

(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](#).

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? _____

● Change of conditions (s.127)

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

Name/s:

Bridget Thorp

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:

Cable Bay Consulting Ltd

Email:

n

Phone number:

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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:

Bridget Thorp

**Property Address/
Location:**

Postcode

0420

7. Application Site Details

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

Name/s:

Bridget Thorp

**Site Address/
Location:**

22 Mahoe Lane

Coopers Beach

Postcode

0420

Legal Description:

Lot 11 DP 50666

Val Number:

83/5900

Certificate of title:

NA20D/1303

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.

8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

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

Enter BC ref # here (if known)

☐ Regional Council Consent (ref # if known)

Ref # here (if known)

☐ National Environmental Standard consent

Consent here (if known)

☐ Other (please specify)

Specify 'other' here

11. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☐ Yes

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)

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)

Bridget Thorp

Signature: (signature of bill payer)

Date *10/9/26*

14. Important Information:

Note to applicant

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

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

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive

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

Declaration

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

Name: (please write in full)

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.



**APPLICATION FOR A VARIATION OF CONSENT
CONDITIONS UNDER SECTION 127 OF THE RESOURCE
MANAGEMENT ACT 1991**

22 Mahoe Lane, Coopers Beach

Assessment of Environmental Effects

SEPTEMBER 2026



INTRODUCTION AND PROPOSAL

- 1.1 Bridget Thorp ("the Applicant") seeks, pursuant to section 127 of the Resource Management Act 1991 ("RMA"), to vary the conditions of subdivision consent 2260311-RMASUB. This application for a variation relates to the timing and construction of a vehicle entrance.

DOCUMENTATION

- 1.2 This application is accompanied by the following documents;
- i. Register of Title & Instruments (**Attachment 1**)
 - ii. Council Decision 2260311-RMASUB (**Attachment 2**)
 - iii. Adjacent Land Assessment (**Attachment 3**)
 - iv. Council Correspondence (**Attachment 4**)
 - v. Engineering Assessment (**Attachment 5**)
 - vi. PDP Subdivision Chapter : Appeal Status & Relevance (**Attachment 6**)
 - vii. PDP Transport Chapter : Appeal Status & Relevance (**Attachment 7**)
 - viii. ODP : Relevant Objectives & Policies (**Attachment 8**)
 - ix. Application Form & Checklist (**Attachment 9**).

THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

- 1.3 At the present time condition 4 (d) of 2260311-RMASUB requires the construction of a vehicle entrance prior to the issue of the s.224 (c) Certificate. The consent holder wishes to delete condition 4 (d) and replace it with a new consent notice condition 5 (d) that instead provides for the vehicle entrance serving Lot 1 to be deferred until the time of dwelling construction.
- 1.4 No change is proposed to the approved subdivision layout, servicing arrangements, access to Lot 2, or the remaining conditions of consent.
- 1.5 The final location and design of the entrance will be determined in conjunction with the future dwelling design and site development, having regard to the topographical and geotechnical characteristics of Lot 1 and the engineering assessment prepared by Hawthorn Geddes.



Proposed Condition Amendments

- 1.6 It is proposed that Condition 4(d) be deleted and that the following additional consent notice condition (or wording to like effect) be inserted as Condition 5(d):

“Prior to the construction of a dwelling on Lot 1, the consent holder must submit to Council’s Resource Consents Engineer for approval, plans for the design and location of the vehicle entrance that complies with Council’s Engineering Standards, Version 0.6, May 2023, including FNDC Standard Sheets 18, 22 and 23, and all applicable district-plan requirements. The approved vehicle entrance, including associated splays, shall be constructed and sealed from the edge of the Kotare Drive carriageway to the boundary of Lot 1 before the dwelling is occupied or a code compliance certificate is issued, whichever occurs first.”

Site and Locality Description

- 1.7 The current Register of Title is appended in **Attachment 1** for ease of reference and the original Council decision and approved plan of subdivision are contained in **Attachment 2**.
- 1.8 The site is vacant and covered in regenerating native and exotic vegetation. The topography of the site falls steeply from east to west, with the site having a natural fall towards Coopers Beach itself. The site as a whole has two road frontages, with the western frontage facing onto Kotare Drive and the eastern frontage onto Mahoe Lane. A scarp also runs relatively centrally through the site in the vicinity of proposed Lot 1. There are no other notable features present. The main site features can be seen in the aerial image in Figure 1 below.



Figure 1 : Aerial Imagery

Source FNDC GIS as at 21/03/25.



- 1.9 Of particular relevance to this application, is that the land falls steeply between Mahoe Lane and Kotare Drive and includes the already mentioned scarp affecting Lot 1. The original subdivision decision recognised the associated land-instability and sloping-ground considerations and imposed a consent notice requiring site-specific geotechnical certification before building consent. These physical characteristics will influence the eventual dwelling platform, earthworks and appropriate location and design of vehicle access.
- 1.10 In general terms, the site is located on the boundary between the Coopers Beach settlement and Mangonui village, north of State Highway 10, and on elevated land with views out over Doubtless Bay. When viewed from the coast, the site appears within the upper reaches of the Coopers Beach settlement. Adjacent land uses are all residential in nature, with tourist accommodation facilities being a feature of the broader local area. Adjacent land analysis for the purposes of later assessment under s95D of the Act is contained in **Attachment 3**.
- 1.11 The site is zoned Residential under the ODP. No mapped heritage, landscape, natural character or cultural overlay is relevant to the variation sought. The site as a whole is zoned “General Residential” under the Proposed District Plan Appeals Version (“PDP”). The site is also notated as falling within the “Coastal Environment” and also is located within the Zone 2 and Zone 3 Coastal Erosion Zones (orange and brown lines, respectively) within the PDP. This can be seen in Figure 2 below.

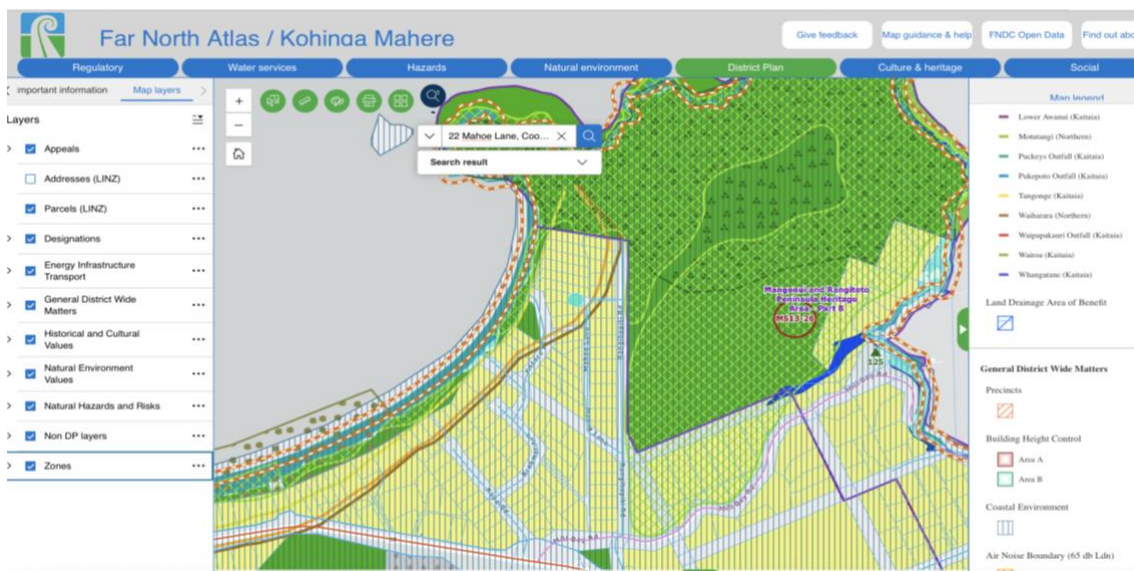


Figure 2 : FNDC PDP Zoning Maps

Source FNDC GIS 03/09/26

- 1.12 No heritage matters, notable trees, Sites and Areas of Significance to Māori, Outstanding Natural Landscapes, Outstanding Natural Features, or Statutory Acknowledgment Areas are notated on the PDP maps on the subject site. Heritage areas and Heritage sites are all located north and eastward of the subject property.



- 1.13 The site is partly affected by mapped coastal erosion hazard areas. However, the variation does not alter the approved allotment configuration, or authorise physical works within a coastal hazard area. The eventual vehicle entrance remains subject to engineering requirements when its location and design are determined. The variation therefore does not create or increase coastal-hazard risk.
- 1.14 The site is also not located within a mapped Land Drainage Area of Benefit or adjacent to a mapped land drainage channel. Accordingly, PDP rules I-R15, I-R18, EW-R4 and SUB-R16 are not applicable to the proposed variation.

Site History

- 1.15 Preliminary discussions have been undertaken with Council concerning the proposed variation. Council indicated that it may be open to deferral of the Lot 1 vehicle entrance where supported by an appropriate engineering assessment, but expressed reservations about deferring the access works serving Lot 2. The application has therefore been confined to the entrance serving Lot 1. The relevant correspondence is contained in **Attachment 4**.



STATUS OF APPLICATION

- 2.1 The proposed variation falls within the scope of the original subdivision consent. It does not alter the approved allotment configuration or result in a fundamentally different activity; rather, it changes the timing by which physical access to Lot 1 is approved and constructed. The survey plan has not been deposited and the application is therefore made within the timeframe prescribed by section 127(1)(a) of the RMA. Under section 127(3) of the RMA, the application is treated as if it were an application for resource consent for a discretionary activity, with sections 88 to 121 applying with the necessary modification.

PUBLIC NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

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

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

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

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the variation proposal is not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects that must be disregarded



Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is contained in **Attachment 3**.

Effects that may be disregarded

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. As the application involves the variation of conditions of an existing subdivision resource consent, the permitted baseline is not considered relevant in determining the adverse effects beyond those from the activities undertaken under the original consent. As referenced in the supplied engineering report, the construction of a deferred vehicle entrance along the frontage of Lot 1 will comply with the standards of both the PDP and 2023 engineering standards.

Assessment

Receiving environment

- 2.3 The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.
- 2.4 As this is an application for a variation to conditions of an existing resource consent, the receiving environment includes the effects of the original consent that is subject to the variation application. Moreover, only the effects of the variation can be considered under s127(3).

Adverse effects

- 2.5 Lot 1 will remain vacant until future residential development occurs and does not require a completed vehicle entrance during that interim period. Deferral of the entrance will therefore generate no additional traffic, access or road-safety effects while the allotment remains undeveloped.
- 2.6 The proposed consent notice will require the location and design of the entrance to be approved in conjunction with the future dwelling and will require the approved works to be completed before occupation.
- 2.7 The Hawthorn Geddes assessment confirms that practicable alternative access locations in accordance with the applicable engineering and PDP standards are available along the Kotare Drive frontage.



2.8 This approach avoids constructing an entrance at the s.224 (c) stage that could constrain the optimum dwelling location or subsequently require relocation or alteration. It also enables the effects of earthworks and access formation to be assessed and managed together.

2.9 Accordingly, the adverse effects arising from the variation will be no more than minor.

Step 4: public notification in special circumstances

2.10 If an application has not been 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 (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

2.11 In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the variation application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the variation application, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the variation application being publicly notified.

It is therefore recommended that this variation application be processed without public notification.



Limited notification assessment (sections 95B, 95E-95G, s127(4))

- 2.12 If the variation application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

- 2.13 There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)). In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). In this instance, the proposal is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement, and will not result in adversely affected persons in this regard.

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

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

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

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

In considering a variation application, the council must consider in particular every person who made a submission on the original application and who may be affected by the change or cancellation of that consent (s127(4)).

Adversely affected persons assessment (sections 95B(8) and 95E)

- 2.14 No submissions were made on the original application because it was processed without public or limited notification. There is therefore no person requiring particular consideration under section 127(4) of the RMA.



- 2.15 For the reasons set out in the preceding effects assessment, the variation will not generate any additional traffic while Lot 1 remains vacant, does not authorise any additional development and does not remove the requirement for a compliant vehicle entrance. The final entrance must be approved by Council and completed before occupation of a dwelling on Lot 1.
- 2.16 The engineering assessment indicates that the entrance can be located and formed without creating adverse access or road-safety effects on neighbouring properties. Any effects on owners or occupiers of neighbouring land will consequently be less than minor, and no person is considered adversely affected under section 95E.

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 variation application that warrant it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique; outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the variation application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the variation application, and the application is for activities other than that specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the variation application will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the variation application being limited notified to any other persons.

- 2.17 It is therefore recommended that this variation application be processed without limited notification.



DISTRICT PLANNING FRAMEWORK

- 2.18 The relevant district planning instruments are the Operative Far North District Plan 2009 (“ODP”) and the Appeals Version of the Proposed Far North District Plan (“PDP”). No provision of Variation 1 has been identified as relevant to the change sought.
- 2.19 Council notified its decisions on submissions on the PDP on 30 June 2026. The appeal period subsequently closed on 12 August 2026 and the PDP has progressed to the Appeals Version. This version identifies which provisions are subject to appeal.
- 2.20 Under the transitional planning framework, PDP rules that are beyond challenge are treated as operative in accordance with the RMA and replace corresponding ODP rules to the extent provided by the Act.
- 2.21 Relevant PDP objectives and policies are to be afforded weight having regard to the stage reached in the plan-making process and whether they remain subject to appeal. Detailed assessments of the appeal status and relevance of the PDP Subdivision and Transport Chapter provisions are discussed below.

Proposed District Plan

PDP Subdivision Provisions

- 2.22 The subdivision chapter of the PDP is subject to wide ranging appeals. Please refer to **Attachment 6** for that analysis. This variation application is consistent with the relevant objectives and policies of the PDP Subdivision Chapter. SUB-O1 and SUB-O4 are not identified as being subject to appeal and are treated as operative. SUB-O1 seeks subdivision that efficiently uses land, achieves the outcomes of the relevant zone and district-wide provisions, manages natural-hazard risk and manages adverse effects. SUB-O4 seeks subdivision that is accessible, connected and integrated with its surroundings, including through safe transport connections.
- 2.23 SUB-P3, SUB-P4 and SUB-P11 are identified as being subject to appeal. Notwithstanding that, these provide relevant guidance concerning legal and physical access, safe and accessible subdivision design, the management of vehicle crossings, building and site design, and natural hazards.
- 2.24 In this respect, Lot 1 retains direct legal frontage to Kotare Drive and the obligation to provide physical access is not removed. The Hawthorn Geddes assessment demonstrates that compliant access can be provided from that frontage. Deferral allows the final entrance location and design to be determined with the dwelling platform, earthworks and site-specific geotechnical design.
- 2.25 SUB-R8 is not identified as being subject to appeal and is also relevant. It expressly treats the location of building platforms, access and services as interrelated



considerations where land susceptible to instability is involved. The proposed approach is consistent with that integrated method of site design.

- 2.26 The proposed consent notice will preserve Council control over the location and engineering design of the entrance and require compliant physical access to be constructed at the future development stage. The variation therefore does not compromise the accessibility or developability of Lot 1 and is consistent with the relevant PDP subdivision outcomes.

PDP Transport Provisions

- 2.27 Unlike the subdivision chapter, there are few appeals against the transport provisions as set out in **Attachment 7**. The proposal is consistent with TRAN-O2, TRAN-O3 and TRAN-O4 and TRAN-P2, TRAN-P3 and TRAN-P7. These provisions seek integration between land use and transport planning, appropriate access serving subdivision and land-use activities, and safe and efficient movement. Deferring the entrance allows its ultimate position to respond to the dwelling, earthworks and site constraints while retaining the requirement for a safe and compliant connection to Kotare Drive.
- 2.28 TRAN-R2 and its associated standards are not identified as being subject to appeal in the PDP Appeals Version and are therefore treated as operative. TRAN-R2 applies to new or altered vehicle crossings and access, including private accessways, and provides for those activities as permitted where PER-1–PER-7 are satisfied. These requirements include compliance with TRAN-S2, TRAN-S3 and the applicable requirements in TRAN-Tables 7–11.
- 2.29 Once the location and design are determined, the entrance and associated accessway will be required to comply with the applicable operative Transport Chapter provisions. The proposed consent notice does not authorise any departure from those requirements. The proposal is consistent with the objectives and policies of the PDP.

Operative District Plan

- 2.30 The relevant ODP Subdivision Chapter provisions include Objectives 13.3.1, 13.3.2, 13.3.5, 13.3.8 and 13.3.10, and Policies 13.4.1, 13.4.2, 13.4.3, 13.4.5, 13.4.8, 13.4.14 and 13.4.15. As recognised in the original subdivision decision, these provisions collectively seek subdivision outcomes that are appropriate to the zone and provide safe and practicable access, servicing and management of natural-hazard risk.
- 2.31 Lot 1 retains direct legal road frontage and the requirement for compliant physical access is not being removed. Deferring the final location, design and construction of the entrance will allow it to be coordinated with the future dwelling platform, earthworks and site-specific geotechnical design. This avoids prematurely constructing an entrance that may subsequently prove sub-optimal or require alteration.



- 2.32 In this respect, the proposed consent notice will secure the access obligation against the title and require Council approval and construction of the entrance before occupation of a dwelling. The variation will therefore continue to provide for safe and practicable access while allowing the physical and geotechnical characteristics of the site to inform its final location and design. It is consequently consistent with the relevant ODP objectives and policies.

Section 106 of the RMA 1991

- 2.33 The proposed variation does not alter the approved allotment configuration or remove the requirement for legal and physical access to Lot 1. Having regard to the Hawthorn Geddes assessment and the proposed consent notice, Lot 1 remains capable of being provided with safe and practicable physical access from Kotare Drive at the time of future development.
- 2.34 The variation will allow the entrance to be designed in conjunction with the dwelling platform, earthworks and site-specific geotechnical requirements and will not increase any significant risk from natural hazards. There is therefore no basis under section 106 of the RMA to decline the variation.



PROVISIONS OF ANY RELEVANT PLAN, POLICY STATEMENT, OR OTHER REGULATION

National Policy Statement for Natural Hazards 2025

- 2.35 The NPS-NH requires a risk-based approach to development affected by natural hazards. The original subdivision decision identified land instability associated with the site's steep terrain and scarp as relevant, but concluded that the risks could be appropriately managed through engineering design and consent notice requirements.
- 2.36 The variation does not authorise development within a hazard area, alter the approved allotment configuration or remove any existing geotechnical requirement. Rather, it enables the final vehicle entrance to be located and designed together with the dwelling platform, earthworks and site-specific geotechnical response. This integrated approach will assist in avoiding or mitigating land-instability risk and will not create or increase significant natural-hazard risk on the site or neighbouring land. The proposal is therefore consistent with the relevant direction of the NPS-NH.
- 2.37 No other national policy statement, national environmental standard or regional planning provision is considered material to the change sought.



CONCLUSION

- 2.38 The application seeks a variation to the timing of construction for the vehicle entrance serving Lot 1 only. It does not alter the approved subdivision layout, authorise additional development, or remove the requirement for safe and practicable physical access.
- 2.39 The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects. The actual and potential effects from the variation will be avoided, remedied or mitigated. A positive effect of the variation is that the dwelling, building platform, earthworks and vehicle access can be designed in an integrated manner having regard to the site's challenging topography.
- 2.40 In terms of s106, the proposed variation does not alter the approved allotment configuration or remove the requirement for physical access to Lot 1. The variation does not increase any significant risk from natural hazards and there is therefore no impediment to granting the variation under s106.
- 2.41 Having regard to s104(1)(b) and s127(3), the variation is consistent with the relevant provisions of the PDP and ODP and with the other statutory instruments assessed above.
- 2.42 Accordingly, the variation can be granted on a non-notified basis, subject to the amended conditions proposed in this application.

Neil Mumby
Planning Consultant
B. Soc.Sci (REP) (Hons)
MNZPI(Full),
Member
ISOCARP
September 2026

Attachment 1



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



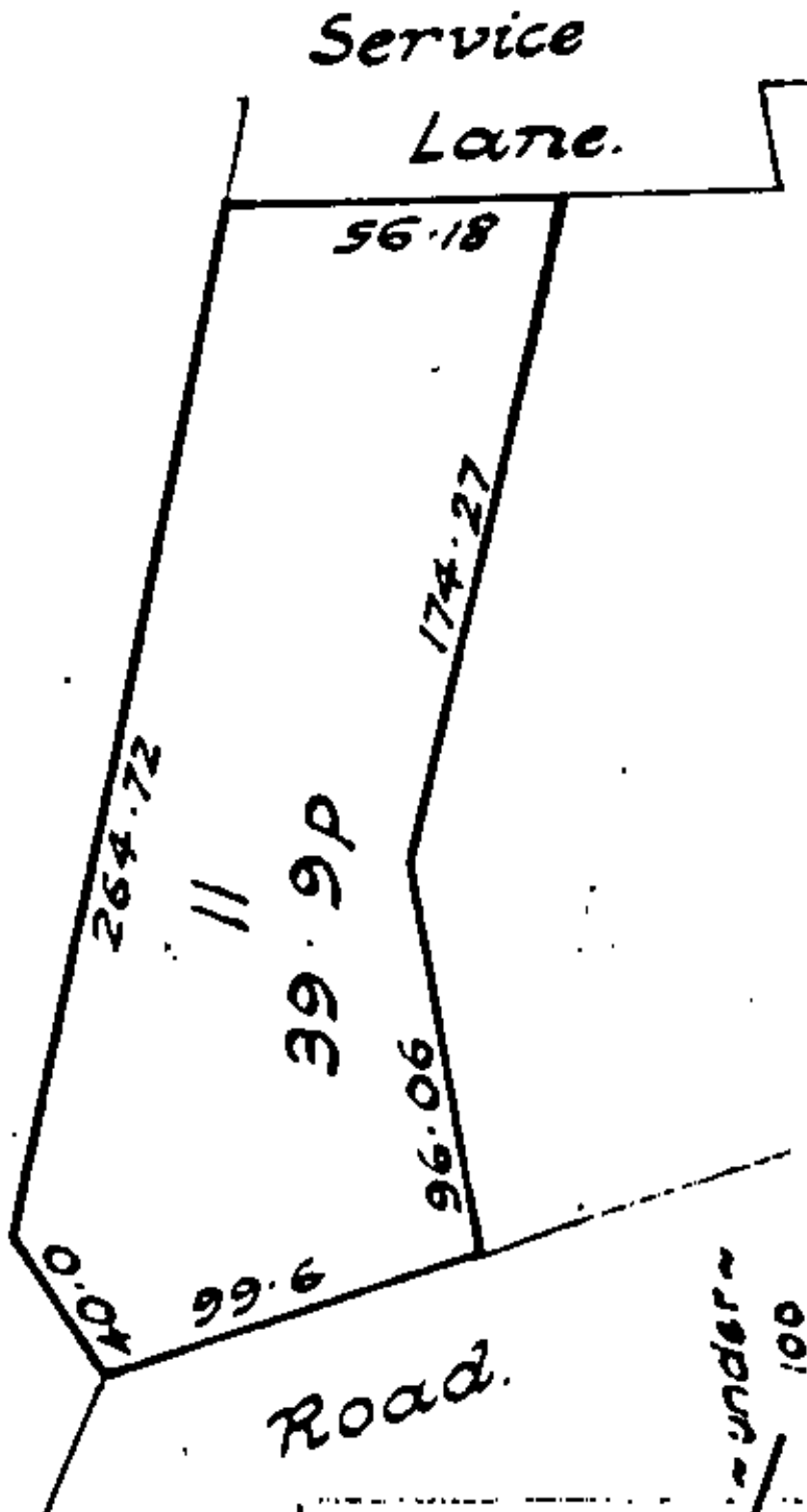

R.W. Muir
Registrar-General
of Land

Identifier **NA20D/1303**
Land Registration District **North Auckland**
Date Issued 12 October 1971

Prior References
NA1128/198

Estate Fee Simple
Area 1009 square metres more or less
Legal Description Lot 11 Deposited Plan 50666
Registered Owners
Bridget Marie Thorp

Interests
K76279 Building Line Restriction
12079973.2 Mortgage to Westpac New Zealand Limited - 30.4.2021 at 11:17 am



K76279 BLR

NOTICE NO: 1317
SCHEME PLAN NO: 6865

CONDITION OF BUILDING LINE

SECTION 5, LAND SUBDIVISION IN COUNTIES ACT, 1946

PURSUANT TO the provisions of Section 5 (4) of the Land Subdivision in Counties Act 1946, I, ROBERT PHILIP GOUGH, Chief Surveyor, North Auckland Land District, HEREBY GIVE NOTICE that Lots 1 to 4 and 10 to 30, more particularly delineated in the Scheme Plan of the Town of Mangonui Extension No. 33, being a subdivision of Allotments 25 and 26, Mangonui Parish, comprised in Certificates of Title Volume 1128, folios 194 and 198, Auckland Land Registry, are subject to the condition that no buildings or hoardings shall be erected on the said Lots 1 to 4, 11, 12 and 15 to 19 within 33 feet of the middle-line of Lot 35 (Road to be dedicated) or on the said Lots 10 to 30 within 5 feet of Lot 37 (Access Way) as shown on the aforementioned scheme plan.

GIVEN under my hand this 14th
day of March 1960.

Signed: R. P. GOUGH
CHIEF SURVEYOR

NORTH AUCKLAND LAND DISTRICT

I, ROBERT PHILIP GOUGH, Hereby Certify that this is a copy of a Notice issued in accordance with the Land Subdivision in Counties Act, 1946.

RP Gough
CHIEF SURVEYOR.
PP akeib.

Easements
 of way over Pt Lot 7 Coloured yellow
 Easement Lot 7
 of way over Pt Lot 8 Coloured Blue
 Easement Lot 8
 Easement Lot 7.

Doubtless Bay

10 Ft wide
 appurtenant to
 Lot 8
 10 Ft wide
 appurtenant to
 Lot 7

Esplanade Res.

Public Road C.G. Unformed - Not in use

Service Lane	0	1	31.5
Area of Lots (Residential)	8	1	37.6
Rec. Res.	0	1	25.0
Roads to be ded.	0	1	39.2
Esplanade Res.	1	0	22.0
Access Way	0	1	03.5
Total Area	10	3	07.3

Varied
 St. Pat.
 Asst Chief Surveyor 13/2/62

Town of Mangonui Extn No 33

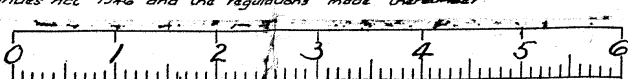
Scheme Plan of Subdn of Allots 25 & 26
 — Parish of Mangonui —

V Mangonui S.D. - Mangonui County - Comprised in CT. 1128
 To be surveyed for R.D. West, A.H. Cameron & D.C. Masby - By

Scale: 1 Chain to an inch.

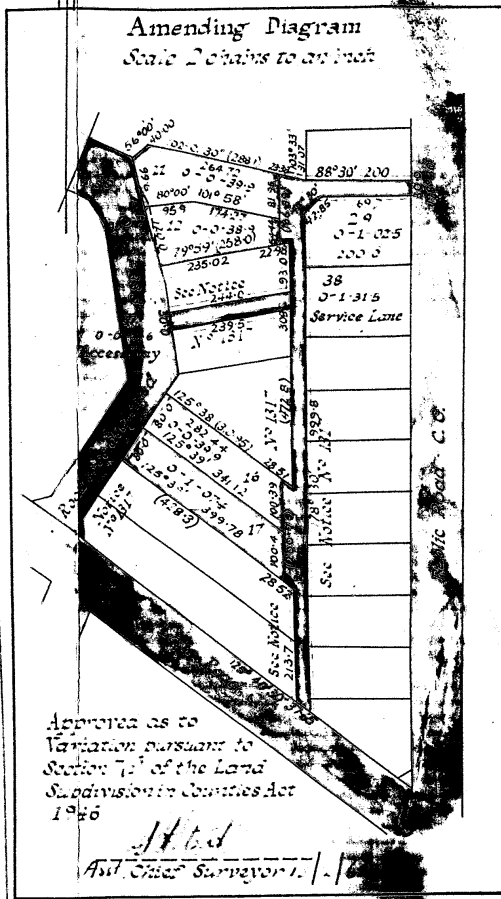
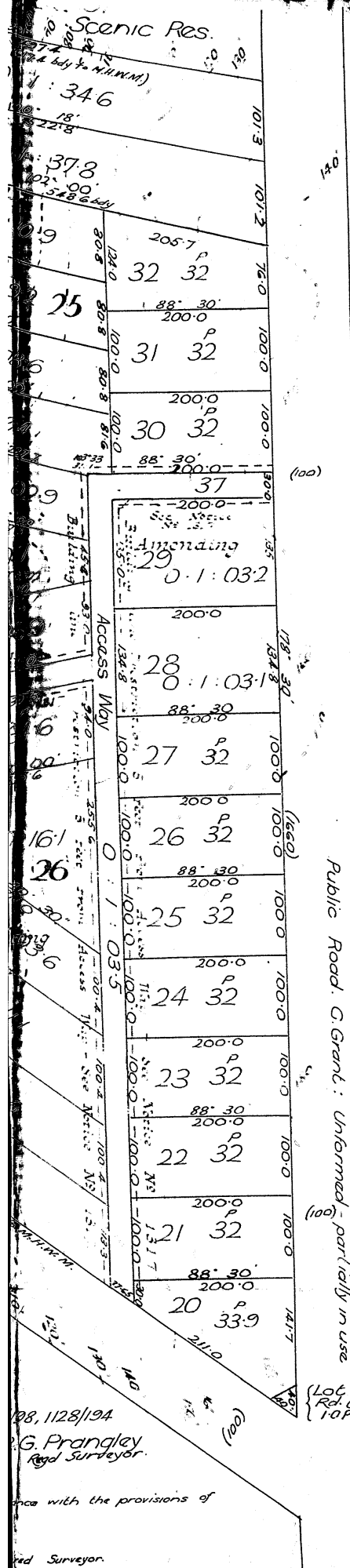
I Reginald George Prangley, Regal. Surveyor, hereby certify that this plan has been prepared by me in accordance with the Land Subdn in Counties Act 1946 and the regulations made thereunder.

See S. 131.
 L.M.A. 1/1/62
 No Prev. S.P.



Regis.

K71-779 B1



Approved _____

_____ Owners

Recommended for Approval _____

_____ Chief Surveyor

Recommended for Approval _____

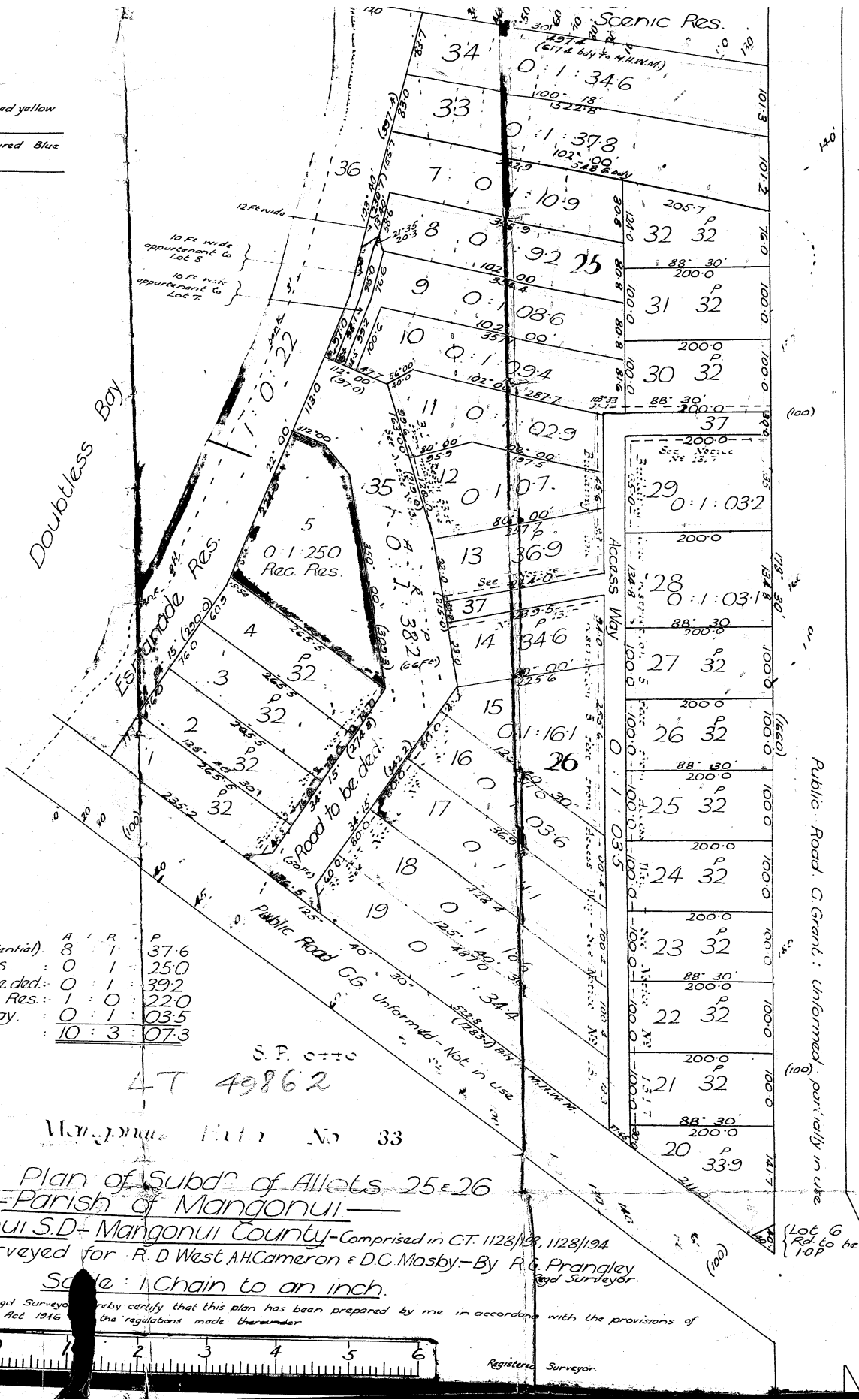
_____ J. Surveyor General 18.2.11

Approved conditionally on the Rights of Way shown hereon being duly granted

_____ Minister of Lands 26.2.11

1805

List of Easements.
 R of Way over Pt Lot 7 Coloured yellow
 Servient tenement Lot 7
 Dominant " Lot 8
 R of Way over Pt Lot 8 Coloured Blue
 Servient tenement Lot 8
 Dominant " Lot 7.



Area of Lots (Residential).	A	R	P
8	1	37.6	
Rec. Res.	0	1	25.0
Roads to be ded.	0	1	39.2
Esplanade Res.	1	0	22.0
Access Way.	0	1	03.5
Total Area	10	3	07.3

S.P. 0110
 LT 49862

Town of Mangonui Plan No 33

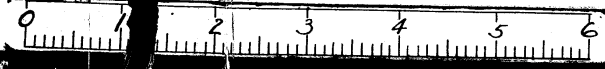
Scheme Plan of Subdⁿ of Allots 25 & 26
 — Parish of Mangonui —

V Mangonui S.D. Mangonui County — Comprised in CT. 1128/19, 1128/19A
 To be surveyed for R.D. West, A.H. Cameron & D.C. Masby — By R.G. Prangley
 Registered Surveyor.

Scale: 1 Chain to an inch.

I, Richard George Prangley, Registered Surveyor, hereby certify that this plan has been prepared by me in accordance with the provisions of the Land Subdivision Act 1946 and the regulations made thereunder.

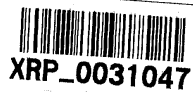
See S.P. 131.
 L.A. 11/1/1951
 No. 131, S.P.



Registered Surveyor.

K 76279

14932
127 A 26 01



XRP_0031047

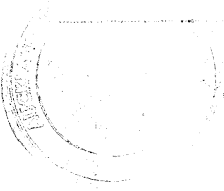
1128

1948 and 198

167

March 1960

2.00



Recorded on R 759
a - 17460

BLR.
Chief Surveyor

2.30

N.L.

15997

15163 17447



Attachment 2

DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34A(1) and sections 104, 104B, 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:	Bridget Marie Thorp
Council Reference:	2260311-RMASUB
Property Address:	22 Mahoe Lane, Coopers Beach
Legal Description:	LOT 11 DP 50666

The activity to which this consent relates is:

Subdivide in the Residential Zone, creating one additional lot as a Discretionary 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 Sapphire Surveyors Ltd, referenced "*Proposed Subdivision of Lot 11 DP 50666 22 Mahoe Lane, Coopers Beach*", version A, dated 16/12/2025, job ref 0126S, 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. All easements shown on the approved scheme plan to be duly granted or reserved in the memorandum of easements.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder must:
 - a. Submit to the Council's Resource Consents Engineer (planning.support@fndc.govt.nz) for approval, prior to any connection to the Council network or commencement of construction works onsite, a design and producer statement certification for the upgrades of the existing 100mm to 150mm diameter gravity sewer line and new sewer connections to Lots 1 and 2.
 - i) The design and certification must be prepared by a suitably qualified and experienced professional engineer and confirm that the connections comply with Council's Engineering Standards 2023 Edition and are capable of conveying

wastewater in a safe, reliable, and continuous manner to the existing Council network.

- ii) The certification must be supported by design calculations and physical verification of the connection point at the property boundary. All relevant evidence must be provided to demonstrate the suitability of the connections for ongoing use and acceptance by Council.

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. Ensure that all works on the approved engineering plans in **Condition 3(a)** are carried out to the approval of the Resource Consent Engineer. Compliance with this condition must be determined by:

- i) Evidence of site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.

- ii) A PS4A Certificate of Completion for Engineering Works and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works with the Council's Engineering Standards 2023 Edition.

Note: *A PS4A Certificate of Completion for Engineering Works, for the works to be vested in Council, must be signed by a suitably qualified and experienced person (SQEP) with relevant knowledge and experience in the applicable fields of work.*

- iii) Signed "Certificate of Completion of Resource Consent Works" from the Principal Contractor.

- b. The consent holder must submit to Council (planning.support@fndc.govt.nz) certified and dated "as-built" plans, drawings, test results, CCTV footage, inspection logs, and asset data sheets for all completed works and services that are to be vested in Council, prepared in accordance with Council's Engineering Standards 2023 Edition. The certification must be provided by a suitably qualified and experienced person (SQEP) and confirm that the works have been constructed in accordance with the approved design and relevant standards. This condition shall be deemed satisfied once the as-built documentation has been approved by Council's Resource Consent Engineer or delegated representative.

- c. The consent holder must upgrade the existing shared double vehicle entrance to serve Lot 2 and 24 Mahoe Lane (Lot 2 DP 121882). The entrance must be designed and constructed in accordance with Council's Engineering Standard, Version 0.6, issued May 2023, FNDC Standard Sheets 18, 22, and 23. The entrance, including all associated splays, must be sealed from the edge of the carriageway of Mahoe Lane to the boundary of the Lot.

- d. The consent holder must provide a new vehicle entrance to serve Lot 1. The entrance must be designed and constructed in accordance with Council's Engineering Standard, Version 0.6, issued May 2023, FNDC Standard Sheets 18, 22, and 23. The entrance, including all associated splays, must be sealed from the edge of the carriageway of Kotare Drive to the boundary of the lot.
 - e. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services are located within the appropriate easement boundaries.
 - f. Provide evidence that each lot has separate connection to Council's reticulated wastewater reticulation system in accordance with the requirements of Council's Engineering Standards 2023 Edition.
 - g. Provide evidence from the water supplier that each lot has separate water supply connections.
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:

Stormwater:

- a. In conjunction with the construction of any dwellings on the Lot, and prior to the commencement of such construction, the Lot owner must submit to Council's Resource Consents Engineer (planning.support@fndc.govt.nz), a stormwater management report prepared by a Chartered Professional Engineer (CPEng). The report must be prepared in accordance with Council's Engineering Standard, Version 0.6, issued May 2023. The report must identify and assess all secondary/overland (Q100) flow paths and specify suitable stormwater disposal methods and building design parameters that minimise adverse downstream effects.

Except with the prior written approval of Council, no dwellings shall be erected, and no planting or building structure installed that may obstruct flows, within any area identified as a secondary/overland (Q100) flow path identified within the approved stormwater management report and where such works may obstruct flows.

[Lots 1 & 2]

- b. In conjunction with any application for Building Consent, an application to connect to Council's stormwater network must be submitted for approval and approved prior to use.

[Lots 1 & 2]

Geotechnical:

- c. Prior to the issuance of any building consent, the location and foundations of any proposed building must be certified by a suitably qualified and experienced Chartered Professional Engineer. The certification must address site-specific geotechnical considerations, including any identified areas of instability and sloping ground, and include the recommendations outlined in the engineering report (Job

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 advised that they are 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 Consent Holder will be advised of the charges as they fall.
7. Building Consents may be required for retaining structures.
8. The Consent Holder is advised that all earthworks are required to be undertaken in full compliance with the Northland Regional Council Regional Water and Soil Plan for Northland and are to be carried out in accordance with the erosion and sediment control

and geotechnical measures relevant to earthworks, as identified in the engineering report (Job No. 13302, Revision 3) prepared by Hawthorn Geddes Engineers and Architects Ltd, dated 24 November 2025.

9. 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".
10. The Record of Title (NA20D/1303) records a Building Line Restriction (K76279) affecting both the Kotare Drive and Mahoe Lane road frontages of the subject site. This restriction runs with the title and applies to all lots created by this subdivision. Any application to cancel the Building Line Restriction is a separate process.

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 Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in Section 13.10 of the Operative District Plan are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the activity will be acceptable as:
 - a. The subdivision creates one additional residential lot in an existing residential coastal settlement context, whereby the magnitude of change is limited and consistent with the surrounding pattern of development.
 - b. The lots are of a size and layout that can function as typical residential sites with identified building areas, with only a minor shape-factor departure for Lot 2 that does not prevent the setback requirement from being achieved
 - c. Doubtless Bay Water Supply has confirmed water connections can be made available from Mahoe Lane and Kotare Drive and raised no concerns.
 - d. Chorus confirmed that telecommunications reticulation can be provided to site and can be implemented through standard processes.
 - e. Top Energy's requirement is simply that power be made available for the additional lot, with no concerns raised.
 - f. Detailed stormwater management, including overland flow path analysis, is deferred to building consent stage via a consent notice condition, where a CPEng stormwater management report must be provided and approved before construction. The RC Engineer deemed this appropriate.
 - g. Geotechnical inputs confirm building/servicing/access locations can be developed without creating very high-risk outcomes, and that risk can be managed through design and consent notice conditions.
 - h. Each lot has direct road frontage, avoiding complex ROW/access arrangements. Any effects from driveway/parking platform formation are localised and can be controlled through engineering approval and construction management.

- i. The surrounding environment is generally residential. As such, the subdivision does not introduce sensitive activities into an incompatible environment.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. National Policy Statement for Natural Hazards (NPS-NH) 2025,
 - b. Operative Far North District Plan (ODP) 2009,
 - c. Proposed Far North District Plan (PDP)2022

NPS-NH

The NPS-NH requires Council to take a risk-based approach to natural hazards, and in this case the relevant hazards are land instability (steep terrain/scarp and the GEO Hazards: Slippage overlay), coastal erosion susceptibility (CEHZ 2 & 3), and surface water/overland flow crossing the site (as identified in the 2007 FNDC modelling GIS map). The activity is a minor infill subdivision, being one additional lot, in an established residential area, and the geotechnical assessment by Hawthorn Geddes submitted with the application provides stability recommendations which have been accepted by the RC Engineer. While the 1% AEP/secondary flow assessment is to be addressed at building consent stage, this is to be secured through engineering conditions and a consent notice so that hazard risk is appropriately identified and managed before any building occurs. On that basis, the subdivision will not result in a “very high” risk outcome under the NPS-NH risk matrix, nor create or increase significant natural hazard risk for other properties. As such, the activity is consistent with the NPS-NH.

ODP

Subdivision Chapter:

Objectives: 13.3.1 | 13.3.2 | 13.3.5 | 13.3.8 | 13.3.10

Policies: 13.4.1 | 13.4.2 | 13.4.3 | 13.4.5 | 13.4.8 | 13.4.14 | 13.4.15

The overall intent of the relevant Objectives and Policies of the Subdivision chapter require subdivision outcomes that are appropriate for the zone in which they occur and that are supported by safe and practicable access, servicing and hazard management. The chapter anticipates that new allotments are created in a manner that enables anticipated land use to occur efficiently and safely, with servicing and access arrangements properly provided for.

In regard to this overall intent, the subdivision occurs within an established Residential Zone environment and creates one additional allotment. Although the subdivision deviates from the permitted minimum lot size and shape factor standards, each allotment is capable of accommodating residential development with appropriate setbacks, access and outdoor living space. Wastewater servicing is provided by connection to Council’s reticulated network, and potable water is provided via connection to the Doubtless Bay Water Supply network. Stormwater disposal is provided to the existing reticulated system, with surface water and secondary flow matters addressed through building consent-level design requirements secured by conditions and consent notice mechanisms. Vehicle access is provided directly from

legal roads, with Lot 1 accessed from Kotare Drive and Lot 2 accessed from Mahoe Lane (via the upgraded shared crossing), and sight distances are confirmed by the RC Engineer as compliant. Natural hazard considerations, including land instability and coastal erosion exposure, are addressed through geotechnical assessment and managed through conditions of consent. Electricity and telecommunications servicing is confirmed available by the service providers – Top Energy and Chorus. As such, the subdivision meets the relevant Objectives and Policies of the Subdivision chapter.

PDP

Subdivision Chapter:

Objectives: SUB-O1 | SUB-O3 | SUB-O4

Policies: SUB-P3 | SUB-P4 | SUB-P5 | SUB-P6

The overall intent of the relevant Objectives and Policies of the Subdivision chapter are directed at ensuring that subdivision creates allotments that function effectively within their zone (which, in this case, is General Residential), are well-integrated with existing infrastructure, and do not increase natural hazard risk or generate adverse effects on the surrounding environment. In the General Residential zone context, the chapter places emphasis on connectivity, accessible design, and the minimisation of vehicle crossing conflicts, reflecting the PDP's broader consolidation intent, which anticipates that urban subdivision will occur in proximity to existing services and within a coherent, walkable neighbourhood structure.

In regard to this overall intent, the subdivision creates one additional allotment within an existing coastal residential settlement and represents efficient use of land within an urban environment where servicing is available. Both lots can accommodate a compliant building platform, and the minimum shape factor on Lot 2 does not prevent normal residential development. Each lot has direct legal and physical road frontage, avoiding Right of Way arrangements and minimising additional vehicle crossing conflicts on the local road network. Wastewater servicing is provided via an upgraded gravity connection to the existing network, stormwater is conveyed to the reticulated system, and potable water is supplied via the Doubtless Bay Water Supply. Natural hazard matters (including land instability and coastal erosion exposure) are addressed through geotechnical assessment and managed through engineering approval and consent notice requirements. On this basis, the subdivision is consistent with the Objectives and Policies of the Subdivision chapter.

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, the following other matters are relevant and reasonably necessary to determine the application:

He Tikanga Haumaru:

Council's He Tikanga Haumaru practice note is a relevant "other matter" under s104(1)(c). It provides Council's framework for engaging with tangata whenua in a

mana-enhancing and culturally safe manner, and has been used to guide the processing and consideration of cultural values for this application. The application was circulated to the following relevant iwi/hapū groups (as per Council's RMA Interest Groups GIS map):

- Aputerewa Marae
- Karepori Marae
- Kēnana Marae
- Waiaua Marae
- Te Runanga a iwi o Ngāti Kahu

In this case, no response was received. The absence of a response is not taken as endorsement; however, no cultural effects requiring further investigation were identified through the application material or Council's records for the site – no identified scheduled heritage resources, mapped cultural features, or Sites of Significance to Māori within the subject site. Notwithstanding this, an Accidental Discovery Protocol is included as an advice note to ensure any unexpected archaeological or cultural material is appropriately managed in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 and tikanga expectations.

Proposed District Plan strategic context (s32 evaluation – General Residential):

A relevant “other matter” is the strategic planning context in Council's s32 evaluation for the Proposed District Plan's (PDP) General Residential Zone (GRZ). The s32 report explains that the PDP has deliberately confined “urban” zoning (including GRZ) to areas that already have, or are programmed to receive, adequate development infrastructure through the Long Term Plan or the 30-Year Infrastructure Strategy.

In the context of this application, that evaluation assists in interpreting and weighting the PDP GRZ provisions by confirming that the PDP approach is to consolidate growth around existing or planned infrastructure, support a more compact urban form, and provide for a variety of housing typologies/densities where infrastructure can support it, while also signalling that uncertainty around infrastructure capacity was a key driver for limiting expansion of urban zones.

On that basis, the s32 report can be relied on to support the subdivision as the GRZ is intended to enable additional residential capacity within serviced (or programmed) urban areas, improving the efficiency and affordability of existing networks while maintaining amenity/character and promoting resilience to natural hazards and climate change (noting the s32's emphasis on consolidating residential development around adequate infrastructure and supporting climate resilience).

7. In terms of s106 of the RMA, the activity 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 activity 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.

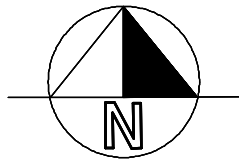
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Gio Alagao, Intermediate 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
Acting Senior Planner

Date: 13th May 2026



1
DP 121882

Schedule of Proposed Easements

To be subject to Sec 243 RMA 1991

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right to drain stormwater and sewage	A	Lot 1 hereon	Lot 2 hereon

2
DP 121882

Lot 1
487m²

14x14m
Shape
Factor

Lot 2
523m²

14.38 x 13.63m
(196m²)
Shape Factor

Kotare Drive (sealed)

Mahoe Lane (sealed)

Building
Line Restriction
33ft from middle
of Kotare Drive

Bdy offsets: 1.2m
Rd Bdy Offsets: 3.0m

Building
Line Restriction
5ft from boundary
of Mahoe Lane

12
DP 50666

APPROVED PLAN

Planner: GAlagao
RC: 2260311-RMASUB
Date: 13th May 2026

THIS PLAN & ACCOMPANYING REPORT(S) HAVE BEEN
PREPARED FOR THE PURPOSE OF OBTAINING A
RESOURCE CONSENT ONLY AND FOR NO OTHER
PURPOSE. USE OF THIS PLAN AND/OR INFORMATION ON IT
FOR ANY OTHER PURPOSE IS AT THE USER'S RISK.

AREAS & MEASUREMENTS SUBJECT TO FINAL SURVEY.

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF
SAPPHIRE SURVEYORS LTD AND MAY NOT BE
REPRODUCED WITHOUT WRITTEN PERMISSION.

LOCAL AUTHORITY: FAR NORTH DISTRICT COUNCIL
ZONE: RESIDENTIAL (ODP)
GENERAL RESIDENTIAL (PDP)

COMPRISED IN: RT NA20D/1303
TOTAL AREA: 1009 sqm

PLAN PREPARED FOR: B Thorp



Sapphire Surveyors Ltd
Surveyors &
Land Development Specialists
Doubtless Bay, NZ
Ph. 09-406-0001
info@sapphiresurveyors.co.nz

Proposed Subdivision of Lot 11 DP 50666
22 Mahoe Lane, Coopers Beach

Surveyed:			Job Ref 0126S	
Drawn:	WW	23/12/2024		
Version:	A		A3 1:200	
Status:	Final	16/12/2025		
Sheet:	1 of 1			

Attachment 3

Adjacent Land Assessment

22 Mahoe Lane, Coopers Beach

- 1.1 Adjacent land uses are residential and in nature. A table identifying the legal descriptions of adjacent land (where available) and associated land uses are contained in Table 1 below;

Street Address	Legal Description	Property Description
23 Kotare Drive	Lot 1 Deposited Plan 121882	Residential dwelling.
24 Mahoe Lane	Lot 2 Deposited Plan 121882	Residential dwelling.
19 Kotare Drive	Lot 12 Deposited Plan 50666	Residential dwelling.
19 Mahoe Lane	Lot 29 Deposited Plan 50666	Residential dwelling.

- 1.2 An image showing the location of the adjacent land is below in Figure 2 below;

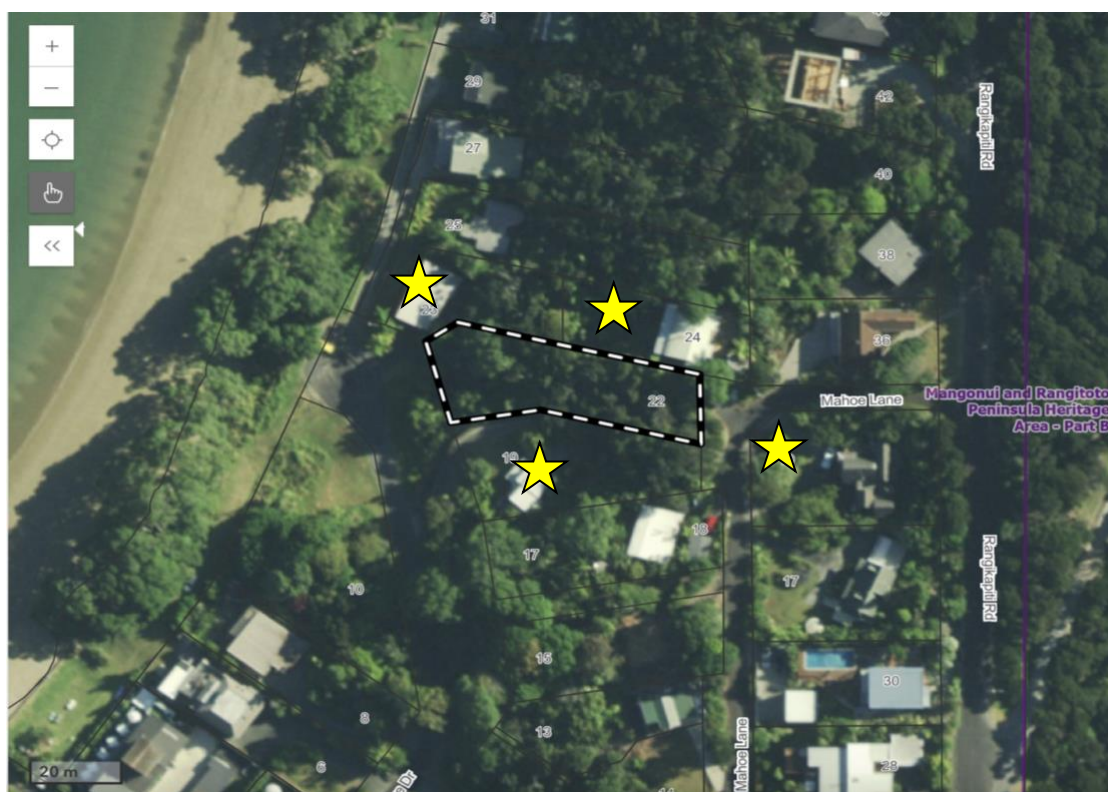


Figure 2 : Adjacent Land Assessment

Key

★ = Adjacent Land

Attachment 4



Neil Mumby <neilmumby5@gmail.com>

RE: 2260311-RMASUB, 22 Mahoe Lane, Coopers Beach - Decision

1 message

Gio Alagao <Gio.Alagao@fndc.govt.nz>
To: Neil Mumby <neil.mumby@cablebayconsulting.co.nz>

Wed, Aug 26, 2026 at 11:38 AM

Hi Neil,

I've consulted with the RC Engineer regarding your query.

In this case, in order to defer construction of the vehicle crossing, a strong and defensible justification would be required. As the RC Engineer sees it, this is not a situation where the final dwelling location is genuinely unknown. The building platform is effectively fixed and the site's challenging topography significantly limits flexibility in both the dwelling and access locations. It is also not the case that multiple compliant vehicle crossing locations remain available for future consideration.

For Lot 2, the access is proposed via a shared vehicle crossing. Given that the location of the crossing is effectively fixed and there is no practical flexibility available, they do not consider that deferral to the Section 221 stage would be appropriate. As such, in their view, the vehicle crossing should be formed to satisfy the s224(c) consent condition. This is to ensure no engineering construction risk and cost are passed on to the subsequent owners. For Lot 1, there may be some opportunity to relocate the crossing to the alternative corner of the Kotare Road frontage. However, this may require additional cut, fill and/or retaining works to achieve a compliant and safe access arrangement. If the applicant wishes to defer construction of this crossing, consultation with a SQEP would be necessary. This could be undertaken either as part of a variation application, supported by recommendations demonstrating how a compliant and safe crossing can be achieved or at the detailed design stage should Council accept a deferred construction approach in principle – their recommendation is that it should be reflected in the amended condition under 221 CN.

Hope this is helpful.

Kind regards,

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



From: Neil Mumby <neil.mumby@cablebayconsulting.co.nz>
Sent: Tuesday, 25 August 2026 12:11 pm
To: Gio Alagao <Gio.Alagao@fndc.govt.nz>
Subject: Re: 2260311-RMASUB, 22 Mahoe Lane, Coopers Beach - Decision

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

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Hi Gio,

Thanks for taking my call earlier.

As discussed, we are considering a s127 application to the captioned application to vary Conditions 4(c) and 4(d) so that the vehicle crossing requirements are secured by consent notice and undertaken in conjunction with the future development of Lots 1 and 2, rather than being required prior to s224(c). This is similar to the approach already adopted for stormwater on the site (see consent notice Conditions 5(a) and (b), for example).

The rationale is principally that the sloping topography and geotechnical characteristics of the site will influence the eventual location and design of building platforms and associated access. In the case of Lot 1 in particular, there appears to be benefit in allowing the final vehicle access/crossing design to respond to the eventual dwelling and building platform design, rather than constructing the crossing in isolation at subdivision stage.

For Lot 2, we recognise that the existing shared crossing with 24 Mahoe Lane establishes the general access location. However, there may similarly be benefit in undertaking the required upgrade in conjunction with development of Lot 2, when the internal driveway/platform levels and associated earthworks are known, allowing the crossing and internal access to be designed and constructed as an integrated solution.

We are therefore interested in Council's preliminary view as to whether it would be comfortable in principle with a s127 application to vary Conditions 4(c) and 4(d), so that the respective crossing works are undertaken at the time of development of each lot, with the obligations instead secured by consent notices registered against the relevant titles.

We appreciate you checking this with the Team Leader and Development Engineer before we proceed with any formal s127 application.

Kind regards

Neil

On Wed, May 13, 2026 at 2:49 PM Gio Alagao <Gio.Alagao@fndc.govt.nz> wrote:

Kia ora Neil,

I am pleased to advise that your resource consent application for [22 Mahoe Lane, Coopers Beach](#) was approved.

Please see the attached Decision and Approved Plan, as well as the Heritage New Zealand Pouhere Taonga.

Again, thank you for your cooperation. It has been a pleasure working with you.

Have a nice rest of your day!

Ngā mihi,



Gio Alagao

Intermediate Resource Planner - Resource Consents - Tima Kakapo

M 64272548053 | P 6494015521 | Gio.Alagao@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



Attachment 5

7 September 2026



Bridget Thorp
604 Rotokohu Road
RD3
Paeroa 3673

2260311-RMASUB
S.127 INFORMATION – VEHICLE CROSSING ASPECTS
22 MAHOE LANE, COOPERS BEACH

The purpose of this letter is to provide an engineering assessment of the proposed S.127 application to allow location and construction of the vehicle crossing for Lot 1 of the above subdivision to be undertaken at Building Consent Stage, rather than prior to 224c as is currently specified in consent condition 4(d).

Engineering Considerations

Lot 1 has a road frontage on Kotare Drive, Mangonui. The applicant proposes to defer location and construction of the vehicle crossing on to Kotare drive until the final form and location of the building are known, through a consent notice on title requiring the confirmation of details for, and construction of, the new crossing at Building Consent.

In terms of the engineering requirements at the location, it is noted that the subdivision consent was granted without a specific vehicle crossing location being identified, and that it was therefore considered implicitly to have been capable of meeting the FNDC Engineering Standards 2023 (FNDC-ES).

The FNDC-ES state requirements for vehicle crossings/access in terms of sight lines (Sheet 4), access gradient and formation (S.3.2.28, Sheets 7 & 8), surfacing requirements (S.3.2.28, Sheets 8 and 18) distance of crossings from intersections (Table 3-15) and crossings per allotment (Table 3-14).

The FNDC Proposed District Plan (PDP) has identical requirements in TRAN 7-11.

It is also noted that construction of a vehicle crossing within the road reserve is governed by the FNDC Vehicle Crossings Bylaw and Vehicle Crossing Approval (also requiring FNDC ES compliance)

Notwithstanding the existing consent consideration of these aspects, Lot 1 is capable of meeting all the above requirements at any location within the road frontage.

Conclusion

Deferral of the vehicle crossing design and construction to Building Consent stage will provide the landowner with maximum flexibility as to building location and type, whilst still enabling full compliance with all above-mentioned FNDC requirements. On this basis the S.127 recommendations are considered appropriate.

Limitation

This letter has been prepared solely for the benefit of our client Bridget Thorp and the Far North District Council in relation to the resource consent application for which this letter has been prepared. The comments in it are limited to the purpose stated in this letter. No liability is accepted by Hawthorn Geddes engineers & architects ltd in respect of its use by any other person, and any other person who relies upon any matter contained in this letter does so entirely at their own risk.

Yours faithfully,



Conal Summers

BTech (Hons) CPEng CMEngNZ Int PE (NZ) APEC Engineer

Hawthorn Geddes

engineers & architects ltd

Cc: Neil Mumby

Attachment 6

Appendix: FNDC PDP Subdivision Chapter – Appeal Status and Relevance

Application: Section 127 variation – deferral of the final location, design and construction of the Lot 1 vehicle crossing until future development.

Source and method: Far North Proposed District Plan, Subdivision Chapter, Appeals Version dated 31 August 2026. “Appealed” means the provision is enclosed by the orange dashed appeal notation in that document. The notation may relate to only part of a provision; the PDF does not identify the appellant or precise relief sought.

Statutory qualification: This is not an application for a fresh subdivision. Under s127(3) RMA, the variation is treated as a discretionary activity. The provisions below inform the s104 assessment and the effects of changing Condition 4(d), but do not independently re-determine the activity status of the already-approved subdivision. The variation does not authorise a particular crossing location or physical crossing works; those matters remain subject to the proposed consent notice, engineering design and any applicable transport or other rules when the crossing is established.

Assessment Table

Provision	Appeal status	Relevance to the s127 vehicle-crossing variation
Objectives		
SUB-O1	Not identified as appealed	Directly relevant. The variation retains an efficient and developable allotment, does not alter the approved subdivision pattern, and allows access design to respond to the site’s topographical and geotechnical constraints. No new or increased natural-hazard risk is enabled by the timing change.
SUB-O2	Subject to appeal	Not materially engaged. The variation does not alter allotment boundaries or affect any identified natural feature, landscape, water margin, significant indigenous biodiversity, site of significance to Māori or historic heritage resource.
SUB-O3	Not identified as appealed	Relevant in a limited sense. The access obligation remains secured by consent notice and will be implemented with future development. No change to public infrastructure or the wider infrastructure network is proposed.
SUB-O4	Not identified as appealed	Directly relevant. The requirement for Lot 1 to obtain safe physical access is retained. Deferral enables the final crossing to be integrated with the dwelling, earthworks and site design rather than prematurely fixing its location.
SUB-O5	Subject to appeal	Not relevant. Lot 1 is residential land and the variation does not affect highly productive land or farming/forestry productivity.
SUB-O6	Subject to appeal	Not relevant. The variation does not alter growth sequencing, development yield or the requirement for additional public infrastructure.
Policies		
SUB-P1	Subject to appeal	Not relevant. The application is not a boundary adjustment and does not alter boundaries, titles or an existing access through a boundary adjustment.
SUB-P2	Subject to appeal	Not relevant. No allotment is being created for public works, infrastructure, reserves or access.
SUB-P3	Subject to appeal	Directly relevant as policy context. Lot 1 already exists under the approved subdivision and retains legal road frontage. The proposal does not remove the requirement for physical access; it defers final selection and construction until development, subject to the consent notice and engineering confirmation.
SUB-P4	Subject to appeal	Directly relevant. An integrated assessment of the dwelling platform, topography, earthworks and crossing location supports a safe and accessible design. The variation does not authorise an additional crossing or a particular crossing location.
SUB-P5	Subject to appeal	Relevant only to implementation. The variation does not change servicing arrangements or public infrastructure. The crossing obligation remains and must be satisfied when Lot 1 is developed.
SUB-P6	Subject to appeal	Not relevant. No esplanade reserve or strip is affected.
SUB-P7	Subject to appeal	Not relevant. The site is not being subdivided for rural lifestyle purposes and no environmental-benefit subdivision is proposed.
SUB-P8	Subject to appeal	Not relevant. The proposal does not involve subdivision in the Rural Production Zone or highly productive land.
SUB-P9	Subject to appeal	Not relevant. No rural residential subdivision or management plan is proposed.
SUB-P10	Not identified as appealed	Not relevant. No subdivision of a minor residential unit from a principal residential unit is proposed.
SUB-P11	Subject to appeal	Relevant as assessment context, particularly paragraphs concerning building/site design, infrastructure capacity and natural hazards. Deferral allows the crossing to be considered with the future building platform and physical constraints. The proposal does not alter the approved subdivision or generate a new land-use incompatibility.
Rules		
SUB-R1	Not identified as appealed	Not applicable. No boundary adjustment is proposed. In any event, s127(3) determines the activity status of this variation; SUB-R1 does not create a separate consent requirement for the timing amendment.
SUB-R2	Not identified as appealed	Not applicable. The variation does not create an allotment for public works, infrastructure, reserves or access.
SUB-R3	Subject to appeal	Relevant only as the rule under which a new allotment would ordinarily be assessed. The allotment has already been approved and this application does not seek a further subdivision. The variation is treated as discretionary under s127(3), so SUB-R3 does not independently determine its activity status.
SUB-R4	Not identified as appealed	Not applicable on the present proposal. Lot 1 is to take access directly from Kotare Drive; no subdivision creating a private accessway serving multiple allotments is proposed.

Provision	Appeal status	Relevance to the s127 vehicle-crossing variation
SUB-R5	Not identified as appealed	Not applicable. No subdivision around an approved residential development is proposed.
SUB-R6	Subject to appeal	Not applicable. No environmental-benefit subdivision is proposed.
SUB-R7	Subject to appeal	Not applicable. No management-plan subdivision is proposed.
SUB-R8	Not identified as appealed	Directly relevant planning context, although no fresh subdivision is proposed. It expressly considers the relationship between building platforms, access, services and land instability. Deferral allows those matters to be resolved together. The condition/consent notice must continue to require an appropriately designed and compliant crossing before development or occupation.
SUB-R9	Not identified as appealed	Not applicable unless the site is within 32 m of a Critical Electricity Line Overlay. Nothing in the variation changes a building platform or access in relation to such a line.
SUB-R10	Not identified as appealed	Not applicable unless the site lies within the National Grid Subdivision Corridor. The variation does not affect a National Grid building-platform or access constraint.
SUB-R11	Not identified as appealed	Not applicable unless the site is within a mapped flood-hazard area. No new allotment, private road, right of way or accessway in a flood area is authorised by the variation.
SUB-R12	Not identified as appealed	Relevant only as contextual hazard information because the site is affected by mapped coastal hazard areas. The variation does not constitute a fresh subdivision, identify a building platform or access location, or authorise works within the mapped area. Any applicable hazard requirements must be addressed when the future crossing location and design are determined
SUB-R13	Not identified as appealed	Not applicable. No heritage-area overlay is affected by the timing amendment.
SUB-R14	Not identified as appealed	Not applicable. No scheduled heritage resource is affected.
SUB-R15	Not identified as appealed	Not applicable. No scheduled site or area of significance to Māori is affected.
SUB-R16	Not identified as appealed	Not applicable. The proposal does not subdivide land within or affect a mapped Land Drainage Area of Benefit.
SUB-R17	Not identified as appealed	Not applicable. The site is not in the Mineral Extraction Zone.
SUB-R18	Not identified as appealed	Not applicable. No additional allotment is being created within an Outstanding Natural Landscape or Feature.
SUB-R19	Not identified as appealed	Not applicable. No additional allotment is being created within a wetland, lake or river margin.
SUB-R20	Not identified as appealed	Not applicable. No additional allotment is being created within the Coastal Environment.
SUB-R21	Not identified as appealed	Not applicable. No additional allotment is being created within 100 m of a Mineral Extraction Zone.
SUB-R22	Subject to appeal	Not applicable. No additional allotment containing highly productive land is being created.
SUB-R23	Subject to appeal	Not applicable. No additional allotment is being created within an Outstanding Natural Character Area.
Standards		
SUB-S1	Subject to appeal	Not applicable to the change sought. The approved allotment area is unchanged.
SUB-S2	Not identified as appealed	Relevant only as background. The approved subdivision and building-platform requirements are unchanged; deferral is intended to allow the crossing to be coordinated with the eventual building platform.
SUB-S3	Not identified as appealed	Not applicable to the change sought. Water-supply arrangements are unchanged.
SUB-S4	Not identified as appealed	Not applicable to the change sought. Stormwater servicing conditions are unchanged, although final crossing design must appropriately manage runoff when constructed.
SUB-S5	Not identified as appealed	Not applicable to the change sought. Wastewater arrangements are unchanged.
SUB-S6	Subject to appeal	Not applicable to the change sought. Telecommunications and power-supply arrangements are unchanged.
SUB-S7	Not identified as appealed	Not applicable to the change sought. No easement is being created, removed or altered by the variation.
SUB-S8	Subject to appeal	Not applicable. No qualifying waterbody margin or esplanade requirement is affected.

New relief sought through appeals

Appeals also seek new provisions concerning sustainable development, infrastructure capacity, electricity-network setbacks, managed rural growth and highly productive land. The chapter says this new wording was not included in the Council decisions and presently has no legal effect. It is not directly relevant to the timing of the Lot 1 crossing.

Application-specific conclusion

The principal provisions are SUB-O1, SUB-O4, SUB-P3, SUB-P4, SUB-P11 and SUB-R8. SUB-P3, SUB-P4 and SUB-P11 are appealed; SUB-O1, SUB-O4 and SUB-R8 are not. Unappealed SUB-R8 supports resolving the building platform, access, services and instability constraints together. The variation retains the obligation to provide compliant physical access once the dwelling platform and associated works are known.

Attachment 7

Appendix: FNDC PDP Transport Chapter - Appeal Status and Relevance

Application: Section 127 variation - deferral of the final location, design and construction of the Lot 1 vehicle crossing until future development.

Source and method: Far North Proposed District Plan, Transport Chapter, Appeals Version dated 31 August 2026. “Appealed” means enclosed by the orange dashed appeal notation. The notation may concern only part of a provision; the PDF does not identify the appellant or precise relief.

Statutory qualification: The s127 variation is treated as a discretionary activity under s127(3). It does not presently select, construct, relocate or authorise a crossing. TRAN-R2 and TRAN-S2 therefore do not require an unidentified future location to demonstrate dimensional compliance now. The eventual crossing remains subject to the consent notice, engineering design, applicable transport provisions and Engineering Standards, or any separate consent required when it is established.

Assessment Table

Provision	Appeal status	Relevance to the s127 vehicle-crossing variation
Objectives		
TRAN-O1	Not identified as appealed	Relevant in a general sense. The variation preserves the requirement for safe access and does not adversely affect the function of the local road or the wider transport network.
TRAN-O2	Not identified as appealed	Directly relevant. Deferring the crossing allows access, dwelling location, earthworks and the site’s physical constraints to be considered together. The approved residential allotment and its legal road frontage are unchanged.
TRAN-O3	Not identified as appealed	Directly relevant. The obligation to provide compliant physical access is retained by consent notice. Only the timing and final selection of the crossing location are deferred.
TRAN-O4	Not identified as appealed	Directly relevant. No crossing is constructed or used while Lot 1 remains undeveloped. Before development or occupation, the crossing must be designed and constructed to provide safe and efficient vehicle movement.
TRAN-O5	Not identified as appealed	Not materially engaged. The variation does not alter transport mode, network resilience or climate-change effects.
Policies		
TRAN-P1	Not identified as appealed	Relevant only at a high level. The proposal does not modify the road network and retains controls protecting its safe and efficient operation.
TRAN-P2	Not identified as appealed	Directly relevant. The future crossing must provide a safe and efficient connection. Deferral avoids prematurely establishing a crossing that may not integrate with the eventual dwelling and access design.
TRAN-P3	Not identified as appealed	Directly relevant, particularly the management of subdivision layout, access design, vehicle access to and from sites, and network safety. The consent notice preserves those outcomes without presently authorising a crossing location.
TRAN-P4	Not identified as appealed	Not relevant to the change sought. No parking, bicycle parking or loading arrangement is proposed or altered.
TRAN-P5	Not identified as appealed	Not materially relevant. The proposal does not affect alternative transport modes or proximity to the cycle trail.
TRAN-P6	Not identified as appealed	Not relevant. The variation does not establish or enlarge a high traffic-generating activity and generates no additional vehicle trips.
TRAN-P7	Not identified as appealed	Relevant assessment context. The variation produces no present traffic, safety or network effect. Future design must address safety, natural hazards and any engineering assessment required for the selected location. Kotare Drive is not identified as a State Highway or Limited Access Road in the application material.
Rules		
TRAN-R1	Not identified as appealed	Not applicable to the timing change. No parking or loading arrangement is proposed. Parking associated with a future dwelling will be assessed at that stage.
TRAN-R2	Not identified as appealed	The principal rule. The s127 variation does not itself construct, relocate or authorise a particular crossing; it defers location and construction. Accordingly, the absence of a selected location is not a present infringement. The consent notice should require the eventual crossing to comply with TRAN-R2, TRAN-S2, applicable tables and Engineering Standards, or obtain any separate consent then required.
TRAN-R3	Not identified as appealed	Not applicable. The proposal does not substitute pedestrian-only access for vehicle access; the obligation to provide physical vehicle access is expressly retained.
TRAN-R4	Not identified as appealed	Not applicable. The proposal is not near, and does not affect, a railway level crossing.
TRAN-R5	Not identified as appealed	Not applicable. No building, structure, relocated building or tree near a railway level crossing is proposed.
TRAN-R6	Not identified as appealed	Not applicable. There is no existing Lot 1 crossing whose maintenance is being authorised by this variation.
TRAN-R7	Not identified as appealed	Not applicable. No transport-infrastructure upgrade within the road corridor is proposed.
TRAN-R8	Not identified as appealed	Not applicable. No electric-vehicle charging station is proposed.
TRAN-R9	Subject to appeal	Not applicable to the change sought. Deferral does not create a new land use, increase development yield or generate additional trips. Any future residential activity remains well below the 20-unit threshold in TRAN-Table 12.
TRAN-R10	Not identified as appealed	Not applicable. No maintenance or upgrading of the Pou Herenga Tai Twin Coast Cycle Trail is proposed.
TRAN-R11	Not identified as appealed	Not applicable. No new section of the Pou Herenga Tai Twin Coast Cycle Trail is proposed.

Provision	Appeal status	Relevance to the s127 vehicle-crossing variation
TRAN-R12	Not identified as appealed	Not applicable. No new road or work within an unformed paper road is proposed.
TRAN-R13	Not identified as appealed	Not applicable on the available information. Access is proposed from Kotare Drive, not from a State Highway or Limited Access Road.
TRAN-R14	Not identified as appealed	Not applicable. The eventual crossing is specifically governed by TRAN-R2; the variation does not authorise a separate transport activity otherwise unlisted in the chapter. In any event, the s127 application is already treated as discretionary under s127(3).
Standards		
TRAN-S1	Not identified as appealed	Not applicable. No parking or loading requirement is changed by the variation.
TRAN-S2	Not identified as appealed	Directly relevant to the eventual crossing, including crossing numbers, separation from pedestrian facilities and intersections, frontage selection and sight distance. Because no crossing is presently selected or authorised, compliance is appropriately secured for the future design/construction stage by consent notice.
TRAN-S3	Not identified as appealed	Not expected to apply to a single direct access serving Lot 1. If the eventual design includes a private accessway of a length or width requiring passing bays, compliance must be demonstrated at that stage.
TRAN-S4	Not identified as appealed	Not applicable. No new road or road upgrade is proposed.
TRAN-S5	Not identified as appealed	Not applicable. The site is not affected by a railway level-crossing sight triangle.
Referenced tables		
TRAN-Table 1	Not identified as appealed	Not applicable. Bicycle-parking numbers are not affected.
TRAN-Table 2	Not identified as appealed	Not applicable. Accessible car-parking numbers are not affected.
TRAN-Table 3	Not identified as appealed	Not applicable. Theoretical parking demand is not affected.
TRAN-Table 4	Not identified as appealed	Not applicable. No loading bay is required or altered.
TRAN-Table 5	Not identified as appealed	Not applicable. No end-of-trip facility is required or altered.
TRAN-Table 6	Not identified as appealed	Not applicable to the timing variation. Parking and manoeuvring for a future dwelling will be addressed with that development.
TRAN-Table 7	Not identified as appealed	Directly relevant to the eventual location. It controls the maximum number of crossings per frontage. The variation does not authorise an additional crossing; future design must demonstrate compliance.
TRAN-Table 8	Not identified as appealed	Directly relevant to the eventual location. Minimum separation from intersections must be demonstrated once the preferred crossing point is selected.
TRAN-Table 9	Not identified as appealed	Directly relevant to the eventual location. The selected crossing must achieve the sight distance for Kotare Drive's classification and posted speed.
TRAN-Table 10	Not identified as appealed	Not expected to govern the road crossing itself. It applies if the internal access constitutes a private accessway; any applicable width, gradient and formation requirements must be addressed in the future engineering design.
TRAN-Table 11	Not identified as appealed	Directly relevant to construction. In the General Residential Zone the vehicle crossing is required to be sealed or concreted. Compliance can be secured through the consent notice and confirmed when constructed.
TRAN-Table 12	Subject to appeal	Not relevant. The variation does not increase trip generation, and a single future residential unit is below the stated threshold of 20 residential units.
TRAN-Table 13	Not identified as appealed	Not applicable. No new road is proposed.
TRAN-Table 14	Not identified as appealed	Not applicable. No new road or intersection is proposed.

New relief sought through appeals

Appeals also seek a new objective, policy and permitted-activity rule for the operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure within the transport or roading network. The chapter states that this wording was not included in the Council decisions and presently has no legal effect. It is unrelated to the Lot 1 crossing.

Application-specific conclusion

The principal provisions are TRAN-O2, TRAN-O3, TRAN-O4, TRAN-P2, TRAN-P3, TRAN-P7, TRAN-R2 and TRAN-S2, together with Tables 7-11. None is marked as appealed. TRAN-R9 and Table 12 are appealed but are not engaged because the variation creates no land use, yield or trip-generation change. Deferral itself does not infringe TRAN-R2: no crossing location or works are presently authorised, and future compliance is preserved by consent notice.

Attachment 8

Operative District Plan - Subdivision Objectives and Policies

Objectives

- 13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.
- 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.
- 13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.
- 13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.
- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.
- 13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.
- 13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.
- 13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.
- 13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).
- 13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.
- 13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.

Policies

- 13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:
 - (a) natural character, particularly of the coastal environment;
 - (b) ecological values;
 - (c) landscape values;
 - (d) amenity values;
 - (e) cultural values;
 - (f) heritage values; and
 - (g) existing land uses.
- 13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.
- 13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

- 13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.
- 13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.
- 13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.
- 13.4.7 That the need for a financial contribution be considered only where the subdivision would:
- (a) result in increased demands on car parking associated with non-residential activities; or
 - (b) result in increased demand for esplanade areas; or
 - (c) involve adverse effects on riparian areas; or
 - (d) depend on the assimilative capacity of the environment external to the site.
- 13.4.8 That the provision of water storage be taken into account in the design of any subdivision.
- 13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.
- 13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.
- 13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.
- 13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.
- 13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:
- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
 - (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
 - (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
 - (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer **Chapter 2** and in particular **Section 2.5** and Council's "*Tangata Whenua Values and Perspectives*" (2004);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of **Part 3** of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

(c) encouragement of pedestrian and cycle use;

(d) access to alternative transport facilities;

(e) domestic or community renewable electricity generation and renewable energy use.

13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:

(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;

(b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and

(c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.

Note 1: Structures and activities located near transmission lines must comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with this plan does not ensure compliance with NZECP34:2001.

Note 2: Vegetation to be planted within, or adjacent to, the National Grid Corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Operative District Plan – Residential Zone Objectives & Policies

Objectives 7.3

- 7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.
- 7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.
- 7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.
- 7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.
- 7.3.5 To achieve the development of community services as an integral and complementary component of urban development.
- 7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.

Policies 7.4

- 7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.
- 7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.
- 7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.
- 7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.
- 7.4.5 That new urban development avoid:
 - (a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;
 - (b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;
 - (c) adversely affecting outstanding natural features, landscapes and heritage resources;
 - (d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
 - (e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;
 - (f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;
 - (g) adversely affecting the safety and efficiency of the roading network;
 - (h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.
- 7.4.6 That the natural and historic heritage of urban settlements in the District be protected (refer to **Chapter 12**).
- 7.4.7 That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.
- 7.4.8 That infrastructure for urban areas be designed and operated in a way which:
 - (a) avoids remedies or mitigates adverse effects on the environment;
 - (b) provides adequately for the reasonably foreseeable needs of future generations; and

(c) safeguards the life-supporting capacity of air, water, soil and ecosystems.

7.4.9 That the need for community services in urban areas is recognised and provided for.

7.6.3 Objectives

"These objectives supplement those set out in **Section 7.3**.

7.6.3.1 To achieve the development of new residential areas at similar densities to those prevailing at present.

7.6.3.2 To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity.

7.6.4 Policies

These policies supplement those set out in **Section 7.4**.

7.6.4.1 That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.

7.6.4.2 That the Residential Zone be applied to areas which are currently residential but where there is scope for new residential development.

7.6.4.3 That the Residential Zone be applied to areas where expansion would be sustainable in terms of its effects on the environment.

7.6.4.4 That the Residential Zone provide for a range of housing types and forms of accommodation.

7.6.4.5 That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment.

7.6.4.6 That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.

Attachment 9