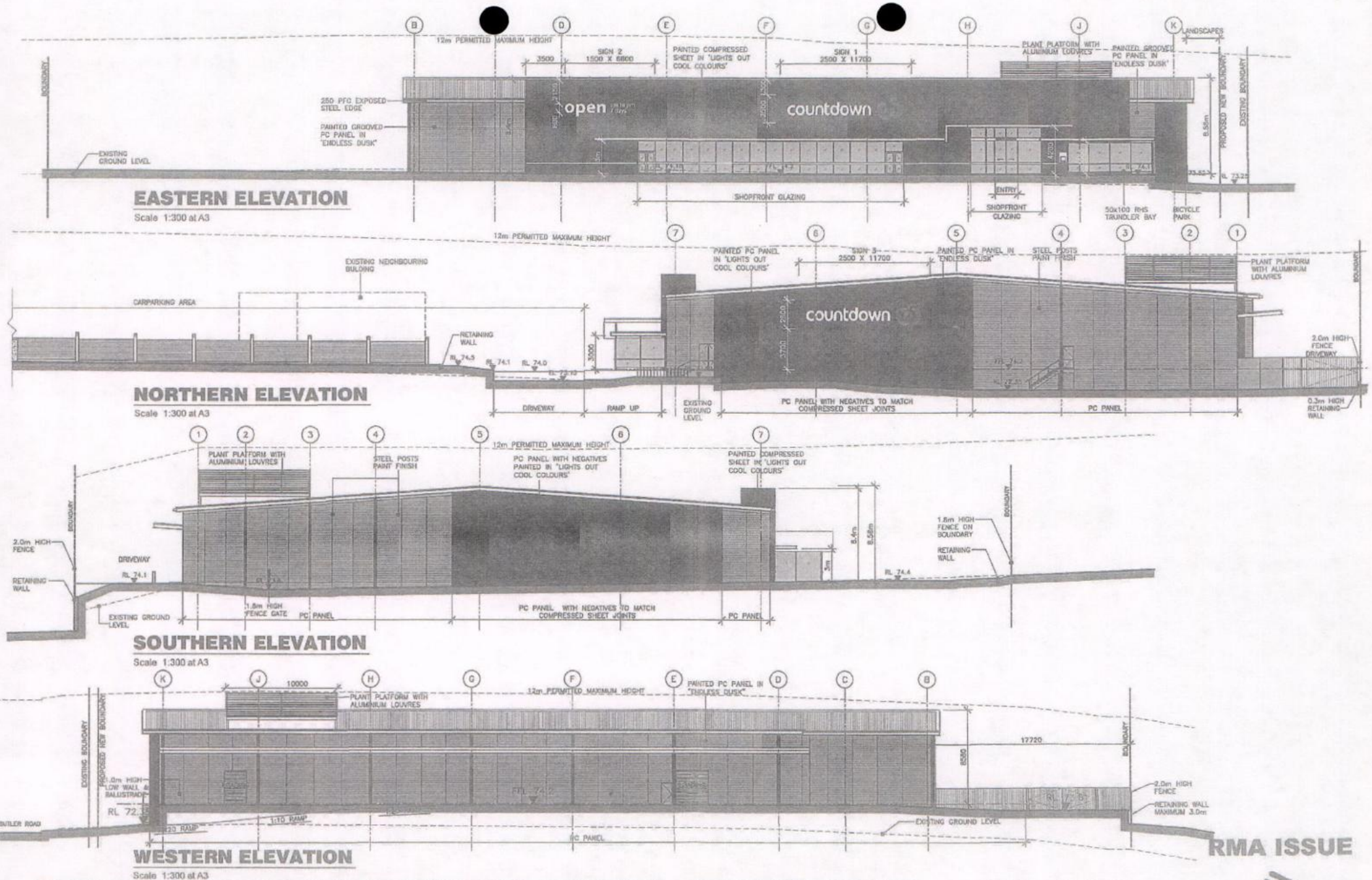


PROPOSED COUNTDOWN KERIKERI - SECTIONS KERI KERI ROAD, KERI KERI

SCALE: 1:400 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA 103-revG

RMA ISSUE

WOODHAMS/MEIKLE/ZHAN
architects
Ph 06 377 5215

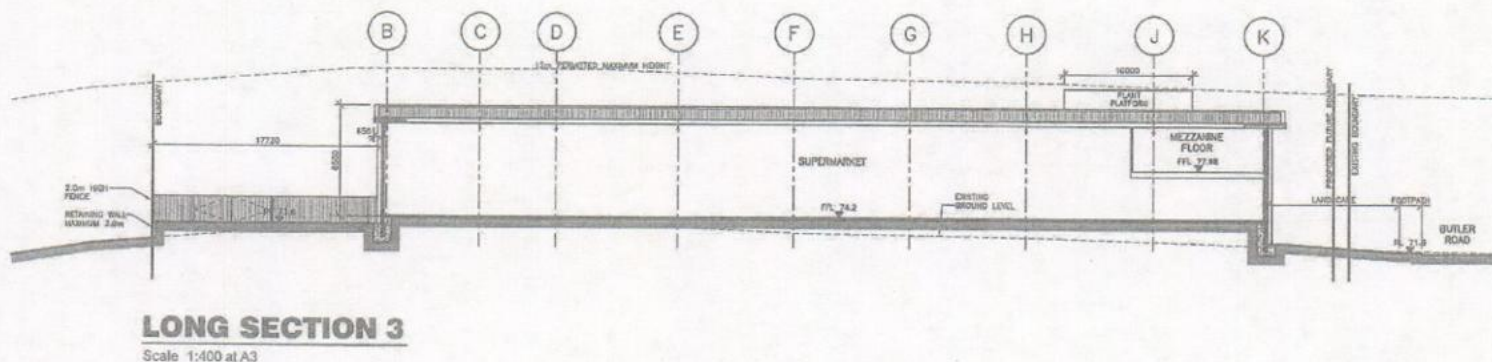
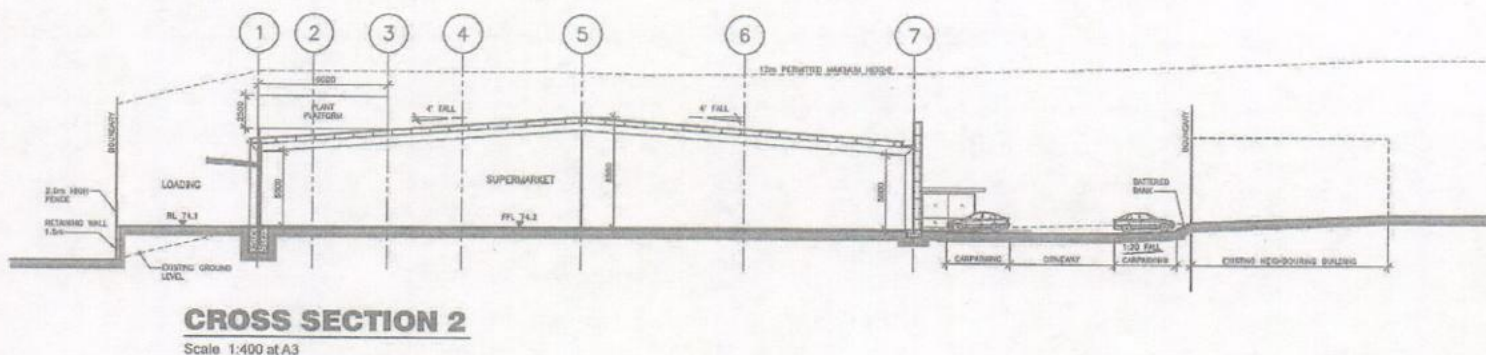
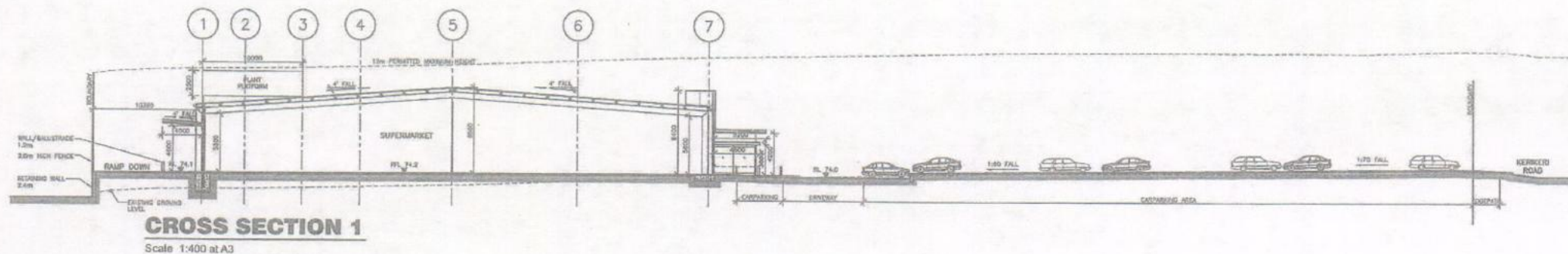


RMA ISSUE

PROPOSED COUNTDOWN KERIKERI - ELEVATIONS KERI KERI ROAD, KERI KERI

SCALE: 1:300 at A3
DATE: 14 FEB 2010
JOB NO: 2019-54
DWG NO: RMA 102-revH

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215

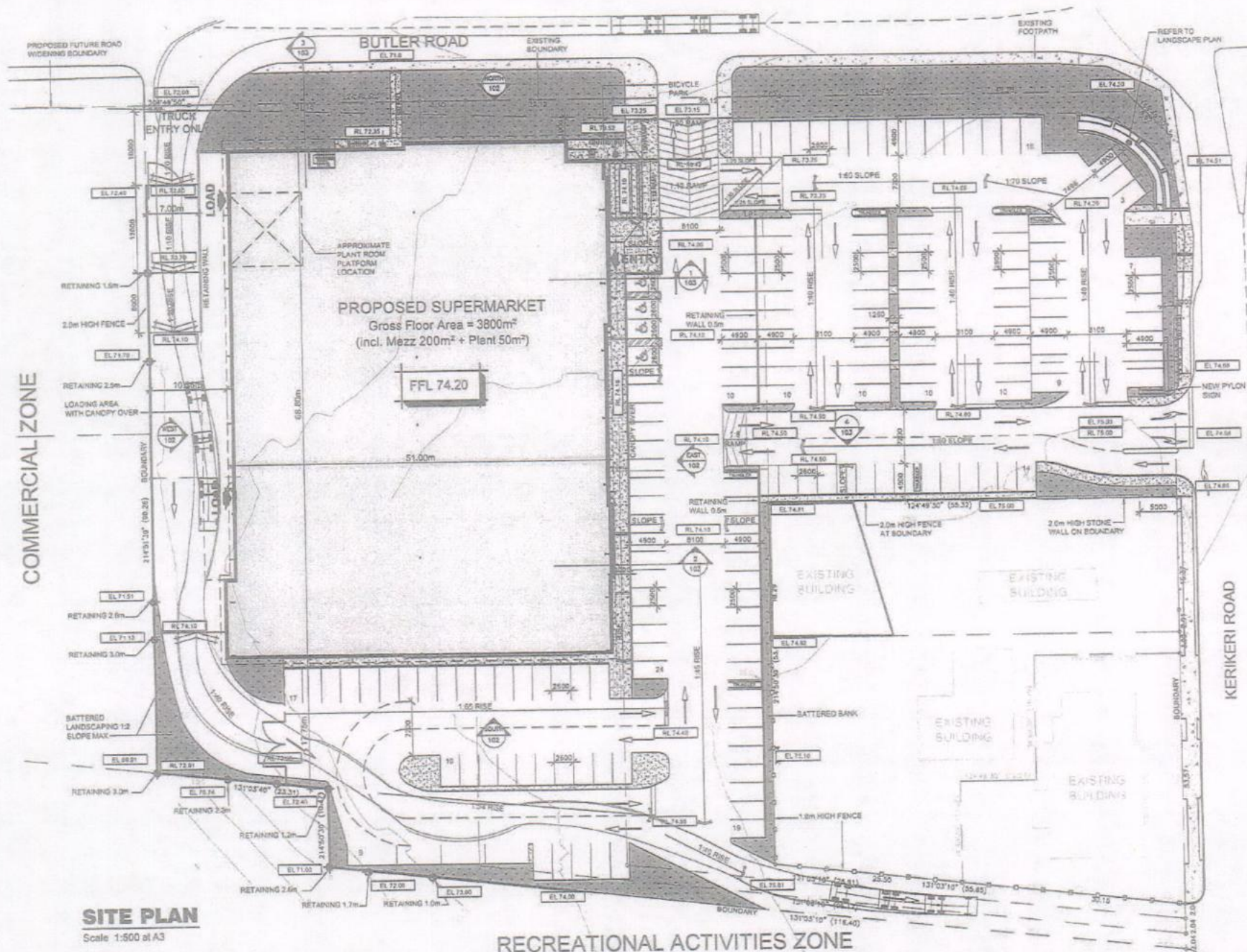


PROPOSED COUNTDOWN KERIKERI - SECTIONS KERI KERI ROAD, KERI KERI

SCALE: 1:400 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA 103-revG

RMA ISSUE

WOODHAMS/BIKLE/ZHAN
architects
Ph 06 577 5215



SITE PLAN
Scale 1:500 at A3

AREAS SCHEDULE:

Gross Floor Area: (includes Mezz Floor 200m² + Plant 50m²)	3800m²
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CAR PARKING:

Total Carparks Provided:	175
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LEGEND

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- RL 00.00 PROPOSED LEVELS
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PYLON SIGN
Scale 1:100 at A3



LOCALITY PLAN
N.T.S.

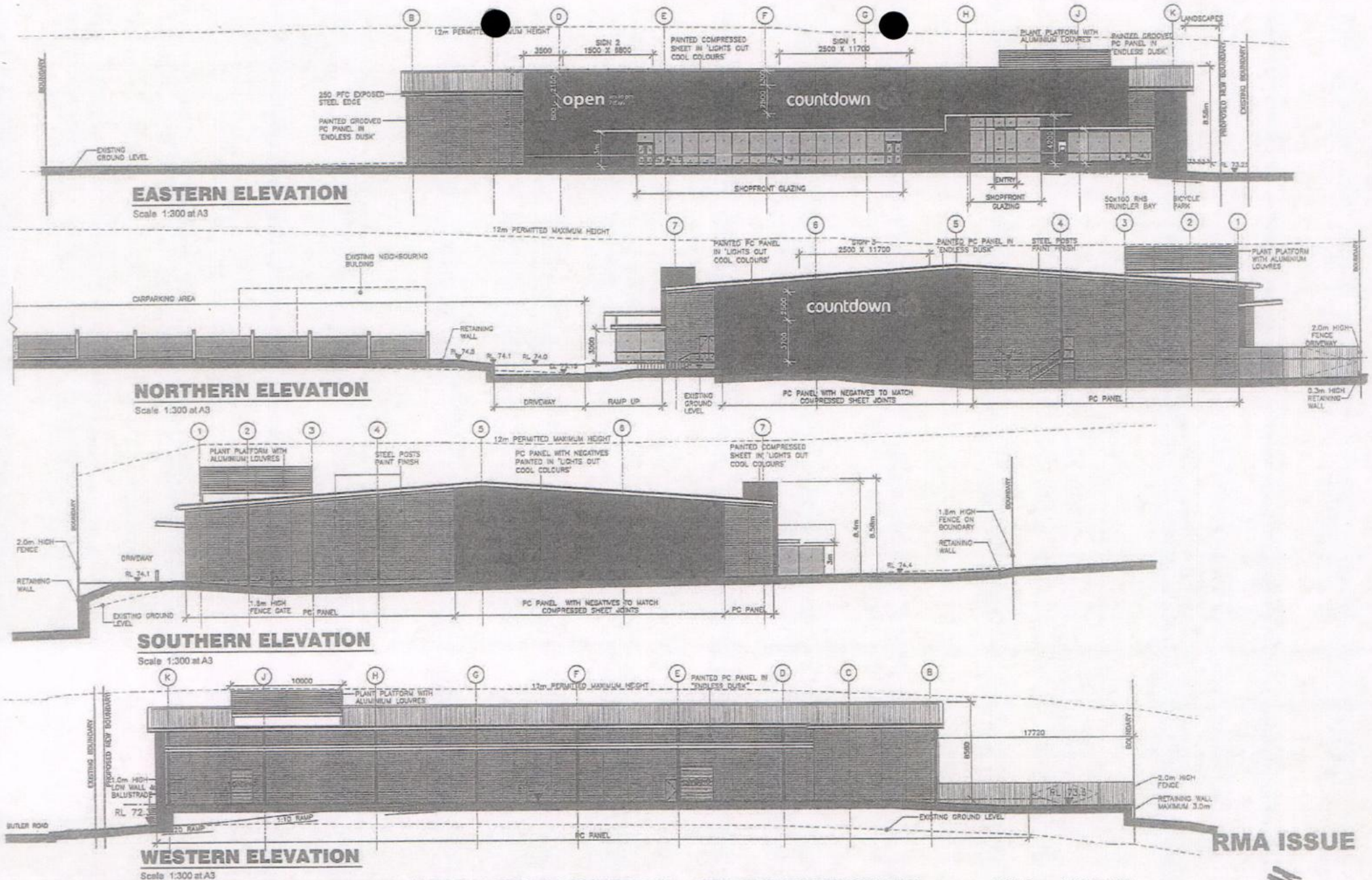
RMA ISSUE

PROPOSED COUNTDOWN KERIKERI - SITE PLAN

KERIKERI ROAD, KERIKERI

SCALE: 1:500 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA101-revM

WOODRAMS/MEIKLE/CHAN
architects
Ph: 09 377 5215

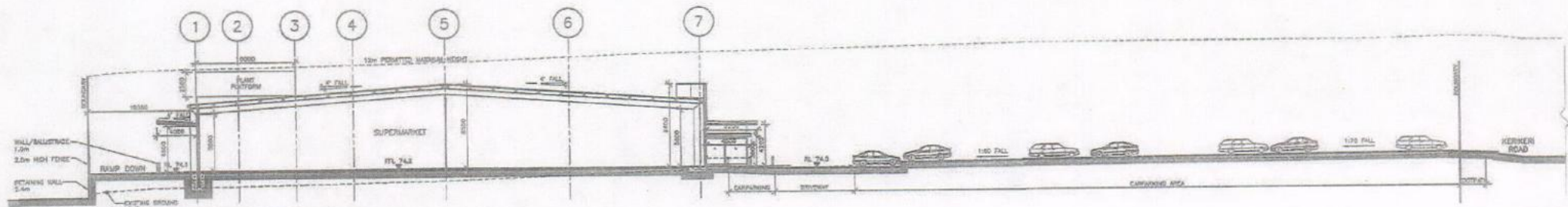


PROPOSED COUNTDOWN KERIKERI - ELEVATIONS KERI KERI ROAD, KERI KERI

SCALE: 1:300 at A3
DATE: 14 FEB 2010
JOB NO: 2019-54
DWG NO: RMA 102-revH

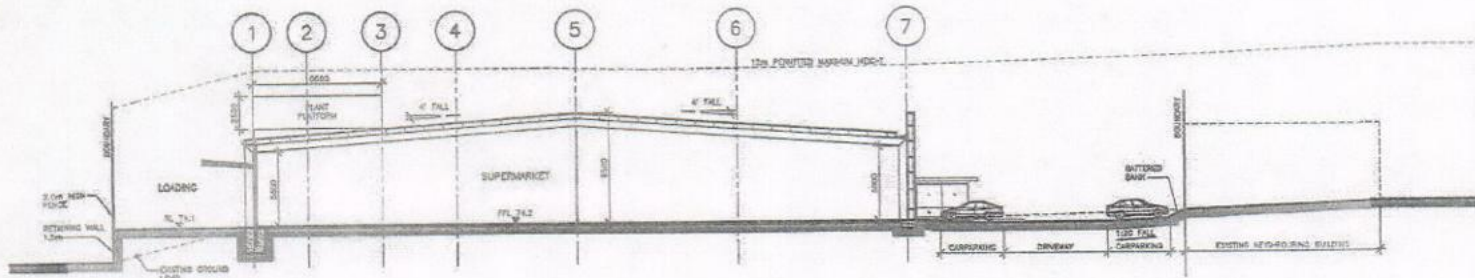
RMA ISSUE

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 6215



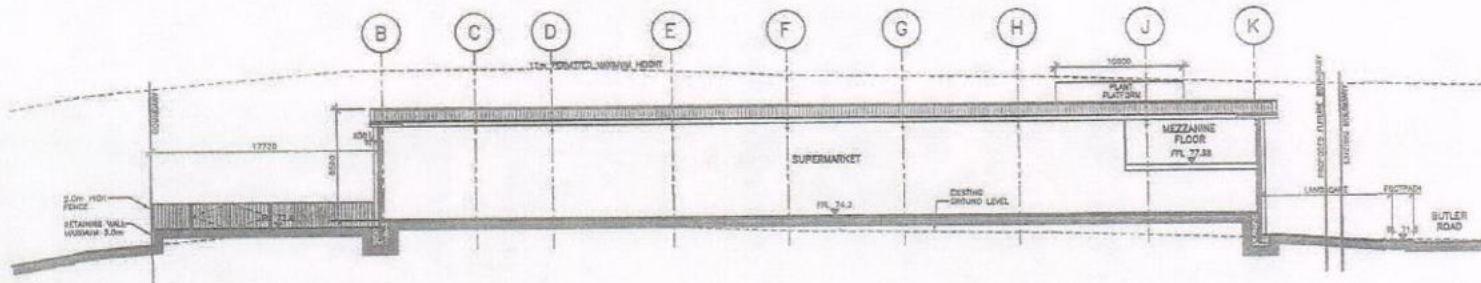
CROSS SECTION 1

Scale 1:400 at A3



CROSS SECTION 2

Scale 1:400 at A3



LONG SECTION 3

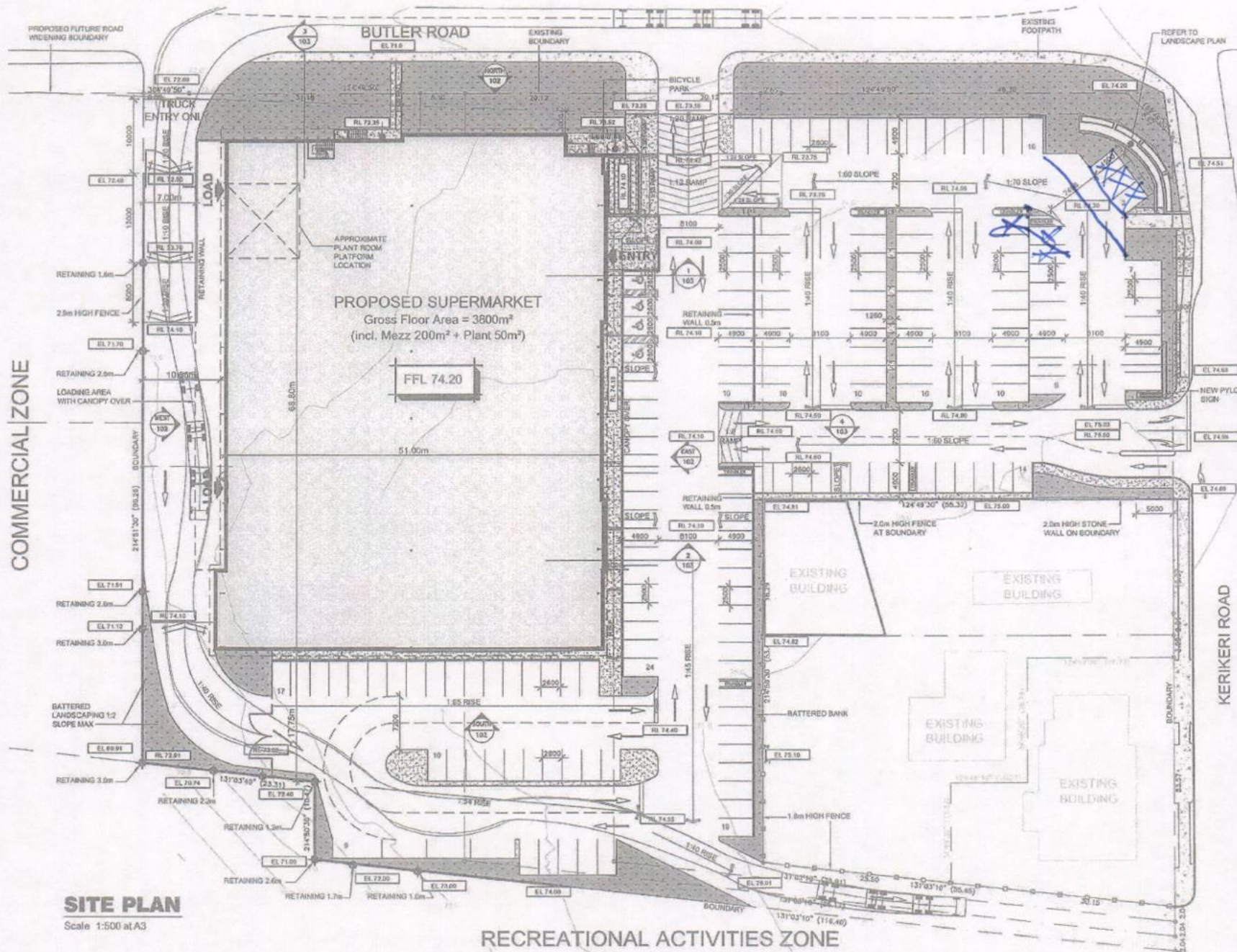
Scale 1:400 at A3

PROPOSED COUNTDOWN KERIKERI - SECTIONS **KERI KERI ROAD, KERI KERI**

SCALE: 1:400 at A3
 DATE: 14 FEB 2011
 JOB NO: 2019-54
 DWG NO: RMA 103-revG

RMA ISSUE

WOODHAMS/MEIKLE/ZHAN
 architects
 PH 06 377 8218



AREAS SCHEDULE:

Gross Floor Area:	3800m²
(includes Mezz Floor 200m² + Plant 50m²)	

CAR PARKING:

Total Carparks Provided:	175
--------------------------	-----

LEGEND

EL 00.00	EXISTING LEVELS
RL 00.00	PROPOSED LEVELS
[Pattern]	INDICATES CONCRETE PAVING BROOM FINISH



PYLON SIGN
Scale 1:100 at A3



LOCALITY PLAN
N.T.S.

RMA ISSUE

PROPOSED COUNTDOWN KERIKERI - SITE PLAN

KERIKERI ROAD, KERIKERI

SCALE: 1:500 at A3
DATE: 14 FEB 2011
JOB NO: 2019-54
DWG NO: RMA101-revM

WOODHAMS/MEIKLE/ZHAN
architects
Ph 09 377 5215

6.3 INITIATION OF PUBLIC CONSULTATION ON DISPOSAL OF SECTIONS OF KERIKERI RESERVE

File Number: A4981808

Author: Robin Rawson, Parks & Reserves Planner

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek the approval of Council to initiate public consultation under the Reserves Act 1977 to consider possible revocation of areas of a reserve fronting Kerikeri Road and Morcom Lane (Lot 10 DP 62588) to facilitate the legalisation of an existing retaining wall on a neighbouring property (which has been built across the boundary and marginally into the reserve) by a boundary adjustment.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council has received a request from Investore Property Limited to legalise the encroachments of an existing private retaining wall on the Woolworths Kerikeri supermarket property where it extends onto two parcels of Council owned land.
- One of the affected properties is held in a fee simple title and the other is a recreation reserve.
- Legalisation of the occupation of the wall is required for approval of a building consent to repair the wall and any required resource consent.
- In the short term a licence to occupy is adequate for gaining consents and undergoing work on the wall. This process can be completed via staff delegations.
- In the long term, revocation of a section of reserve to allow a boundary adjustment would provide greater certainty to the owner of the long-term occupation and would absolve Council from responsibility for the retaining wall structure.
- In accordance with the Reserves Act 1977, public consultation is required to consider revocation of a section of a reserve to allow a boundary adjustment by subdivision.
- On 24 October 2024, the Bay of Islands-Whangaroa Community Board expressed support for a licence to occupy as a short-term action, and the initiation of public consultation to consider revocation areas of the reserve underlying the retaining wall.
- Property staff will assess the effects of the encroachments on fee simple land and are delegated to approve licences to occupy.
- Council approval is required for revocation of a reserve.
- Council approval is required for sale of any Council land; and these options will be reported to Council for approval after public consultation and a hearing under the Reserves Act 1977, (should this be necessary).

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **approve the initiation of a public consultation process under Section 24 of the Reserves Act 1977 to revoke small parts of Recreation Reserve (Lot 10 DP 62588 – owned by the Far North District Council) underlying an existing retaining wall owned by Woolworths Ltd;**
- b) **appoint Bay of Islands-Whangaroa Community Board to hear any submissions received in response to the consultation processes and to make recommendations to the Council in respect of the reserve classification and revocation.**

1) TĀHUHU KŌRERO / BACKGROUND

Investore Property Limited has contacted Council to request landowner approvals to do necessary and high priority remediation work to existing retaining walls at the edges of their Kerikeri supermarket site (Woolworths) to stabilise the wall and prevent further movement that could result in failure of the wall. The footprint of existing walls has moved since construction and the walls extend into adjoining Council properties to the north-west and south-west with a maximum encroachment of 430mm (refer Appendix 1).

Investore Property Limited seeks agreement from Council for a course of action that will allow consents to be obtained and future works to take place to remediate the walls. Options to enable this work are considered in the following section. Investore Property Limited has stated that the completion of remediation works is expected to ensure that there is no further movement of the wall over the next 50 or more years. The building consent application to remediate the wall will need to demonstrate at least 50 year structural durability. e two Council properties that are the subject of this request are identified in Appendix 1. One is a fee simple title owned by Council that was purchased to help facilitate the future Kerikeri western ring bypass. It contains a residential building that is currently being used for short-term tenancies to FNDC transitional staff. The other property is a recreation reserve which is used for drainage and public access.

The Bay of Islands-Whangaroa Community Board approved the following resolution on 24 October 2024 (Alternate resolution 2024/1):

- a) Endorse the issuance of a LTO to allow remediation of the wall to begin.
- b) Approve the initiation of a public consultation process under Section 24 of the Reserves Act 1977 to revoke areas of reserve underlying an existing retaining wall.
- c) Agree to hear any submissions received in response to the consultation processes and to make recommendations to the Council in respect to the revocation.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This section assesses possible Council responses to the request from Investore Property Limited and was prepared with contributions from Legal Services, Delivery and Operations and Property Management. It includes recommendations for actions to provide a short-term solution and a long-term solution.

	Options	Advantages, disadvantages, costs
1	Walls rebuilt outside of Council land	- No further action required from Council staff - Disruption to supermarket activities over long period - Expected temporary disruption to adjoining properties including Council properties greater than for other options because of extent of works - Council would have no legal responsibility for the rebuilt wall - Possible reputational risk to Council for not being more accommodating due to rebuilding costs to applicant (estimate \$1.5 million from applicant) and small impact on Council land.
2	Boundary adjustments after reserve revocation (recommended option for the long-term if supported by public consultation)	- Would result in the private retaining wall not being on Council owned land and providing wall owners with greater certainty - Council would be absolved from any responsibility in the event of failure of the wall as no part would be on Council land - Public notification needed under Section 24 of Reserves Act 1977 for revocation of (small) areas of land where the retaining walls are on reserve - Revocation and boundary adjustments requires approval from Council Elected Members - Applicant to pay resource consents costs, valuation, legal and survey costs, land purchase costs or equivalent.

3	Easements	• Provides an enduring legal right for structures to occupy land • Long-term solution that would legalise the retaining walls on Council land • Council could decide that public notification was not needed as structures largely underground and minimal encroachment • Council resolution needed for approval of reserve easement • Council liability would need to be addressed by easement agreement • Applicant to pay costs including \$476 application fee under current policy, additional valuation, legal and survey costs, land costs or equivalent.
4	Lease	• Provides a temporary right for structures to occupy land • Not consistent with Reserves Act 1977 – not a recreational activity and does not recognise long-term use • Public notification may still be needed • Not permanent and does not provide all parties assurance • A lease longer than 35 years requires subdivision consent • Council liability would need to be addressed by lease agreement • Applicant to pay \$484 application fee and other costs.
5	Licences to Occupy (recommended option for the short-term only, to accommodate building works)	• Provides a temporary right for structures to occupy land that can be rescinded at any time • Fast, can be completed by Council staff to plan for remediation works • Not consistent with Reserves Act 1977 – not a recreational activity and does not recognise long-term use • Not permanent and does not provide all parties assurance • Council remains affected – as a landowner. • Applicant to pay \$121 application fee • Property staff are delegated to consider and approve licences to occupy Council land.

Recommended Actions:

A licence to occupy, (option 5 – short term solution) would allow building and any other necessary consents to be obtained and works progressed however a boundary adjustment after reserve revocation (option 2- long term solution) would remove Council liability for remediation in the event of failure of the wall.

Transport issues

Council's Senior Transport Planner has discussed the plans of the retaining wall with the Consultant Engineer for the Kerikeri CBD Road Designation project and advises that:

'legalisation of this wall in the current location is not expected to constrain the location of any future road corridor. The current proposed road corridor is a high-level concept design from 2006 from which no degree of precision can be inferred. This is not the only road corridor option being considered. This matter presents the opportunity for Council to engage with a key stakeholder for the CBD road designation and ideally gain support for the concept even in principle and thus de-risk their future involvement in the RMA process.

If supported by public consultation, Council approval would be needed for reserve revocation to allow boundary adjustments for both the reserve land and fee simple property at 16 Butler Road.

Construction issues

In addition to legalisation of the occupation of sections of the wall, a construction works agreement is being considered that would need to be agreed to allow Woolworths to undertake the remediation works. This would be finalised by staff and cover practical matters including the following:

- Woolworths paying for alternative accommodation (for short term rentals at 16 Butler Road) during construction works.
- Planting within the reserve at the edge of the wall to be removed to allow for construction will need to be replanted when works are completed.
- Construction requirements including access.

Assessment against Policies

The criteria for the disposal of parks and reserves is outlined in Section 3 and Schedule 2 of the Council Parks and Reserves Policy. In this instance, the areas of reserve that are being considered for revocation are sufficiently small that the proposal is not inconsistent with this policy.

Next steps

Revocation of a reserve and property sale are at the discretion of Council; and these options will be reported to Council for decision after public consultation and a hearing under the Reserves Act 1977, (should this be needed).

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

A boundary adjustment after reserve revocation is a suitable a long-term outcome as the private retaining wall would no longer be located on Council land. Revocation of reserve status of a section of the reserve and subsequent boundary adjustment would remove Council from any responsibility and potential liability regarding the building works associated with the retaining walls performed by Woolworths, as well as the wall itself once the works are completed. This option is consistent with the Reserves Act 1977.

A licence to occupy can be agreed as a temporary measure to gain necessary consents, facilitate repairs, revocable once a boundary adjustment is in place.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Staff time working with Woolworths to understand the issue, and look at potential solutions is not cost recoverable, as it was done outside any application process. Expenses to facilitate the reserve revocation and boundary adjustment will be charged to the applicant when application is lodged and processed for a licence to occupy, a reserve revocation for the purposes of a boundary adjustment, and a subdivision by boundary adjustment. Any areas of land subject to boundary adjustment and transferred to Woolworths will be valued, and reasonable compensation paid to Far North District Council. Council will be requiring that Woolworths pay the costs associated with undertaking the public engagement process on the reserve (e.g. public notice in a newspaper). If there is impact on Council tenants and a loss of revenue or costs incurred, that will also be considered through any agreement with Woolworths.

ĀPITI HANGA / ATTACHMENTS

1. **Kerikeri Reserve - A4877078**
2. **Record of Title NA65D/309 (Council's Freehold Land) - A4924501**
3. **Record of Title 566382 (Recreation Reserve) - A4924505**

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Areas of reserve (if revoked) and fee simple land that would be involved in any future boundary adjustments are small, and sale will not prevent possible future plans for use of the remaining areas of Council properties. Failure to remove legal liability for wall failure where walls remain on Council land has potential with a small likelihood to result in unbudgeted financial expenditure. Overall, the level of significance to Council is assessed as being low. The boundary adjustment is very significant to Woolworths/Investore and there is potential reputational loss to Council if legalisation is not actioned.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The proposed revocation of reserve land will not affect use of the remaining area and is therefore not inconsistent with the Parks and Reserves Policy. Public consultation is required under the Reserves Act to assess applications for the revocation of recreation reserves.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This issue is site specific. The Bay of Islands-Whangaroa Community Board has endorsed both a licence to occupy as an interim process and the public consultation required to consider the suitability of revocation of areas of reserve land.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Staff have met with and provided plans showing the occupation of the retaining wall to Ngāti Rēhia who have not raised concerns at this time.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration	Council's Infrastructure Asset and District Facilities Teams were consulted as stakeholders and have not expressed any concerns about the proposal. The

to their views or preferences (for example – youth, the aged and those with disabilities).	public will have the opportunity to comment on the proposed reserve revocation.
State the financial implications and where budgetary provisions have been made to support this decision.	Staff time so far is not recoverable. Expenses for processing any application will be charged to the applicant. Areas of land that may be transferred are small and land cost will be by valuation.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

From: [Makarena Dalton](#)
To: [Megan Hart](#)
Subject: FW: Retaining Wall Encroachment - Council Reserve
Date: 12 August 2026 08:54:08
Attachments: [image003.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[Report on Woolworths retaining wall.pdf](#)

Revocation process

Ngā mihi | Kind regards,

MAKARENA DALTON
Senior Associate
027 286 2298
MakarenaD@barker.co.nz

B&A Logo



barker.co.nz



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From: Robin Rawson Robin.Rawson@fndc.govt.nz
Sent: Thursday, 6 August 2026 5:50 pm
To: Meg Cavell Meg.Cavell@strideproperty.co.nz ; Simon Gasson sgasson@rcp.co.nz
Cc: Makarena Dalton MakarenaD@barker.co.nz
Subject: RE: Retaining Wall Encroachment - Council Reserve

Kia ora anō

I am working on the engagement plan for the consultation and referring to the original report and note that the 2025 report to Council allowed for an encroachment of 430mm (bad plan reading on my part when I emailed earlier, sorry).

Please note that staff hours have been recorded from early 2025 and all hours will be charged prior to authorisation of the revocation. Early hours prior to agreeing to a process were significant and are not being charged. At a rough guess only for the purposes of your budgeting, staff costs and any disbursements at standard charge out rates are expected to be in the order of \$20,000.

The report states the following:

Financial Implications and Budgetary Provision

Staff time working with Woolworths to understand the issue, and look at potential solutions is not cost recoverable, as it was done outside any application process. Expenses to facilitate the reserve revocation and boundary adjustment will be charged to the applicant when application is lodged and processed for a licence to occupy, a reserve revocation for the purposes of a boundary adjustment, and a subdivision by boundary adjustment. Any areas of land subject to boundary adjustment and transferred to Woolworths will be valued, and reasonable compensation paid to Far North District Council. Council will be requiring that Woolworths pay the costs associated with undertaking the public engagement process on the reserve (e.g. public notice in a newspaper). If there is impact on Council tenants and a loss of revenue or costs incurred, that will also be considered through any agreement with Woolworths.

... however in practice when small areas of land are being considered, the cost of valuation is greater than the

value, and an agreed value is usually negotiated.

Please get back to me if you need any further information on the process or charges.

Ngā mihi | Regards
Robin



Robin Rawson

Parks & Reserves Planner - Growth Planning and Placemaking

M 272171426 | P 6494015288 | Robin.Rawson@fndc.govt.nz

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

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Robin Rawson Robin.Rawson@fndc.govt.nz

Sent: Thursday, 6 August 2026 12:04 pm

To: Meg Cavell Meg.Cavell@strideproperty.co.nz ; Simon Gasson sgasson@rcp.co.nz

Cc: Makarena Dalton makarenad@barker.co.nz

Subject: Re: Retaining Wall Encroachment - Council Reserve

Kia ora Meg, i note that the revocation extent is similar to that agreed with Council but the maximum width has increased from 290mm to 430mm. It is my assessment that this change is not significant.

If necessary, i can amend the plan provided so it is more readable for consultation.

Regards

Robin



Robin Rawson

Parks & Reserves Planner - Growth Planning and Placemaking

M 272171426 | P 6494015288 | Robin.Rawson@fndc.govt.nz

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

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Meg Cavell Meg.Cavell@strideproperty.co.nz

Sent: Wednesday, 05 August 2026 16:38:41

To: Robin Rawson Robin.Rawson@fndc.govt.nz ; Simon Gasson sgasson@rcp.co.nz

Subject: RE: Retaining Wall Encroachment - Council Reserve

CA TION: This email originated from outside Far North District Council.

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

Hi Robin,

Is this drawing set sufficient for you to submit the revocation of reserve notification?

Thanks,
Meg

Meg Cavell
Property Manager

M:+64 210586423

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From: Meg Cavell
Sent: Tuesday, 4 August 2026 2:49 pm
To: 'Robin Rawson' Robin.Rawson_fndc.govt.nz ; Simon Gasson sgasson_rcp.co.nz
Subject: RE: Retaining Wall Encroachment - Council Reserve

Thanks Robin,

To confirm, we only need to show the area that is affected by the permanent encroachment, or do we also need to show the area that will have an easement for maintenance purposes?

Thanks,
Meg

Meg Cavell
Property Manager

M:+64 210586423

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From: Robin Rawson Robin.Rawson_fndc.govt.nz
Sent: Tuesday, 4 August 2026 2:43 pm
To: Meg Cavell Meg.Cavell_strideproperty.co.nz
Subject: FW: Retaining Wall Encroachment - Council Reserve

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Kia ora Meg

An example of process and documentation
[Revocation of Recreation Reserve \(63 Black Beech Street\) | Let's kōrero Upper Hutt](#)

And another diagram:



Robin Rawson

Parks & Reserves Planner - Growth Planning and Placemaking
M 272171426 | P 6494015288 | Robin.Rawson@fndc.govt.nz

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Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Meg Cavell Meg.Cavell@strideproperty.co.nz

Sent: Tuesday, 4 August 2026 2:22 pm

To: Robin Rawson Robin.Rawson@fndc.govt.nz ; Dallas Apimerika
Dallas.Apimerika@fndc.govt.nz

Subject: RE: Retaining Wall Encroachment - Council Reserve

CA TION: This email originated from outside Far North District Council.

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Hi Dallas,

Are you able to please give me a call when you get a chance? My number is 0210586423

Thanks,
Meg

Meg Cavell

Property Manager

M:+64 210586423

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From: Robin Rawson Robin.Rawson@fndc.govt.nz

Sent: Thursday, 16 July 2026 4:47 pm

To: Makarena Dalton makarenad@barker.co.nz

Cc: Meg Cavell Meg.Cavell@strideproperty.co.nz ; Simon Gasson sgasson@rcp.co.nz ; Dallas Apimerika
Dallas.Apimerika@fndc.govt.nz ; Alicia Shepherd Alicia.Shepherd@fndc.govt.nz

Subject: RE: Retaining Wall Encroachment - Council Reserve

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Greetings Makarena and all

There are a few threads to resolving matters related to the Kerikeri Woolworths retaining wall:

1. As soon as construction plans have been finalised, public consultation is required to revoke areas of reserve land underlying the proposed final footprint of the wall. Council agreed to this last year and would not contemplate an easement or other occupation instrument for the wall. Revocation is under section 24 of the Reserves Act 1977 and has a one-month consultation period.

Council 13/02/2025	Initiation of public consultation on disposal of sections of Kerikeri reserve	RESOLUTION 2025/5 Moved: Kōwhai - Deputy Mayor Kelly Stratford Seconded: Cr Tāmāti Rākena That Council: a) approve the initiation of a public consultation process under Section 24 of the Reserves Act 1977 to revoke small parts of Recreation Reserve (Lot 10 DP 62588 – owned by the Far North District Council) underlying an existing retaining wall owned by Woolworths Ltd; b) appoint Bay of Islands-Whangaroa Community Board to hear any submissions received in response to the consultation processes and to make recommendations to the Council in respect of the reserve classification and revocation. CARRIED
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2. I am expecting that there would be no public opposition to revocation of the very small areas of reserve. If this is the case, application for a subdivision by boundary adjustment will be needed to meet Building Act requirements and so that there is no part of the wall located on Council land in addition to any land-use approvals needed.
3. Costs for staff processing time including the Parks Planner and the FNDC legal team will form part of an agreement for fees to be paid before final agreement to the boundary adjustment. Costs are expected to be between \$10,000 and \$20,000 and in addition to this Council may request a contribution for land costs rather than payment on valuation (and for valuation services) because of the small areas involved.
4. I understand an LTO is proceeding as an interim measure to enable construction.
5. The LTO has raised the issue of use of Council's rental property at 16 Butler Road for construction, and this is likely to require a lease that takes account of the loss of revenue for the 2 units on this property over the time of construction. Dallas is the contact person for this conversation if it has not started yet.

Dallas Apimerika

Team Leader - Property Management

M 272204591 | P 6494015510 | Dallas.Apimerika@fndc.govt.nz

Please note that this is a catch-up email rather than an exhaustive coverage of matters and costs related to construction of this wall that will be managed by several areas of Council.

Ngā mihi | Regards
Robin

Robin Rawson

Parks & Reserves Planner - Growth Planning and Placemaking

M 272171426 | P 6494015288 | Robin.Rawson@fndc.govt.nz



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

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Makarena Dalton MakarenaD_barker.co.nz

Sent: Thursday, 16 July 2026 4:04 pm

To: Robin Rawson Robin.Rawson_fndc.govt.nz

Cc: meg.cavell_strideproperty.co.nz; Simon Gasson sgasson_rcp.co.nz

Subject: Retaining Wall Encroachment - Council Reserve

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Kia ora Robin,

I'm reaching out on behalf of Investore Property Limited (Investore) who own 8 Butler Road, Kerikeri (i.e., Kerikeri Countdown). A Licence to Occupy (LTO) was recently approved by Council over the adjoining Council Reserve (Lot 10 DP 62588) and private property owned by Council at 16 Butler Road, Kerikeri. A copy of the LTO is attached.

The LTO only covers access and maintenance to undertake remedial works and maintenance of an existing retaining wall, however, it is clear from the engineering drawings that the foot of the existing structure already encroaches into the public reserve and 16 Butler Road (refer to drawing series C1-10, C2-10, C2-11 and C2-12). This encroachment will be marginally increased as a result of the proposed remediation solution – refer to the red hashed area in the crib wall sections.

Regarding the public reserve (Lot 10 DP 62588), Investore are exploring options to authorise this encroachment with a long term solution. Are you able to provide any advice in terms of best way to resolve this The preference would be some kind of easement or long term LTO

Please let me know if you'd like to discuss.

Ngā mihi | Kind regards,

MAKARENA DALTON
Senior Associate
027 286 2298
MakarenaD_barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
Level 4, Old South British Building,
3-13 Shortland Street, Auckland

barker.co.nz 

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**LICENCE TO TEMPORARILY OCCUPY
RESERVE LAND (Pursuant to s74 Reserves Act 1977) AND
GENERAL FREEHOLD LAND**

BETWEEN: FAR NORTH DISTRICT COUNCIL (hereafter called “the Licensor”) as the administering body of Lot 10 DP 62588 (being the “Recreation Reserve”) and the landowner of Lot 6 DP 62588 (being the “Council land”)

AND: INVESTORE PROPERTY LIMITED of Level 12, 34 Shortland Street, Auckland 1010, PO Box 6320 Victoria Street West, Auckland 1142, (hereafter called “the Licensee”)

The Licensor hereby grants to the Licensee a licence to temporarily occupy recreation reserve and freehold land as follows;

1. Licensed area

- 1.1 The land to be occupied under this licence is shown outlined in red on the plan annexed in Schedule 1 being part of the land described as Lot 10 DP 62588 situated at Kerikeri Road, Kerikeri (Recreation reserve) and part Lot 6 DP 62588 situated at 16 Butler Road, Kerikeri (Council land) (together referred to as “**the Licensed Areas**”).

2. Purpose of the Licence

- 2.1 To grant the Licensee access to the Licensed Areas for the purposes of carrying out preliminary investigations for and completion of remedial works to the Woolworths Kerikeri retaining wall. The retaining wall and Works encroach the boundaries of Lot 10 DP 62588 (Recreation Reserve) and Lot 6 DP 62588 (Council land) (“**Retaining Wall**”).
- 2.2 The remedial works to be completed are as agreed between the Licensor and Licensee and as set out in the plans prepared by KCL Engineering Project No.32562 and includes replanting in accordance with the Landscape Plan annexed in Schedule 2, (or such other Landscape Plan that may be approved by Council as a result of a Resource Consent relating to the Works) (“**the Works**”).

3. Term of Licence

- 3.1 Subject always to conditions 4.16 and 4.17, the Licensor authorises the Licensee to occupy the Licensed Areas for a period of twenty four (24) months from the date of this licence or until completion of the Works, whichever comes first (“**the Termination Date**”).

4. Conditions of Licence

This licence is subject to the following conditions:

- 4.1 The Licence permits the Licensee to use the Licensed Areas but does not grant any tenancy, ownership or any other property right or tenure to the Licensee.

- 4.2 Access to the Licensed Areas is permitted via 16 Butler Road and off Kerikeri Road, Kerikeri. Any construction access over Lot 50 DP 348294 (Recreation Reserve) fronting Aranga Road, Kerikeri will require prior written consent from the Licensor.
- 4.3 The Licensee must obtain a Resource Consent and Building Consent from the local territorial authority for the Works prior to commencement of the Works.
- 4.4 Where the Licensee intends to enter upon the Council land for completion of the Works, the Licensee will give to the Licensor written notice of not less than 30 working days for such entry.
- 4.5 The Licensee must carry out the Works in a good and workmanlike manner and in accordance with the terms of the Resource Consent and/or Building Consent.
- 4.6 The Licensee shall not erect any additional structures or complete any work outside of the agreed Works defined herein on the Licensed Areas, without the prior consent of the Licensor.
- 4.7 Except as provided for in the Landscape Plan annexed is Schedule 2, the Licensee shall not remove, damage or disturb any planting and/or vegetation within the Licensed Areas (or outside the Licensed Areas) without the prior written consent of the Licensor.
- 4.8 In addition to the obligation to reinstate the premises at the termination of the licence in clause 4.16, the Licensee will immediately repair and/or replace any damage caused by the Licensee at the Licensee's sole cost. For the avoidance of doubt, 'damage' does not include any Works permitted by this Licence.
- 4.9 The Licensee is responsible for obtaining all necessary consents, permits or licences and to comply with any legislative requirements for carrying out the Works.
- 4.10 Where under any Act, Regulation or By-law any obligation is placed upon the Licensor or Licensee in respect of the Works, the Licensee shall perform all such obligations.
- 4.11 The Licensee must comply with all relevant provisions of the Health and Safety at Work Act 2015 in respect of the Works and the Licensee will undertake the Works in a safe and responsible manner and not do anything to cause, or be likely to cause nuisance, harm or danger to the Licensor, its employees, agents, contractors, invitees, tenants or members of the public as a result of the Works.
- 4.12 In undertaking the Works, the Licensee shall take all reasonable precautions against accident or injury arising in respect of any person or property on the Licensed Areas.
- 4.13 The Licensee shall keep the Licensed Areas in a tidy and safe condition.

- 4.14 The Licensee shall at all reasonable times, permit any authorised officer of the Licensor, access to the Licensed Areas for the purpose of inspecting the premises to satisfy the Licensor that the terms of the Licence are being complied with.
- 4.15 The Licensee shall ensure that public access to, and use of the Recreation Reserve outside of the Licensed Areas is not obstructed, allowing continued recreational use in accordance with the intended purpose of the land, as a recreation reserve under the Reserves Act 1977.
- 4.16 Upon termination of this Licence the Licensee shall vacate the Licensed Areas and remove all its equipment and rubbish and reinstate the Licensed Areas, including restoration of the surface of the land, as nearly as practicable to their original condition at its sole cost. This includes replanting, replacing vegetation (in accordance with the Landscape Plan annexed in Schedule 2), and repairing any damage to buildings or land resulting from the Works carried out under this Licence.
- 4.17 The Licensor reserves the right to terminate this Licence and prohibit access to the Licenced Areas, if the use of the areas becomes a nuisance, dangerous, injurious to health or is in breach of any of the conditions set out in this licence. In the case of a minor breach of this Licence, in the sole discretion of the Licensor, the Licensor may give notice to the Licensee to remedy such breach and where such breach is not remedied within ten [10] working days after the Licensor gives notice of such to the Licensee the Licensor may terminate this Licence.
- 4.18 Subject to clause 4.16, the Licensee may terminate this Licence by giving notice in writing to the Licensor if the License is not required for the purposes of the Works.
- 4.19 Neither party may directly or indirectly assign, transfer or deal in any way with any rights or obligations created under this Licence to any other person without the prior written consent of the other party, not to be unreasonably withheld or delayed.
- 4.20 The Licensee is solely responsible for the maintenance and repair of the Retaining Wall located on the Licenced Areas. The Licensor will not be approached or asked to contribute towards any costs associated with the Retaining Wall.
- 4.21 The Licensee must have public liability insurance with an amount of cover no less than one million dollars (\$1,000,000) and arrange its own adequate contract works insurance in respect of the Works .
- 4.22 The Licensee indemnifies the Licensor against all actions, claims, proceedings, liabilities, costs, expenses, demands or damages of any kind arising through any breaches of this Licence being caused by the Licensee. The Licensee shall bear all costs and shall indemnify the Council of all legal actions or demands that may be brought against the Council caused by the Licensee by way of breach, negligence, or use of the Licensed Area or in connection with the rights hereby granted but expressly excludes liability arising from the Licensor's acts, omissions, negligence, or policy decisions.
- 4.23 Should the Works result in any boundary encroachment by the Retaining Wall on the Licensed Areas and if required by the Licensor, prior to termination of this Licence the

Licensee at its sole cost, agrees to initiate property legalisation process to formally legalise the encroachment(s). Completion of any legalisation process will likely take place following the expiry of this Licence and the Licensee agrees to bear the cost of and take all such necessary steps to complete any legalisation process as reasonably directed by the Licensors.

Parties' Representatives for receipt of Notices and Correspondence

	Licensors	Licensee
Name	Far North District Council	Investore Property Limited
Contact	Hilary Sumpter – Group Manager – Delivery and Operations	Meg Cavell Property Manager
Address	5 Memorial Ave, Kaikohe	Level 12, 34 Shortland Street, Auckland 1010
Phone	09 401 5407 / 0800 920 029	021 0586 423
Email	hilary.sumpter@fndc.govt.nz	meg.cavell@strideproperty.co.nz

Dated the day of May 2026

SIGNED ON BEHALF OF THE LICENSOR pursuant to a delegated authority by:

Hilary Sumpter - Group Manager Delivery and Operations

In the presence of:

Full name _____

Signature _____

Address: _____

Occupation: _____

SIGNED ON BEHALF OF THE LICENSEE under power of attorney:



Signature of Attorney

Adam Lilley
Name of Attorney



Signature of Attorney

Philip Littlewood _____
Name of Attorney

In the presence of:

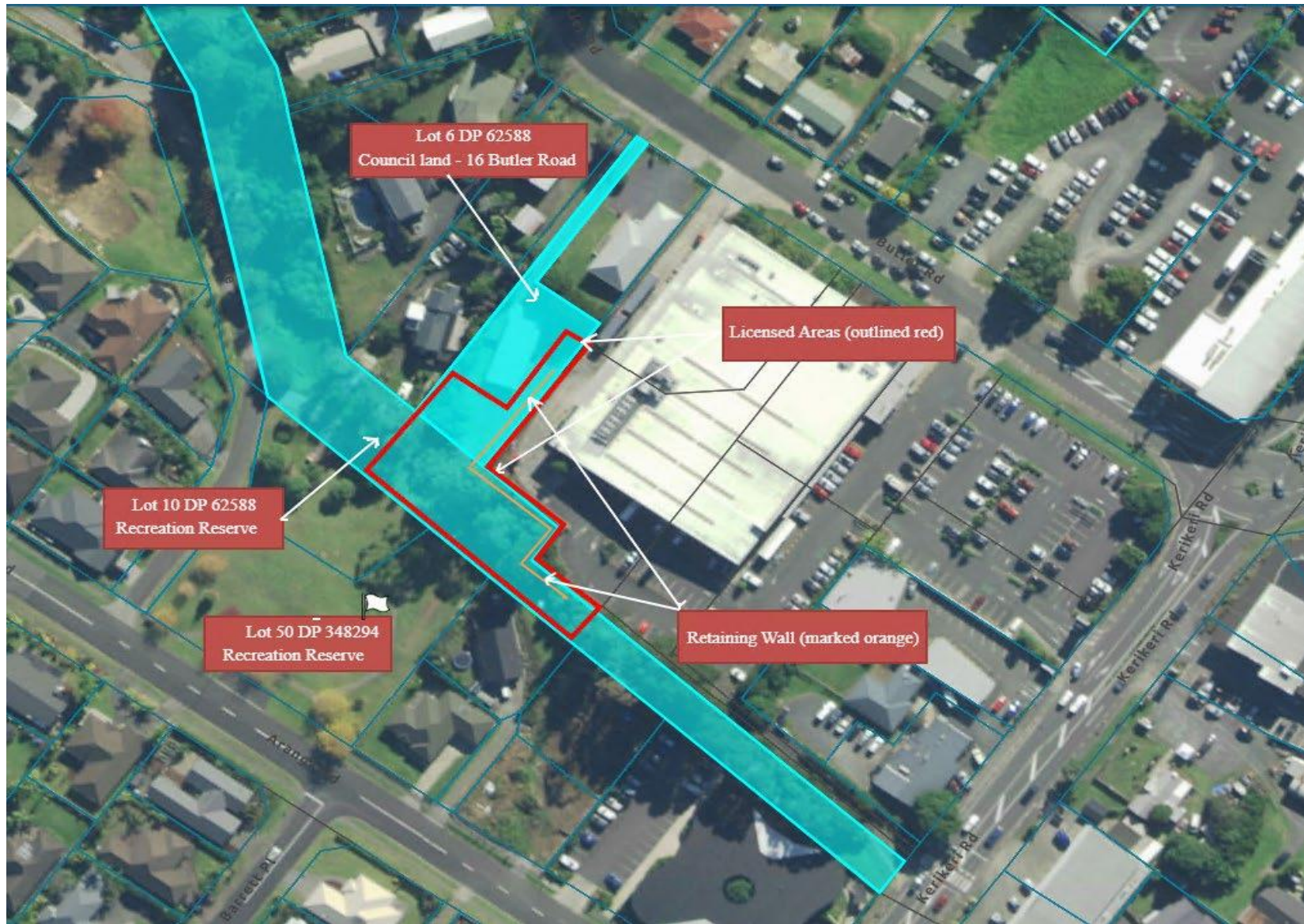
Full name Stephanie Abbott

Signature  _____

Address: Auckland

Occupation: Executive Assistant

SCHEDULE 1 – LICENSED AREAS



SCHEDULE 2 – LANDSCAPE PLAN: PLAN MAYBE SUBJECT TO CHANGE AS REQUIRED BY RESOURCE CONSENT



Client:

STRIDE.

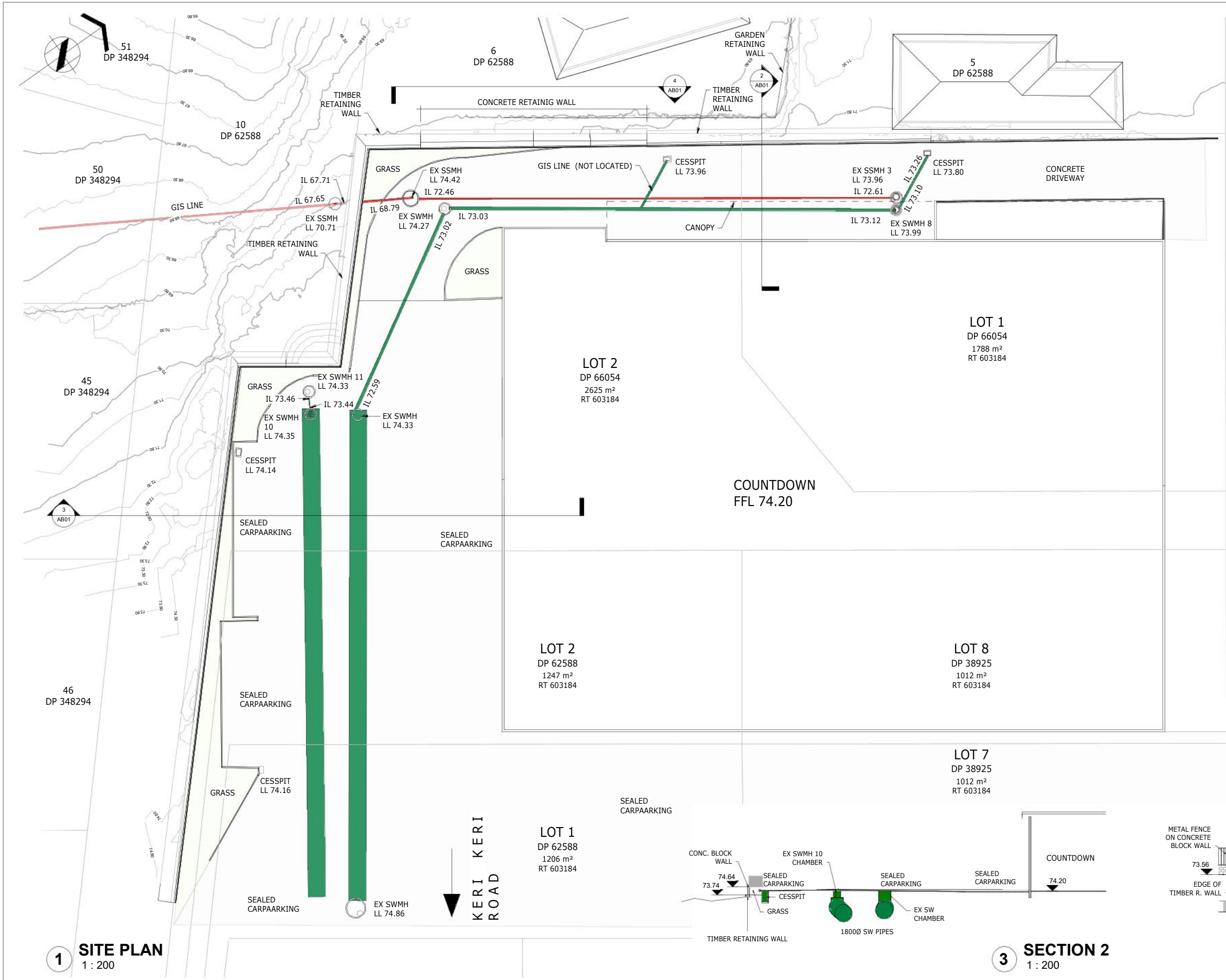
P. +64 9 522 8406
www.kclengineering.co

Project:

**COUNTDOWN KERIKERI
CRIB WALL**

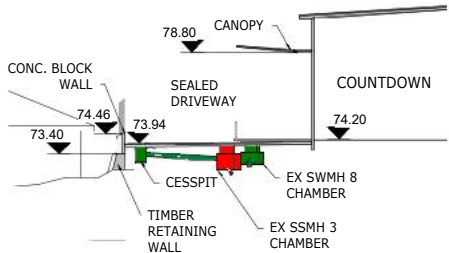
Project No.

32565

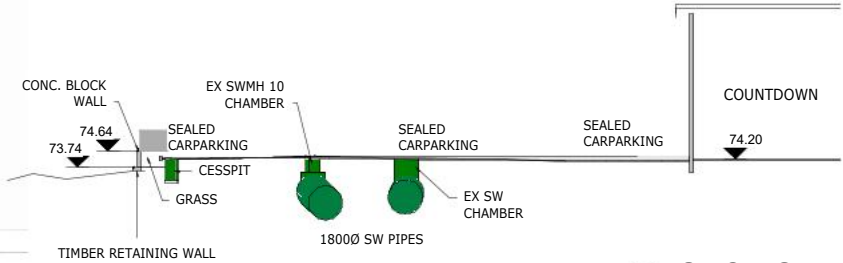


- NOTES:**
1. LEVELS ARE IN TERMS OF NEW ZEALAND VERTICAL DATUM 2016
ORIGIN OF LEVELS
RM VI DP 85753
RL 64.51
 2. COORDINATES ARE IN TERMS OF NZ GEODETIC DATUM 2000
MT EDEN CIRCUIT
ORIGIN OF COORDINATES
RM VI DP 85753
983312.51 mN
325587.54 mE
 3. THIS PLAN HAS BEEN CARRIED OUT TO TOPOGRAPHICAL STANDARDS. ALL LEVELS SHOWN ARE CORRECT AT TIME OF SURVEY. CRITICAL DIMENSIONS AND LEVELS SHOULD BE VERIFIED.
 4. BOUNDARIES SHOWN ON THIS PLAN ARE ADOPTED FROM DP 66054, DP 62588, DP 38925, SO 447750 AND HAVE NOT BEEN SURVEYED. A BOUNDARY DEFINITION SURVEY SHOULD BE CARRIED OUT TO ESTABLISH EXACT BOUNDARY POSITIONS ON SITE.
 5. ALL EASEMENTS, COVENANTS AND OTHER LEGAL INSTRUMENTS ASSOCIATED WITH THIS SITE MAY NOT BE SHOWN ON THIS PLAN. AN INVESTIGATION OF THE MOST CURRENT LEGAL RECORDS SHOULD BE UNDERTAKEN PRIOR TO DESIGN AND CONSTRUCTION COMMENCING.
 6. THIS PLAN MAY NOT PROVIDE ENOUGH INFORMATION FOR HEIGHT TO BOUNDARY CALCULATIONS. WHERE ANY PROPOSED BUILDING OR PART THEREOF IS REQUIRED TO MEET COUNCIL'S HEIGHT IN RELATION TO BOUNDARY CONTROLS, HARRISON GRIERSON SHOULD BE CONSULTED.
 7. THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN.
 8. THIS PLAN IS ISSUED FOR A SPECIFIC PROJECT AND MAY NOT BE ALTERED OR USED FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF HARRISON GRIERSON.
 9. LEGAL DESCRIPTION
LOT 1 DP 66054, LOT 2 DP 66054, LOT 2 DP 62588, LOT 8 DP 389725, LOT 1 DP 62588, LOT 7 DP 389725, LOT 4 DP 38925 AND SEC 1 SO 447750.
COMPRISED IN CT 603184
TOTAL AREA 1.1873ha
 10. FOR MORE INFORMATION PLEASE REFER TO PLAN A2212879.00-HG-XX-DR-XX-G-SS01

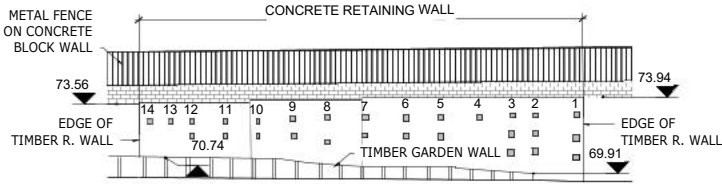
BUTLER ROAD



SECTION 1
1 : 200



SECTION 2
1 : 200



SECTION 3
1 : 200

1 SITE PLAN
1 : 200

ORIGINATOR: ANP	DATE: 07.2022	PLOT BY:	
DRAWN: DXH	DATE: 18.07.22	PLOT DATE:	
CHECKED: ANP	DATE: 01.08.22	SURVEY BY:	ANP
APPROVED: DXH	DATE: 19.07.22	SURVEY DATE:	07.2022
BY	DATE		

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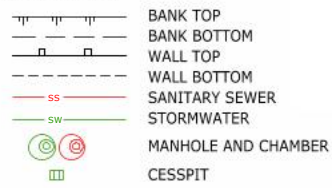
HG HAMILTON OFFICE
LEVEL 2, 678 VICTORIA ST
HAMILTON 3204
T +64 7 949 7000
W www.harrisingrierson.com

PROJECT:
INVESTORE PROPERTY LIMITED
COUNTDOWN - KERIKERI
KERIKERI ROAD

TITLE:
AS-BUILT
SITE PLAN AND
SECTIONS

ISSUE STATUS:	CLIENT ISSUE
PROJECT No: A2212879.00	SCALES: - A1 - HALF SCALE AT A3
DRAWING No: 2212879-AB01	REV C

LEGEND



ASSOCIATION OF CONSULTING
ENGINEERS NEW ZEALAND

ISO 9001
QUALITY
ASSURED

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NOTES

- LEVELS ARE IN TERMS OF NEW ZEALAND VERTICAL DATUM 2016
ORIGIN OF LEVELS
RM VI DP 85753
RL 64.51
- COORDINATES ARE IN TERMS OF NZ GEODETIC DATUM 2000
MT EDEN CIRCUIT
ORIGIN OF COORDINATES
RM VI DP 85753
983312.51 mN
325587.54 mE
- THIS PLAN HAS BEEN CARRIED OUT TO TOPOGRAPHICAL STANDARDS. ALL LEVELS SHOWN ARE CORRECT AT TIME OF SURVEY. CRITICAL DIMENSIONS AND LEVELS SHOULD BE VERIFIED.
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COMPRISED IN CT 603184
TOTAL AREA 1.1873ha



AUCKLAND OFFICE
DILWORTH HOUSE 71 GREAT SOUTH ROAD
NEWMARKET AUCKLAND 1051
T +64 9 917 5000
W www.harrisingrierson.com

REF	REVISIONS	BY	DATE
A	CLIENT ISSUE	DXH	01.08.22

PROJECT:
**INVESTORE PROPERTY LIMITED
COUNTDOWN - KERIKERI
8 BUTLER ROAD - KERIKERI**

TITLE:
SITE SURVEY

ORIGINATOR:	DATE:	SIGNED:	PLOT BY:
ANP	06.2022		DXH
DRAWN:	DATE:	SIGNED:	PLOT DATE:
DXH	27.07.22		01.08.22
CHECKED:	DATE:	SIGNED:	SURVEY BY:
ANP	01.08.22		ANP
APPROVED:	DATE:	SIGNED:	SURVEY DATE:
MSB	01.08.22		06.2022

ISSUE STATUS:

CLIENT ISSUE

PROJECT No:	SCALES:	A1
A2212879.00	1:200 - A1 1:400 - A3	
DRAWING No:		REV

2212879-HG-XX-DR-XX-G-SS01

A

TIED BACK RETAINING WALL CONSTRUCTION SEQUENCE:

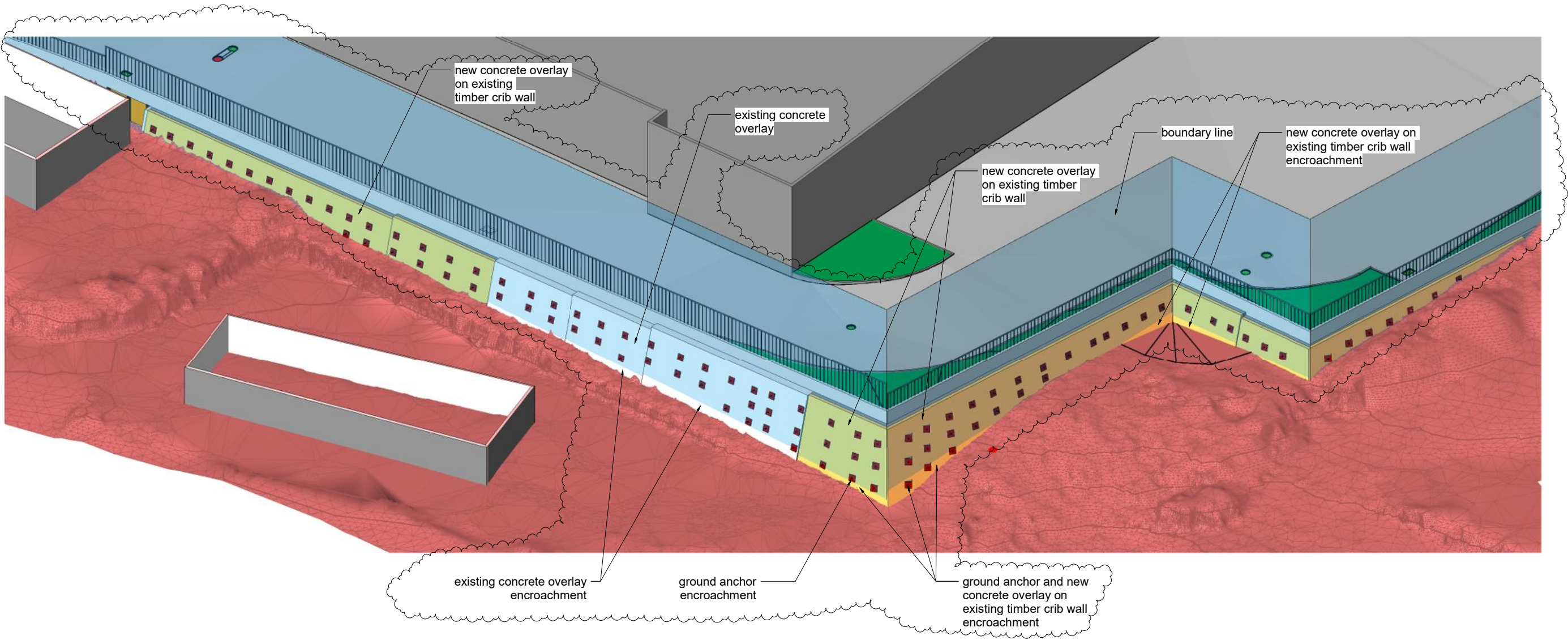
1. Clear exterior face of the crib wall of dirt, vegetation and other loose debris prior to ground anchor installation.
2. Ground anchors shall be installed following a "Top-Down Construction" i.e. ground anchor installation shall start from the uppermost row down to the next row until all rows are completed. Contractor to submit work statement methodology to engineer prior to construction.
3. Drill the ground anchor holes to a specified length, diameter, inclination and spacing. Inclination should be from 15 to 20 degrees only.
4. Centralizers are placed around the anchors prior to insertion to help maintain alignment within the hole and allow sufficient protective grout coverage over the anchor.
5. Each hole must be cleaned to be free from drill cuttings, sludge and debris before ground anchor is inserted. Adjacent holes should not be drilled or left empty at the same time. The drill holes shall be plugged or otherwise protected to prevent entry of foreign materials.
6. Before a ground anchor is inserted, the measure dimensions of the drill hole and the type and condition of the subsoil shall be recorded.
7. Install the anchors in the pre-drilled holes and fill the drill hole completely with cement grout. The grouting shall be performed by inserting a grout pipe to the bottom of the hole and pumping the cement grout down the hole as the tube is progressively pulled out. The installed bar shall not be disturbed for the next 24 hours. Grout volume pumped in each hole shall be recorded and submitted to the geotechnical engineer.
8. Should obstructions be encountered during anchor drilling, all works shall cease immediately and the engineer must be informed. Safety measures and causes must be identified and be submitted to the engineer for approval prior to resuming of the site works.
9. Provide geocomposite drainage strips after anchors have been installed.
10. Drill weep holes at 2m crs with 500mm minimum embedment. Make sure that the weep holes are plugged or covered during concrete spray.
11. The reinforcing bars shall to be formed like a mesh and then fixed to the existing crib wall surface. The reinforcing bars must be placed in position keeping the bars within the required cover as specified in the drawings. Suitable fixing pins are to be inserted to keep the reinforcement in proper position and to ensure that the reinforcing is not disturbed during concrete spray.
12. Apply shotcrete evenly on the crib wall. Build up the required thickness of shotcrete in layers of about 25mm thick each. The presence of voids can be found by hollow hammering sound after the shotcrete has attained strength after around 3 days.
13. Install the anchor bearing plates, washers and nuts to match the anchor bars.

GENERAL NOTES:

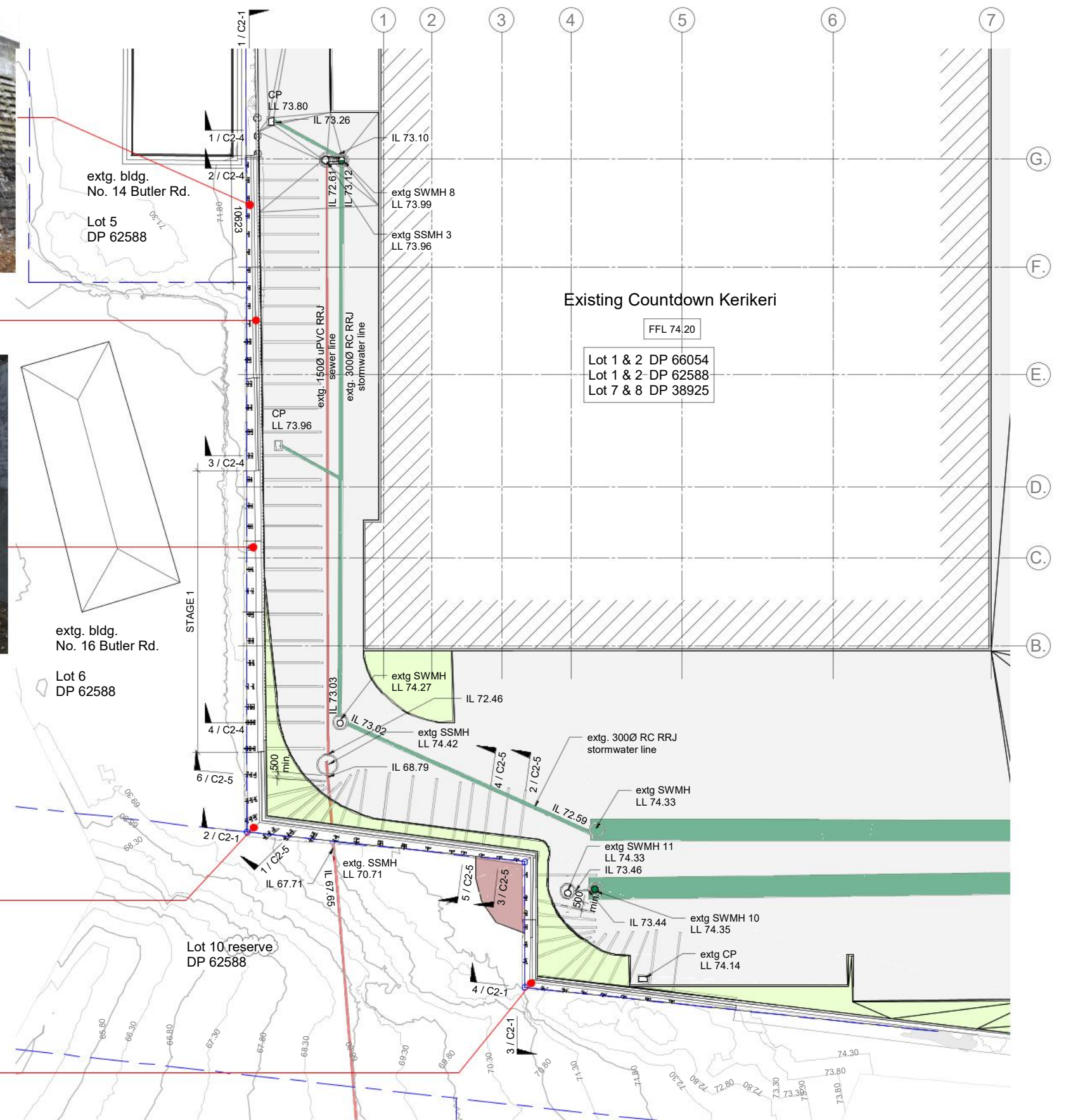
1. All dimensions in millimetres unless noted otherwise.
2. Minimum cube strength of cement grout shall be 30MPa at 28 days.
3. All steel plates shall be Grade 300.
4. All reinforcing bars shall be Grade 500.
5. All ground anchors shall be Grade 550.
6. Refer Total Ground Engineering specification for installation and testing of ground anchors.
7. The engineer should be informed of any discrepancies encountered on site prior to proceeding with the site work.
8. Contractor to locate all services on site prior to commencing work. They shall be responsible for protecting the services on site.
9. The contractor shall be responsible for the design, installation and maintenance of temporary works.
10. The contractor shall be responsible for setting out and alignment.
11. All steel plates, reinforcing bars and ground anchors shall be hot dip galvanized in accordance to NZS468, unless noted otherwise.
12. All ground anchors shall require double corrosion protection.
13. Should any sign of instability, undue settlement or distress be detected during drilling, all works shall cease immediately and the engineer must be informed.

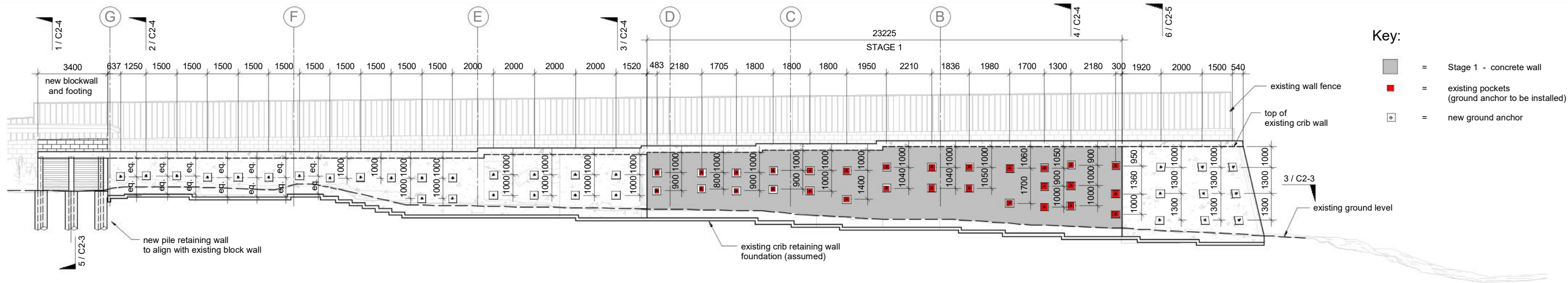
KCL Engineering Services	Client: STRIDE.	Project: COUNTDOWN KERIKERI CRIB WALL	Drawing Title: SPECIFICATION SHEET	Scale (A1):					
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				Dwn By: AC	No.	Revision			By Date
				Engineer: AK	Job No.	Drawing No.			Revision
					32565	C0-1			A

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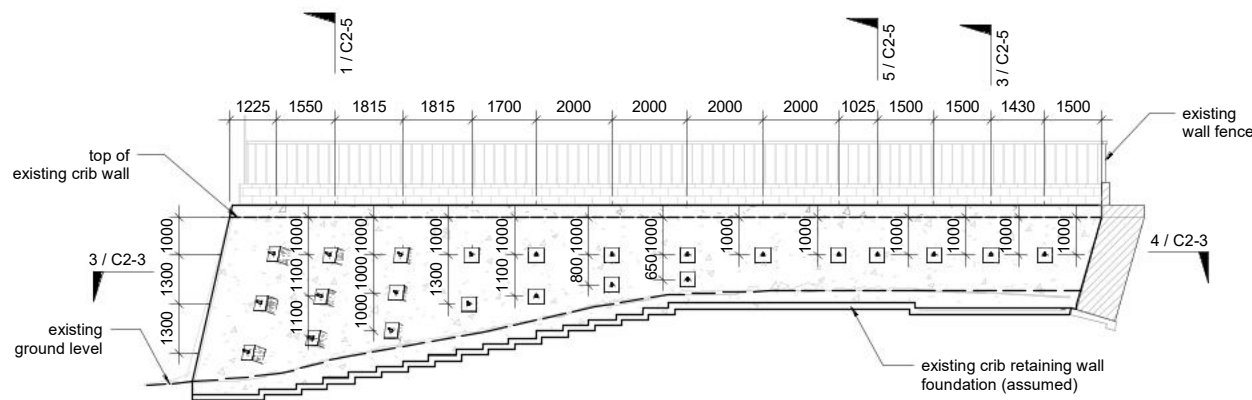


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B	FOR CONSENT / CONSTRUCTION	AC	29.08.23
A	FOR CONSENT / CONSTRUCTION	AC	16.03.23
No.	Revision	By	Date
Job No.	Drawing No.	Revision	
32565	C1-0	C	

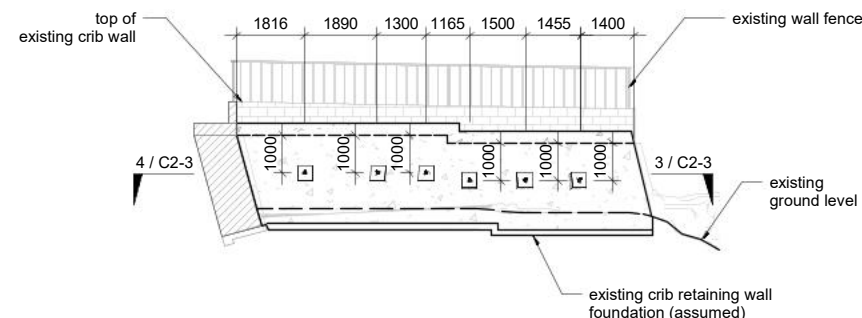




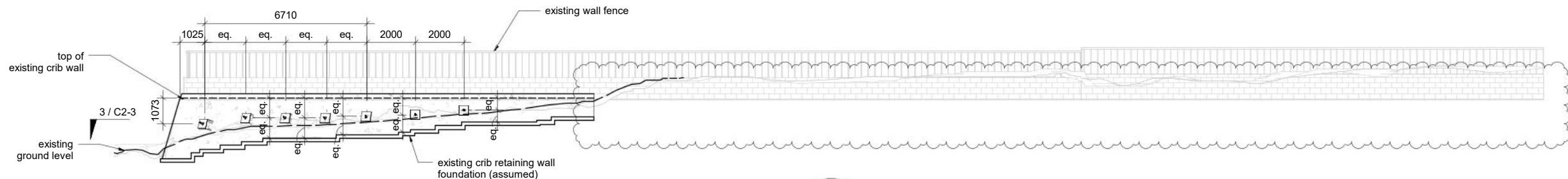
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-
ELEVATION 1
1 : 100



2
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ELEVATION 2
1 : 100



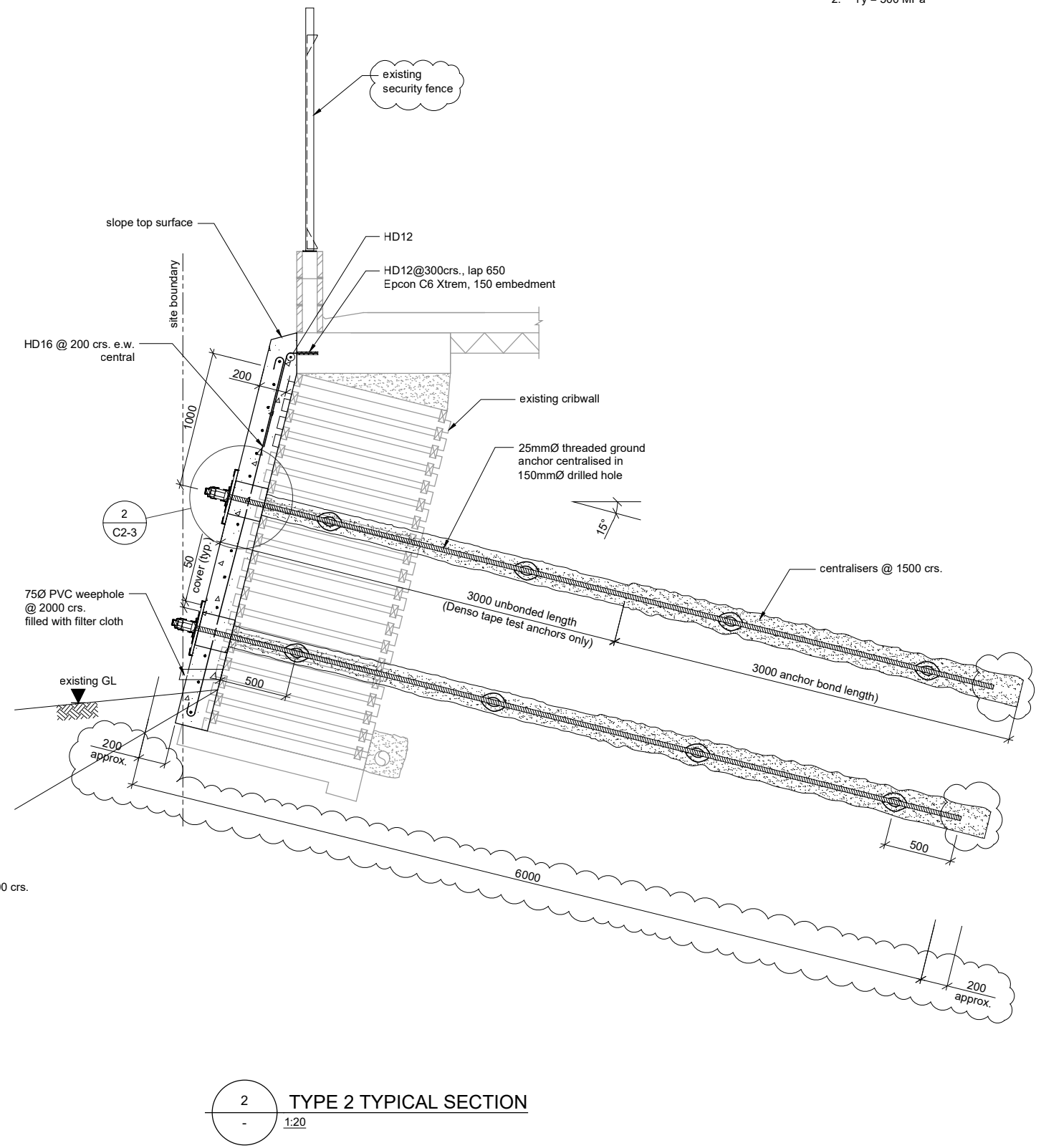
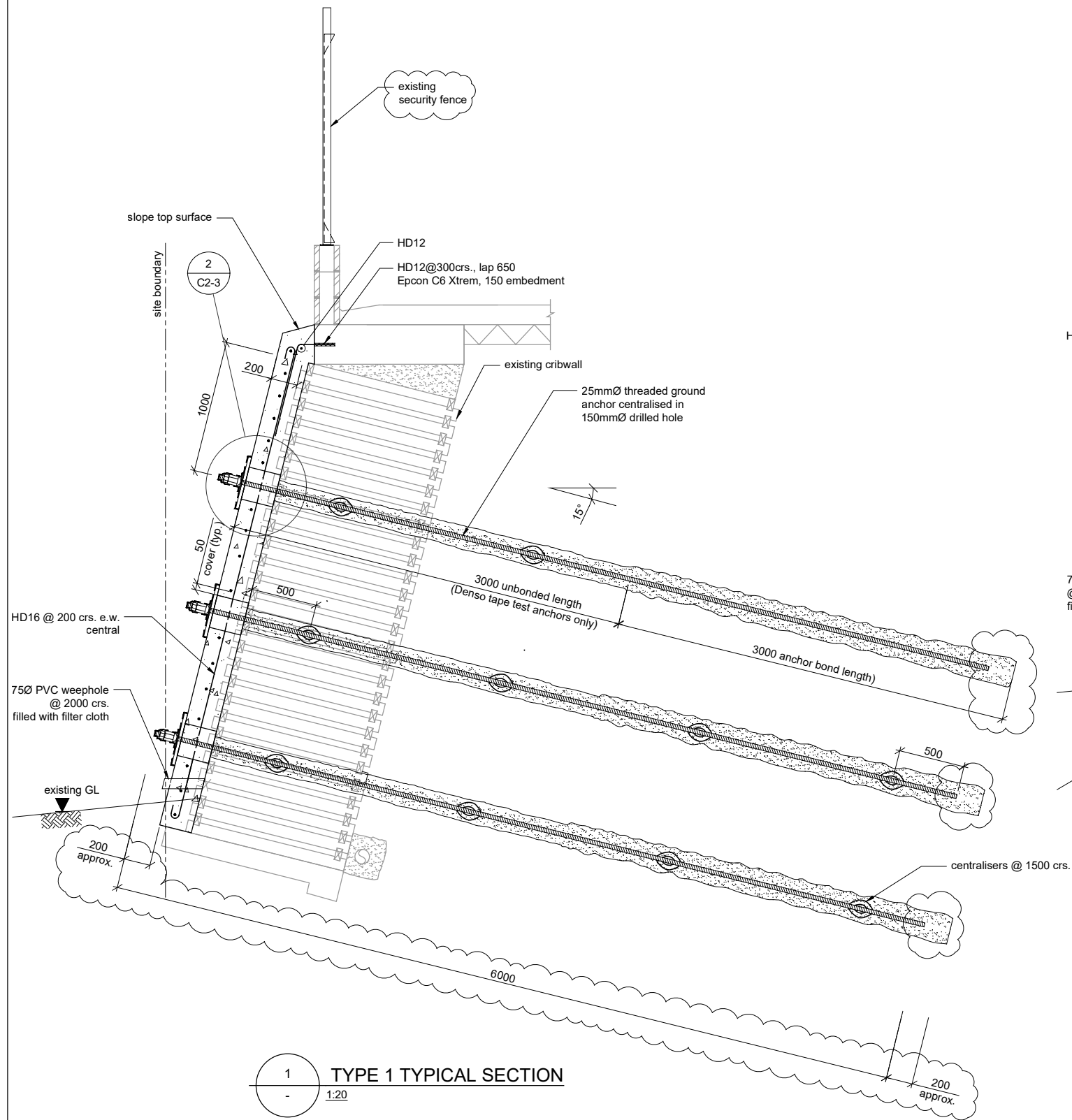
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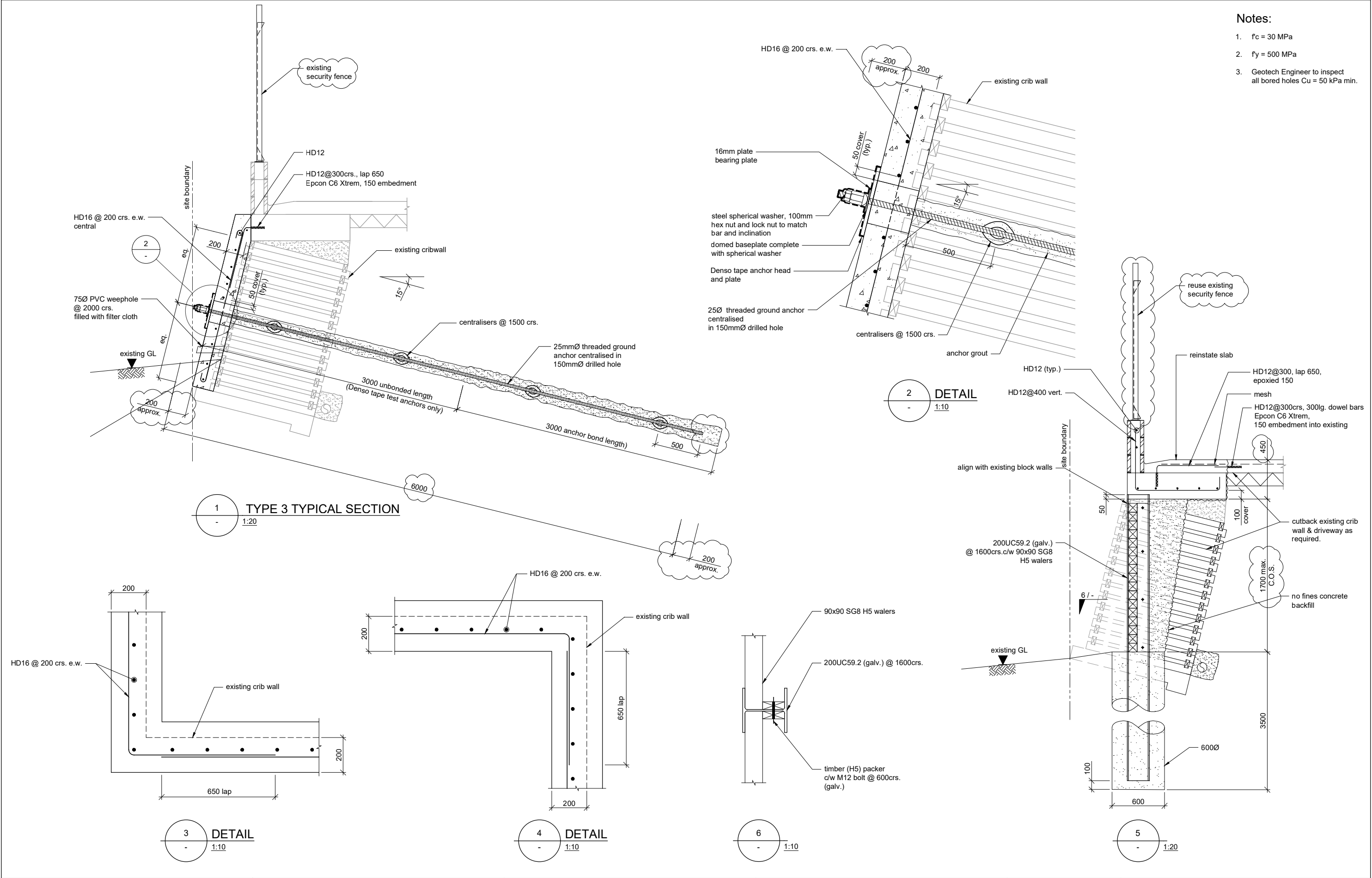


4
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ELEVATION 4
1 : 100

F	FOR CONSENT / CONSTRUCTION	AC	11.08.26
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D	FOR CONSENT / CONSTRUCTION	AC	15.05.24
C	FOR CONSENT / CONSTRUCTION	AC	02.04.24
No.	Revision	By	Date
Job No.	Drawing No.	Revision	
32565	C2-1	F	

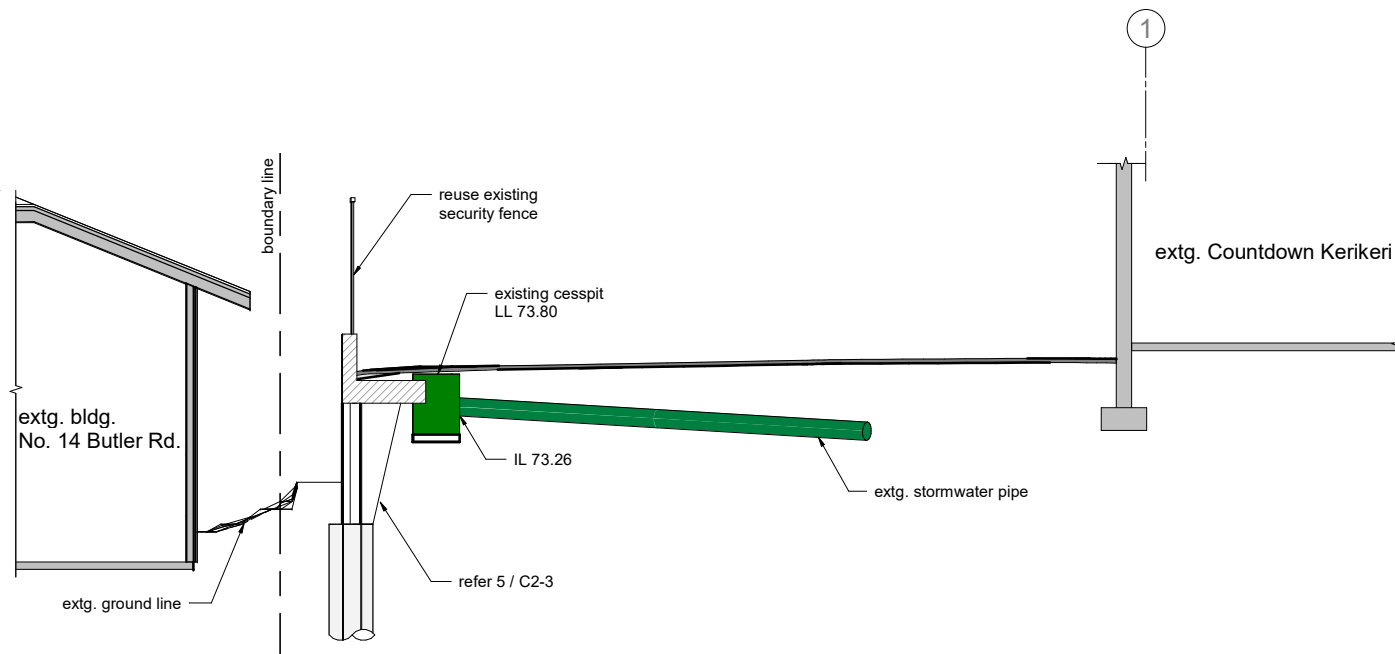
- Notes:
1. $f_c = 30 \text{ MPa}$
 2. $f_y = 500 \text{ MPa}$



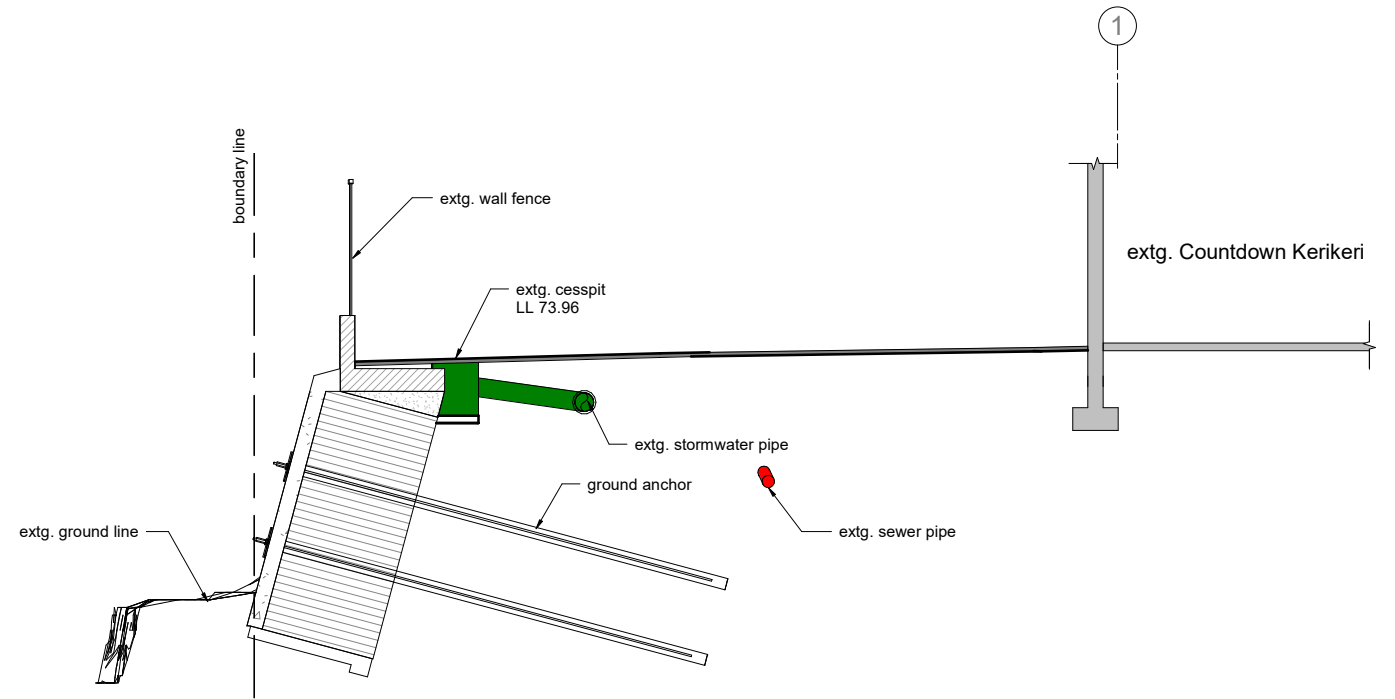


- Notes:
1. $f_c = 30 \text{ MPa}$
 2. $f_y = 500 \text{ MPa}$
 3. Geotech Engineer to inspect all bored holes $C_u = 50 \text{ kPa min.}$

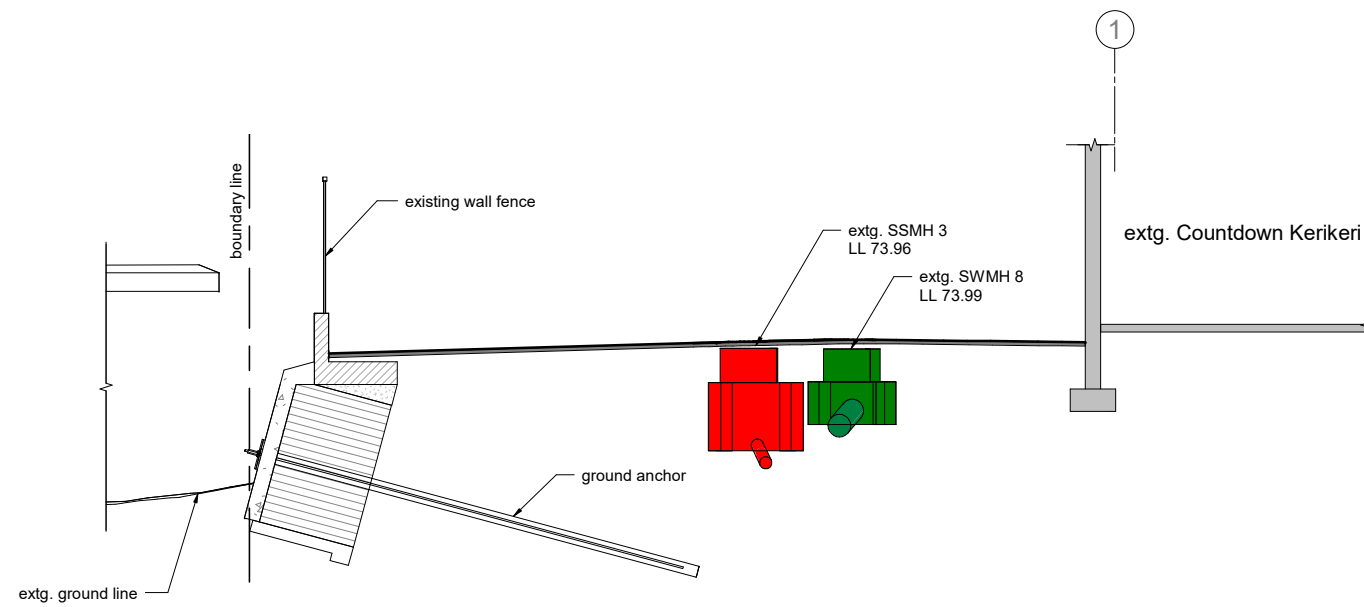
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A	FOR CONSENT / CONSTRUCTION	AC	16.03.23
No.	Revision	By	Date
Job No.	Drawing No.	Revision	
32565	C2-4	D	



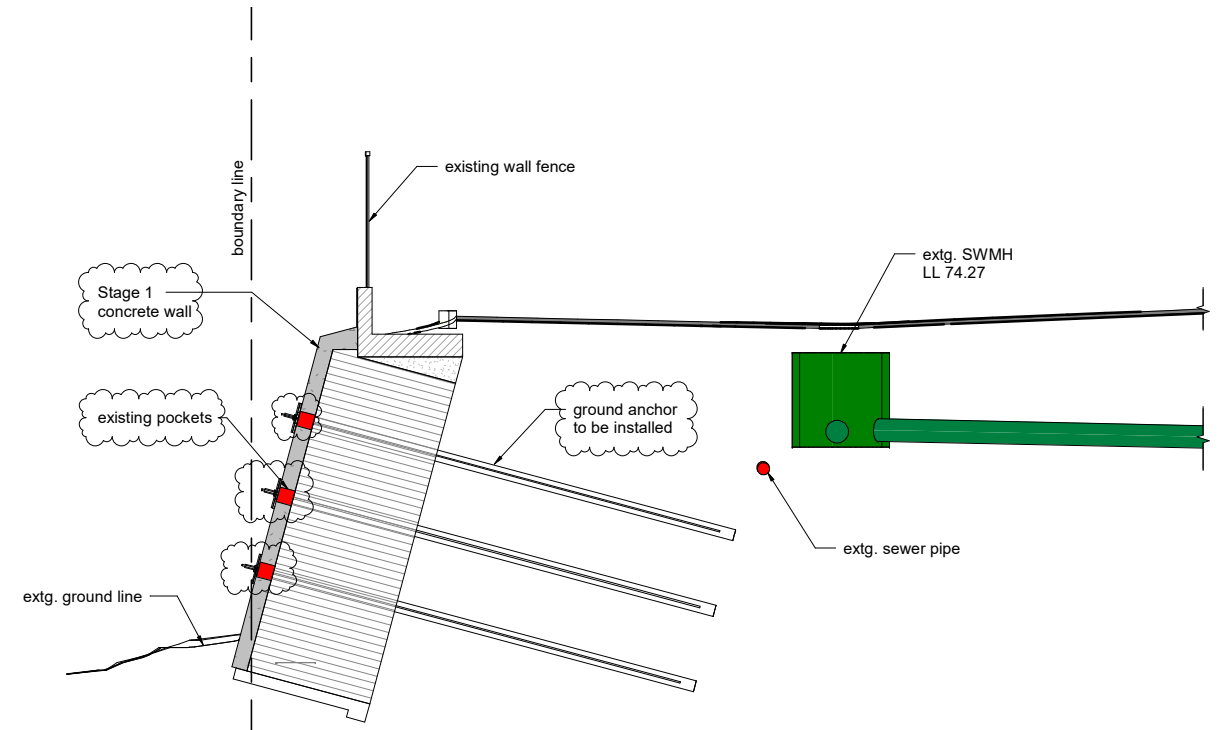
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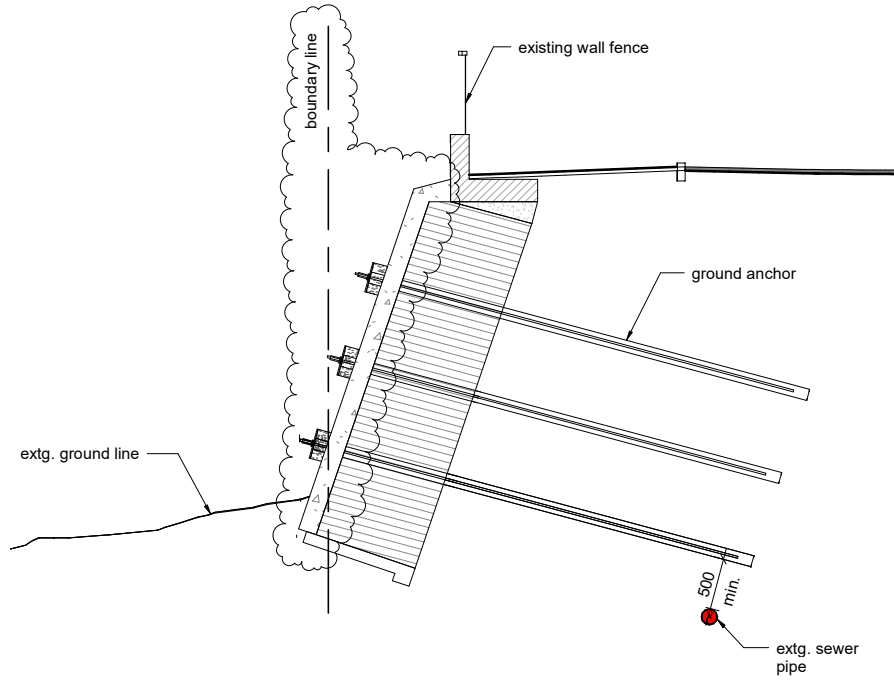
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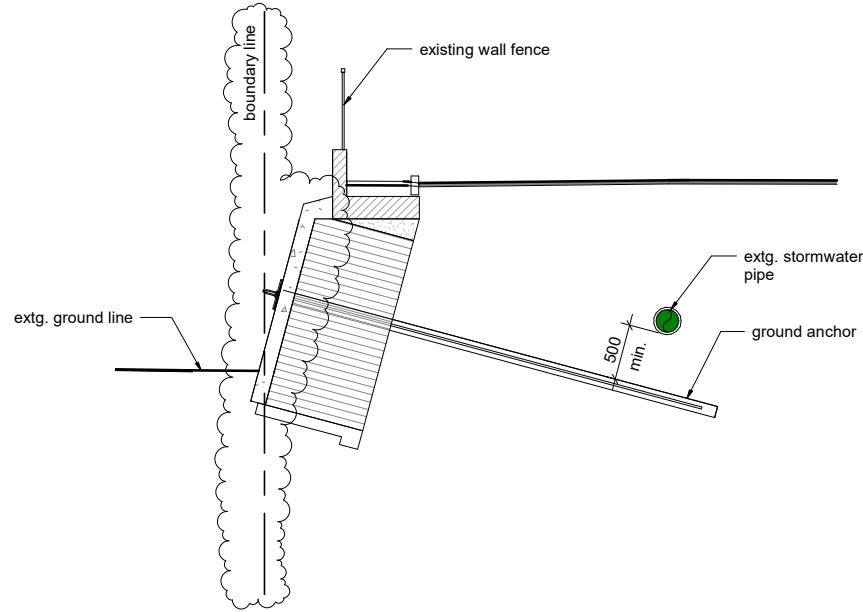
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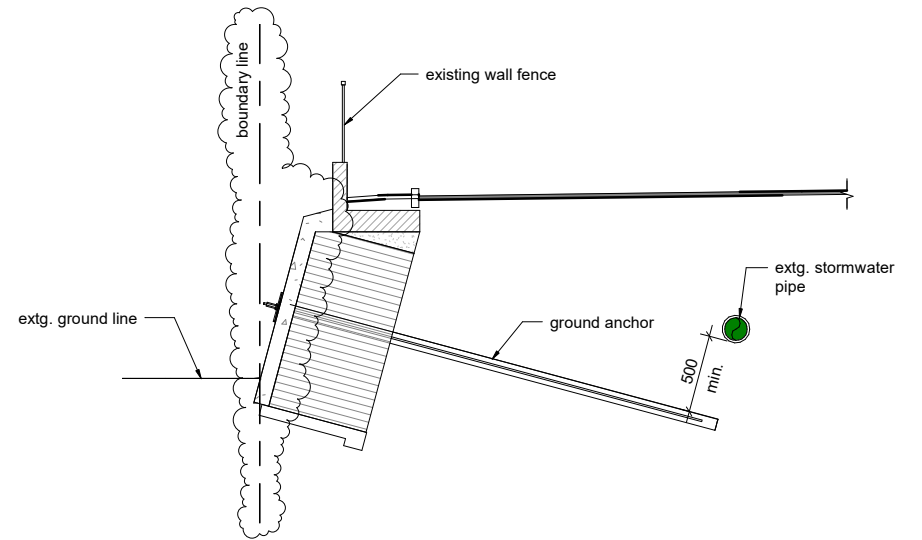
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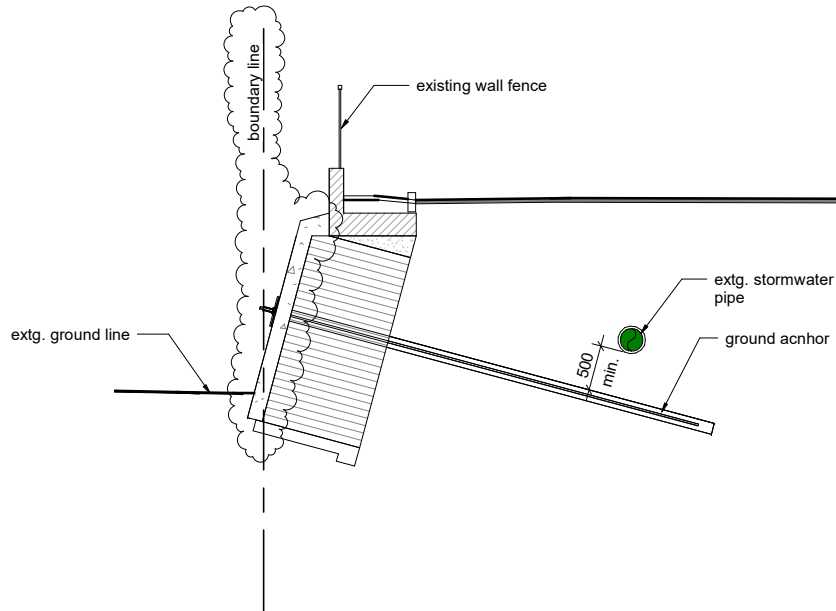
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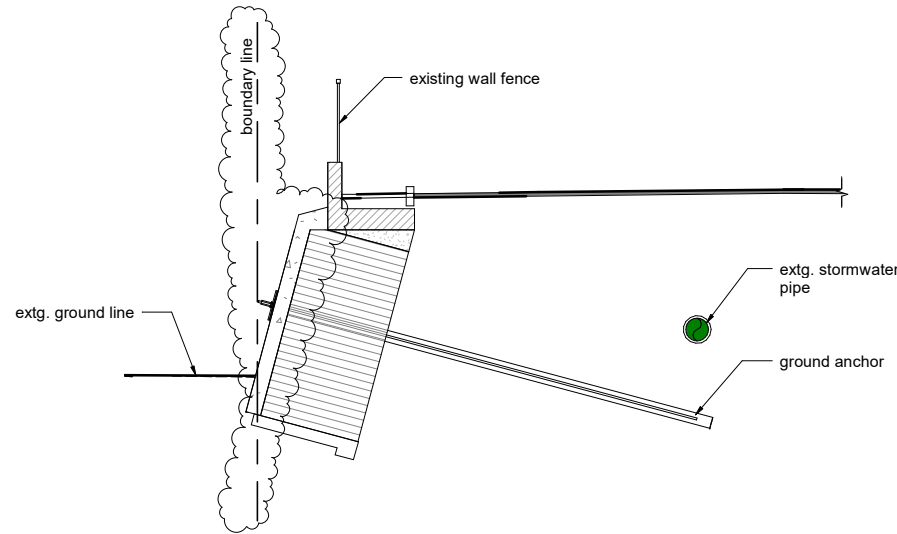
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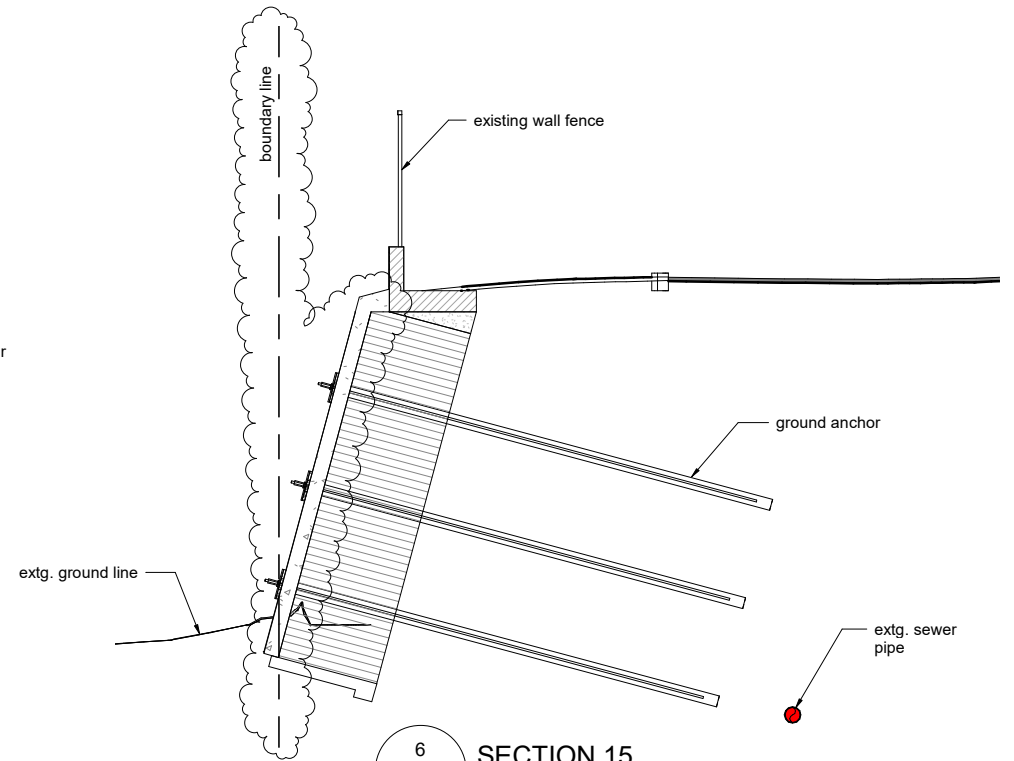
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1 : 50



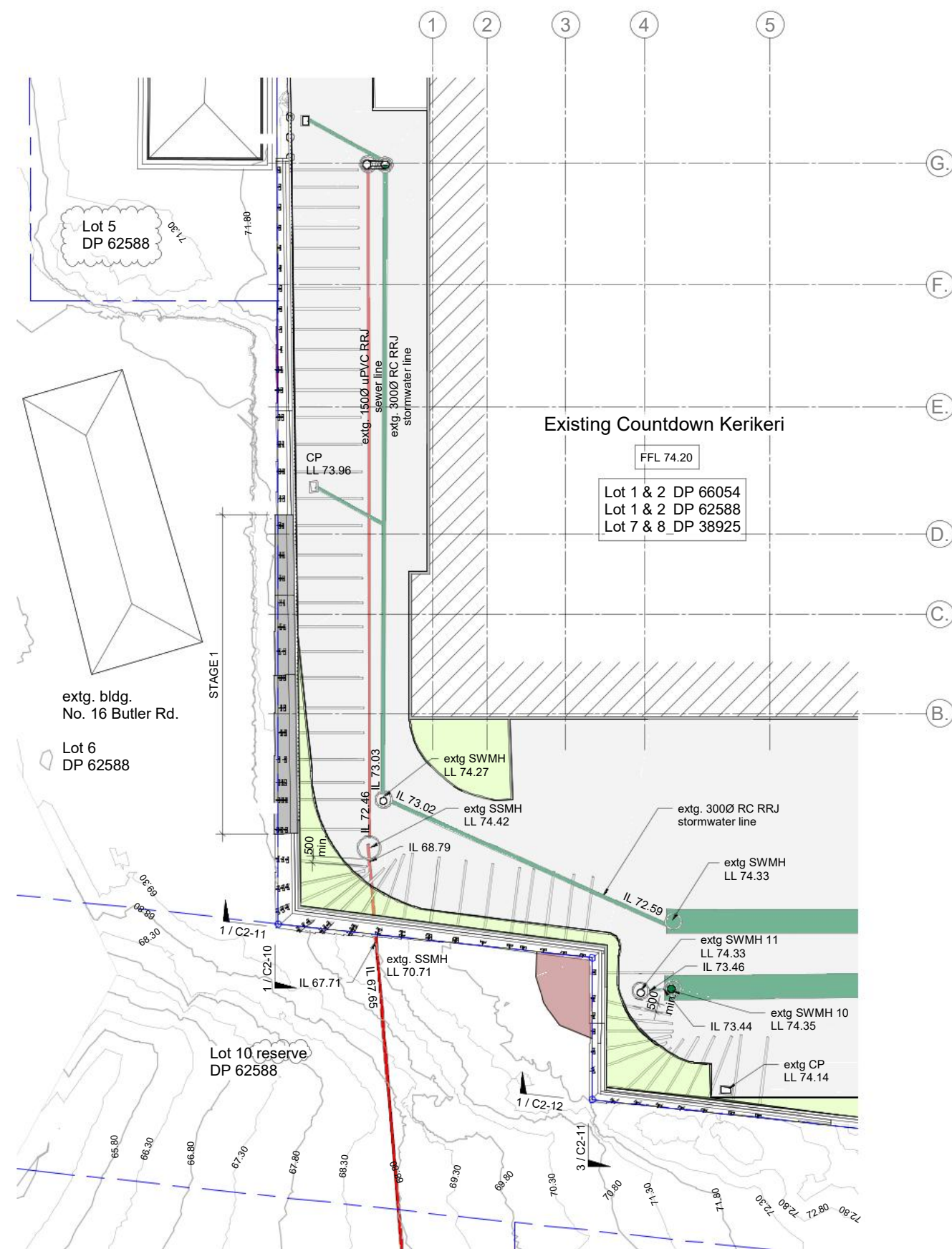
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6
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1 : 50

SECTION 15

B		FOR CONSENT / CONSTRUCTION	AC	14.05.24
A		FOR CONSENT / CONSTRUCTION	AC	16.03.23
No.		Revision	By	Date
Job No.		Drawing No.	Revision	
32565		C2-5	B	



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Client:

Project:

Drawing Title:

Scale (A1): As indicated

Scale (A3):

Dwn By: AC

Engineer: AK

B FOR CONSENT / CONSTRUCTION
A FOR CONSENT / CONSTRUCTION

No. Revision

Job No. Drawing No.

32565 C1-11

AC 11.08.26
AC 16.08.24

By Date

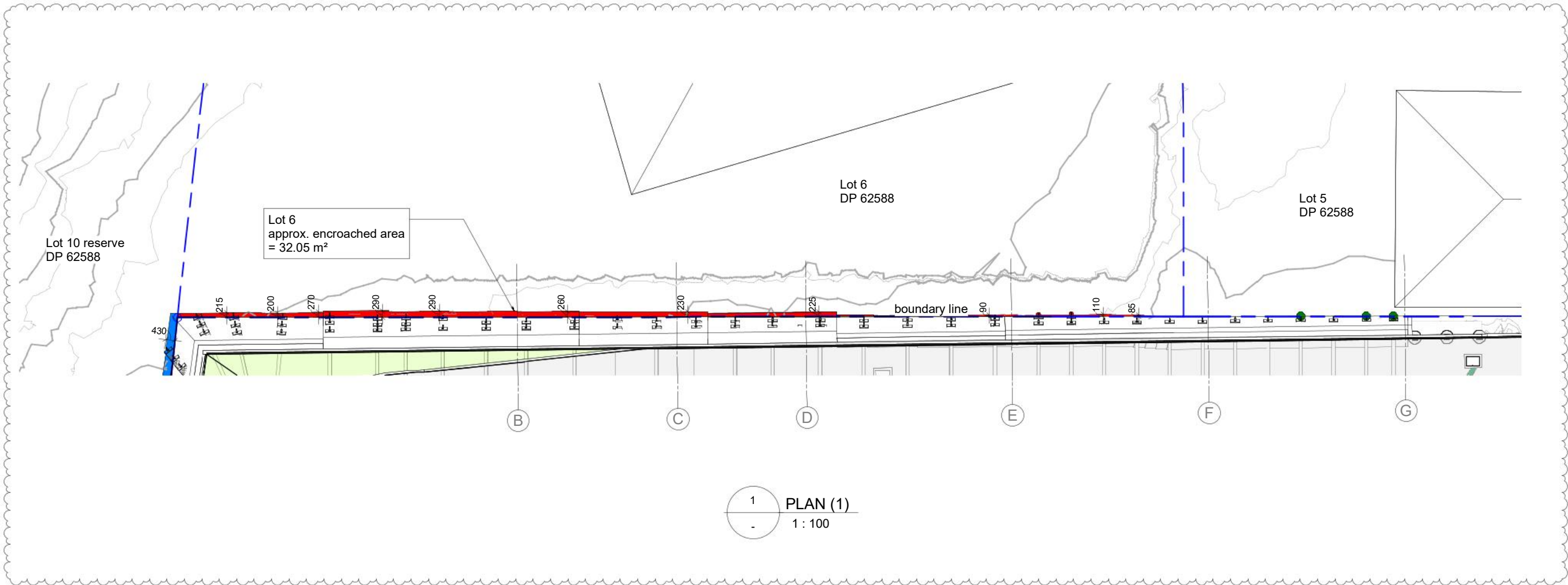
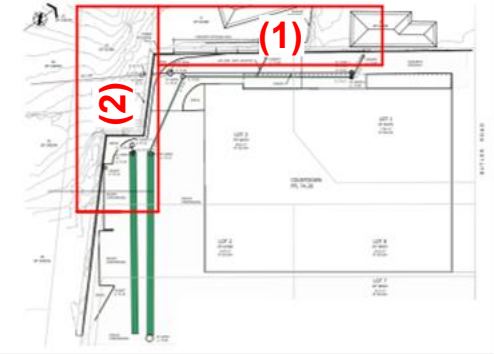
Revision

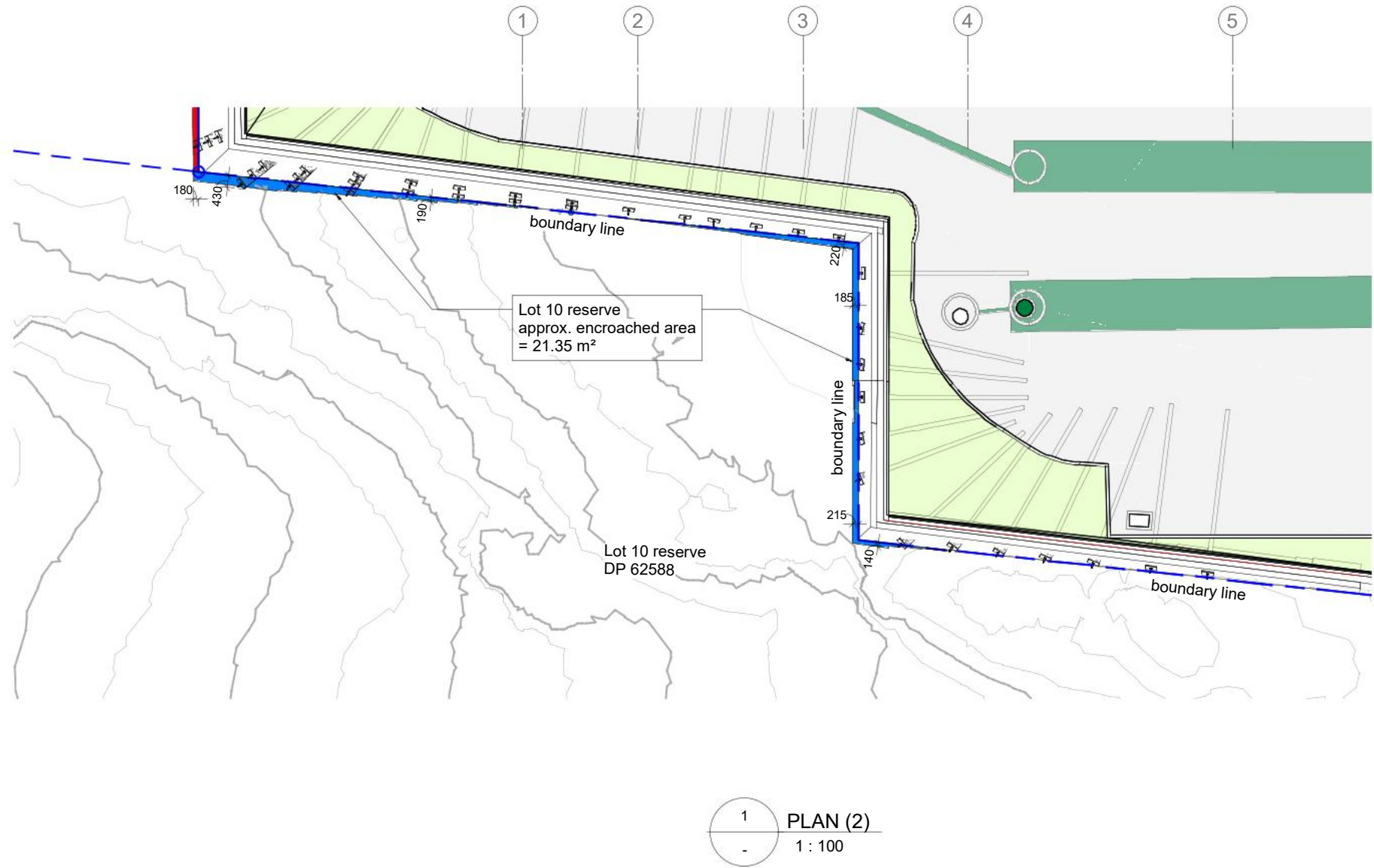
B

Key:

- = encroached area (Lot 5)
- = encroached area (Lot 6)
- = encroached area (Lot 10 reserve)
- = boundary line

Keyplan:

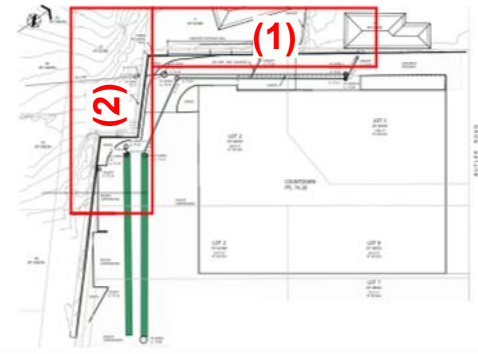




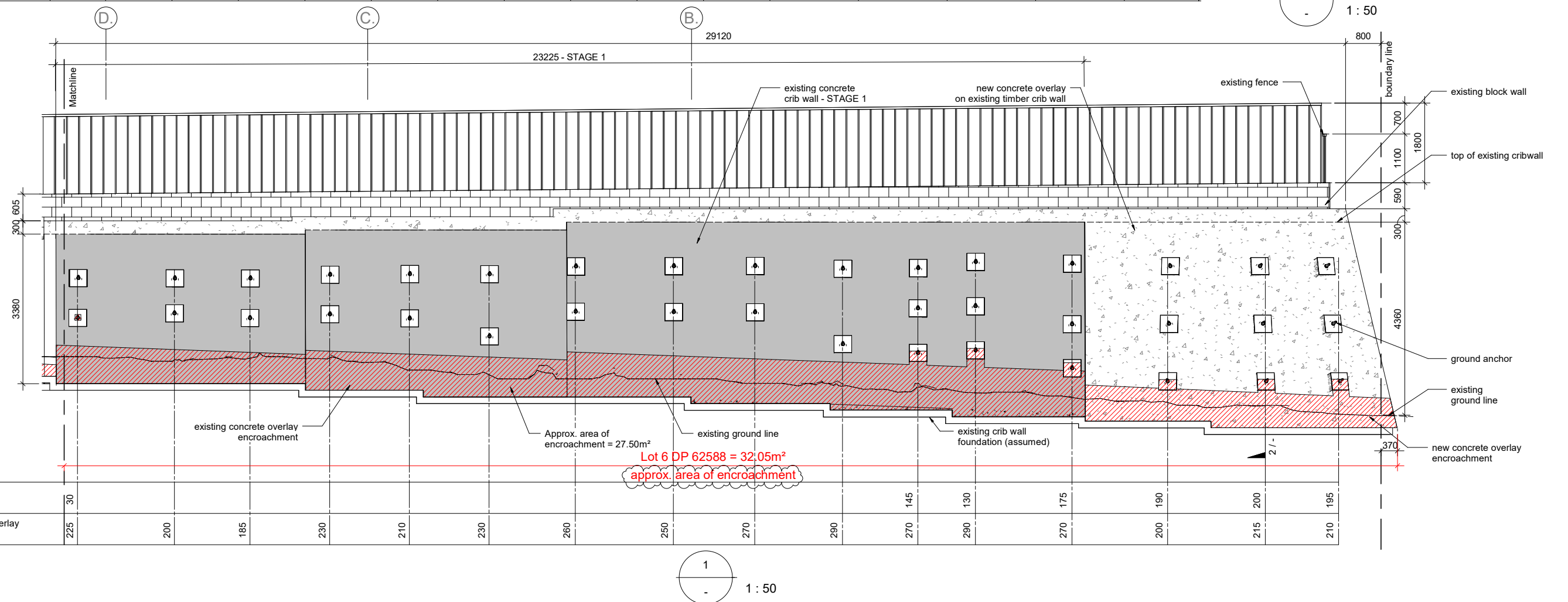
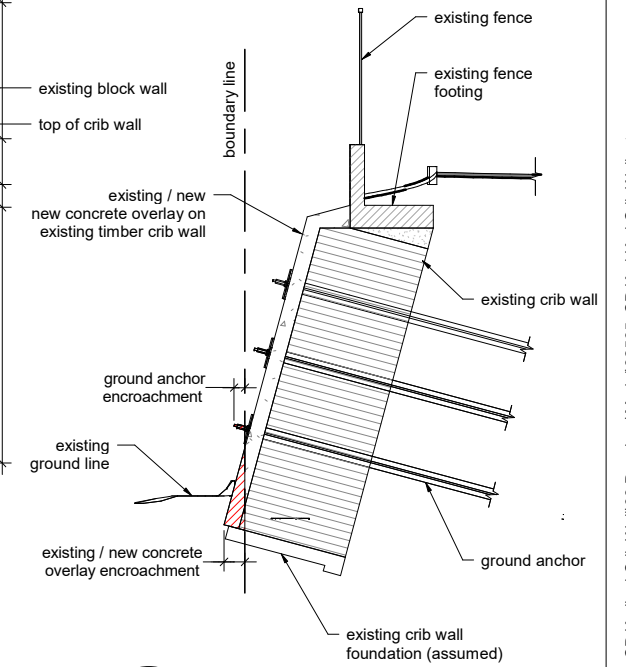
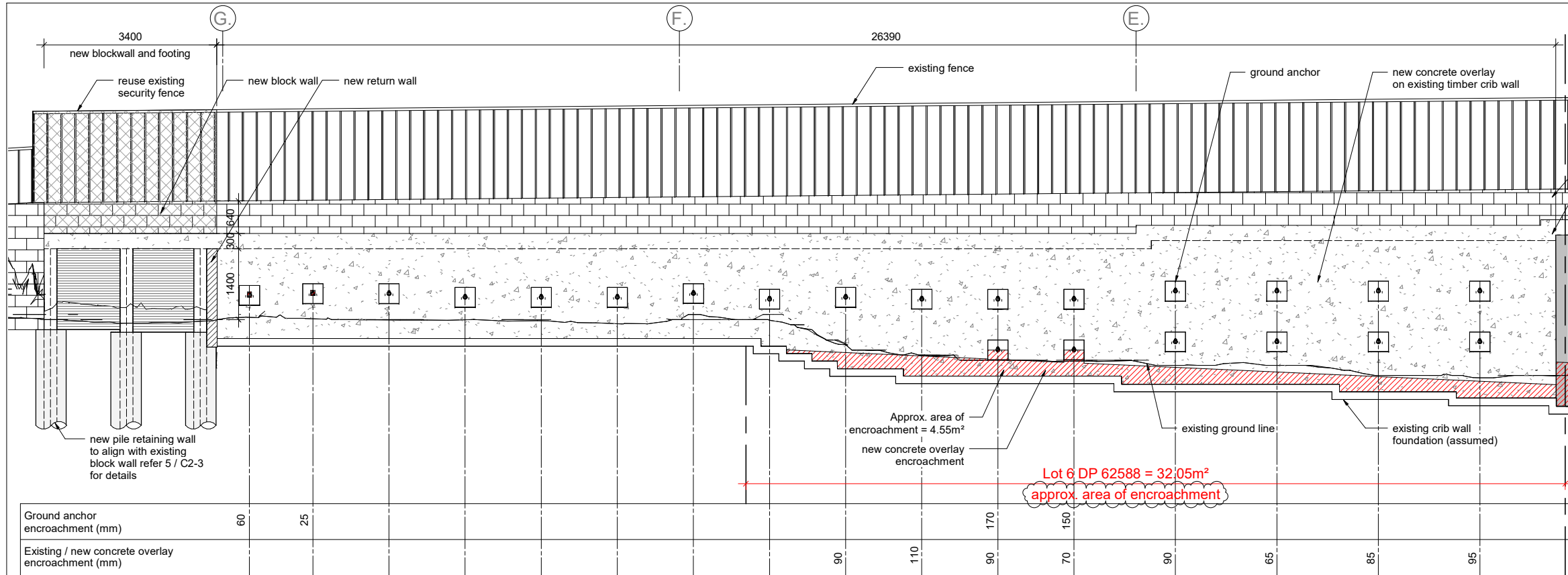
Key:

- = encroached area (Lot 10 reserve)
- = boundary line

Keyplan:



1 PLAN (2)
- 1:100



1
-
1 : 50

KCL Engineering Services

Client:

STRIDE.

Project:

COUNTDOWN KERIKERI CRIB WALL - BOUNDARY ENCROACHMENT

Drawing Title:

CRIB WALL SECTIONS SHEET 1

Scale (A1): 1 : 50

Scale (A3): 1 : 100

Dwn By: AC

Engineer: AK

D	FOR CONSENT / CONSTRUCTION	AC	11.08.26
C	FOR CONSENT / CONSTRUCTION	AC	23.05.24
B	FOR CONSENT / CONSTRUCTION	AC	15.05.24
A	FOR CONSENT / CONSTRUCTION	AC	10.05.24
No.	Revision	By	Date
Job No.	Drawing No.	Revision	
32565	C2-10	D	

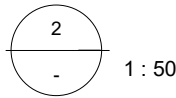
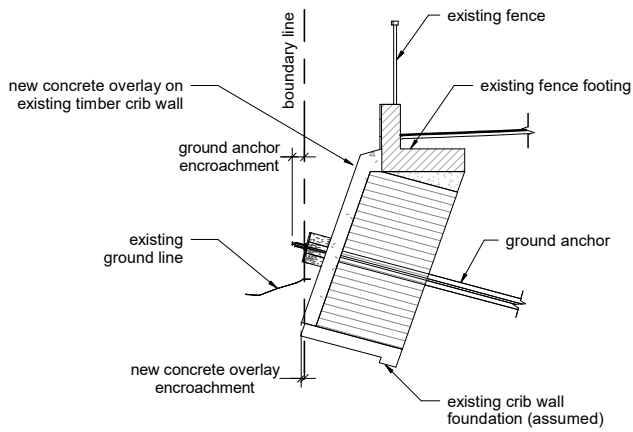
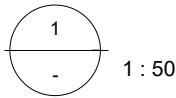
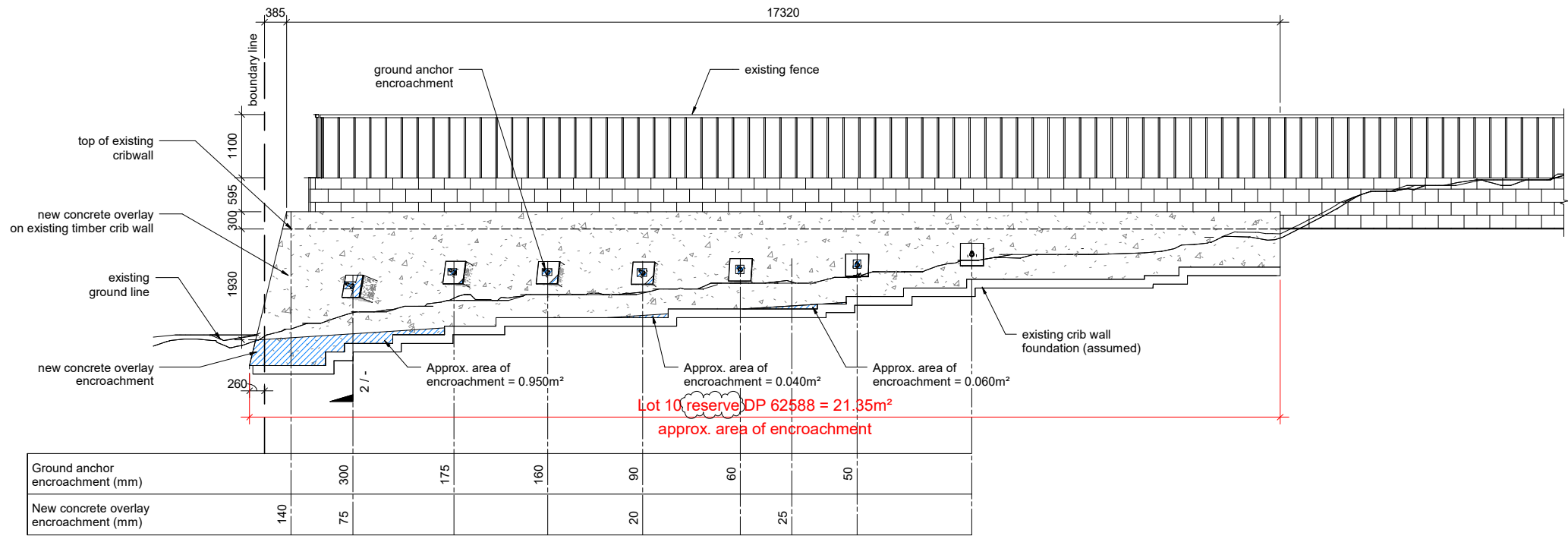
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Client:

Project:

Drawing Title:

Scale (A1): 1 : 50	D	FOR CONSENT / CONSTRUCTION	AC	11.08.26
	C	FOR CONSENT / CONSTRUCTION	AC	23.05.24
Scale (A3): 1 : 100	B	FOR CONSENT / CONSTRUCTION	AC	15.05.24
	A	FOR CONSENT / CONSTRUCTION	AC	10.05.24
Dwn By: AC	No.	Revision		By Date
Engineer: AK	Job No.	Drawing No.	Revision	
	32565	C2-12	D	





Plant Schedule

Code	Qty	Botanical Name	Common Name	Schedule Size	Mature Height
Cola	2	Corynocarpus laevigatus	Karaka	PB18	8m
Dysp	2	Dysoxylum spectabile	Kohekohe	PB18	8m
Grlu	7	Griselinia lucida	Broadleaf	PB5	3m
Knex	2	Knightia excelsa	Rewarewa	PB18	6m
Lere	10	Leptospermum 'Red Ensign'	Red flower manuka	PB5	3m
Picr	10	Pittosporum crassifolium	Karo	PB5	4m
Psle	12	Pseudopanax lessonii	Five finger	PB5	4m
Vilu	3	Vitex lucens	Puriri Tree	PB18	10m

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Landscape Plan

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- Contractors shall verify and be responsible for all dimensions on site.
- Do not scale off this drawing.
- Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.
- All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.



Cola
Corynocarpus laevigatus



Dysp
Dysoxylum spectabile



Grlu
Griselinia lucida



Knex
Knightia excelsa



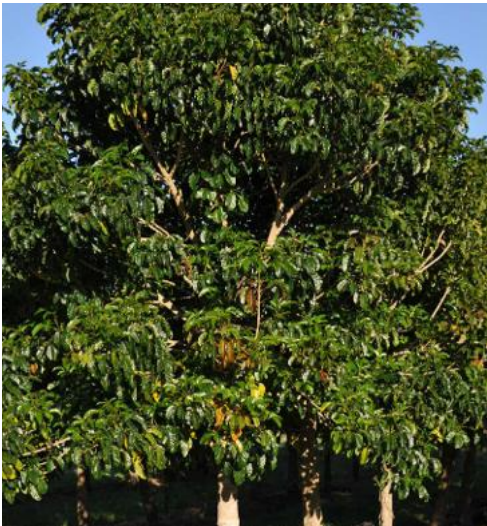
Lere
Leptospermum 'Red Ensign'



Picr
Pittosporum crassifolium



Psle
Pseudopanax lessonii



Vilu
Vitex lucens

 HAWTHORN Landscape Architects	
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Implementation + Maintenance □□ □□□□ □□□□	
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Proposal: Remedial works to a retaining wall

Address: 54 Kerikeri Road

District Plan: Far North Operative District Plan (ODP)

Site Zoning

Zone	Commercial Zone, Recreation Activities Zone
Overlays/Controls	Nil
Designations	Nil

Rule	Compliance	Non-Compliance
PART 2 – ENVIRONMENT PROVISIONS / 7. URBAN ENVIRONMENT / 7.7 COMMERCIAL ZONE		
7.7.5.1 PERMITTED ACTIVITIES		
7.7.5.1.1 BUILDING HEIGHT (a) The maximum height of any building in the listed Commercial Zones shall be 10m. (b) The maximum height of any building in listed Commercial Zones shall be 8.5m. (c) Elsewhere in the Commercial Zone the maximum building height is 12m.	(a) and (b) – N/A (c) – The existing retaining wall is less than 12m in height and the proposed alterations do not modify the height of the wall.	
7.7.5.1.2 SUNLIGHT 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 the nearest site boundary which adjoins a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zones.	N/A – The site is not located adjacent to a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zone.	
7.7.5.1.3 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION (a) Along boundaries adjoining any zone other than the 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,	N/A: - The parking, loading and other commercial activity within the supermarket site is provided for under Resource Consent 2090546 RMAUC (and subsequent variations). - The new portion of retaining wall adjoins the Commercial Zone, and this rule therefore does not apply.	

Rule	Compliance	Non-Compliance
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. (b) At least 50% of that part of the site between the road boundary and a parallel line 3m therefrom, which is not occupied by buildings or driveways, shall be landscaped. (c) Any landscaping required by these rules shall remain on the site for the duration of the activity and be maintained, and, if such landscaping dies or becomes diseased or damaged, shall be replaced.		
7.7.5.1.4 SETBACK FROM BOUNDARIES (a) Where the road frontage of a site is identified as a 'Pedestrian Frontage' on the Zone Maps all buildings shall be built up to the road boundary and a veranda provided for the full frontage of the site. (b) The setbacks from the road boundary within the Commercial Zone in Paihia as shown on Map 91 shall be as listed. (c) For Area A5 on Map 91, a driveway width of 3m from the eastern boundary, over the front portion of the property, extending from Marsden Road to a point which is 31m from the Marsden Road Boundary.	(a) – (c) – N/A	
7.7.5.1.5 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES Any new residential activity involving permanent or non-permanent accommodation shall be developed in such a way that the attenuation of noise between any boundary and living room is no less than 20 dB, and between any boundary and any room used for sleeping is no less than 30 dB. In the absence of forced ventilation or air-conditioning, these reductions shall be achieved with any exterior windows open.	N/A	
7.7.5.1.6 TRANSPORTATION	No change to existing traffic, parking and access.	

Rule	Compliance	Non-Compliance
Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules.		
7.7.5.1.7 KEEPING OF ANIMALS	N/A	
7.7.5.1.8 NOISE (a) All activities within the zone shall be conducted so that noise measured at any point within any other site in the zone shall not exceed: 0700 to 2200 hours 65 dBA L10 2200 to 0700 hours 55 dBA L10 and 80 dBA Lmax (b) All activities within the zone shall be conducted so as to ensure that noise measured at any point within any site in the Residential, Coastal Residential or Russell Township Zones or at or within the notional boundary of any other dwelling in any other rural or coastal zone shall not exceed: 0700 to 2200 hours 55 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax	Compliance anticipated – The proposed construction works will occur between 0700 to 2200 and are anticipated to not exceed the following levels: 65 dBA L10 at the receiving Commercial Zone properties. 55 dBA L10 at the receiving residential zone properties.	
7.7.5.1.10 ROOF PITCH For Area A5 on Map 91 .	N/A	
7.7.5.1.11 STORMWATER The disposal of collected stormwater from the roof of all new buildings .	N/A	
7.7.5.1.12 HELICOPTER LANDING AREA	N/A.	
PART 2 – ENVIRONMENT PROVISIONS / RECREATION / 9. CONSERVATION ENVIRONMENT / 9.6 RECREATION ACTIVITIES ZONE		
9.6.5.1 PERMITTED ACTIVITIES		
9.6.5.1.1 PURPOSE OF BUILDINGS All new buildings shall be directly for, or ancillary to, the principal recreational activities on the site.		Resource Consent 2090546 RMALUC did not seek consent to establish a structure within the Recreation Zone. Retrospective resource consent is required to authorise that part of the structure to be established within the Recreation Zone. The proposal involves the alteration of an existing building (retaining wall) established within the recreation zone, which is not an ancillary to

Rule	Compliance	Non-Compliance
		the principal recreational activity on site. Non-complying Activity pursuant to Rule 9.6.5.3
9.6.5.1.2 SCALE OF ACTIVITIES	N/A	
9.6.5.1.3 BUILDING HEIGHT The maximum height of any building shall be 8m.	Complies – the height of the retaining wall remains the same and will be less than 8m	
9.6.5.1.4 SUNLIGHT 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 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.	Complies – The proposed extension will not breach the 45 degree recession plane as measured inwards from any point 2m vertically above ground level at the site boundary. <i>NB: or completeness the sunlight rule has also been applied to the internal boundaries of the portion of the site that is within the recreation activities one and it is confirmed that no non compliance applies.</i>	
9.6.5.1.6 SETBACK FROM BOUNDARIES The minimum building setback from road boundaries shall be 3m. The minimum building setback from all other boundaries shall be 2m.		Non-compliance - Resource Consent 2090546 RMALUC did not seek consent to establish a structure within the Recreation Zone and did not authorise the existing structure to be located within the 2m setback, as such retrospective resource consent is required. The proposed alterations to the existing retaining wall will be located within the 2m boundary setback required by this rule. Non-Complying Activity pursuant to Rule 9.6.5.3
9.6.5.1.7 TRANSPORTATION Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules	N/A No changes to transportation proposed.	
9.6.5.1.8 HOURS OF OPERATION	N/A	
9.6.5.1.9 SCREENING FOR NEIGHBOURS	N/A	

Rule	Compliance	Non-Compliance
9.6.5.1.10 OUTDOOR ACTIVITIES	N/A	
9.6.5.1.11 KEEPING OF ANIMALS	N/A	
9.6.5.1.12 NOISE	Compliance anticipated – The proposed construction works will occur between 0700 to 2200 and are anticipated to not exceed the following levels: 55 dBA L10 at the receiving Residential Zone properties.	
9.6.5.1.13 HELICOPTER MOVEMENTS	N/A	
9.6.5.1.14 BUILDING COVERAGE 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 8% of the gross site area.	The proposed alterations and additions to the retaining wall will not exceed 8% of the gross site area.	
9.6.5.2 RESTRICTED DISCRETIONARY ACTIVITIES		
An activity is a restricted discretionary activity in the Recreational Activities Zone if: a) it does not comply with any one of the following Rules 9.6.5.1.2 Scale of Activities; 9.6.5.1.3 Building Height; 9.6.5.1.4 Sunlight, 9.6.5.1.5 Stormwater Management; 9.6.5.1.6 Setback from Boundaries; 9.6.5.1.7 Transportation; 9.6.5.1.12 Noise and/or 9.6.5.1.14 Building Coverage as set out above; but b) it complies with all of the other rules for permitted activities under Rule 9.6.5.1; and c) it complies with Rule 9.6.5.2.1 Scale of Activities; 9.6.5.2.2 Building Height; 9.6.5.2.3 Stormwater Management; 9.6.5.2.4 Transportation; 9.6.5.2.5 Sunlight; 9.6.5.2.6 Setback from Boundaries; 9.6.5.2.7 Noise and 9.6.5.2.8 Building Coverage below; and d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in Part 3 of the Plan - District Wide Provisions.		While the proposed activity satisfies (a), (c), and (d), it does not satisfy (b). Non-Complying Activity pursuant to Rule 9.6.5.3
9.6.5.3 DISCRETIONARY ACTIVITIES		

Rule	Compliance	Non-Compliance
An activity is a discretionary activity in the Recreational Activities Zone if: a) it complies with Rules 9.6.5.1.1 Purpose of Buildings for permitted activities above; and b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions; but c) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under Rules 9.6.5.1 and 9.6.5.2 above. If an activity does not comply with the standards for a discretionary activity, it will be a noncomplying activity in this zone.		While the proposed activity satisfies (b) and (c), it does not satisfy (a). Non-complying activity
PART 3 – DISTRICT-WIDE PROVISIONS		
12.3 NATURAL AND PHYSICAL RESOURCES / SOILS AND MINERALS		
12.3.6.1 PERMITTED ACTIVITIES		
12.3.6.1.1 E CAVATION AND/OR FILLING, INCLUDING MINING AND HARRYING, IN THE RURAL PRODUCTION ZONE OR KAURI CLIFFS ZONE	N/A	
12.3.6.1.2 12.3.6.1.3 12.3.6.1.4 E CAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT INCLUDING MINING AND HARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, RECREATIONAL ACTIVITIES, CONSERVATION, WAIMATE NORTH AND POINT VERONICA ZONES	N/A	
12.3.6.1.4 NATURE OF FILLING MATERIAL IN ALL ZONES Filling in any zone shall meet the following standards: a) the fill material shall not contain putrescible, pollutant, inflammable or hazardous components; and b) the fill shall not consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; and	N/A – no fill proposed.	

Rule	Compliance	Non-Compliance
c) the fill material shall not comprise more than 5% vegetation (by volume) of any load.		
12.3.6.1.5 E CAUTION AND/OR FILLING, INCLUDING MINING AND CARRYING WITHIN THE NATIONAL GRID YARD IN ALL ZONES	N/A – Not within the national grid yard	

B&A
Urban & Environmental

Proposed Far North District Plan 'PDP' Decisions Version

Rule	Compliance	Non-Compliance
Rules and Standards That Have Immediate Legal Effect under the PDP		
Part 2 – District Wide Matters /Hazards and Risks / Natural Hazards		
NH-R3 New Buildings or Structures <i>in ear river flood hazard areas permitted where:</i>		
PER-1 The building or structure is one of the following: (1) above ground buildings or structures with a GFA or footprint of 10m ² or less; or (2) deck less than 30m ² and less than 1m in height; or (3) boardwalks or stairs that are less than 500mm above ground level and located within a public reserve or legal road.	The above ground structures have a GFA of less than 10m ²	
PER-2 The building or structure is not located within or does not alter or divert an overland flow path.	The structure is not located in and does not alter or divert a flow path.	
NH-R5 Significant Hazardous facility Within a Scheduled Site and Area of Significance to Māori		
NH-R6 Significant Hazardous facility Within a Significant Natural Area		
NH-R9 Significant Hazardous facility Within a Scheduled Heritage Resource		
Part 2 – District Wide Matters /Hazards and Risks / Hazardous Substances		
HS-R2 Establishment of a New Significant Hazardous Facility	No hazardous substances are proposed.	
HS-R5 Significant Hazardous facility Within a Scheduled Site and Area of Significance to Māori		
HS-R6 Significant Hazardous facility Within a Significant Natural Area		

Rule	Compliance	Non-Compliance
HS-R9 Significant Hazardous facility Within a Scheduled Heritage Resource		
Part 2 – District Wide Matters / Historical and Cultural Values / Heritage Area Overlays		
HA-R1 Maintenance and Repair of Buildings or Structures	The subject site is not located within a Heritage Area.	
HA-R2 Additions or Alterations to Existing Buildings or Structures		
HA-R3 Strengthening or Fire Protection of Scheduled Heritage Resource		
HA-R4 New buildings or Structures		
HA-R5 Earthworks		
HA-R6 Infrastructure and Renewable Electricity Generation Infrastructure		
HA-R7 Buildings or Structures (including additions and alterations) Located within the Alderton Park Development		
HA-R8 New Buildings or Structures		
HA-R9 New Buildings or Structures		
HA-R10 Infrastructure and Renewable Electricity Generation Infrastructure		
HA-R11 Activities Not Otherwise Listed in this chapter		
HA-R12 Relocation of a Scheduled Heritage Resource		
HA-R13 Demolition of a scheduled Heritage resource not otherwise listed in Rule HA-R13		
HA-R14 Demolition or relocation of a scheduled Heritage Resource		
HA-S1 Setback From a scheduled heritage resource		
HA-S2 Heritage Colours		
HA-S3 Accidental Discovery Protocol		
Part 2 – District Wide Matters / Historical and Cultural Values / Historic Heritage		
HH-R1 Maintenance and Repair of Scheduled Heritage Resources Buildings or Structures	The subject site is not a scheduled heritage resource, building or structure.	
HH-R2 Additions or Alterations of Scheduled Heritage Resources Buildings or Structures		
HH-R3 Strengthening or Fire Protection of Scheduled Heritage Resource Buildings or Structures		

Rule	Compliance	Non-Compliance
HH-R4 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures		
HH-R5 Earthworks		
HH-R6 Infrastructure and Renewable Electricity Generation Infrastructure Within a Site Containing a Scheduled Heritage Resource		
HH-R7 Relocation of a Scheduled Heritage Resource		
HH-R8 Activities Not Otherwise Listed in this Chapter		
HH-R9 Demolition of a scheduled Heritage resource not otherwise listed in Rule HH-R10		
HH-R10 Demolition or relocation of a scheduled Heritage Resource		
Part 2 – District Wide Matters / Historical and Cultural Values / Notable Trees		
NT-R1 Gardening, Mowing and Cultivation Within the Rootzone Area of a Notable Tree	The site contains no notable trees.	
NT-R2 Maintenance, Pruning and Trimming of Branches of a Notable Tree		
NT-R3 Removal or Pruning of an Unsafe or Dead Notable Tree		
NT-R4 Pruning of a Notable Tree Close to Existing Electricity Lines		
NT-R5 New Underground Infrastructure (including customer connections) and Upgrading of Existing Underground Infrastructure in the Rootzone Area of a Notable Tree		
NT-R6 Alterations to the Rootzone Area of a Notable Tree or Trees		
NT-R7 Earthworks, Impermeable Surfaces, Buildings or Structures within a Rootzone Area of a Notable Tree or Trees		
NT-R8 Removal or Relocation of a Notable Tree		
NT-R9 Activities Not Otherwise Listed in This Chapter		
NT-S1 ualified Arborist – Level 4		
NT-S1 ualified Arborist – Level 6		
Part 2 – District Wide Matters / Historical and Cultural Values / Sites and Areas of Significance to Māori		

Rule	Compliance	Non-Compliance
SASM-R1 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures, Earthworks or Indigenous Vegetation Clearance	The site contains no identified site or area of Significance to Māori.	
SASM-R2 New Buildings or Structures, Extensions or Alterations to Existing Buildings or Structures, Earthworks or Indigenous Vegetation Clearance		
SASM-R3 Activities Not Otherwise Listed in this Chapter		
SASM-R4 Commercial Activity		
SASM-R5 Plantation Forestry and Plantation Forestry Activity		
SASM-R6 Mineral Extraction Activity		
SASM-R7 Destruction or Demolition of a Scheduled Site and Area of Significance to Māori		
Part 2 – District Wide Matters / National Environment Values / Ecosystems and Indigenous Biodiversity		
IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities	A small area of approximately 200m ² of vegetation requires removal within the Natural Open Space Zone. The clearance is required to enable remedial works and maintenance of a failing retaining wall in accordance with PER-1(1) – permitted. The proposal is not within the MPZ or Treaty Settlement Overlay. The proposal will result in no indigenous vegetation clearance.	
IB-R2 Indigenous vegetation clearance and any associated land disturbance for papakāinga		
IB-R3 Indigenous vegetation clearance and any associated land disturbance for papakāinga		
Part 2 – District Wide Matters / General District Wide Matters / Activities on the Surface of Water		
ASW-R1 The Use of Non-Motorised Craft	No activities on surface of water are proposed.	
ASW-R2 The Use of Motorised Craft		
ASW-R3 Structures		
ASW-R4 Any Activity Not Provided for as a Permitted or Discretionary in This Chapter		
Part 2 – District Wide Matters / General District Wide Matters / Earthworks		
EW-R1 Earthworks for buildings or structures, and extensions to existing buildings or structures Permitted where:	No earthworks are proposed as part of this application. A small extension of the existing retaining wall is proposed adjoining 14 Butler Road,	

Rule	Compliance	Non-Compliance
PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.	however, this only involves piling to construct a retaining wall – complies.	
EW-R12 Earthworks and the Discovery of Suspected Sensitive Material	Will Comply – will comply with EW-S3, Accidental Discovery Protocol will be followed.	
EW-R13 Earthworks and Erosion and Sediment Control	Will comply – will comply with standard EW-S5 Erosion and sediment control.	
<i>earthworks standards</i>		
EW-S1 Maximum earthworks thresholds: Town Centre 0.5m Natural Open Space 0.5m	compliance anticipated. The scale of earthworks are minor and the generation of volumes is anticipated to be well within the permitted thresholds.	
EW-S2 Maximum depth and slope: Maximum depth of cut or height of fill 1.5m or less Maximum slope to be retained by engineered wall.	Will comply. The proposed wall is greater than 1.5m and is designed by a	
EW-S3 Accidental Discovery Protocol	compliance anticipated Accidental Discovery Protocol will be followed.	
EW-S4 Site reinstatement:	compliance anticipated Site reinstatement including revegetation will be suitably undertaken.	
EW-S5 Erosion and Sediment Control	compliance anticipated erosion and sediment control guidelines will be followed.	
Part 2 – District Wide Matters / General District Wide Matters / Signs		
SIGN-R9 Signs on or Attached to a Scheduled Heritage Resource	No change to existing and consented signage is proposed.	
SIGN-R10 Signs in the Kororāreka Russell and Kerikeri Heritage Areas		
SIGN-S1 Maximum Sign Area Per Site		
SIGN-S2 Maximum Height of Signage		
SIGN-S3 Maximum Number of Signs		

Rule	Compliance	Non-Compliance
SIGN-S4 Traffic Safety		
SIGN-S5 Sign Design and Content		
SIGN-R6 Sign Setback and Design		

Rule	Compliance	Non-Compliance
PART 3 AREA-SPECIFIC MATTERS	ONES COMMERCIAL AND MI ED	SE ONES TO N CENTRE

TC R LES TABLE PERMITTED:		
TCS R1: NEW BUILDINGS OR STRUCTURES AND RELOCATED BUILDINGS OR E TENSIONS OR ALTERATIONS TO E ISTING BUILDINGS OR STRUCTURES: PER-1: The new building or structure and relocated buildings or extension or alteration to an existing building or structure, will accommodate a permitted, controlled, restricted discretionary or discretionary activity. <i>tivity status where ompliance not achieved: is retionary</i> PER-2: The new building or structure and relocated buildings or extension or alteration to an existing building or structure that increases the existing building footprint complies with standards, except where the building or structure is associated with an electric vehicle charging station: • TCZ-S1 Maximum height; • TCZ-S2 Height in relation to boundary; • TCZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); • TCZ-S4 Pedestrian frontages; • TCZ-S5 Verandahs; • TCZ-S6 Landscaping for sites that adjoin any other than mixed use. • TCZ-S7 Coverage <i>tivity status where ompliance not achieved: estri ted is retionary</i> PER-3: Extension or alteration to an existing building or structure that does	N/A – The existing retaining wall was authorised by Resource Consent 2090546 RMALUC. The works do not result in an increased in height or GFA of the existing structure. N/A – no building is proposed. The proposed extensions to retaining wall does not involve a building footprint. The existing retaining wall was authorised by Resource Consent 2090546 RMALUC.	

Rule	Compliance	Non-Compliance
not increase the building footprint, complies with standards: • TCZ-S1 – Maximum Height • TCZ-S2 – Height in relation to boundary <i>tivity status where ompliance not achieved: estri ted is retionary</i> PER-4: Buildings or structures associated with electric vehicle charging stations comply with the following standards: • TCZ- S1 Maximum height • TCZ-S2 Height in relation to boundary • MUZ- Setback (excluding from MHWS or wetland, lake and river margins) <i>tivity status where ompliance not achieved: estri ted is retionary</i>	The works do not result in an increased in height or GFA of the existing structure – as such, TCZ-S1 and TCZ-S2 are met. N/A	
TCZ-R2 COMMERCIAL ACTIVITY (E CLUDING TRADE SUPPLIER AND SUPERMARKETS): PER-1: The activity is a not a service station. PER-2: Any office does not exceed GFA of 300m2. PER-3: The activity is a not a drive through <i>tivity status where ompliance not achieved: estri ted is retionary</i> PER-4: The new building or structure and relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m2. <i>tivity status where ompliance not achieved: is retionary</i>	Complies N/A The proposal does not involve a GFA.	
TCZ-R3 VISITOR ACCOMMODATION / PER-1: Where the site is identified with a pedestrian frontage as per the planning maps, the visitor accommodation is located above the ground floor level of a building. This rule does not apply to visitor accommodations that existed at 27 July 2022. <i>tivity status where ompliance not achieved: Non omplying</i>	N/A	
TCZ-R4 EMERGENCY SERVICE FACILITY <i>tivity status where ompliance not achieved: Not appli able</i>	N/A	
TCZ-R5 RESIDENTIAL UNIT	N/A	

Rule	Compliance	Non-Compliance
PER-1: a) Each Residential Unit shall be a minimum of 35m² Gross Floor Area for a studio and 45m² Gross Floor Area for units containing one or more bedrooms. The GFA excludes areas used as garaging or outdoor living space b) Each residential unit shall be provided with an outdoor living space or a contiguous area that is a minimum area of 8m² and a minimum dimension of 1.5m. c) Balconies or living area windows at first floor level or above shall be setback a minimum of 4m from internal boundaries, with bedroom windows setback a minimum of 1m. No setbacks are required for: i. Windows associated with a hall, stairwell, or bathroom; ii. Windows that are more than 90 degrees to the boundary; iii. Windows where the sill height is more than 1.6m above internal floor level. <i>tivity status where omplian e not a hieved: estri ted dis retionary</i> PER-2: Where the site is identified with a pedestrian frontage as per the planning maps, the residential unit is located above the ground floor level of a building. This rule does not apply to residential units that existed at 27 July 2022. <i>tivity status where omplian e not a hieve: Non omplying</i>	N/A	
TCZ-R6 Healthcare activity <i>tivity status where omplian e not a hieved: Not appli able</i>	N/A	
TCZ-R7 Community facility <i>tivity status where omplian e not a hieved: Not appli able</i>	N/A	
TCZ-R8 Conservation activity <i>tivity status where omplian e not a hieved: Not appli able</i>	N/A	
TCZ-R9 Community Corrections activity <i>tivity status where omplian e not a hieved: Not appli able</i>	N/A	

Rule	Compliance	Non-Compliance
TCZ-R10 Supermarkets PER-1: The new supermarket or extension or alteration to an existing supermarket does not exceed GFA 450m². <i>Activity status where compliance does not achieve: restricted discretionary</i>	N/A	
Standards – Core Standards		
TCZ-S1 Maximum height: The maximum height of a building or structure or extension or alteration to an existing building or structure is 3m above ground level. This standard does not apply to: - olar and water heating components not exceeding 3m in height above the building envelope on any elevation; - chimney structures not exceeding 3m in width and 3m in height above the building envelope on any elevation; - satellite dishes and aerials not exceeding 3m in height above the building envelope and or diameter on any elevation; - architectural features (e.g. finials spires) not exceeding 3m in height above the building envelope on any elevation; and Lift overruns provided these do not exceed the height by more than 3m above the building envelope on any elevation	<i>complies the proposed retaining wall tension will not exceed 3m above ground level.</i>	
TCZ-S2 Height in relation to boundary: Where the building or structure or extension or alteration to an existing building or structure adjoins a site zoned general residential medium density residential one urban residential urban Lifestyle, Māori Purpose urban Open space Natural Open space or port and recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary: degrees at 3m above ground level at the side and rear boundaries of the site.	The existing retaining wall was authorised by Resource Consent 2090546 RMALUC. The works do not result in an increase of the existing structure – as such, TCZ-S2 is met.	

Rule	Compliance	Non-Compliance
<i>This standard does not apply to:</i> i. solar and water heating components not exceeding 1.5 m in height on any elevation ii. chimney structures not exceeding 1.5 m in width and 1.5 m in height on any elevation iii. satellite dishes and aerials not exceeding 1.5 m in height and or diameter on any elevation iv. architectural features (e.g. finials spires) not exceeding 1.5 m in height on any elevation or v. lift overruns provided these do not exceed the height by more than 1.5 m on any elevation.		
Standards – Non-core Standards		
TCZ-S3 Setback (excluding from MHWS or wetland, lake and river margins): The building or structure or extension or alteration to an existing building or structure must be setback at least 1.5 m from the boundary of any site zoned general residential medium density residential or low density residential or Lifestyle, Māori Purpose Urban Open Space or Natural Open Space or port and recreation. <i>This standard does not apply to:</i> i. solar and water heating components not exceeding 1.5 m in height above the building envelope on any elevation ii. fences or walls no more than 1.5 m in height above ground level or iii. unoverhead cables no more than 1.5 m above ground level.	The existing retaining wall was authorised by Resource Consent 2090546 RMALUC. The works do not result in an increase of the existing structure – as such, TCZ-S3 is met.	
TCZ-S4 Pedestrian frontages: For sites with pedestrian frontage identified on the planning maps: • any new building or extension or alteration to a building (including alterations to the facade) must be built up to the road boundary and • at least 50% of the building frontage at ground floor must be glazed and	N	

Rule	Compliance	Non-Compliance
- The principal public entrance to the building must be located on the front boundary. - Any new building or redevelopment of a building that must apply a metre setback from the fourth floor and above.		
TCZ-S5 Verandahs: or sites with pedestrian frontage identified on the planning maps: - verandah must be provided for the full frontage of the road boundary of the site. The verandah shall: a) directly adjoin any adjacent verandah so there is no horizontal gap to provide continuous pedestrian overage b) have a minimum height of 1m and a maximum height of 2m above the footpath immediately below and c) be setback a minimum of 100mm and a maximum of 200mm from a vertical line measured up from the face of the kerb.	N	
TCZ-S6 Landscaping for sites that adjoin any sites other than Town Centre, mixed use or industrial zones: Site boundaries that adjoin any one other than Town Centre, Mixed Use, Industrial or Heavy Industrial must: - be fenced with a solid fence or wall with a minimum height of 1.8m or - be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.8m in width within five years or - be screened with a combination of (a) and (b) above.	The existing wall and fence were authorised by Resource Consent. No changes to the landscaping arrangements are proposed by this application. The existing wall and fence is established at the boundary of the Open Space zone on the southern boundary. and are zoned T.	
TCZ-S107 Coverage: - at least 50% of the site shall be planted in grass vegetation or landscaped with permeable material and - Where a connection to Council's reticulated stormwater system is not	- N - N	

Rule	Compliance	Non-Compliance
available the stormwater must be disposed of within the site n engineering site suitability report is required to determine compliance with these standards.		
PART 3 AREA-SPECIFIC MATTERS ONES OPEN SPACE AND RECREATION ONES NATURAL OPEN SPACE ONE		
NOS RULES TABLE PERMITTED:		
NOSZ R1: New building or structure and relocated buildings and extension or alteration to an existing building or structure PER-1: The new building or structure, and relocated buildings or extension to an existing building or structure, will accommodate a permitted, or controlled, or restricted discretionary activity. activity status where compliance not achieved: is discretionary PER-2: The new building or structure and relocated buildings or extension or alteration to an existing building or structure complies with standards: - NOSZ-S1 Maximum height; - NOSZ-S2 Height in relation to boundary - NOSZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); - NOSPZ-S5 Building or structure coverage. activity status where compliance not achieved: restricted is discretionary PER-3: The building or structure and relocated building, if located within an airport protection surface area identified on the planning maps, does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces. - This standard does not apply to - Park furniture - TCZ-S2 – Height in relation to boundary activity status where compliance not achieved: is discretionary	N/A The following standards have been met: - NOSZ-S1 Maximum height; - NOSZ-S2 Height in relation to boundary; - NOSPZ-S5 Building or structure coverage. N/A	The proposed structures do not accommodate a permitted activity; this is a technical non-compliance which requires resource consent as a discretionary activity. The following standards have not been met: NOSZ-S3 Setback; Restricted Discretionary Activity.

Rule	Compliance	Non-Compliance
NOSZ-R2: Impermeable surface coverage PER-1: The impermeable surface coverage of any site is no more than 10 or 1,000m², whichever is the lesser. <i>Activity status where compliance not achieved: restricted discretionary.</i> <i>Matters of discretion are restricted to:</i> a) The extent to which lands aping or vegetation may reduce adverse effects of runoff b) The effectiveness of the proposed method for controlling stormwater on site c) The availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining water bodies (including groundwater and aquifers) or on adjoining sites or downstream d) Whether water sensitive design methods and use of green spaces can be used e) Any cumulative effects on total at hment impermeability f) Natural hazard mitigation and site constraints g) extent of potential adverse effects on cultural spiritual heritage and or amenity values of any affected waterbodies h) The extent to which adverse effects of stormwater runoff from new impermeable surface on adjacent or downstream properties are avoided remedied or mitigated.	N/A	
NOSZ-R7: Vegetation planting Permitted. Note: planting of indigenous species is preferred.	Planting will occur.	
STANDARDS		
NOSZ-S1: Maximum height The maximum height of a building or structure or extensions or alteration to an existing building or structure is 3m above ground level. This standard does not apply to:	complies the proposed retaining wall extension will not exceed 3m above ground level. NB: This rule has been applied to the portion of retaining wall within the Natural Open space	

Rule	Compliance	Non-Compliance
• solar and water heating components provided these do not exceed the height by more than 1.5 m on any elevation • chimney structures not exceeding 1.5 m width and 1.5 m in height and or diameter on any elevation or • architectural features (e.g. finials spires) that do not exceed 1.5 m in height on any elevation	one. The remaining height is assessed under the Town Centre zone provisions above.	
NOSZ-S2: Height in relation to boundary The building or structure or extensions or alterations to an existing building or structure must be contained within a building envelope defined by recession planes measured inwards from the respective boundary: • 1.5 degrees at 1.5 m above ground level at the northern boundary of the site • 1.5 degrees at 1.5 m above ground level at the eastern and western boundaries of the site and • 1.5 degrees at 1.5 m above ground level at the southern boundary of the site.	complies	
NOSZ-S3: Setbacks (excluding from MHWS or wetland, lake and river margins) The building or structure or extension or alteration to an existing building or structure must be setback at least 1.5 m from all site boundaries. This standard does not apply to: • fences or walls no more than 1.5 m in height above ground level or • overhead cables less than 1.5 m in height above ground level.		Non compliance The retaining wall and fence located on the internal boundary exceeds the required setback by 1.5 m for a length of approximately 1.5 m.
NOSZ-S4 Setbacks from MHWS The building or structure or extension or alteration to an existing building or structure must be setback at least 1.5 m from W.	N NB: Non compliance with this standard is not a reason for consent under the applicable rules.	
NOSZ-S5: Building or structure coverage The building or structure coverage of the site area is not more than 1.5 m or 1.5 m whichever is the lesser. atters of discretion are restricted to:	N no building structure coverage is proposed.	

Rule	Compliance	Non-Compliance
a) The character and amenity of the surrounding area b) Any lands adjoining planting and screening to mitigate any adverse effects c) The extent to which private open space can be provided for future uses d) The extent to which the siting, setbacks and design mitigate visual dominance on adjacent sites and surrounding environment and natural hazards and mitigation and site constraints.		