



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

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes  No

If yes, who have you spoken with?  email correspondence with Council

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. Consultation:

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonomosupport@fndc.govt.nz](mailto:tehonomosupport@fndc.govt.nz)*

## 4. Applicant Details:

**Name/s:**

Mike & Wendy Fisher

**Email:**

**Phone number:**

**Postal address:**

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

Office Use Only  
Application Number:

## 5. Address for Correspondence

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

**Name/s:** Bay of Islands Planning (2022) Ltd

**Email:**

**Phone number:**

**Postal address:**

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

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

## 6. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

**Name/s:** Mike & Wendy Fisher

**Property Address/**

**Location:**

7 English Bay Rd

Opua

**Postcode**

## 7. Application Site Details

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

**Name/s:** 7 English Bay Rd

**Site Address/**

**Location:**

Opua

**Postcode**

**Legal Description:** Section 6 Block II Town of Opua and

**Val Number:**

**Certificate of title:** NA31A/1379

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff?  Yes  No

Is there a dog on the property?  Yes  No

## 7. Application Site Details (continued)

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details.

*This is important to avoid a wasted trip and having to re-arrange a second visit.*

Please call prior to site visit

## 8. Detailed description of the proposal:

This application relates to the following resource consent: **RC2250287 RMASUB**

Specific conditions to which this application relates:

4a

Describe the proposed changes:

Change requirement for access to Lot 2

## 9. Would you like to request Public Notification?

Yes  No

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

- Building Consent
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

## 11. Assessment of Environmental Effects:

*Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties (including consultation from iwi/hapū).*

Your AEE is attached to this application  Yes

## 12. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision?  Yes  No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days?  Yes  No

## 13. Billing Details:

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

**Name/s:** (please write in full) Wendy Jane FISHER Michael John FISHER

**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) Not applicacable as Council confirmed via email that there is no charge for processing

**Signature:** (signature of bill payer) **Date**

**MANDATORY**

## 14. Important Information:

### Note to applicant

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

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

### Privacy Information:

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

### Declaration

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

**Name:** (please write in full)

**Signature:**

**Date**

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

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- Details of your consultation with Iwi and hapū
- A current Certificate of Title (Search Copy not more than 6 months old)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to chapter 4 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

## Bay of Islands Planning Ltd

**Kerikeri House**  
**Suite 3, 88 Kerikeri Road**  
**Kerikeri**

Email – [andrew@bayplan.co.nz](mailto:andrew@bayplan.co.nz) Website – [www.bayplan.co.nz](http://www.bayplan.co.nz)

04 February 2026  
Far North District Council  
John Butler Centre  
Kerikeri

### **Application under s127 of the Resource Management Act 1991 to vary a condition of resource consent 2250287-RMASUB at 7 English Bay Road, Opua**

Please find attached an application to vary Condition 4a of resource consent 2250287-RMASUB. The site is legally described as Section 6 Block II Town of Opua and Section 3-5 Block III Town of Opua [NA31A/1379].

The applicant seeks to vary the wording of Condition 4a relating to the engineering standards for the entrance to Lot 2. The condition currently requires strict compliance with Council's engineering standards [FNDC/S/6], which has been identified as impracticable given the existing road environment.

This application is supported by the following information –

- Appendix A - Record of Title
- Appendix B - Haigh Workman Letter [Ref: 25 045] dated 28 March 2025
- Appendix C - Original Decision [RC 2250287-RMASUB]
- Appendix D - Council Correspondence
- Appendix E – Approved Plans RC2020594

Yours sincerely,



Andrew McPhee  
Consultant Planner

## 1.0 Applicant & Property Details

Item	Details
<b>Applicant</b>	Mike and Wendy Fisher
<b>Address for Service</b>	Bay of Islands Planning [2022] Limited Kerikeri House, Suite 3 88 Kerikeri Road, Kerikeri C/O – Andrew McPhee andrew@bayplan.co.nz
<b>Legal Description</b>	Section 6 Block II Town of Opua and Section 3-5 Block III Town of Opua
<b>Certificate Of Title</b>	NA31A/1379
<b>Physical Address</b>	7 English Bay Road, Opua
<b>Site Area</b>	3,145m <sup>2</sup>
<b>Owner of the Site</b>	Mike and Wendy Fisher
<b>Operative District Plan Zone</b>	Coastal Residential Zone [ODP]
<b>Proposed District Plan Zone</b>	General Residential Zone [PDP], Coastal Environment overlay

## 2.0 Introduction

The applicant seeks resource consent to vary Condition 4a of the subdivision consent RC 2250287-RMASUB approved for the property at 7 English Bay Road, Opua.

The subdivision consent created two lots, with Lot 2 gaining access from Creswell Street. Condition 4a currently requires the entrance to Lot 2 to be constructed in strict compliance with Council's Engineering Standard FNDC/S/6.

Following a site review and correspondence with Council staff, it has been determined that strict compliance with this standard is not practicable due to the steep topography and narrow legal width of Creswell Street.

## 3.0 BACKGROUND

The site is located at 7 English Bay Road, Opua. The subdivision approved under RC 2250287-RMASUB utilises an existing access leg off Creswell Street to service Lot 2.

Creswell Street is a narrow, no exit road formed on a steep cross slope. The legal road width is constrained, and the Engineering Assessment in **Appendix B** estimates the

operating speed of the road to be approximately 20km/h due to its geometry and it being a dead-end street.

The entrance to Lot 2 is not a new formation. It has been legally established and in use for over two decades.

Council records confirm that the specific location and formation of this vehicle crossing was established prior to the approval of Resource Consent 2020594-RMALUC in 2002. The approved plans for that consent [**Appendix E**] clearly identify the existing crossing and driveway formation.

Consequently, the entrance forms part of the established environment. It has a demonstrated safety record of over 20 years, functioning effectively within the low-speed context of Creswell Street without requiring upgrade to the current FNDC/S/6 standards.

Condition 4a of the subdivision consent states:

*"Provide a metalled single-width entrance to Lot 2, which complies with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004."*

Council staff have acknowledged that the existing site conditions (specifically the turning radius and setbacks) do not meet the geometric requirements of Standard FNDC/S/6. Strict compliance would require significant earthworks and retaining structures that are not practicable given the physical constraints of the road reserve. This application follows advice from Council to formalise a practical solution for Condition 4a.

## **4.0 PROPOSAL**

The applicant proposes to vary Condition 4a to recognize the established nature of the crossing while ensuring it remains structurally fit for purpose.

### **4.1 Proposed Wording**

The applicant proposes to vary the condition to accept the entrance in its current configuration.

*"The existing metalled single-width entrance to Lot 2 is accepted as satisfying the requirements for physical access under Section 224(c). The entrance shall be retained in its current location and configuration, noting that strict compliance*

*with Council's Engineering Standard FNDC/S/6 is assessed as impracticable due to site constraints, unnecessary given it has been legally established and having acceptable sight distances which are detailed in the Haigh Workman Letter (Ref: 25 045) dated 28 March 2025."*

## 5.0 STATUTORY CONSIDERATIONS

Section 127(1) of the RMA allows the holder of a resource consent to apply to the consent authority for a change or cancellation of a condition of the consent. Section 127(3) states that sections 88 to 121 apply, with all necessary modifications, as if the application were for a resource consent for a discretionary activity.

Section 104 of the RMA Section 104(1)(a) requires the Council to have regard to any actual and potential effects on the environment of allowing the activity.

## 6.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

The proposed variation relates solely to the engineering standard of the vehicle crossing for Lot 2.

### 6.1 Traffic Safety and Efficiency

The Haigh Workman letter provides a technical assessment of the specific operating environment of Creswell Street. The report supports the variation based on the following evidence:

- The letter estimates the operating speed of Creswell Street to be approximately 20km/h.
- The gravel length of the road provides access to four existing titles (3 developed), including the subject lot.
- While the road carriageway does not meet the standard for low volume access, it does meet the standard for a low volume classification. It also meets the district plan standard for a private access servicing 3-4 household equivalents, indicating the road condition is appropriate for the level of service.
- The letter assesses the available sight distances to range between 22m to 65m, which are considered acceptable given the constrained nature of the road.

## 6.2 Operational History

The entrance was established prior to the formal approval of RC 2020594-RMALUC by Council in 2002. This confirms that Council has previously assessed and accepted the access point as suitable for the site. Given that the entrance has functioned safely for over 20 years without incident, there is no evidence-based justification for requiring a retrospective upgrade to meet modern geometric standards designed for new development.

## 6.3 Functionality

In addition to the technical evidence, it is noted that because Creswell Street is a no exit road, there is no through traffic and no need to provide for vehicles south of the site on Creswell Street. Vehicle ingress and egress to and from the site will solely be from the north. The existing access is appropriately set up for that arrangement to provide safe ingress and egress from the site onto Creswell Street.

## 6.4 Conclusion

By relying on the expert assessment that sight distances are acceptable and acknowledging the low-risk nature of the no-exit environment, the effects of retaining the existing formation are considered less than minor. Enforcing strict geometric compliance would necessitate disproportionate engineering works with no commensurate benefit to road safety.

# 7.0 NOTIFICATION (S95A-95D)

## 7.1 Public Notification

The adverse effects on the environment are assessed as less than minor. There are no special circumstances warranting public notification.

## 7.2 Limited Notification

The proposed change affects only the technical specification of the entrance. It does not alter the intensity of use or the location of the access. The Council's engineers have already reviewed the site constraints and suggested an alternative approach. There are not considered to be any adversely affected persons.

## 8.0 CONCLUSION

The applicant seeks to vary Condition 4a of 2250287-RMASUB to allow for an entrance design that is practical and fit for purpose, based on engineering advice and historic precedence.

The assessment confirms that the variation will result in less than minor adverse effects and will resolve the impracticability of the current condition.

It is requested that the application be granted on a non-notified basis.

Yours sincerely,



Andrew McPhee  
Consultant Planner



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

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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **NA31A/1379**

**Land Registration District** **North Auckland**

**Date Issued** 26 March 1975

**Prior References**

NA31A/857 NA469/63

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**Estate** Fee Simple

**Area** 3145 square metres more or less

**Legal Description** Section 6 Block II Town of Opua and  
Section 3-5 Block III Town of Opua

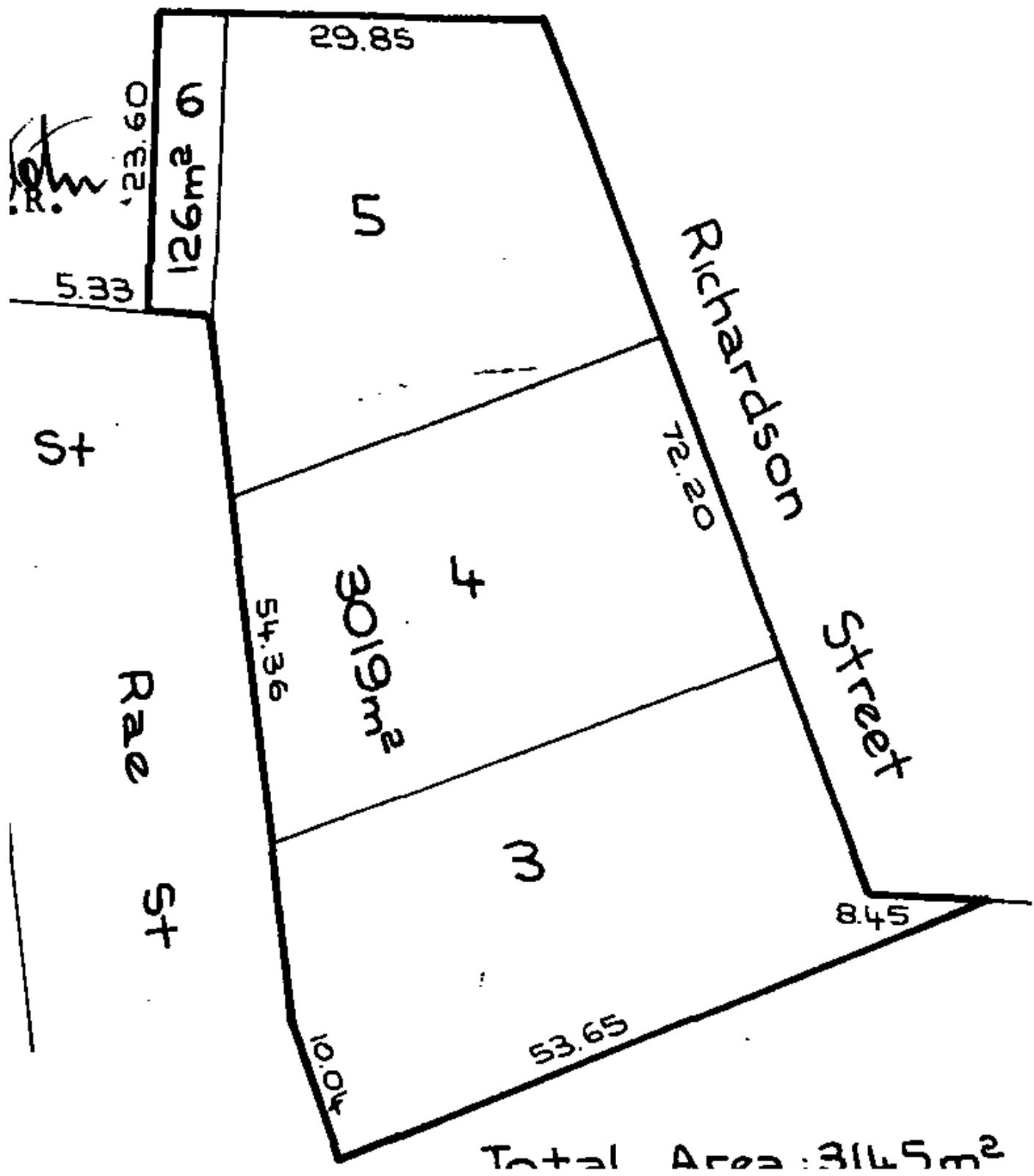
**Registered Owners**

Michael John Fisher and Wendy Jane Fisher

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**Interests**

11122700.3 Mortgage to ASB Bank Limited - 28.5.2018 at 3:47 pm



HWL Ref# 25 045

28 March 2025

7 English Bay Road  
Opua

Attention: Mike and Wendy Fisher

**Re: Response to Request for Further Information – Resource Consent Application 2250287-RMASUB –  
7 English Bay Road, Opua**

To whom it may concern,

Haigh Workman Ltd have been requested to undertake a geotechnical walkover and visual inspection to confirm the validity of site suitability report to address Point 1 of the RFI. To address point 2, a review of Creswell Street with respect to Council's Engineering Standards and District Plan Rule 15.1.6C.1.8 has been completed.

**Building Platform and Site Suitability**

1. *"Please submit a site suitability report in support of this application. This report should contain*
  - Further engineering information in relation to the instability hazard designation on Council's GIS mapping system and the slump damage on the side of the property reported in 2007. The report should be prepared by a CPEng Geotechnical Engineer and certify that:*
    - a. A Residential 14m x 14m area within each allotment is suitable to construct a building either in accordance with NZS 3604:2011; or with specific engineering design of foundations.*
    - b. Detailed information regarding stormwater disposal.*
    - c. The report shall include an assessment of the matters of control listed under Rule 13.7.3"*

Haigh Workman Ltd carried out geotechnical investigations at the site, with the findings presented in our Site Suitability Report, dated August 2014, reference 14 119. The site was walked over and viewed on the 6<sup>th</sup> of March 2025. As per the site suitability report, the site is subject to ongoing slope movement with excavations unretained and stormwater discharges contributing with soil erosion.

We can confirm the validity of the Site Suitability Report subject to the following consent notice conditions added;

- Any development on the lot will require foundations and retaining walls above and below the building platform designed by a suitably qualified chartered professional engineer in accordance with design parameters specified by a suitability qualified geotechnical engineer. The foundation and retaining wall design details shall be submitted in conjunction with the building consent application.

- The owner shall supply a stormwater management plan of the site, providing stormwater controls to avoid instabilities caused by erosion. The owner shall install a stormwater detention tank with a flow attenuated outlet. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 2% AEP plus allowance for climate change. The details of the stormwater plan, onsite retention storage, flow attenuation and stormwater discharge shall be prepared by a suitably qualified chartered professional engineer and submitted with the building consent application.

## Creswell Street

2. *"Creswell Street is a public road which does not meet the engineering standards. Rule 15.1.6C.1.8 details that the applicant should complete the required improvements. Please provide a response detailing measures to avoid, remedy or mitigate the effects of not complying with the Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009)."*

Creswell Street is formed as a Low Volume Road that is sealed for the first 15m then continues in gravel construction to the practical end of its 280m length. It is a no exit road with limited turning at the end and appropriate signage at the start of the road. Creswell Street is a narrow road formed on steep cross slope. There are signs erected at the end of the road stating no public parking or turning beyond this point. Beyond the end of the road, a concreted driveway on land zoned as road extends to the foreshore and services two dwellings, however it does not appear that this portion of road is utilised by the public.

The gravel length of road provides access to 4 existing titles (3 developed), including the subject lot with an estimated 4 H.E.s based on aerial imagery. The road is best described as an unsealed rural road with low volume access with average daily traffic less than 50 vehicles per day as per Table 3.4 FNDC Engineering Standards 2023. The road carriageway is typically 3-4m and wider at passing bays. While this does not meet the standards for a low volume access (Band 3) 6m wide carriageway it does meet the standards for a low volume classification (Band 2 Private Use) 3 to 4m carriageway width. It also meets the FNDC district plan standards for a private access servicing 3-4 H.E.s with a carriageway width of 3m with passing bays, indicating the road condition is appropriate for the level of service.

Haigh Workman conducted a walkover on the 6<sup>th</sup> of March, 2025 throughout the length of the existing road and findings of the assessment are presented below.

### Condition Assessment for Council Maintained Creswell St (RP 0 – 280)

Due to low traffic numbers and low operating speed (approximately 20 kmph and below due to the winding alignment) users of the gravel section drive the road as a single lane. There are passing bays spaced along the road length.

1. The 280m length of Council maintained gravel road and has a carriageway width of 3 to 4m with adequate sight distance and passing areas at approximately RP0-20, RP110-125, RP171-187, RP235-241, RP259-280 with width for opposing vehicles to pass. Sight distances range from a minimum of 22m to 65m. Users of the road appear adjusted to the single lane roading conditions and drives according to the conditions with the estimated operating speed of 20kmph. Minimum stopping sight distances calculated from Austroads for a gravel road in alert conditions is 20m at 25kmph at -8% grade. One corner with limited visibility exists immediately upslope of the entrance

to 7 English Bay at RP178. There is a passing bay on this corner and downslope that is 6.7m wide with adequate room for two vehicles to safely pass. Vegetation clearance at this corner is recommended on the upslope side between RP175 and RP195 to improve line of sight visibility at the site access, refer to Figure 3 below. Ongoing maintenance of vegetation downslope would benefit sight lines over the roads length. Upslope retaining walls on the road are located within the road reserve and on private land, consisting of tied back timber pole, gabion and gravity walls. Downslope retaining and stormwater controls are minimal, except for the culvert at CH280, however no drainage issues were identified affecting the carriageway.



Figure 1 – Creswell St chainage approx. 5m passing bay looking east



Figure 2 – Creswell St chainage approx. 130m passing bay looking west. Typical road carriageway in foreground.



Figure 3 – Creswell St chainage approx. 175m passing bay at corner looking south to entrance to the proposed lot.



Figure 4 – Creswell St chainage approx. 235m passing bay in foreground looking north . Typical road carriageway beyond passing bay.



Figure 5 – Creswell St chainage approx. 270m passing bay and practical road end looking east

#### **District Plan Rule 15.1.6C.1.8**

**15.1.6C.1.8 (a)** *“Where any proposed subdivision has frontage to a road or roads that do not meet the legal road width standards specified by the Council in its “Engineering Standards and Guidelines” (June 2004 – Revised 2009), road widening shall be vested in the name of the Council.”*

**15.1.6C.1.8 (b)** *“Where any proposed subdivision has frontage to a road or roads that are not constructed to the standards specified by the Council in its “Engineering Standards and Guidelines (June 2004 – Revised 2009), then the applicant shall complete the required improvements.”*

#### **Response:**

Due to low traffic numbers and low operating speed, users drive the road as a single lane with passing bays spaced along the road length. Following subdivision, the H.E equivalents increase to a total 4 H.E.s. Based on the condition assessment above, the existing gravel road is expected to accommodate the additional lot without a noticeable change in the level of service.

Any upgrade of Creswell Street would require major engineering intervention due to the local topography and existing retaining walls and is not considered practicable given the proposed increase in traffic.

## Recommendations

1. Council Maintained Sealed Section (RP 0 – 15)
  - Recommended upgrade: **None**
2. Council Maintained Gravel Section (RP 15 – 280)
  - Recommended upgrade: **None**
  - Vegetation clearance between RP 175 and RP195 on the upslope side recommended to improve visibility at entrance to the proposed lot at 7 English Bay Road.



Figure 6 – Vegetation clearing on Creswell St chainage approx. 175m to 195m looking south to 7 English Bay Road entrance

**15.1.6C.1.8 (c)** “Where a site has more than one road frontage or frontage to a service lane or right-of-way (ROW) in addition to a road frontage, access to the site shall be in a place that:

- (i) facilitates passing traffic, entering and exiting traffic, pedestrian traffic and the intended use of the site;
- (ii) is from the road or service lane or ROW that carries the lesser volume of traffic.”

## Response:

Access is from Creswell Road being the road that carries the lesser volume of traffic. Access off English Bay Road is not practicable due to topography.

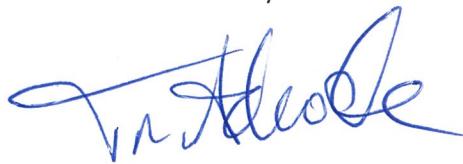
Prepared By



Jono Corskie

Geotechnical Engineer  
MEngNZ, BE, MEngSc

Reviewed By



Tom Adcock

Senior Civil Engineer  
MEngNZ, BE

Approved By



John Papesch

Senior Civil Engineer  
CMEngNZ, CPEng

#### Disclaimer

Haigh Workman have completed a document review based on the information provided. No subsoil site investigations, construction observations or post development observations have been completed by Haigh Workman as part of this review.

This document review has been prepared for the use of Mike and Wendy Fisher with respect to the brief outlined to us. This is to be used by our Client and their Consultants and may be relied upon when considering geotechnical and civil engineering advice. The information and opinions contained within this review shall not be used in other context for any other purpose without prior review and agreement by Haigh Workman Ltd. If any changes are made, we must be allowed to review the new development proposal to ensure that the recommendations of the geotechnical report remain valid. Inferences about the subsoil conditions away from the test locations have been made but cannot be guaranteed. We have inferred an appropriate geotechnical model that can be applied for our analyses. However, variations in ground conditions from those described in this report could exist across the site. Should conditions encountered differ to those outlined in this report we ask that we be given the opportunity to review the continued applicability of our recommendations.

Should you have any queries, please do not hesitate to contact us.

## **DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991**

### **Decision**

Pursuant to section 34(1) and sections 104, 104A, 106, 108 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Discretionary activity, subject to the conditions listed below to:

**Applicant:** Michael John Fisher and Wendy Jane Fisher

**Council Reference:** 2250287-RMASUB

**Property Address:** 7 English Bay Road, Opua

**Legal Description:** SEC 6 BLK II SECS 3-5 BLK III SEC 6 BLK II OPUA TN

#### **The activity to which this consent relates is:**

To subdivide in the Coastal Residential zone, creating one additional lot as a Controlled activity.

### **Conditions**

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

1. The subdivision must be carried out in general accordance with the approved plan of subdivision prepared by BOI Survey LTD, referenced "PROPOSED SUBDIVISION OF SEC 6 BLK II & SECs 3,4 & 5 BLK III TOWN OF OPUA & LOTS 3-5 DP 570538", Job No. 5048, Drawing Number 5048-001, Sheet 1 of 1, Revision A, dated 16/12/24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Survey plan approval (s223) conditions**

2. The survey plan, submitted for approval pursuant to Section 223 of the Act must show:
  - a. Easement A to be duly granted or reserved.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder must:
  - a. Provide written confirmation from a licensed cadastral surveyor that boundary pegs have been reinstated at the two corners where Lot 1 adjoins the Council reserve (Section 5 Block II Town of Opua, CFR NA31A/856).
  - b. The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(ii) Resource Management Act 1991 subject to it being expressed on the survey plan as follows:

*“That Lot 1 hereon and Section 6 Block II Town of Opua be held together in one Record of Title.”*  
(LINZ reference 1946816)

## Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder must:
  - a. Provide a metalled single-width entrance to Lot 2, which complies with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004.
  - b. Provide evidence that low-pressure boundary kits have been provided to the boundary of Lot 2.
  - c. Provide documentation that the service providers of electric power and telecommunications to Lot 2 are satisfied with the arrangements made for the provision of these services.
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice must be met by the consent holder:
  - a. Any development must be in general accordance with the restrictions and recommendations identified in the Site Suitability report prepared Haigh Workman Ltd, reference 14119 dated August 2014 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.

[Lot 2]
  - b. In conjunction with an application for a building consent, an application to connect to Council's wastewater system must be submitted for approval.

[Lot 2]
  - c. In conjunction with any building constructed on the lot the property owner must obtain all necessary consents, and install a raw sewage storage tank, macerating pump, and delivery line with a connection into the Council Reticulation Sanitary Sewerage System. The raw sewage storage tank must have a sufficient charge capacity to contain a minimum of 24 hours wastewater production and must be fitted with a high-level audible alarm installed to warn of pump or system failure.

[Lot 2]
  - d. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[Lot 2]

- e. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed as a secondary / overland (Q<sub>100</sub>) flow path.

[Lots 1 & 2]

- f. The site [Lots 1 and 2] are identified as being within a kiwi present zone. If any owners or occupiers of or visitors to any of the lots keep or introduce onto the land any carnivorous animal (including dogs or cats) they must be kept inside and/or tied up at night. This is to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

[Lots 1 & 2]

## Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

### Right of Objection

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

### Archaeological Sites

3. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

### Section 224 Certification

4. A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.

### General Advice Notes

5. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).
6. The consent holder is required to pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
7. Any work activity, excavation and non-excavation carried out in the road reserve, must lodge formal notice of intention to carry out works, in the form of a Corridor Access Request, submitted to the Corridor Manager for approval.

A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, which is defined in the The National Code of Practice for Utility Operators' Access to Transport Corridors, and that has been adopted by Council.

A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once the TMP is approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz).

8. The licence to occupy the road reserve was granted to a previous owner and is no longer current. Application forms for a new licence to occupy are available on the Far North District Council's website. Other options may include removing or relocating the encroaching structure or applying to stop the area of road beneath it.
9. Residential curtilage activities (such as decking, steps, planting, or structures) within the adjoining Council reserve are not authorised and may be subject to removal or enforcement action.
10. Council policy prohibits the building of any structure over an existing sewer reticulation main.
11. Erosion and Sedimentation Control are required to be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".

## Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Controlled activity resource consent as such under section 104 the Council must consider the relevant matters listed in section 13.7.3 of the Operative District Plan.

3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. The amalgamation of Lot 1 with Section 6 Block II Town of Opua is practicable, as assessed by Land Information New Zealand.
  - b. The site-specific geotechnical investigations confirm that, with appropriate engineering measures, the land stability risks can be adequately managed through consent notice conditions.
  - c. All services including wastewater, power and telecommunications are confirmed available and can be connected to both lots.
  - d. The need for vehicles to reverse off English Bay Road has been assessed by Council and deemed acceptable with minimal safety concerns.
  - e. Both lots have existing suitable access arrangements, with Lot 1 accessed from English Bay Road and Lot 2 from Creswell Street.
  - f. Stormwater management will be addressed through an easement over Lot 2 for Lot 1's overflow, with additional requirements imposed through consent notices for future development.
  - g. No significant vegetation clearance is proposed as part of this subdivision.
  - h. The activity is consistent with the existing character and amenity of the surrounding residential area.
  - i. Comprehensive consent conditions have been drafted addressing land stability, services, access, stormwater management and building limitations to ensure effects are appropriately managed.
  - j. Issues regarding past non-compliance reserve access can be resolved through further assessment of boundary locations and potential remediation measures as specified in the conditions.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
  - a. Operative Far North District Plan 2009,
  - b. Proposed Far North District Plan 2022

## **Operative District Plan**

### Subdivision:

The Subdivision chapter's Objectives and Policies emphasise a holistic approach to subdivision that aligns with sustainable management principles. At their core, these provisions seek to ensure that subdivision is consistent with the underlying zone's purposes while promoting sustainable management of natural and physical resources. There is a strong focus on avoiding, remedying or mitigating adverse environmental effects, including those related to natural hazards and reverse sensitivity.

The objectives particularly emphasise the protection of outstanding landscapes and natural features in the coastal environment, scheduled heritage resources, and the relationship between Māori and their ancestral lands and taonga. There is also a clear emphasis on ensuring adequate infrastructure provision, including water supply, stormwater management, electricity, and efficient access. The policies further reinforce these themes by requiring consideration of potential effects on natural character,

ecological values, landscape values, amenity values, cultural values, and heritage values when determining allotment sizes and dimensions.

In relation to this subdivision, these Objectives and Policies are satisfied. The subdivision creates lots that exceed the minimum size requirements for the Coastal Residential zone and maintains the residential character of the area. The need for vehicles to reverse off English Bay Road has been assessed by Roading and deemed acceptable. In addition, although there are encroachments onto Council reserve 'accessway' and road reserve, the license to occupy (LTO) is a matter separate from the resource consents process. However, as part of the subdivision stage, it has been deemed appropriate to have a condition of consent that requires the reinstatement of boundary pegs where Lot 1 adjoins the Council 'accessway' to help clearly delineate the legal boundaries and assist in mitigating the effects of residential curtilage in proximity to public land. The geotechnical assessment addresses natural hazards as required by Policy 13.4.3, and consideration has been given to stormwater management as per Policy 13.4.8. Overall, the subdivision meets the Objectives and Policies of the Subdivision chapter.

### **Proposed District Plan**

#### Subdivision:

The Proposed District Plan's Subdivision Objectives and Policies maintain similar themes to the Operative Plan but with a more streamlined, outcome-focused approach. SUB-O1 emphasises efficient land use that achieves the underlying Zone's objectives, contributes to local character, avoids reverse sensitivity, mitigates natural hazard risks, and manages adverse environmental effects. There is a continued emphasis on protecting significant natural areas and cultural values through SUB-O2, while SUB-O3 and SUB-O4 focus on infrastructure planning and connectivity.

The policies provide a more structured approach to different subdivision types, with specific policies for boundary adjustments (SUB-P1), public works and infrastructure (SUB-P2), and general subdivision (SUB-P3). SUB-P5 specifically addresses subdivision design in residential zones, emphasising safe, connected and accessible environments that minimise vehicle crossings affecting transportation network safety.

The subdivision aligns with these Objectives and Policies as it creates lots consistent with the General Residential zone characteristics, complies with minimum lot sizes, and provides legal and physical access to both lots. The encroachment onto Council reserve land raises questions about connectivity and accessibility as emphasised in SUB-P5(e). The application adequately addresses infrastructure requirements as per SUB-P6, with services available to both lots. In addition, there are no reverse sensitivity effects anticipated as the general use of the allotments in the vicinity are residential.

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

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## **Approval**

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



**Nick Williamson**  
Resource Consents Team Leader

**Date:** 16/04/2025



## CORRESPONDENCE CER-2250287-CER224/A: Far North District Council - RMA eNotice

**From** Wendy & Mike Fisher <flipper@xtra.co.nz>

**Date** Mon 12/01/2026 3:46 PM

**To** Andrew McPhee <andrew@bayplan.co.nz>

✉ 6 attachments (22 KB)

hfykje6b6i3b6nosimg\_6v5W51JdIM4x60ixv1.png; hfykje6b6i3b6nosimg\_NUB35Mph043u5bJov3.png; hfykje6b6i3b6nosimg\_mX8l6Sk7t0Hbh5Y3v2.png; hfykje6b6i3b6nosimg\_mO2PjjNwbeFFzmOav2.png; hfykje6b6i3b6nosimg\_en20fh5a7aWuanomv2.png; hfykje6b6i3b6nosimg\_gTn9ic7qYq92R76Qv2.png;

----- Original Message -----

From: Katina Nathan-Patuawa <Katina.Nathan@fndc.govt.nz>

To: Wendy & Mike Fisher <flipper@xtra.co.nz>

CC: Diego Solarte Garcia <Diego.SolarteGarcia@fndc.govt.nz>

Date: 16/12/2025 13:30 NZDT

Subject: Re: CER-2250287-CER224/A: Far North District Council - RMA eNotice

Mōrena Korua

I understand that the process requires some clarity on your next steps. The question you are asking about how to measure would be more confusing to answer in this instance than helpful. There are a couple of design standards that have gone into the access requirements and a range of District Plan rules that inform it as well.

As suggested, we believe that it would be in your best interest to engage an agent to help you with this process, as you have other options to complete to the conditions of consent.



Katina Nathan-Patuawa

Resource Consents  
Engineer - Resource Consents -  
Engineering

M 273526029 | P 6494015202 |  
Katina.Nathan@fndc.govt.nz

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

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

[fndc.govt.nz](http://fndc.govt.nz)



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**From:** Wendy & Mike Fisher <flipper@xtra.co.nz>  
**Sent:** Monday, 15 December 2025 10:46 am  
**To:** Katina Nathan-Patuawa <Katina.Nathan@fndc.govt.nz>  
**Subject:** Re: CER-2250287-CER224/A: Far North District Council - RMA eNotice

**CAUTION:** This email originated from outside Far North District Council.  
Do not click links or open attachments unless you recognise the sender and know the content  
is safe.

Hi Katina,

Thanks for the diagram, All I need is the reference point to measure from.

We don't have an agent mainly because we looked up council records and find an approved plan for this access way back in 2002.

This access way has been used with large trucks and cars with no problems for years.

There is no way a vehicle could come up creswell st from the east. The sign says no exit road and no turning area. so any vehicle accessing us would come along the street from the west. there are only two properties further on to the end of Creswel street. because of the road size and condition you wouldn't exceed a speed of 20kms per hour.

Sorry about the email its just I'm trying to get my head around the practical working ability of the access and your rules to sign this off.

Regards

Mike & Wendy

On 12/12/2025 09:26 NZDT Katina Nathan-Patuawa  
<katina.nathan@fndc.govt.nz> wrote:

Morena

Condition of consent states:

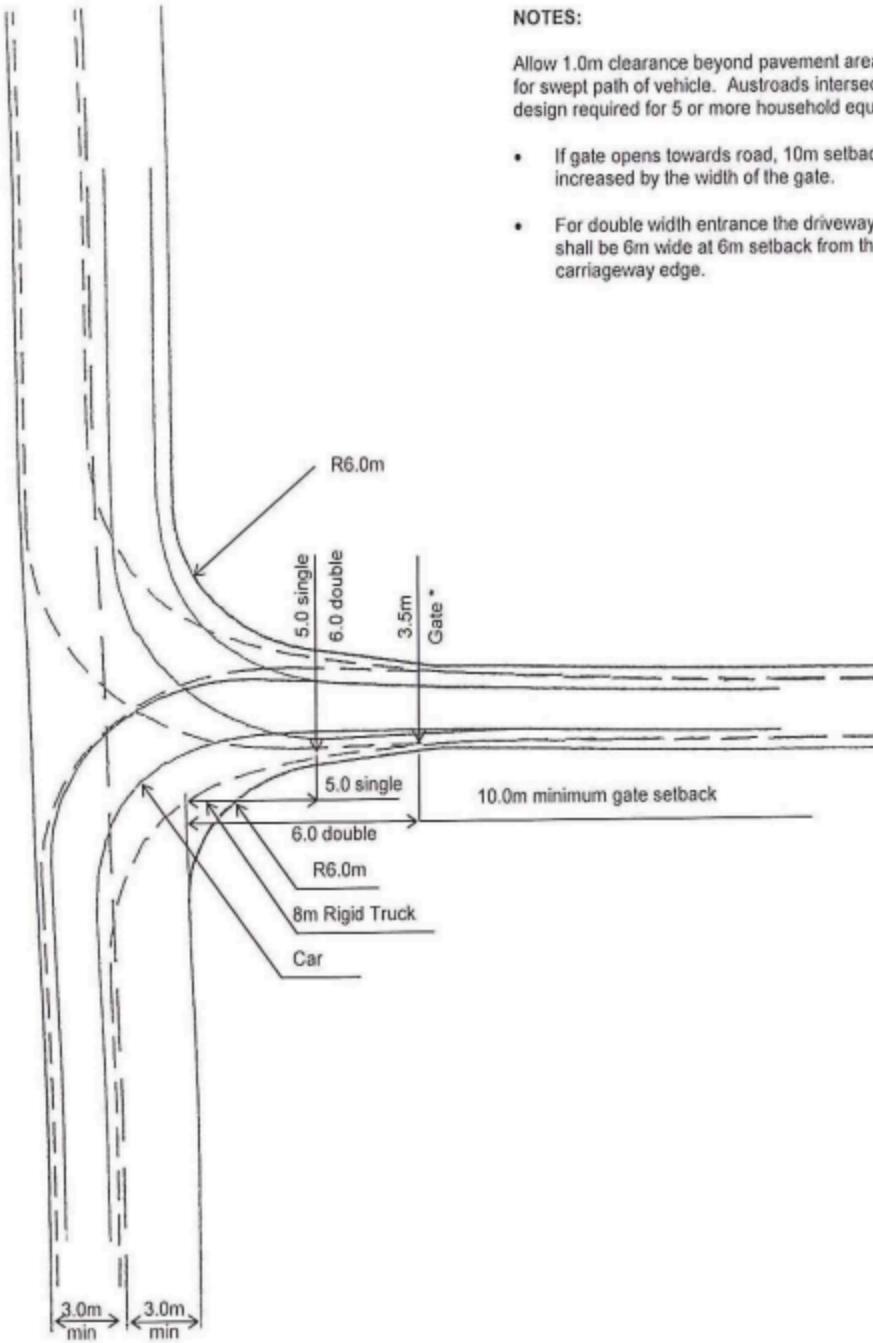
*Provide a metalled single-width entrance to Lot 2, which complies with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004.*

Below is the standard associated with the condition according to council's engineer standards .

NOTES:

Allow 1.0m clearance beyond pavement area shown for swept path of vehicle. Austroads intersection design required for 5 or more household equivalents.

- If gate opens towards road, 10m setback shall be increased by the width of the gate.
- For double width entrance the driveway width shall be 6m wide at 6m setback from the road carriageway edge.



During the site visit, I measured the relevant reference aspects of this standard, in particular, the width and setbacks.

Your site does have a 5m wide entrance in line with the design; unfortunately, this is the only part of the design that is in accordance with the requirements. We agree that there is no longer a gate; however, the construction differs from the consent condition.

Either the design will have to be fixed to allow the required radius, sightlines and setbacks, or the condition of consent will have to be adjusted to justify the change.

At this stage, if you have an agent, the best thing would be to seek advice as to the next steps to ensure that the subdivision goes through.



**Katina Nathan-Patuawa**

Resource Consents

Engineer - Resource Consents -

Engineering

**M** 273526029 | **P** 6494015202 |

[Katina.Nathan@fndc.govt.nz](mailto:Katina.Nathan@fndc.govt.nz)

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

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**Pokapū Kōrero 24-hāora | 24-hour Contact**

**Centre 0800 920 029**

[fndc.govt.nz](http://fndc.govt.nz)



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**From:** Diego Solarte Garcia <[Diego.SolarteGarcia@fndc.govt.nz](mailto:Diego.SolarteGarcia@fndc.govt.nz)>  
**Sent:** Thursday, 11 December 2025 5:04 pm  
**To:** Wendy & Mike Fisher <[flipper@xtra.co.nz](mailto:flipper@xtra.co.nz)>  
**Cc:** Katina Nathan-Patuawa <[Katina.Nathan@fndc.govt.nz](mailto:Katina.Nathan@fndc.govt.nz)>  
**Subject:** RE: CER-2250287-CER224/A: Far North District Council - RMA eNotice

Kia ora Wendy and Mike.

Thank you for the letters provided, I can confirm that aspect of the RFI has now been satisfied.

Dear Katina, could you please provide details of the required width to meet RC engineering standards in this instance? And could you also provide the length you obtained on site?

Kind regards



Diego Solarte Garcia

Intermediate Resource

Planner - Resource Consents - Tima

Tauhou

M 273542495 | P 6494015580 |

[Diego.SolarteGarcia@fndc.govt.nz](mailto:Diego.SolarteGarcia@fndc.govt.nz)

Te Kaunihera o Te Hiku o te Ika | Far North

District Council

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**Pokapū Kōrero 24-hāora | 24-hour Contact**

**Centre 0800 920 029**

[fndc.govt.nz](http://fndc.govt.nz)



---

**From:** Wendy & Mike Fisher <flipper@xtra.co.nz>

**Sent:** Thursday, 11 December 2025 4:44 pm

**To:** Diego Solarte Garcia <Diego.SolarteGarcia@fndc.govt.nz>

**Subject:** Re: CER-2250287-CER224/A: Far North District Council - RMA eNotice

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the content is safe.

Hi Diego,

Attached are Chores and Top Energy letters.

Help me out with the measurement which you say dose not comply . where is this measured from. our entrance is wider than most of the other driveways in this street and English Bay rd. No property in this area has a gate and we will not have a gate either.

look forward to completing this.

Mike & Wendy

On 10/12/2025 15:00 NZDT Diego Solarte Garcia  
<[diego.solartegarcia@fndc.govt.nz](mailto:diego.solartegarcia@fndc.govt.nz)> wrote:

Dear Sir/Madam,

Please find attached a document issued by the Far North District Council.

If you have any queries about this document, please contact the writer or  
[email us](#).

Kind regards,

**Resource Consents Team**



0800 920 029 | [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)

Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki  
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.

### **Wendy & Mike Fisher**

Mike mobile: 027 4996690

Wendy mobile: 021 778146

[flipper@xtra.co.nz](mailto:flipper@xtra.co.nz)



Think about the environment before printing

### **Wendy & Mike Fisher**

Mike mobile: 027 4996690

Wendy mobile: 021 778146

[flipper@xtra.co.nz](mailto:flipper@xtra.co.nz)



**Wendy & Mike Fisher**

Mike mobile: 027 4996690

Wendy mobile: 021 778146

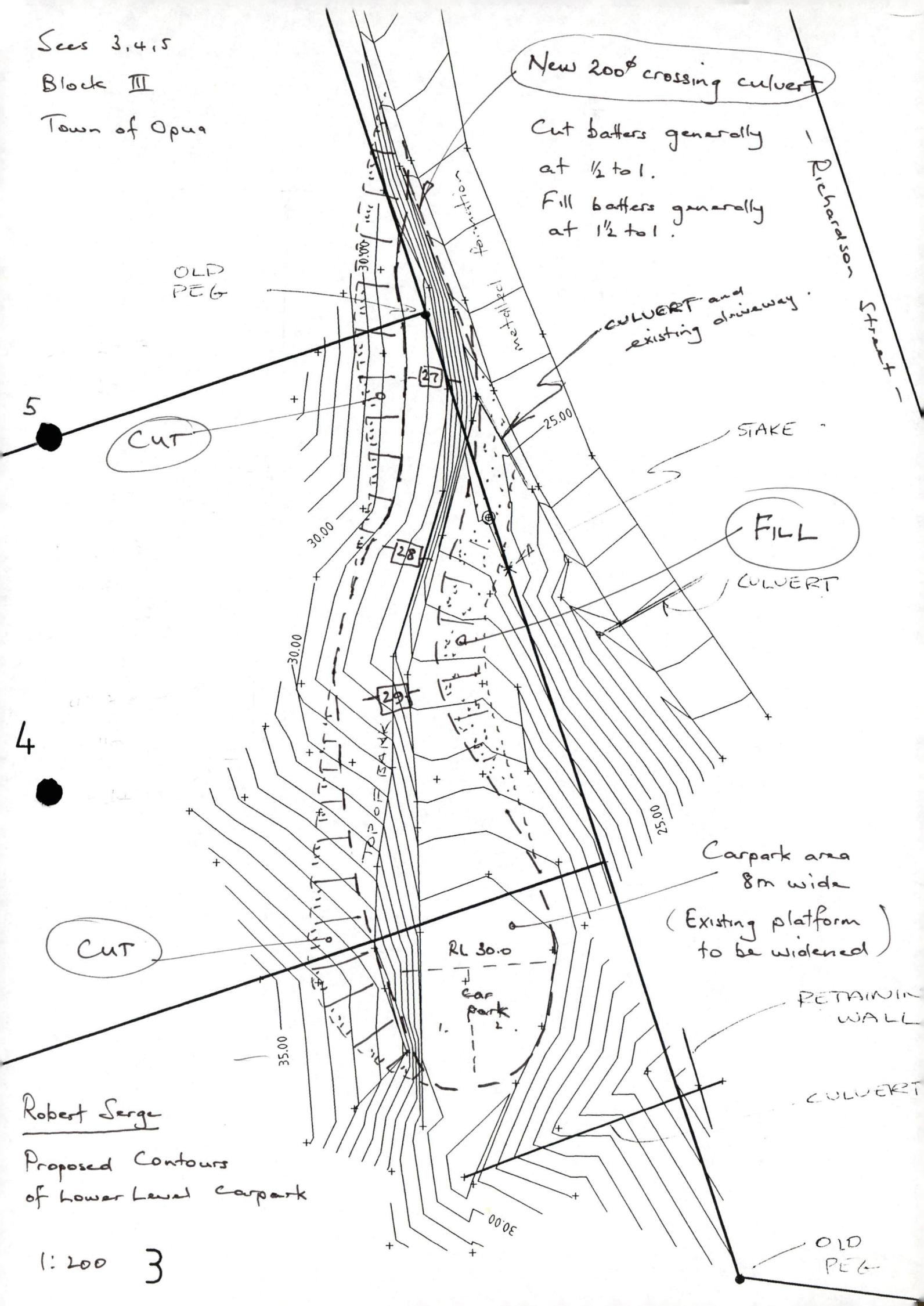
[flipper@xtra.co.nz](mailto:flipper@xtra.co.nz)



Sees 3,4,5

Block III

Town of Opua



Robert Serge

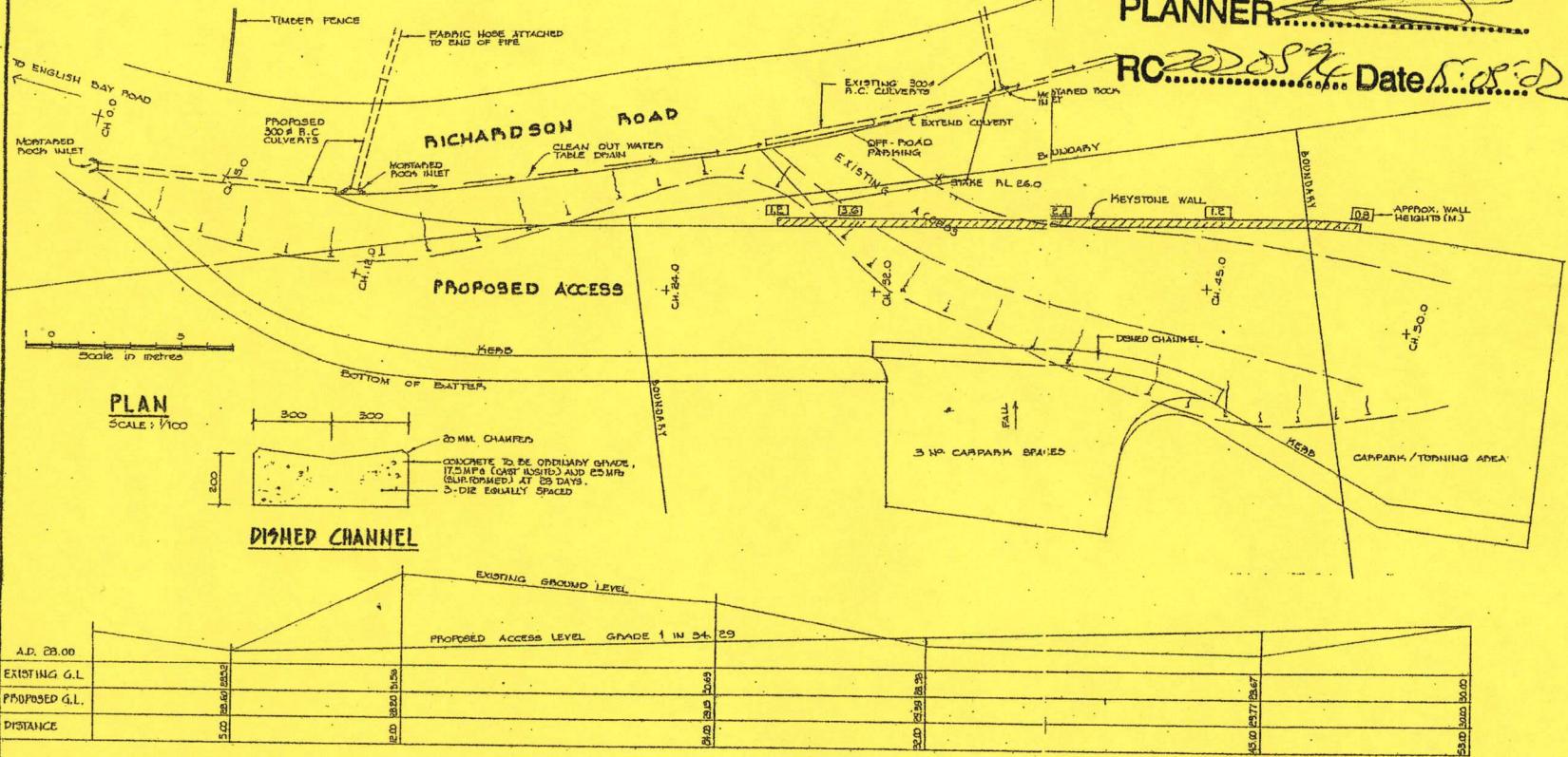
Proposed Contours  
of lower Level carpark

1:200

3

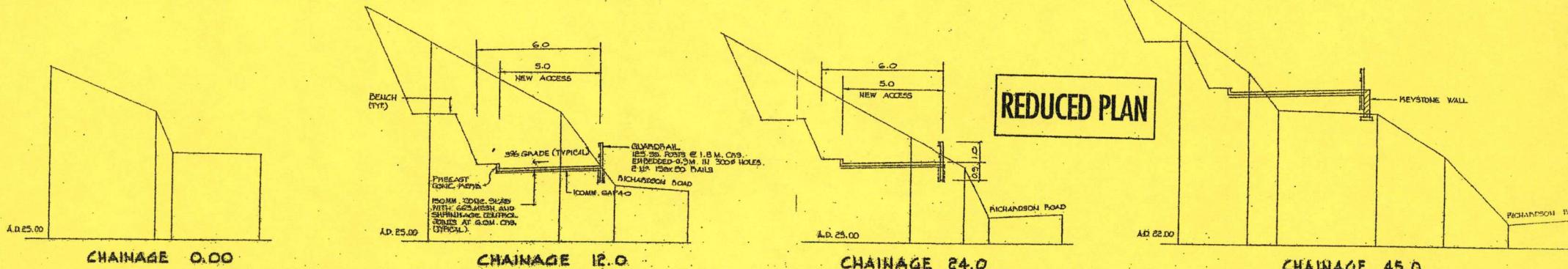
**APPROVED PLAN  
PLANNER**

RC 220874 Date 5-8-85



LONGITUDINAL SECTION

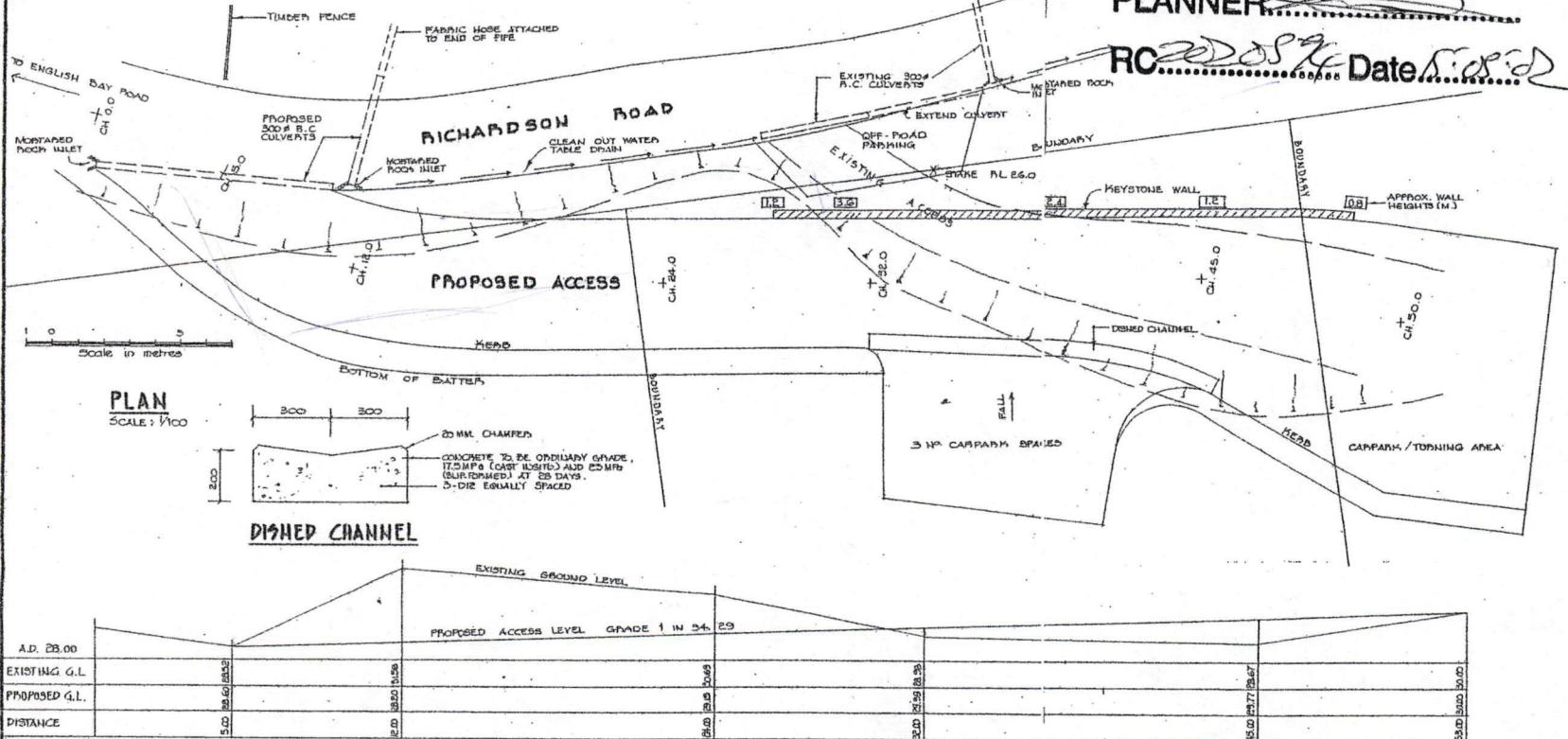
SCALE : 1/100 NATURAL



B. SERGE ~ RICHARDSON ROAD ~ OPUA

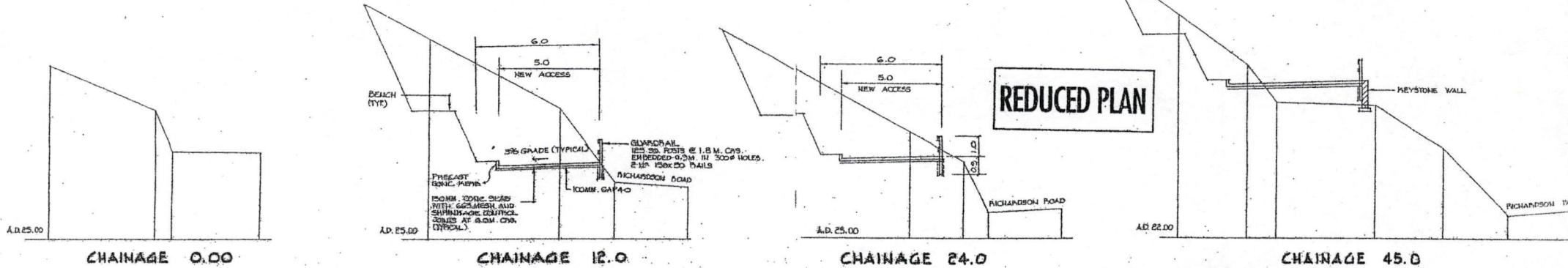
**APPROVED PLAN**  
**PLANNER.....**

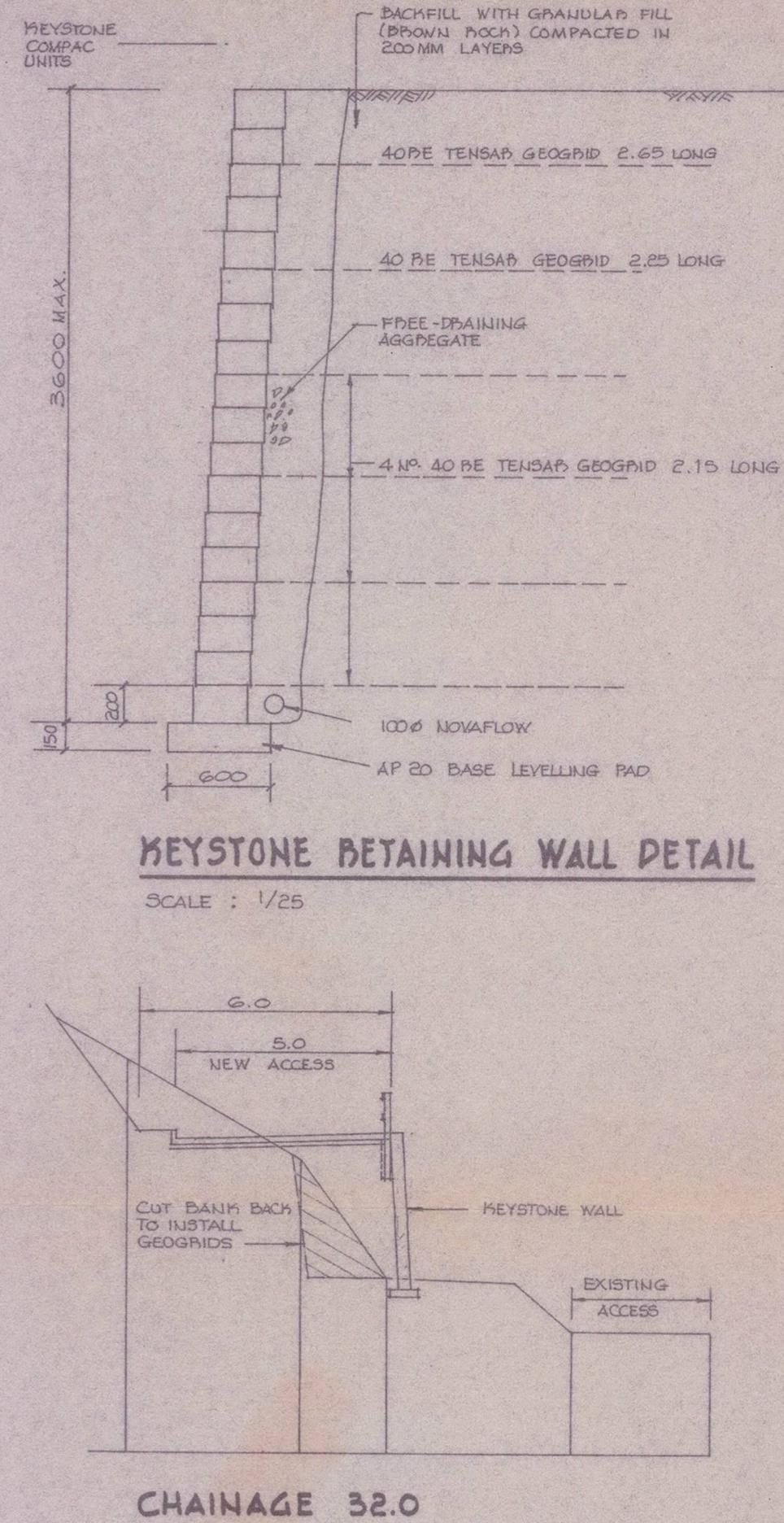
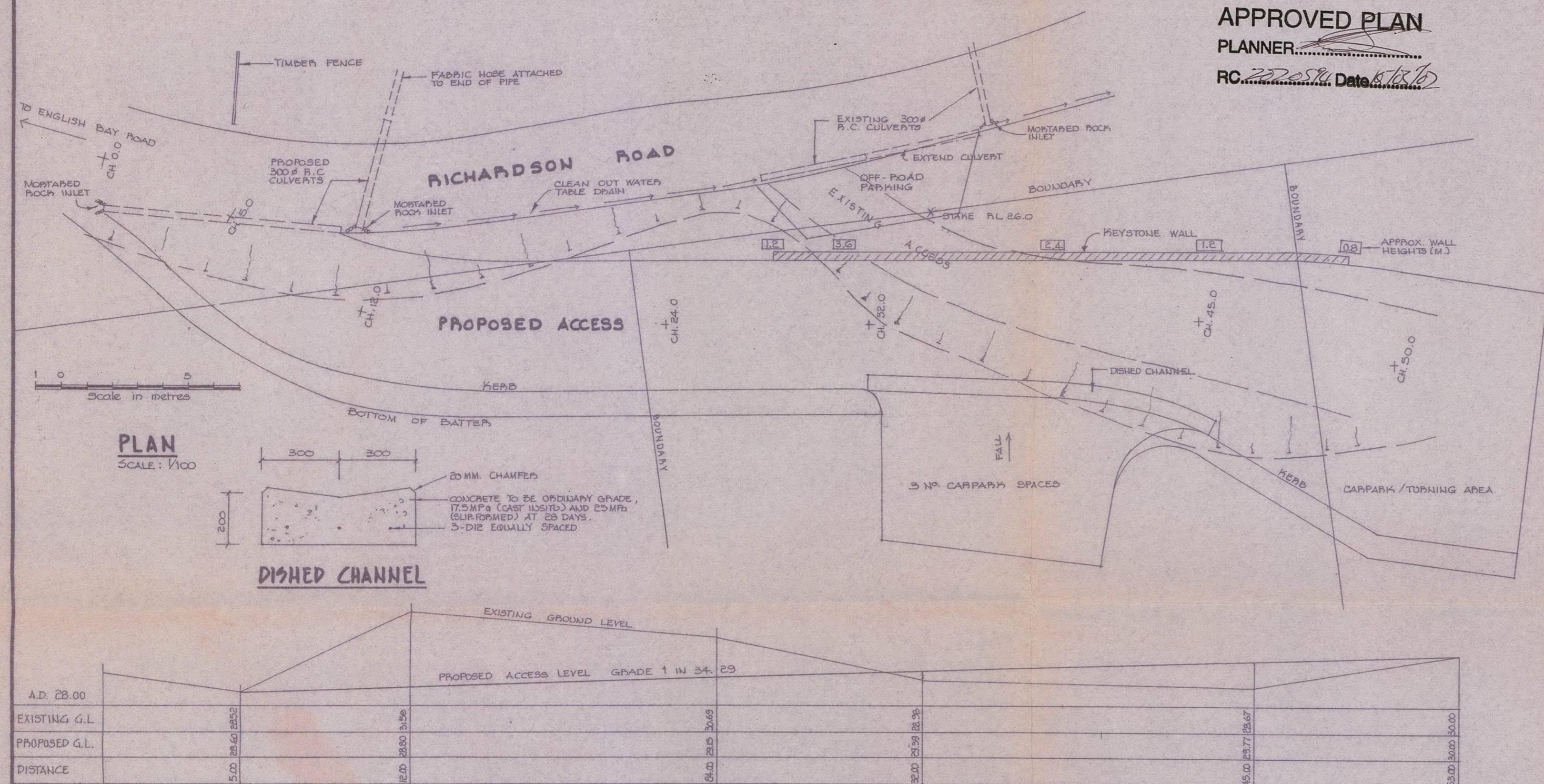
RC 220874 Date 5.08.22



LONGITUDINAL SECTION

SCALE : 1/100 NATURAL







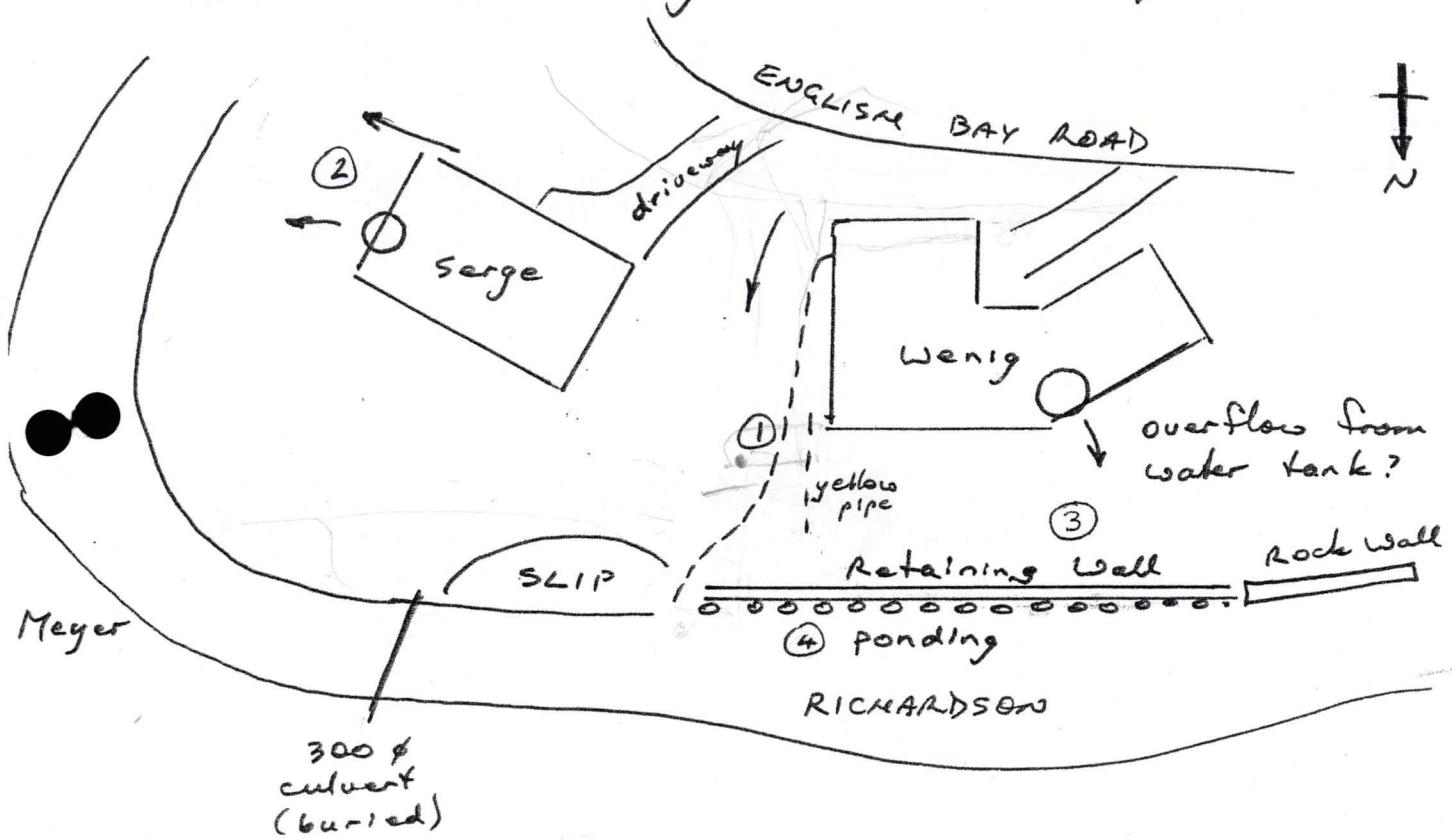


RICHARDSON STREET WEST

EXTENT OF CUT BELOW WENIG + SERGE PROPERTY

## Richardson Street West Retaining Wall

Record of site Meeting with Robert Serge 14/5/03



① New 100 ft flexible pipeline carries stormwater from Wenig driveway and garage. Mr Serge claims it was discharging into slip area below his property prior to the slip that occurred on 27/3/03. Pipe has now been extended to road level and does not discharge into slip. Some overland flow still occurs along FNDG steps. Yellow pipe does not carry water.

② Stormwater from Serge house, driveway and water tank overflow is directed eastwards away from the slip

14/5/03.



UNAUTHORISED WORK

AUTHORISED WORK

Richardson Street West

Leadley

Alkson

Wang

Serge

Serge

Serge

Old Bay Road

Legal boundary (Approx.)

CONFIDENTIAL

Extent of cut

Meyer

Dixon

RICHARDSON STREET WEST

EXTENT OF CUT BELOW WANG + SERGE PROPERTY

Scos. 3, 4, 5

Block III

Town of Opua

