



Office Use Only Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

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

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? Yes / No

2. Type of Consent being applied for (more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Discharge
- Extension of time (s.125) Change of conditions (s.127) Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes/ No

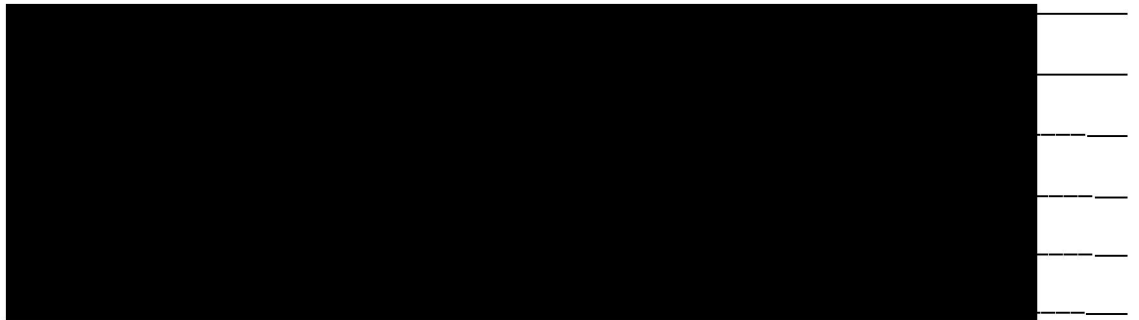
4. Applicant Details:

Name/s: Gail and Werner Schmid

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address:
(or alternative method of service under section 352 of the Act)



5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Makarena Dalton

Electronic Address for Service (E-mail): makarenad@barker.co.nz

Phone Numbers: Work: 0272862298 Home: _____

Postal Address: Associate, Barker and Associates
P O Box 414, Kerikeri

Post Code: 0230

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: Gail and Werner Schmid

Property Address/
Location: As above

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: 36 Koranae Road, Waipapa

Legal Description: Lot 1 DP 409005 Val Number: _____

Certificate of Title: 43297
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~~

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. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

S127 change of conditions of 2230116 to refer to the most recent scheme plan for the proposed subdivision, proposing a 20m esplanade strip along the western boundary of proposed Lot 2.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

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

11. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) yes no don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

- Subdividing land Changing the use of a piece of land
- Disturbing, removing or sampling soil Removing or replacing a fuel storage system

12. 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.

Please attach your AEE to this application.

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 all names in full)

Email:

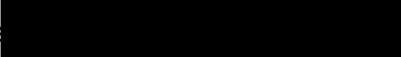
Postal Address:

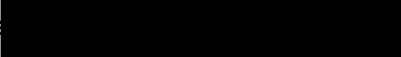
Phone Numbers:

A large black rectangular redaction box covers the contact information fields. To the right of the box, there are several horizontal lines extending from the edge of the page, likely representing a continuation of the form or a scanning artifact.

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 print)

Signature  (signature of bill payer – **mandatory**) Date: 9/11/23

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

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

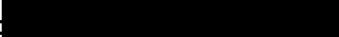
Fast-track application

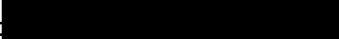
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

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

Name:  (please print)

Signature:  (signature)

Date: 9/11/23

(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)
- 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 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE



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




R.W. Muir
Registrar-General
of Land

Identifier 1030584
Land Registration District North Auckland
Date Issued 28 February 2023

Prior References
432972

Estate Fee Simple
Area 4.8096 hectares more or less
Legal Description Lot 1 Deposited Plan 570411
Registered Owners

Interests

Subject to a water supply right over part marked L on DP 570411 created by Transfer 298292 - 5.7.1938 at 12:10 pm

Appurtenant hereto is a right of way created by Transfer B757765.9 - 27.11.1987 at 2.13 pm

The easements created by Transfer B757765.9 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right of way created by Transfer B757765.10 - 27.11.1987 at 2.13 pm

The easements created by Transfer B757765.10 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right to convey water, and telecommunication and electricity rights created by Transfer D527992.1 - 31.7.2000 at 9.15 am

The easements created by Transfer D527992.1 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey water over part marked D on DP 570411 created by Easement Instrument 8145764.8 - 10.8.2011 at 3:42 pm

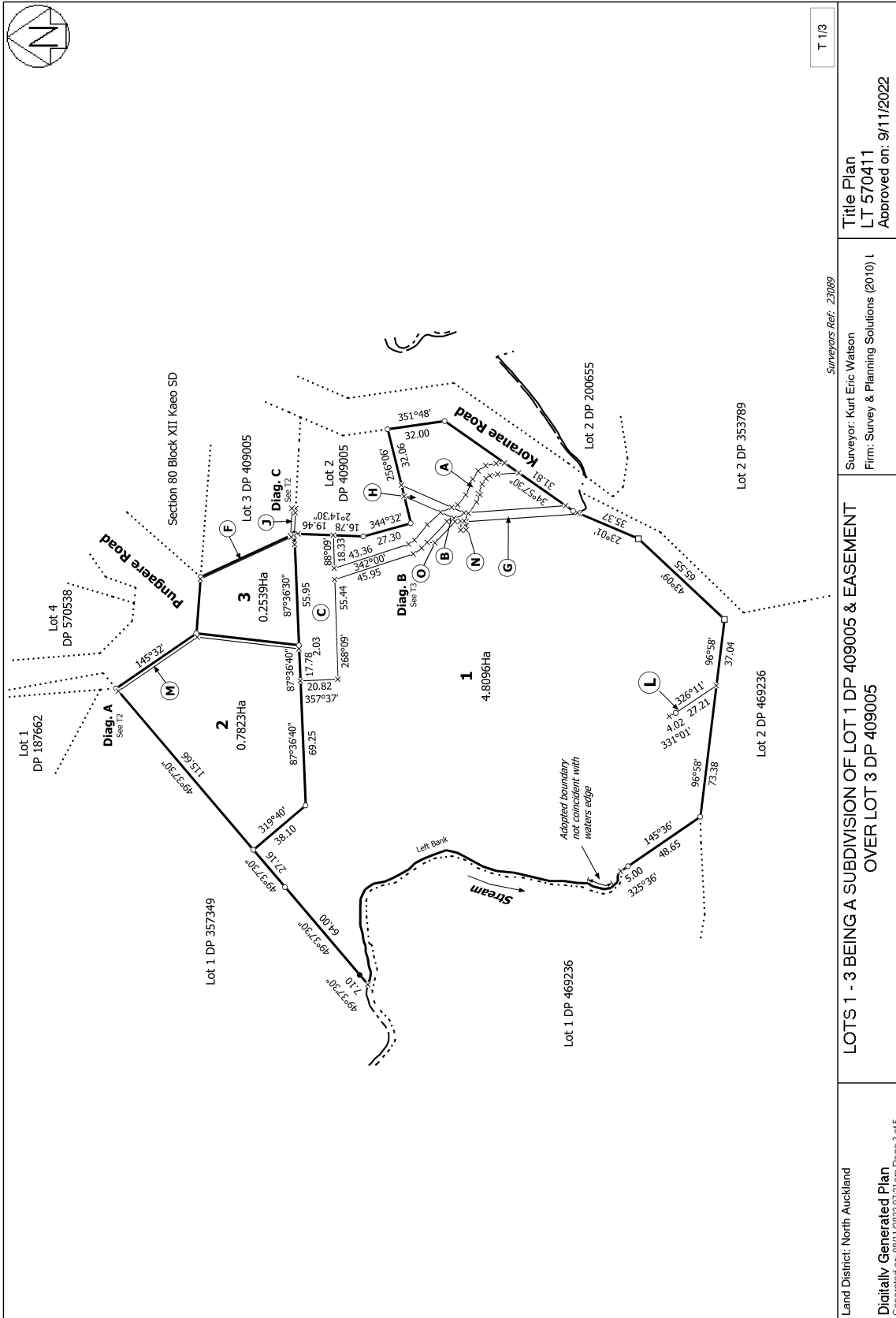
Subject to a right (in gross) to convey electricity over parts marked G, B, H and N on DP 570411 in favour of Top Energy Limited created by Easement Instrument 8145764.9 - 10.8.2011 at 3:42 pm

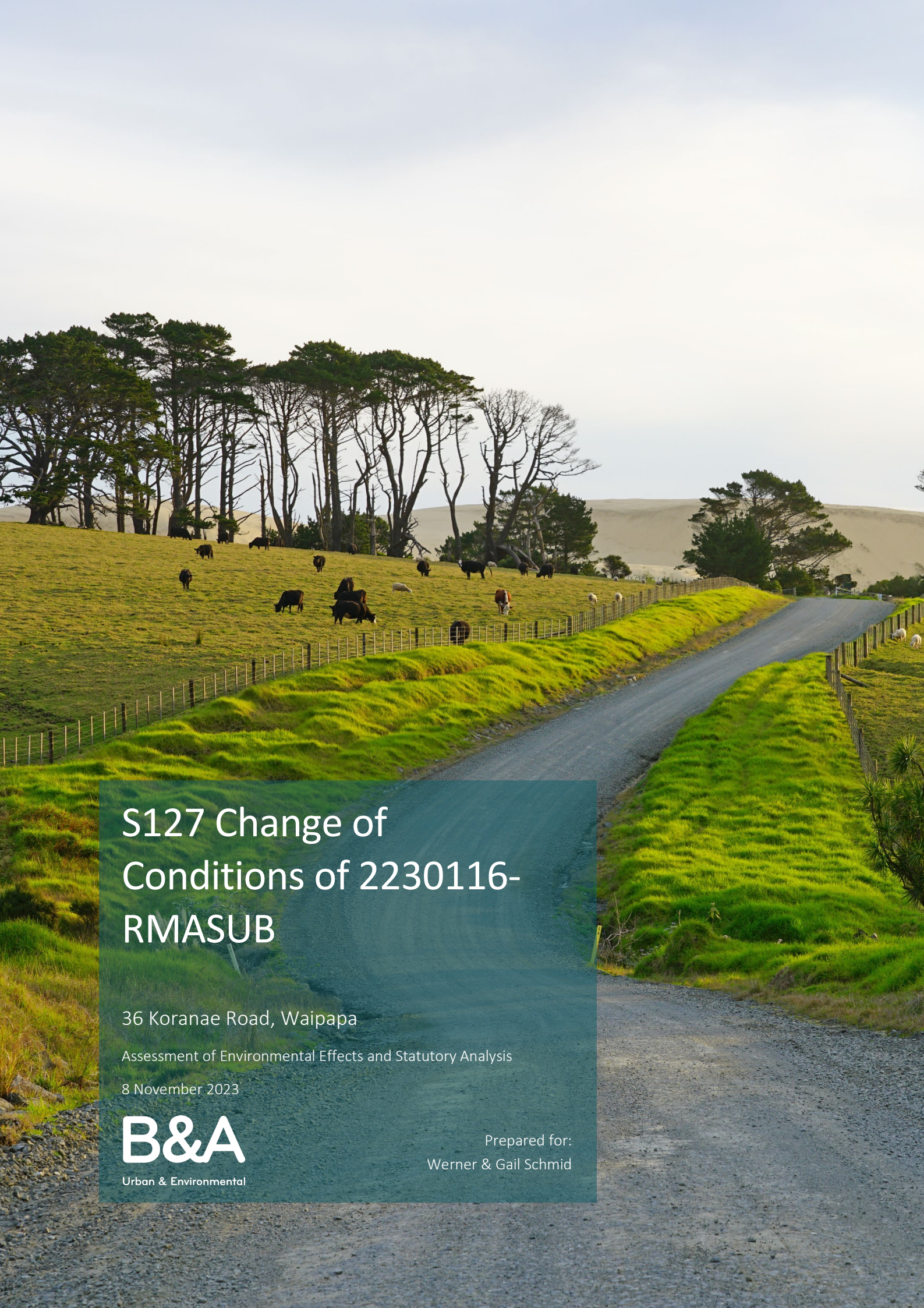
12361364.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.2.2023 at 2:50 pm

Subject to a right of way over parts marked A, B, C and D, a right to drain water and a right to convey water and electricity over parts marked A, B, C, D, N and O all on DP 570411 created by Easement Instrument 12361364.4 - 28.2.2023 at 2:50 pm

Appurtenant hereto is a right to convey water created by Easement Instrument 12361364.4 - 28.2.2023 at 2:50 pm

The easements created by Easement Instrument 12361364.4 are subject to Section 243 (a) Resource Management Act 1991





S127 Change of Conditions of 2230116- RMA SUB

36 Koranae Road, Waipapa

Assessment of Environmental Effects and Statutory Analysis

8 November 2023

B&A

Urban & Environmental

Prepared for:
Werner & Gail Schmid

B&A Reference:

WNG20518

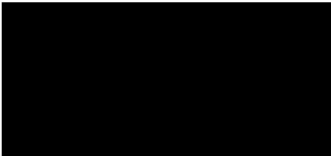
Status:

Final

Date:

8 November 2023

Prepared by:



Melissa McGrath

Senior Associate, Barker & Associates Limited

Reviewed by:



Makarena Dalton

Associate, Barker & Associates Limited

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- Appendix 1: Record of Title
- Appendix 2: Approved Decision for RC 2230116-RMASUB
- Appendix 3: Scheme for Subdivision
- Appendix 4: Consultation with FNDC Reserves Planner

1.0 Applicant and Property Details

To:	Far North District Council
Site Address:	36 Koranae Road, Waipapa
Applicant Name:	Werner and Gail Schmid
Address for Service:	Barker & Associates Ltd PO Box 414, Kerikeri 0230 Level 1, 62 Kerikeri Road Kerikeri 0230 Attention: Makarena Dalton
Legal Description:	Lot 1 DP 409005 (refer to Record of Title as Appendix 1)
Site Area:	5.8094ha
Site Owner:	Werner and Gail Schmid
District Plan:	Operative Far North District Plan (ODP)
ODP Zoning:	Rural Production Zone (RPZ)
ODP Overlays & Controls:	Nil
Designations:	Nil
Proposed District Plan	Proposed Far North District Plan (PDP)
PDP Zoning:	Special Purpose: Horticulture
PDP Overlays & Controls:	River Flood Hazard Zone (100 Year ARI) and River Flood Hazard Zone (10 Year ARI)
Designations:	Nil
Additional Limitations:	Nil
Brief Description of Proposal:	S127 change of conditions of 2230116 to refer to the most recent scheme plan for the proposed subdivision, proposing a 20m esplanade strip along the western boundary of proposed Lot 2.
Summary of Reasons for Consent:	S127 change of conditions to refer to the most recent scheme plan for the proposed subdivision – Discretionary Activity

2.0 Background

Subdivision application seeking to subdivide Lot 1 DP 409005 to create two lots around two existing dwellings in a Rural Production Zone (2230116-RMASUB) was approved 20 March 2023. Detailed onsite survey undertaken in preparation of survey plan approval has identified that the stream is on average more than 3m and as such an esplanade strip or reserve is required. The subdivision scheme plan has been updated to include an esplanade strip and change to conditions of consent is sought to reflect the updated scheme plan.

Consultation with Council's Reserve's Planner has been undertaken, where she has confirmed suitability of the arrangements and purpose of the esplanade strip. A copy of the correspondence is provided as **Appendix 4**.

3.0 Site Context

3.1 Site Description

The site is a 4.806ha landholding located west of Koranae Road approximately 4.3km north west of Waipapa, as shown in **Figure 1**. The site¹ was approved for subdivision on 6 September 2022 and the section 223 certificate was approved by FNDC on 14 July 2022. It is an irregular shaped site, sloping from north to south at a moderate gradient with local undulations. A small stream traverses proposed Lot 1 and defines the western boundary of proposed Lot 2. Mature vegetation is established throughout and is varied, with shelter belt planting, established fruit trees, and a small vineyard.

Proposed Lot 1 is situated in the southern part of the site, with built development comprising a single residential unit, swimming pool, and a large implement shed. Proposed Lot 2 contains a 79.2m² residential unit, 113.4m² shed, outdoor kitchen and dining area, and small building with sauna (under construction at the time of site visit).

Access to proposed Lot 1 is via an existing appurtenant right of way shown as areas 'X' and 'Y', while proposed Lot 2 gains access west of Koranae via ROW 'A' as detailed in the scheme for subdivision provided as **Appendix 3**. Koranae Road is an unsealed local road, with a sign posted speed limit of 80km/hr. However, given the unsealed surface, actual speed is estimated at 40 – 50 km/hr.

As detailed above in Section 2 of this report, the site has been recently approved for subdivision (RC 2300116), creating one additional allotment, and included a retrospective land use consent to change the use of an existing travellers accommodation building to a residential unit.

The site is zoned Rural Production in the ODP and is not subject to any overlays. Portions of the site are mapped as being subject to river flood hazard (10, 50 and 100 year) by the Northland Regional Council.

¹ As defined in Chapter 3 Definitions of the Operative Far North District Plan.



Figure 1: Locality plan.

3.2 Surrounding Locality

The site is located approximately 4.3km north west of Waipapa settlement, with access to the area via Pungaere Road. Pungaere Road is a sealed local road with a sign posted speed limit of 80km/hr, while Koranae is an unsealed metal road.

The surrounding locality is made up of a mix of rural residential and rural production activities, with smaller landholdings fronting Pungaere and Koranae Roads and larger productive sites in the rear. The immediate locality can be described as a cluster of rural residential activities located in and around Koranae Road with lot sizes that range between 3,000m² to approximately 2.5ha with larger productive farming units located beyond. Built development typically comprises a single residential unit and ancillary buildings that are well setback from boundaries, front yard landscaping or shelter belts. Larger landholdings are typically used for farming, are predominantly pasture with pockets of vegetation throughout.

East of the site there are a range of horticultural activities, however over the past 20 years, there has been a progressive conversion of land use from horticulture to rural residential activities provided by the ODP. The locality is predominantly zoned Rural Production with no overlays of influence in the immediate vicinity.

4.0 Proposal

Under Section 127 of the RMA, change to conditions of consent 2230116-RMASUB (subdivision of Lot 1 DP 409005 to create two lots) is sought to change conditions as detailed below to refer to the updated scheme plan detailed in **Attachment 3**. Detailed onsite survey undertaken in

preparation of survey plan approval has identified that the stream is on average more than 3m and as such an esplanade strip is proposed. The subdivision scheme plan has been updated to include an esplanade strip and change to conditions of consent is sought to reflect the updated scheme plan.

The following amendments to conditions are sought (~~striketrough~~ for deletion and underlined **bold** for additions)

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King – Registered Land Surveyors, Planners, and Land Development Consultants, referenced Proposed Subdivision of Lot 1 DP 570411 reference 23089.01, **Revision 1 dated 1/11/23**, and attached to this consent with the Council’s “Approved Stamp”.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show: a. All easements in the memorandum to be duly granted or reserved.
3. Before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:
 - a. Submit a survey plan for approval by Council for the proposed subdivision of Lot 1 DP 570411 in accordance with the scheme plan prepared by Williams and King reference **23089.01, Revision 1 dated 1/11/23**. The survey plan to include all necessary setbacks and easements in favour of the utility services and ROWs.
 - b. Provide, to Council’s satisfaction, an esplanade strip instrument in accordance with Section 232 of the Act, prepared to give effect to the esplanade strip shown on the survey plan. The instrument is to be drafted so as to provide for access to the esplanade area and river boundary.**

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide evidence that the existing entrance to Lots 1 and 2 have been constructed to comply with the Council’s Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.
 - b. Provide written confirmation from a Licensed Cadastral Surveyor that all private accessways and services are located within the appropriate easement boundaries to the satisfaction of the Council’s Development Engineer or delegated representative.

5.0 Reasons for Consent

5.1 Section 127 Change of Conditions

Section 127 of the RMA allows for the change or cancellation of a condition or conditions of resource consent (other than a condition as to the duration of the consent).

Sections 88 to 121 of the RMA apply to the consideration of the application, with all necessary modifications, as if:

- (a) The application was for resource consent for a discretionary activity; and
- (b) The references to the resource consent and the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

For the purposes of determining who is adversely affected by the change or cancellation of condition, a local authority must consider, in particular, every person who:

- (a) Made a submission on the original application; and
- (b) May be affected by the change or cancellation of condition.

The main point to consider when assessing whether an application should be processed as a Section 127 change of conditions or a new application is whether the proposed change in conditions will result in a “fundamentally different activity” or “an activity having materially different adverse effects” to those that lawfully exist or that were assessed under the original application.

The proposal seeks to change consent conditions to refer to the updated scheme plan and require the establishment of an esplanade strip. The proposed changes are considered to be within scope of the original consent and will not result in a fundamentally different activity having materially different adverse effects.

The provision of an esplanade strip ensures compliance with Operative District Plan rule 14.6.1 Esplanade Areas. The proposed change to conditions of consent will result in no change to the original subdivision activity status under Rule 13.7.2.2(1) Rural Production Zone – The proposal cannot meet the minimum lot sizes for the controlled, restricted discretionary or discretionary activity standards. Therefore, the activity is a non-complying activity.

5.2 Activity Status

Overall, this application is for a **discretionary activity**.

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

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

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

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

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

The above apply to the proposal.

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

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

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

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

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

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

6.1.4 Step 4: Public notification in special circumstances

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

Special circumstances are those that are:

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

The proposal is change conditions of consent, to reflect an updated scheme plan providing for an esplanade strip.

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

6.2 Section 95D Statutory Matters

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

In determining whether adverse effects are more than minor:

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

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

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

In this case, no subdivision is provided as a permitted activity. In terms of land use, the density control for the Rural Production Zone is one dwelling per 12ha and is considered to be of little relevance to this assessment.

RC 2300440-RMASUB changed the use of an existing traveller's accommodation to allow its use as a residential unit and provides a consented baseline for the existing level of residential intensity at the site.

Built character and amenity effects, traffic generation and residential intensity effects provided by the consented baseline are considered to form the permitted baseline.

The change to conditions of consent sought will not result in any change to the residential density, lot size or access of the proposed subdivision.

- Trade competition must be disregarded.

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

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

No persons have provided their written approval for this proposal.

6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **3** below, and include:

- Lot 1 DP 469236;
- 397D Pungaere Road;
- 365 Pungaere Road;
- 376A Pungaere Road;
- 335 Pungaere Road;
- 8 Koranae Road (owned by the applicants);
- 16 Koranae Road;
- 7 Koranae Road;

- 35A Koranae Road;
- 35 Koranae Road; and
- Lot 1 DP 469236.



Figure 2: Adjacent properties in relation to subject site. Source: Emaps

6.4 Assessment of Effects on the Wider Environment

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

- Rural character and amenity;
- Density;
- Transportation;
- Servicing;
- Land use incompatibility;
- Esplanade effects; and
- Cumulative effects.

These matters are set out and discussed below.

6.4.1 Rural character and amenity

The proposed change to conditions will not alter the proposed lot size or density, the amendment to the scheme plan will provide an esplanade strip, affording greater protection of the adjacent stream affording to the rural character and amenity of the wider area.

Effect assessment of the original subdivision consent remains unchanged:

The surrounding locality is a mix of rural production and rural residential activities with sites that range in size from 3,000m² to 40ha and larger. The cadastre represents clustered rural residential development along Pungaere and Koranae Road's, and typically features a single residential unit, ancillary buildings or farm buildings. The existing character and amenity of the wider environment can be described as a mix of rural residential clustered along road frontages and rural at the rear.

As described above, the site contains two existing residential units, the first located within proposed Lot 1 established in the late 1980s and the second established as a permitted activity traveller's accommodation by Certificate of Compliance RC 2170131, with the use formally changed by RC 2300440-RMASUB situated within proposed Lot 2. The two residential units have been established on the site since 2017 with traffic generation, built form and residential intensity effects associated with the activities an accepted part of the receiving environment that is considered to form the permitted baseline at the site. The proposal is configured to allow each allotment to contain one residential unit and ancillary buildings, with the boundaries located to allow suitable vegetation management of shelter belt trees and maintain privacy on each new allotment.

The sites are screened by mature vegetation, with views to development on proposed Lot 2 obscured by the landform and vegetation. While development on proposed Lot 1 can be seen from passing vehicles, the viewing audience is small due access beyond the site being by private right of way.

Furthermore, the proposal does not result in new or additional development potential as there is existing residential development established within each allotment.

In summary, it is considered that the character and amenity of the surrounding environment will not be compromised by the change to conditions of consent or the proposed subdivision as each new allotment will contain existing residential activities that are largely screened from view, and does not enable new development potential. Further, when taking into account the permitted baseline, character and amenity effects on the wider environment are assessed as less than minor.

6.4.2 Transportation

The proposed change to conditions of consent will not change proposed access, effects of the proposed subdivision remain as per original assessment:

The site gains access from Koranae Road, being an unsealed low speed and volume local road. The proposal is to undertake a subdivision of a site that is configured around two existing residential units. The ODP provides for up to 60 daily one way traffic movements where access is not from a State Highway, and calculates residential activities will generate up to 10 daily traffic movements per unit. Further, RC 2300440 is considered to form the permitted baseline for traffic generation, therefore vehicle movement effects associated with the existing residential activities can be disregarded.

As detailed above, access arrangements to each allotment will be via existing compliant vehicle crossings, with each new allotment providing sufficient car parking and manoeuvring areas. Access to proposed Lot 2 is a sealed and formed 3m carriageway with three passing bays and stormwater management devices installed. A Site Suitability Report prepared by Chester included as Appendix 6 of the subdivision AEE confirms the existing arrangements are suitable and will readily comply with Council's ODP and Engineering Standards.

Taking into account the permitted baseline and the findings of the Site Suitability Report, the proposal is considered to have negligible adverse effects on the transport network and wider environment.

6.4.3 Servicing

The proposed change to conditions of consent will not change servicing of the proposed subdivision and existing residential development, effects of the proposed subdivision remain as per original assessment:

The existing residential activities are serviced by existing connections to telecommunications, power and on-site three waters services. Servicing arrangements for each allotment have been assessed by Chester with the findings reported in the Site Suitability Report.

The residential unit within proposed Lot 1 is serviced by an existing traditional septic tank and trench disposal system that can be wholly contained within the allotment boundaries. Further, the allotment is considered to be of a size and dimension that should an upgrade be required, a new system could be installed in accordance with NZS1547:2012 and readily comply with the permitted standards detailed in the Proposed Regional Plan. Stormwater management is achieved by a combination of pipe discharge, soakage pit and discharge to vegetation with no visual signs of scouring or erosion. Potable water supply for the allotment is via rainwater tanks.

With respect to proposed Lot 2, there is an existing potable water supply, stormwater management devices are in place and wastewater disposal was installed at the time of construction of the residential unit as part of BC-2017-532/1.

As concluded by Chester, the servicing arrangements in place are suitable and no mitigation measures are required as a result of this proposal. Therefore, no changes are proposed to the existing arrangements.

Taking in account the advice of technical inputs and recent Council approvals, the servicing arrangements are considered to be suitable and effects of the proposal are considered to be less than minor.

6.4.4 Land use incompatibility

Change to conditions of consent proposed will not alter the proposed lots and existing land use. The assessment of the proposed subdivision remains:

The proposal seeks subdivision of a site that contains two residential activities. The boundaries have been located to ensure development within each site can be easily accommodated, with mature vegetation established along the boundaries of each site. Properties to the north of the site are or will be used for rural residential activities, while properties to the east are separated by Koranae Road. Sites to the west are separated by a small stream, with the land holding to the south being the only site that is of a size that can be utilised for productive activities.

Land use incompatibility effects can arise when new sensitive activities are established in proximity to rural activities such as horticultural activities, farming activities or noise-generating commercial or industrial activities. Given the proposal is around existing residential activities and the proposal does not generate new development potential, it is not considered to result in reverse sensitivity or land use incompatibility effects. The larger landholdings to the south are already utilised for productive farming activities and issues have arisen in this respect. Each residential unit within the

site are sufficiently setback from external boundaries so as not to encroach on adjacent land, providing a suitable buffer between existing productive and residential activities at the site.

Overall, land use incompatibility effects are considered to be less than minor.

6.4.5 Esplanade Effects

The proposed amendment to conditions of consent seeks to implement the amended scheme plan which has been updated to include an esplanade strip. Detailed onsite survey undertaken in preparation of survey plan approval has identified that the stream is on average more than 3m and as such an esplanade strip or reserve is required. The subdivision scheme plan has been updated to include an esplanade strip and the change to conditions of consent is sought to reflect the updated scheme plan.

The esplanade strip is proposed to provide for future public access. The proposed esplanade strip is considered appropriate because:

- a. The changeability of the stream the proposed esplanade strip is considered to be the appropriate method as access can be retained.
- b. The isolated nature of the stream supports retaining maintenance remains with the land owner.

Effects of the proposed amendment to conditions of consent and provision of the esplanade strip is considered to result in positive esplanade effects.

6.4.6 Cumulative effects

The proposed change to conditions of consent and updated scheme plan, will not alter the lot sizes or density of development as such it is considered that the proposal will not result in adverse cumulative effects. The original subdivision cumulative effects assessment remains unchanged.

It is considered that the proposed subdivision will not tip the balance in terms of cumulative effects of the non-compliance associated with the proposed subdivision to a point where the existing amenity and character of the locality will fundamentally change for the following reasons:

- *The residential development at the site is existing and is considered to form part of the receiving environment.*
- *The subdivision is configured around existing residential activities and does not provide for additional development potential or further intensification of the locality.*
- *No parties are identified as being adversely affected by the activity in the wider environment for the reasons that built development has been located to conform with the permitted standards. Further existing vegetation throughout the site provides effective screening of the built development, mitigating any visual, character or amenity effects on the wider environment.*
- *Traffic safety and efficiency of the transport network will not be compromised and traffic generation is readily accommodated within the existing network.*

6.5 Summary of Effects

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

6.6 Public Notification Conclusion

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

- Under step 1, public notification is not mandatory;
- Under step 2, public notification precluded;
- Under step 3, public notification required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there special circumstances.

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

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

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

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

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

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

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

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

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

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

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

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

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

Overall, it is considered that any adverse effects in relation to adjacent properties will be less than minor, and accordingly, that no persons are adversely affected.

7.1.4 Step 4: Further notification in special circumstances

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

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

7.2 Section 95E Statutory Matters

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

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

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

These matters were addressed in section 6.2 above, and no written approvals have been obtained.

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

7.3 Assessment of Effects on Adjacent Properties

The proposed change to conditions of consent and provision of an esplanade strip is considered to not result in any change to effects of the proposal on adjacent properties.

The wider effects, such as rural character and amenity, density, transportation, servicing, land use incompatibility, esplanade and cumulative effects were considered in section 6.4 above, and considered to be less than minor.

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

7.4 Limited Notification Conclusion

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

- Under step 1, limited notification mandatory;
- Under step 2, limited notification precluded;
- Under step 3, limited notification required as it is considered that the activity result in any adversely affected persons; and

- Under step 4, there are no special circumstances.

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

8.0 Consideration of Applications (Section 104)

8.1 Statutory Matters

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

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

As a discretionary activity section 104B of the Act states that a council may grant or refuse the application and if it grants an application, may impose conditions under section 108.

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

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

Further, it is considered that the proposal will also result in positive effects through the site and subdivision layout that is well-considered and responds to the natural contour of the land, existing vegetation and watercourses within the site.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are acceptable.

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

10.1 Objectives and Policies of the Northland Regional Policy Statement 2016

The Northland Regional Policy Statement (RPS) covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of Plans on a regional level.

Objectives range from integrated catchment management, improvement of overall quality of Northland's water quality, maintaining ecological flows, protecting areas of significant indigenous

ecosystems and biodiversity, sustainable management of natural and physical resources in a way that is attractive for business and investment that will improve the economic wellbeing. enabling economic wellbeing, regional form, the role of tangata whenua kaitiaki role is recognised and provided for in decision making, risks and impacts of natural hazards are minimised, outstanding natural landscapes and features and historic heritage are protected from inappropriate subdivision, use and development.

The proposed amendment to conditions of consent and esplanade strip will ensure that the proposed subdivision will afford appropriate protection of and maintain access along the stream which is in accordance with the policy direction of the RPS.

10.2 Objectives and Policies of the Operative District Plan

The Operative District Plan (ODP) seeks to management of natural and physical resources within the Far North District. Being located within the Rural Production Zone the policies of Chapter 8 Rural Environment and Chapter 13 Subdivision are relevant to the proposed Subdivision.

As the proposed change to conditions of consent will not alter the outcome of the proposed subdivision it is considered that the proposal will not be contrary to the objectives and policies.

10.2.1 Chapter 14 Financial Contributions

Chapter 14 Financial Contributions is relevant to the provision of esplanade strip proposed. Objective 14.3.2 seeks to provide for esplanade reserves, esplanade strips and access strips, collectively known as esplanade areas, upon subdivision. Policies 14.4.8 – 10 afford direction to when esplanade reserves and strips should be provided. The proposed esplanade strip will give effect to these policies.

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

10.3 Objectives and Policies of the Proposed District Plan

10.3.1 Part 3 – Area Specific Matters – Special Purpose Zones – Horticulture

The purpose of the Horticulture Zone is to ensure the long-term viability of horticultural activities through avoidance of land sterilisation, fragmentation and reverse sensitivity through the management of subdivision and residential activities. Where residential activities are established, they should be designed and located to avoid or mitigate reverse sensitivity effects, including those adverse effects associated with dust, noise spray drift and potable water collection.

In this case, the proposed amendment to conditions will not result in changes to allotment sizes or existing activities. As such it is considered that the proposal is not contrary to the objectives and policies; however, it is not consistent.

10.4 Weighting of Proposed Plan Changes: Proposed District Plan

The Far North District Council notified the Proposed District Plan (**PDP**) on July 27 2022 with submissions closing on 21 October 2022. Council has notified a summary of submissions for further submission, but has not yet commenced hearings. The PDP is a comprehensive review of the ODP and includes new objectives, policies and rules to give effect to higher order national and regional direction.

The PDP proposes to change the zoning of the site from Rural Production to Special Purpose Horticulture Zone. There are no rules with immediate legal effect that relate to the site. As the PDP is only recently notified and there are no rules with immediate legal effect, the PDP objectives, policies and rules are considered to be of little relevance to the proposal. Given the progress of the PDP, the ODP objectives and policies are considered to carry greater weight and have been assessed below.

10.5 Summary

It is considered that the proposal is generally in accordance with the objectives and policies of the RPS and ODP.

11.0 Part 2 Matters

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

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

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

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

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

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

12.1 Record of Title Interests

The of Title for the site are subject to a number of interests (refer **Appendix 1**). None of these are anticipated to affect the resource consent application as discussed in **Table 1** below:

Table 1: Record of Title interests

Interest		Comment
Easement 8145764.9	Instrument	Subject to right convey electricity (in gross) over part marked D on DP 409005 in favour of Top Energy Limited.
Easement 8145764.8	Instrument	Subject to a right to convey water over part marked A on DP 409005.
Transfer D527992.1		Appurtenant hereto is a right to convey water, and telecommunication and electricity rights created
Transfer B757765.9 and B757765.10		Appurtenant hereto rights of way to provide access to proposed Lot 1.

12.2 Non-Statutory Documents

There are no other non-statutory documents relevant to the proposal.

13.0 Conclusion

The proposal involves change to conditions of consent 2230116-RMASUB (subdivision of Lot 1 DP 409005 to create two lots) under section 127 of the Act at 36 Koranae Road, Waipapa.

Based on the above report it is considered that:

- Public notification is not required as adverse effects in relation to rural character and amenity, density, transportation, servicing, land use incompatibility, esplanade and cumulative effects are considered to be less than minor. There are also positive effects including increased protection of the stream and provision of public access.;
- Limited notification is not required as no parties are considered to be affected;
- The proposal accords with the relevant ODP objectives and policies; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.

DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

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

Council Reference:	2230116-RMASUB
Applicant:	Gail Ann Schmid and Werner Christian Schmid
Property Address:	36 Koranae Road, Kerikeri
Legal Description:	Lot 1 DP 409005
Description of Application:	Subdivision to create two lots around two existing dwellings in a Rural Production Zone

Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King – Registered Land Surveyors, Planners, and Land Development Consultants, referenced Proposed Subdivision of Lot 1 DP 570411 reference 23089.01, dated May 2022, and attached to this consent with the Council’s “Approved Stamp”.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a. All easements in the memorandum to be duly granted or reserved.
3. Before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:
 - a. Submit a survey plan for approval by Council for the proposed subdivision of Lot 1 DP 570411 in accordance with the scheme plan prepared by Williams and King dated May 2022 (ref: 23089.01). The survey plan to include all necessary setbacks and easements in favour of the utility services and ROWs.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

- a. Provide evidence that the existing entrance to Lots 1 and 2 have been constructed to comply with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004.
- b. Provide written confirmation from a Licensed Cadastral Surveyor that all private accessways and services are located within the appropriate easement boundaries to the satisfaction of the Council's Development Engineer or delegated representative.

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.*

General Advice Notes

4. *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).*
5. *The site is accessed off an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.*

Reasons for the Decision

1. Description of the Activity

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.

The Activity is for the subdivision around the two existing dwellings on the site to create two lots, in the Rural Production zone. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in the s95A report are of particular relevance.

2. District Plan Rules Affected:

In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:

- a. As the two residential dwellings on the site (which the proposed subdivision will be around) are lawfully established, infrastructure in terms of stormwater, wastewater and water supply have already been established. As such, the proposed lots will have adequate servicing provided.
- b. Given the proposal is around existing residential activities and the proposal does not generate new development potential, it is not considered to result in reverse sensitivity or land use incompatibility effects. Each residential unit within the site are sufficiently setback from external boundaries so as not to encroach on adjacent land, providing a suitable buffer between existing productive and residential activities at the site. Land use incompatibility effects are considered to be acceptable.
- c. The proposal will also result in positive effects, as it provides for two lots to accommodate the existing residential developments on the site while maintaining the rural function of the surrounding environment.

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.

In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:

- a. Operative Far North District Plan 2009,
- b. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 13 to 21 of the Assessment of Environmental Effects submitted with the application. In particular:

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies, and assessment criteria of the Operative District Plan because the Rural Production Zone provides for residential activities, with bulk and location controls put in place to ensure reverse sensitivity issues do not arise. As detailed throughout the s95 report, the proposal provides for the subdivision of land around existing residential activities established

within the area. The subdivision is considered to be consistent with the development pattern established in the locality and will be nestled amongst a cluster of rural residential sites near Pungaere and Koranae Road's. The existing development is sited in a way to ensure residential activities do not encroach or infringe any boundaries and are not considered to result in reverse sensitivity. The proposal is not contrary to the relevant objectives and policies of the ODP.

Proposed Far North District Plan

The PDP has only been recently notified and as such there is potential for change as the plan goes through the statutory process. As such despite the different outcomes anticipated by the PDP little weight is given to these provisions.

In regard to section 104(1)(c) of the Act the following matters are relevant to the application:

The approval of the proposal will not undermine the integrity of the District Plan as the activity will produce only localised and minor effects, if any, and will not set an undesirable precedent.

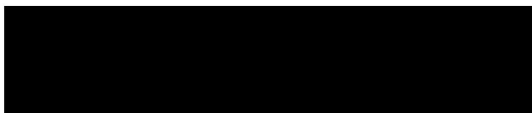
3. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
4. No other matters were considered in relevant in making this decision.
5. Part 2 Matters:

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

6. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Ekrima Iose (Consultant Planner, The Property Group) and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 20th March 2023

Decision Amended under s133A:



**Esther Powell
Team Leader Resource Consents
2 May 2023**

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the 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.

Lapsing Of Consent

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;

The consent is given effect to; or

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



Schedule of Existing Easements

Shown	Purpose	Servient Tenement	Created By/Grantee
L	Water Supply Right	LOT 2 HEREON	T298292
D	Right to Convey Water	LOT 2 HEREON	EI 8145764.8
A, B, C D	Right of Way	LOT 2 HEREON	RC 2300440
A, B, C D N O	Right to Drain Water Right to Convey Water Right to Convey Electricity	LOT 2 HEREON	RC 2300440
X	Right of Way (Appurtenant)	LOT 2 DP 469236	B757765.10
Y		LOT 2 DP 353789	B757765.9

Schedule of Existing Easements in Gross

Shown	Purpose	Servient Tenement	Created By/Grantee
G, B & H	Right to Convey Electricity	LOT 1 HEREON	EI 8145764.9 Top Energy Ltd

APPROVED PLAN

**Planner: pkillalea
RC: 2230116
Date: 20/03/2023**

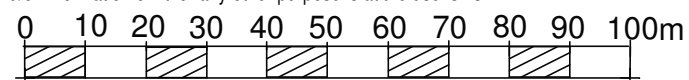
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY
DP 570411 is provisional & subject to issue of title.

Local Authority: Far North District Council

Total Area: 4.8096ha
Comprised in: R,o,T 1030584

THIS DRAWING AND DESIGN REMAINS THE PROPERTY
OF WILLIAMS & KING AND MAY NOT BE REPRODUCED
WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

This plan and 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.



Prepared for: G A & W C Schmid



WILLIAMS AND KING

Registered Land Surveyors, Planners &
Land Development Consultants

Ph: (09) 407 6030
Email: kerikeri@saps.co.nz

27 Hobson Ave
PO Box 937 Kerikeri

**Proposed Subdivision of
Lot 1 DP 570411**

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE	23089.01
Design	MP	May 2022			
Drawn	KS	12/05/2023			
Rev					



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D	Right to Convey Water	LOT 2 HEREON	EI 8145764.8
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Schedule of Existing Easements in Gross

Shown	Purpose	Servient Tenement	Created By/Grantee
G, B & H	Right to Convey Electricity	LOT 1 HEREON	EI 8145764.9 Top Energy Ltd

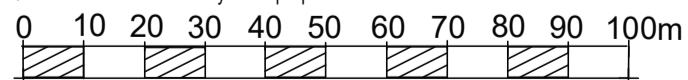
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council

Total Area: 4.8096ha
Comprised in: R,o,T 1030584

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This plan and 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.



Rev 1: Esplanade Strip added 1/11/2023

Prepared for: G A & W C Schmid



WILLIAMS AND KING
Registered Land Surveyors, Planners &
Land Development Consultants
Ph: (09) 407 6030
Email: kerikeri@saps.co.nz
27 Hobson Ave
PO Box 937 Kerikeri

Proposed Subdivision of Lot 1 DP 570411

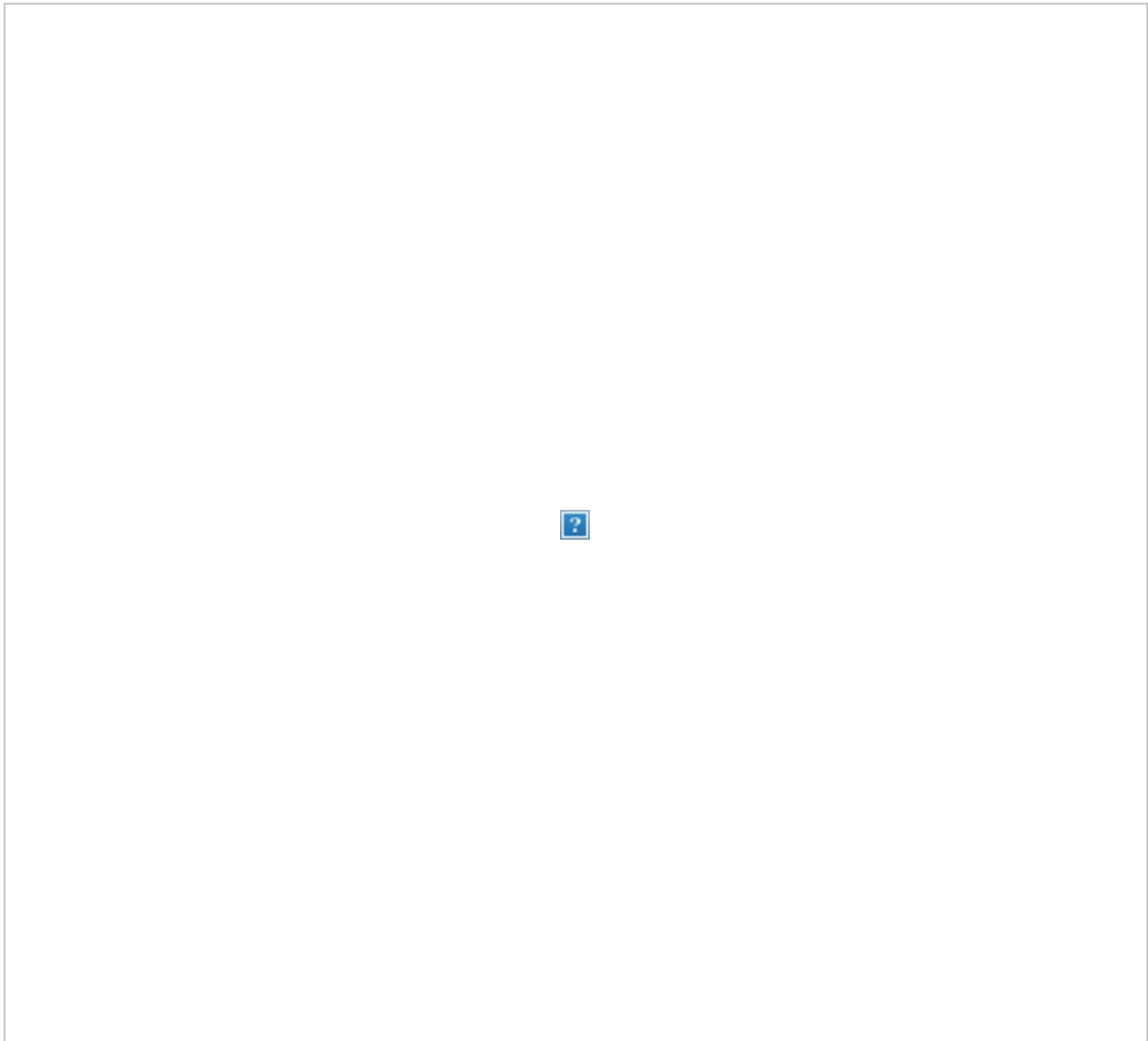
			ORIGINAL
Survey	Name	Date	SCALE
Design	MP	Oct 2023	1:1250
Drawn	KS	1/11/2023	
Rev	1	1/11/2023	
			SHEET SIZE
			A3

23089.01

From: [Robin Rawson](#)
To: [Makarena Dalton](#)
Subject: RE: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.
Date: Tuesday, 7 November 2023 2:09:54 pm
Attachments: [~WRD0000.jpg](#)
[image001.png](#)
[image003.png](#)
[image007.png](#)
[image010.png](#)
[image012.png](#)
[image014.png](#)
[image015.png](#)
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[image026.png](#)
[image027.png](#)
[image028.png](#)
[image029.png](#)

Kia ora Makarena

An esplanade strip with a width of 20m and unrestricted purposes over the river boundary is acceptable, thanks.



Thanks
Robin

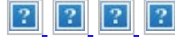


Robin Rawson

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

Te Kaunihera o Tai Tokerau ki te Raki | Far North District Council

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



From: Makarena Dalton <MakarenaD@barker.co.nz>
Sent: Monday, November 6, 2023 11:27 PM
To: Robin Rawson <Robin.Rawson@fndc.govt.nz>
Subject: RE: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

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Kia ora Robin,

Please see revised scheme attached. The scheme shows a 20m esplanade strip proposed along the length of the western boundary of Lot 2 along the eastern side of the river (the stretch of the river that is on average more than 3m). The surveyor has confirmed that where the stream is less than 3m where it traverses through proposed Lot 1.

Can you provide comment on whether the proposed arrangements will be suitable from a reserves perspective? If these arrangements are OK from a reserves planning perspective, we will arrange a new RC to amend the scheme.

Ngā mihi | Kind regards,

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

barker.co.nz



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From: Robin Rawson <Robin.Rawson@fndc.govt.nz>
Sent: Friday, 20 October 2023 11:59 am
To: Makarena Dalton <MakarenaD@barker.co.nz>
Subject: RE: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

You don't often get email from robin.rawson@fndc.govt.nz. [Learn why this is important](#)

Thanks Makarena

If you could confirm where the 3m+ average applies. The area of stream that transects the existing lot looks smaller, however I need this confirmed by the surveyor

Public access is only one of the purposes of s229, and we seek longer term outcomes for waterways around the district.

Regards
Robin



Robin Rawson

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

Te Kaunihera o Tai Tokerau ki te Raki | Far North District Council

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



From: Makarena Dalton <MakarenaD@barker.co.nz>
Sent: Friday, October 20, 2023 11:54 AM
To: Robin Rawson <Robin.Rawson@fndc.govt.nz>
Subject: RE: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

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Hi Robin,

Attached is the draft revised scheme. The stream ranges in width from 1.85m to 4.45m at its widest point. As you can see from the aerials, this section of the stream is vegetated and you don't get an appreciation for the stream width until you're on site. I can ask the surveyor where the widest sections are within the property if that's helpful? Alternatively, I'd be happy to arrange a site visit or teams meeting work through it?

I think it's important to note that the property is isolated from any existing public open space and reserve land. There is no public access to the site (noting Koronae as a public Road terminates before it reaches the stream) and future esplanade connections on the northern side of the stream are considered unlikely due to the remaining subdivision potential in this location.

Happy to discuss or provide additional information to present to the client.

Ngā mihi | Kind regards,

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



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From: Robin Rawson <Robin.Rawson@fndc.govt.nz>
Sent: Friday, 20 October 2023 11:12 am

To: Makarena Dalton <MakarenaD@barker.co.nz>

Subject: FW: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

Importance: High

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Tēnā koe Makarena

After a quick look at this application, my initial view is that I would not have supported an esplanade waiver on application. I need more information to analyse this subdivision and discuss with other parties within Council - please could you provide more information on where the average stream width is greater than 3m and where an esplanade waiver is proposed.

Thanks for your help.

Robin

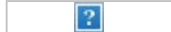


Robin Rawson

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

Te Kaunihera o Tai Tokerau ki te Raki | Far North District Council

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



From: Makarena Dalton <MakarenaD@barker.co.nz>

Sent: Wednesday, October 11, 2023 10:25 AM

To: Trish Routley <Trish.Routley@fndc.govt.nz>

Cc: Keith <keith@saps.co.nz>

Subject: FW: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

Importance: High

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Kia ora Trish,

I hope you're settling in well back at FNDC.

We have come across a minor technical issue with a recent resource consent approval (RC 2230116) as outlined in the emails below and have been trying to seek some advice from Council.

In short, at the time of applying for the resource consent and s223 certificate, the surveyors had estimated the width of the stream and noted that it was less than 3m. However, they have subsequently surveyed the stream and have found it is on average 3m or more.

As such, the resource consent application did not propose an esplanade in accordance with rule 14.6.1.

In terms of process, Council has already approved the s223 certificate, however the surveyors cannot lodge with LINZ until the above matter has been responded to by Council.

Can you or one of your team please advise how Council would like to address this matter by confirming whether or not, Council will require a retrospective resource consent for an esplanade waiver in accordance with rule 14.6.3.

Ngā mihi | Kind regards,

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

barker.co.nz 



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From: Makarena Dalton
Sent: Monday, 25 September 2023 10:47 am
To: Simeon McLean <Simeon.McLean@fndc.govt.nz>
Cc: Keith <keith@saps.co.nz>
Subject: RE: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.
Importance: High

Kia ora Simeon,

Following up on the email below. Williams & King are ready to lodge survey plan with LINZ, but would like some advice on the below before this is progressed.

Can you advise if Council will require any consents to address the newly measured stream width.

Ngā mihi | Kind regards,

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

barker.co.nz 



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From: Makarena Dalton
Sent: Monday, 18 September 2023 3:44 pm
To: Simeon McLean <Simeon.McLean@fndc.govt.nz>
Cc: Keith <keith@saps.co.nz>
Subject: RC 2230116 - New Survey - Confirmed Stream Width confirmed as more than 3m.

Kia ora Simeon,

I hope you're well. We are touching base regarding **RC 2230116**, which is an approval to undertake a subdivision at 36 Koranae Road, Waipapa (decisions and approved plans attached).

Williams and King have just verified the stream width abutting Lot 2 to be, on average, **3m or more**. As you can see in the approved scheme, the stream width was thought to be, at the time, between 2 – 3m. Further investigations by Williams and King has revealed that the width now ranges from 1.85m to 4.45m in the widest part. As such the stream width is wider than first thought and presented.

I understand that the s223 certificate has already been issued (attached), but due to this new information, we thought it prudent to advise Council and confirm whether additional resource consents are required to address the esplanade requirements. Happy to talk through this.

If you'd like to talk this through, please feel free to call me otherwise happy to find a meeting time that works.

Ngā mihi | Kind regards,

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

PO Box 414,
Kerikeri 0230
Level 1, 62 Kerikeri Road, Kerikeri

barker.co.nz



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Auckland, Hamilton, Cambridge,
Tauranga, Napier, Wellington,
Christchurch, Queenstown, Wānaka

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