



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: David Muchin _____

Electronic Address for Service (E-mail): _____

Phone Numbers: _____

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

Post Code: _____

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

Name/s: Thomas Keogh – Reyburn and Bryant _____

Electronic Address for Service (E-mail): thomas@reyburnandbryant.co.nz _____

Phone Numbers: Work: 09 438 3563 Home: _____

Postal Address: PO Box 191, Whangarei _____
(or alternative method of service under section 352 of the Act)

Post Code: 0140 _____

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: Same as applicant

Property Address/
Location

7. Application Site Details:

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

Site Address/
Location:

1658 Ruapekapeka Road, Kawakawa

Legal Description: Lot 6 DP 558241 Val Number: _____

Certificate of Title: 979996
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.

The applicant would like to shift the building platform slightly to the west. Allowing for their preferred building location, to achieve this, it is proposed to extend the building platform by 5m on the western side and reduce it by 5m on the eastern side.

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 for Name/s, Email, Postal Address, and Phone Numbers. To the right of the redaction, there are four horizontal lines corresponding to the labels.

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: David Muchin _____ (please print)

Signature: _____ (signature of bill payer – **mandatory**)

Date: 30/11/2023

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: Thomas Keogh (please print)

Signature

(signature)

Date: 30/11/2023

(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

30 November 2023

Far North District Council
Private Bag 752,
Kaikohe 0440

ref.17851.tk

To whom it may concern,

RE: DAVID MUCHIN – APPLICATION TO VARY THE CONDITIONS OF CONSENT NOTICE 12027301.3 PURSUANT TO SECTION 221(3)(A) OF THE RESOURCE MANAGEMENT ACT, 1991 (RMA) – 1658 RUAPEKAPEKA ROAD, KAWAKAWA

Introduction

1. This is an application to vary condition (viii) of consent notice 1207301.3 pursuant to section 221(3)(A) of the RMA as it relates to Lot 6 DP 558241 (“the site”).

The site and existing consent notice

2. The site was created as part of 14-lot subdivision of 8 titles. Far North District Council (FNDC) granted consent to the subdivision in July 2020 (ref 2200525-RMASUB). The titles were subsequently issued in April 2021. A copy of the title for the subject site (RT 979996) is enclosed.
3. As part of the subdivision, building sites were identified for the smaller lots (Lots 1, 2, 4, and 8 DP 558241). The building sites reflected those identified as part of the site suitability report submitted with the application – they were not based on any landscape assessment. The building sites were identified on the survey plan, with condition (viii) of consent notice 1207301.3 restricting future residential development to the identified areas. A copy of consent notice 1207301.3 is enclosed.

The proposal

4. The applicant would like to shift the building platform slightly to the west. This will allow for their preferred building location. To achieve this, it is proposed to extend the building platform by 5m on the western side and reduce it by 5m on the eastern side.
5. To facilitate the proposed amendment to the building platform, the following changes are proposed to condition (viii) of consent notice 1207301.3 (additions are shown **bold** and underline). A copy of the Reyburn and Bryant plan referenced below is enclosed:

*(viii) Any residential development shall be confined to the designated building platforms shown on the survey plan for subdivision RC2200525, **except for Lot 6 DP 558241 where all residential development shall be confined to the 'new building platform' shown on the plan prepared by Reyburn and Bryant titled 'Proposed variation of consent notice', Rev A, dated November 2023.***

Legislative context

6. Section 221(3)(a) of the RMA states that:

3) At any time after the deposit of the survey plan, -

a. The owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice.

3A) Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection 3.

Effects on the environment

7. This consideration is confined to the difference in effects between the existing consent notice (which forms part of the existing environment) and the amendments proposed as part of this application.

8. The proposed changes to the building platform are minor and will not be perceivable to any person within the surrounding environment. The building platform is still setback over 100m from Ruapekapeka Road while the changes will not result in the platform being closer to any of the adjoining allotments. The platform is also remaining the same size, ensuring that the proposal does not facilitate an increase in the potential size of any dwelling constructed on the site.

9. Having regard to the above, any adverse effects associated with the proposed changes to consent notice 1207301.3 will be negligible relative to the existing environment.

Objectives and policies of the Operative Far North District Plan (OFNDP)

10. The decision for 2200525-RMASUB concluded that the proposal is not contrary to the relevant objectives and policies from the OFNDP.

11. Given the minor change proposed to the building platform and that any associated adverse effects will be negligible, the conclusion reached in the decision for 2200525-RMASUB with respect to the objectives and policies of the OFNDP remains relevant.

Objectives and policies of the Far North Proposed District Plan (FNPDP)

12. The subject site is located in the Rural Production Zone under the FNPDP. A small portion of the site in the north-eastern corner of the site is also identified as being subject to the 100 year ARI event overlay.

13. Given the nature of the proposed change (a minor shift in the location of a building platform outside of any flood overlays), the FNPDP is of no relevance to this application. There are no rules (operative or proposed) that apply, and the proposal does not have an activity status under the FNPDP.
14. In accordance with the above, the proposal does not facilitate any infringements of the operative or proposed rules and does not offend the policy direction of the FNPDP.

Notification

15. There are no parties that are adversely affected by the proposal. As outlined under point 8 above, the building platform will still be setback over 100m from Ruapekapeka Road and will not be any closer to adjoining lots as a result of the proposed amendment. The building platform will also remain the same size.
16. Having regard to the above, the proposal can proceed on a non-notified basis.

Conclusions

17. The proposal seeks to vary condition (viii) of consent notice 1207301.3 as it relates to the site. The proposed changes will facilitate a 5m shift to the west for the approved building platform.
18. Any adverse effects associated with the proposal will be negligible relative to the existing environment.
19. The proposal will not impact the alignment of the underlying subdivision with the objectives and policies from the OFNDP.
20. The proposal does not require consent under and does not offend the policy direction of the FNPDP.
21. It is appropriate for consent to be granted.

Please feel free to contact me if you would like to discuss this application further.

Yours faithfully



Thomas Keogh
Senior Planner

Encl. RT 979996, consent notice 1207301.3, Reyburn and Bryant building platform plan



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




R.W. Muir
Registrar-General
of Land

Identifier 979996
Land Registration District North Auckland
Date Issued 08 April 2021

Prior References
NA1311/47

Estate Fee Simple
Area 3.1630 hectares more or less
Legal Description Lot 6 Deposited Plan 558241

Registered Owners

Interests

Appurtenant hereto is a right of way easement created by Easement Instrument 5596337.1 - 22.5.2003 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 5705174.1 - 25.8.2003 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 5705174.2 - 25.8.2003 at 9:00 am

8960651.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 18.1.2012 at 10:34 am (affects part formerly Section 19A Block XVI Kawakawa Survey District)

12027301.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 8.4.2021 at 2:43 pm

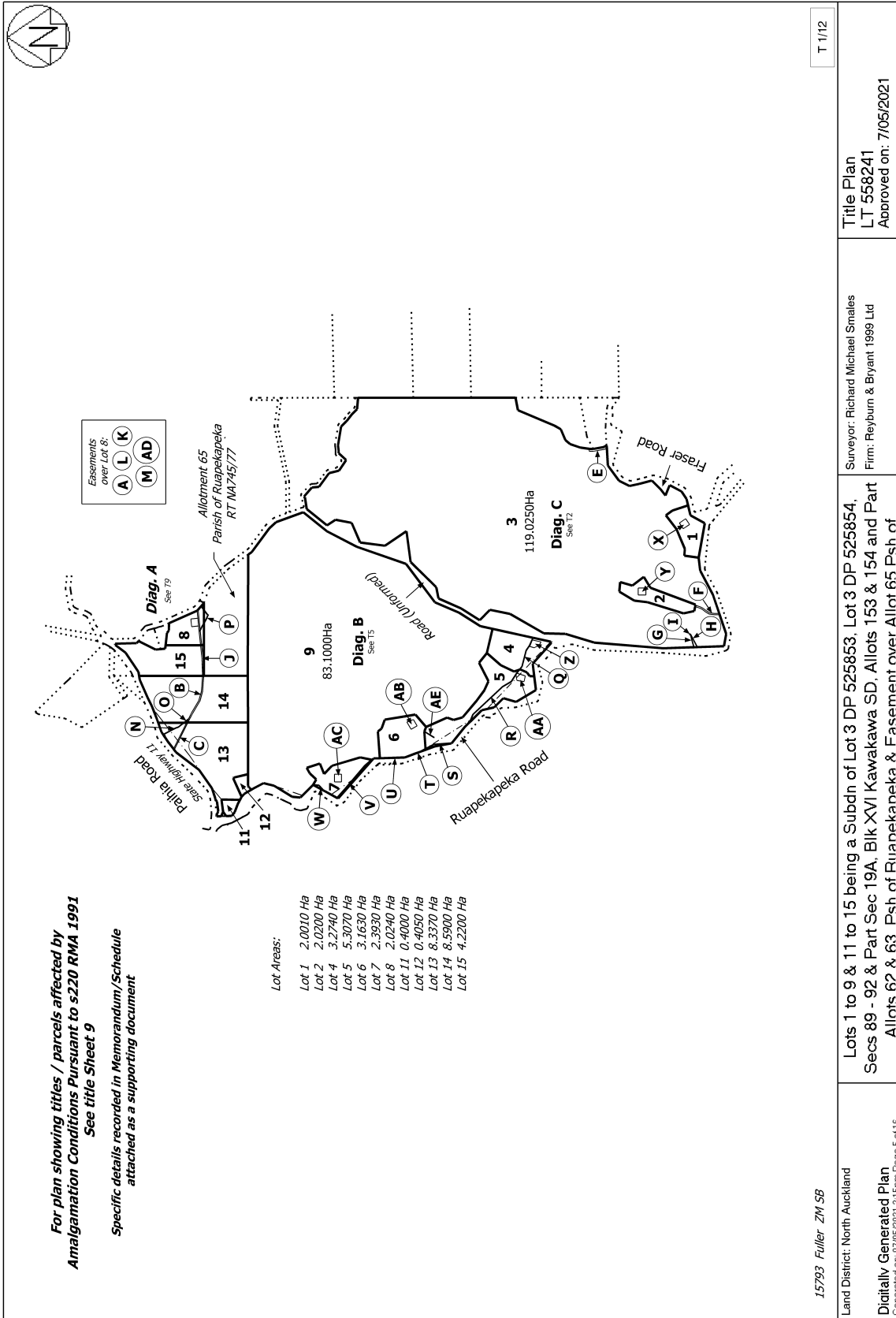
Subject to a right to convey water over parts marked T and U on DP 558241 created by Easement Instrument 12027301.4 - 8.4.2021 at 2:43 pm

The easements created by Easement Instrument 12027301.4 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to convey electricity and telecommunications created by Easement Instrument 12027301.5 - 8.4.2021 at 2:43 pm

Land Covenant in Covenant Instrument 12027301.6 - 8.4.2021 at 2:43 pm

12586599.3 Mortgage to Bank of New Zealand - 25.10.2022 at 11:42 am



15793 Fuller ZM SB

Land District: North Auckland
 Digitally Generated Plan
 Generated on: 07/05/2021 2:15pm Page 5 of 16

Lots 1 to 9 & 11 to 15 being a Subdn of Lot 3 DP 525853, Lot 3 DP 525854, Secs 89 - 92 & Part Sec 19A, Blk XVI Kawakawa SD, Allots 153 & 154 and Part Allots 62 & 63 Psh of Ruapekapeka & F easement over Allot 65 Psh of

Surveyor: Richard Michael Smales
 Firm: Reyburn & Bryant 1999 Ltd

Title Plan
 LT 558241
 Approved on: 7/05/2021

T 1/12



View Instrument Details

Instrument No 12027301.3
Status Registered
Date & Time Lodged 08 April 2021 14:43
Lodged By Rabier, Elizabeth Way Yee
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
979991	North Auckland
979992	North Auckland
979993	North Auckland
979994	North Auckland
979995	North Auckland
979996	North Auckland
979997	North Auckland
979998	North Auckland
979999	North Auckland
998075	North Auckland

Annexure Schedule Contains 4 Pages.

Signature

Signed by Elizabeth Way Yee Rabier as Territorial Authority Representative on 11/05/2021 02:18 PM

***** End of Report *****



Puhoi Bay 752, Memorial Ave
Kaitiaki 0440, New Zealand
Freephone: 0800 950 929
Phone: (07) 401 5100
Fax: (07) 401 2137
Email: cnk-w@fndc.govt.nz
Website: www.fndc.govt.nz

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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC2200525-VAR/A

Being the subdivision of Lot 3 DP 525853, Lot 3 DP 525854, Sections 19A and 89-92 Blk XVI Kawakawa SD, Pt Allots 62 and 63, Allots 153 and 154 Psh of Ruapekapeka, and easement over Allot 65 Parish of Ruapekapeka
North Auckland Registry

PURSUANT to section 221 and for the purpose of section 224 (c) (ii) of the Resource Management Act 1991, this consent notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

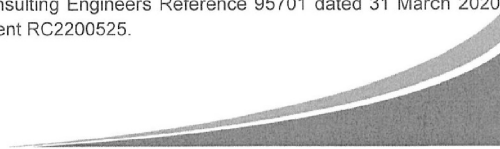
Lots 1 to 9 and 13 to 15 of DP 558241, and the amalgamated land area of Pt Allotment 64 Psh of Ruapekapeka, Pt Allotment 63 Psh of Ruapekapeka, Pt Section 25 SBRS of Waiomio and Section 35 SBRS of Waiomio)

- (i) In conjunction with the construction of any building that includes a wastewater treatment and effluent disposal system, the lot owner shall submit a detailed TP58 report prepared by a chartered professional engineer or an approved TP58 report writer for Council's approval.

The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area.

The report shall confirm that all of the treatment and disposal system are/can be fully contained within the lot boundary and comply with the Regional Plan permitted activity standards.

The report should take into account the findings and recommendations of the report prepared by Wilton Joubert Consulting Engineers Reference 95701 dated 31 March 2020 submitted with subdivision consent RC2200525.





Private Bag 752, Waverail Ave
Kaitiaki 0440, New Zealand
Telephone: 09 20 920 029
Phone: (09) 401 5200
Fax: (09) 401 2127
Email: ek.us@fndc.govt.nz
Website: www.fndc.govt.nz

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- (ii) Future owners are advised that there are no conventional telecommunication or electricity connections are provided. Far North District Council will not be responsible for ensuring nor providing telecommunication or electricity connections to the lot, upon future development of the site, or at the time of further subdivision.

Lots 4 to 8, 9, and 13 to 15 of DP 558241, and the amalgamated land area of Pt Allotment 64 Psh of Ruapekapeka, Pt Allotment 63 Psh of Ruapekapeka, Pt Section 25 SBRS of Waiomio and Section 35 SBRS of Waiomio)

- (iii) Upon construction of any habitable dwelling, sufficient water supply for firefighting purposes is to be provided by way of tank storage or other approved means. This water supply shall be accessible by firefighting appliances in accordance with the District Plan and more particularly with the New Zealand Fire Service Fire Fighting Code of Practice SNZ PAS 4509:2008.

Demonstration of achievement of an alternative means of compliance with this standard will be considered to satisfy this requirement but note that written approval from the NZ Fire Service is required.

Lots 3, 9, and 13 to 15 of DP 558241, and the amalgamated land area of Pt Allotment 64 Psh of Ruapekapeka, Pt Allotment 63 Psh of Ruapekapeka, Pt Section 25 SBRS of Waiomio and Section 35 SBRS of Waiomio)

- (iv) At the time of building consent, a site suitability report prepared by a suitably qualified chartered professional engineer (or other suitably qualified person) shall be submitted which addresses building foundations proposed.
- (v) At the time building consent, a specific design for stormwater management prepared by a suitably qualified chartered professional engineer (or other suitably qualified person) shall be submitted which addresses stormwater management measures being proposed in the application for on-site disposal of stormwater.
- (vi) Crossing Places CP 33, CP 38 and CP 330 on State Highway 11 are restricted to 50 one-way vehicle movements on an annual basis.





Private Bag 757, Manukau Ave
Kerikeri 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5700
Fax: (09) 401 2131
Email: enr.enr@fnk.govt.nz
Website: www.fnk.govt.nz

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Lots 1, 2, and 4 to 8 of DP 558241

- (vii) Unless an alternative engineering report prepared by a suitably experienced chartered professional engineer is approved in writing by Council –

Any development shall comply with the restrictions and recommendations identified in the Wilton Joubert Consulting Engineers report referenced 95701 dated 31 March 2020, and in addition for Lots 4 and 5, the geological assessment addendum prepared by Core Engineering Solutions reference Job No. 20-0010 dated 16 December 2020. These reports were submitted in support of subdivision consent RC2200525.


- (viii) Any residential development shall be confined to the designated building platforms shown on the survey plan for subdivision consent RC2200525.

Lots 9, and 13 to 15 of DP 558241

- (ix) Any additional access proposed off Toots Drive may require upgrading the existing formation to comply with the new number of users in accordance with table B-1 of Section 15.1 Appendix 3 of the District Plan.
- (x) At the time of building consent, vehicle access via Toots Drive shall be formed in accordance with rural standard Type 1 in accordance with drawing FNDC/S/6 Engineering Standards 2009.
- (xi) Vehicle access to State Highway 11 shall not be formed without approval from the New Zealand Transport Agency (Section 93 Government Roding Powers Act 1989 – Limited Access Road).

Lots 8 and 13 to 15 of DP 558241

- (xii) In respect of the pipeline easement in gross in favour of Far North District Council located on the lots, no buildings or structures are to be constructed within the zone of influence of the pipeline without prior Council approval.

SIGNED:  Mr Patrick John Killalea - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 29th day of March 2021





CAUTION:

1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN. DO NOT SCALE OFF DRAWINGS.
5. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
6. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
7. 04m 2014-2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD
8. INFORMATION AVAILABLE ON LINZ DATA SERVICE.
9. BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

PROPOSED VARIATION OF CONSENT
 NOTICE 1207301.3 AS IT RELATES TO THE
 BUILDING PLATFORM ON LOT 6 DP 558241.
 NEW BUILDING PLATFORM LOCATION IS
 SHOWN ON THIS PLAN.

TOTAL AREA: 3.1630 Ha
 COMPRISED IN: RT 979996

REV	DATE	DESCRIPTION
A	23.11.23	FIRST ISSUE - TK/MW
REF. DATA:		



Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
 DAVID TIMOTHY MARTIN
 1658 RUAPEKAPEKA ROAD
 KAWAKAWA

TITLE
 PROPOSED VARIATION OF
 CONSENT NOTICE

DATE	NOVEMBER 2023	SCALE	1:1000 @A3
NO.	S17851	SHEET	1/1 Rev. A